ADOPTED

RESOLVED, That the American Bar Association adopts the black letter *Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means*, dated August 2013 to supplant the Standards adopted August 1996.

FURTHER RESOLVED, That the American Bar Association recommends appropriate implementation of these Standards by entities providing civil pro bono legal services to persons of limited means.
STANDARDS FOR PROGRAMS PROVIDING CIVIL PRO BONO LEGAL SERVICES
TO PERSONS OF LIMITED MEANS
(AUGUST 2013)
(WITHOUT COMMENTARY)

SECTION 1: GOVERNANCE

ROLE AND RESPONSIBILITY OF GOVERNING BODY

Standard 1.1 (Role and Responsibility of Governing Body - General Policy Development)
A pro bono program should establish a governing body which adopts broad general policies.

Standard 1.2 (Role and Responsibility of Governing Body - Oversight and Review)
The governing body should ascertain that the pro bono program is in compliance with any contractual obligations and applicable laws governing the program and should regularly review the program's operations.

Standard 1.3 (Role and Responsibility of Governing Body - Fiscal)
The governing body should assume responsibility for the financial integrity of the pro bono program by adopting a budget, monitoring revenues and expenditures in relation to the approved budget, and providing for an annual independent financial examination.

Standard 1.4 (Role and Responsibility of Governing Body - Fundraising, Recruitment, Recognition and Public Relations)
The governing body should support the operation of the pro bono program by assisting in activities such as program advocacy, fundraising, volunteer recruitment, volunteer recognition and public relations.

Standard 1.5 (Role and Responsibility of Governing Body - Non-Interference in Attorney-Client Relationship)
The governing body and its individual members should not interfere directly or indirectly in the representation of a client by a volunteer attorney.

Standard 1.6 (Role and Responsibility of Governing Body - Non-Interference in Specific Acceptance and Referral Decisions)
The governing body and its individual members should not interfere directly or indirectly with the decision of the pro bono program staff to accept or reject a specific case, or to refer a case to a particular volunteer.
Standard 1.7 (Role and Responsibility of Governing Body - Conflicts of Interest)

Governing body members should not attempt to influence any decisions in which they have a conflict with clients served by or through the pro bono program.

MEMBERSHIP OF THE GOVERNING BODY

Standard 1.8 (Membership of the Governing Body - Representation of the Legal Community)

The governing body should include members who represent various segments of the legal community.

Standard 1.9 (Membership of the Governing Body - Representation of the Community-at-Large)

To the extent practicable, the governing body should include members of the community-at-large, with a special emphasis on participation by the client community.

Standard 1.10 (Membership of the Governing Body - Orientation and Training)

A pro bono program should strive to assure that all governing body members receive the orientation and training necessary for full and effective participation on the governing body.

PROGRAMS THAT ARE PART OF A LARGER ENTITY

Standard 1.11 (Programs That Are Part of a Larger Entity)

Larger organizations (including legal services programs, social service programs and state or local bar associations) should ensure that the pro bono program, or pro bono efforts within the program, is given the oversight resources necessary to accomplish their mission. Such organizations should consider creating an advisory governing body or governing body committee on pro bono to provide recommendations to the organization’s governing body regarding the pro bono program.

SECTION 2: PROGRAM INFRASTRUCTURE, EFFECTIVENESS AND DELIVERY DESIGN

INFRASTRUCTURE

Standard 2.1 (Infrastructure - Program Personnel)
A pro bono program should employ personnel who are skilled, diverse, culturally competent, and committed to the provision of high quality legal services. Program staff should be sufficient in number to ensure that the program can achieve its mission and can work effectively and efficiently with clients and volunteers.

**Standard 2.2 (Infrastructure - Attorney Supervision of Non-Attorney Staff)**

A pro bono program should provide for appropriate attorney supervision of its non-attorney staff.

**Standard 2.3 (Infrastructure - Record Keeping)**

A pro bono program should develop and maintain internal systems for identifying conflicts and for managing, retrieving and evaluating data regarding prospective clients, clients, volunteers, partner agencies, services provided, and program operations.

**Standard 2.4 (Infrastructure - Fiscal Management)**

A pro bono program should establish and maintain systems and procedures to account for revenues, expenditures and program services in conformity with appropriate accounting principles for nonprofit organizations.

**PROGRAM EFFECTIVENESS**

**Standard 2.5 (Infrastructure – Disaster Preparedness)**

A pro bono program should have in place an up-to-date continuity of operations plan that addresses program recovery and service delivery in the event of a disaster.

**Standard 2.6 (Program Effectiveness - Relations with Others)**

A pro bono program should strive to cooperate, collaborate and coordinate with other providers of legal services, the organized bar, the judiciary, law schools and community organizations.

**Standard 2.7 (Program Effectiveness - Institutional Stature and Credibility)**

A pro bono program should strive to attain institutional stature and credibility to enhance its ability to achieve client objectives.

**Standard 2.8 (Program Effectiveness - Identification of Clients' Needs)**

A pro bono program should establish a means of identifying the legal needs of persons of limited means who reside within its service area.
Standard 2.9 (Service Delivery Systems - Program Priorities)

A pro bono program should establish priorities for the allocation of its resources based upon identified client community need while taking into account the areas of interest and expertise of volunteers, volunteer need for specialized training and support, the priorities of other providers of legal services in its service area, and the potential for meaningful impact for the clients and/or community.

Standard 2.10 (Service Delivery Systems – Delivery Design)

A pro bono program should establish a design for the delivery of legal services which effectively and efficiently meets identified client need and is tailored to local circumstances, including existing resources and services and volunteers’ ability and willingness to deliver services.

Standard 2.11 (Service Delivery Design - Client Community Access)

A pro bono program should adopt policies and procedures that facilitate access to its service by the client community, including addressing issues of language, disability and cultural differences, and making access to services as easy as possible.

Standard 2.12 (Service Delivery Design - Client Intake System)

A pro bono program should establish or utilize an intake system through which knowledgeable staff or volunteers determine eligibility, discover potential conflicts of interest, obtain essential facts, identify legal issues and maintain client confidentiality and client dignity.

Standard 2.13 (Service Delivery Systems - Eligibility Guidelines)

A pro bono program should establish written guidelines to determine a prospective client's eligibility for service.

Standard 2.14 (Service Delivery Systems - Conflicts of Interest)

A pro bono program should establish policies and procedures to identify and address conflicts of interest for program and client, client and volunteer, and program and volunteer.

Standard 2.15 (Service Delivery Systems - Acceptance Policy)

A pro bono program should establish a policy regarding the acceptance of cases that focuses resources on the identified priorities of the program, considers the maximum number of cases that volunteers can reasonably address and takes into account the resources available to provide volunteers with any necessary preparation and support.
OUTCOMES AND EVALUATION

Standard 2.16 (Outcomes and Evaluation – Effecting Impact)

A pro bono program should strive to achieve meaningful and lasting results responsive to clients' needs and objectives by utilizing volunteers to resolve or assist in resolving clients' individual legal problems, facilitate client self-sufficiency and empowerment, and improve laws and practices affecting low-income and disadvantaged clients.

Standard 2.17 (Outcomes and Evaluation - Outcome measurement)

Programs should develop and utilize strategies for assessing whether they have achieved the objectives set forth in Standard 2.15.

Standard 2.18 (Outcome and Evaluation - Periodic Program Evaluation)

A pro bono program should periodically evaluate its operational effectiveness and implement appropriate improvements as needed.

SECTION 3: RELATIONS WITH CLIENTS

THE INITIAL CONTACT

Standard 3.1 (The Initial Contact - Establishment of an Effective Relationship)

A pro bono program should strive to establish a relationship with each client and prospective client which fosters trust and preserves client dignity.

Standard 3.2 (The Initial Contact - Communication with Clients)

A pro bono program and its volunteers should communicate effectively with clients and prospective clients, addressing issues of language, education, literacy, disability and safety.

ESTABLISHING THE RELATIONSHIP

Standard 3.3 (Establishing the Relationship - Creation and Scope of Relationships)

A pro bono program should clearly communicate the nature and scope of the relationship it is establishing with each client and volunteer and delineate each party's rights and responsibilities. A program should aid a client and the volunteer who is representing or otherwise assisting that client in communicating clearly their duties and responsibilities to each other.

Standard 3.4 (Establishing the Relationship - Protection of Client Confidences)
Consistent with ethical and legal responsibilities, a pro bono program should preserve information regarding clients and prospective clients from any disclosure not authorized by the client or prospective client.

**Standard 3.5 (Establishing the Relationship - Non-Discrimination and Diversity)**

A pro bono program should not impermissibly discriminate in the acceptance and placement of cases.

**FOLLOW UP**

**Standard 3.6 (Follow Up - Client Satisfaction)**

A pro bono program should obtain information from clients regarding their satisfaction with the program and its volunteers.

**Standard 3.7 (Follow up - Grievance Procedure)**

A pro bono program should establish a policy and procedure to address complaints regarding the denial, quality and manner of service.

**SECTION 4: RELATIONS WITH VOLUNTEERS**

**THE INITIAL INTERACTION**

**Standard 4.1 (The Initial Interaction - Recruitment)**

A pro bono program should develop effective strategies for recruiting volunteers.

**Standard 4.2 (The Initial Interaction - Non-Discrimination and Diversity)**

A pro bono program should implement a policy of non-discrimination in the acceptance and placement of cases or in the recruitment of volunteers. Programs should accommodate client and volunteer disabilities as required under the ADA and other applicable statutes in the jurisdiction. To the extent practicable, staff hired and volunteers recruited should be diverse, including reflecting the diversity of the community being served.

**Standard 4.3 (The Initial Interaction - Volunteer Qualifications)**

A pro bono program should ensure that representation and advice are provided by volunteers who are competent and sensitive to clients.
BUILDING A STRONG RELATIONSHIP WITH VOLUNTEERS

**Standard 4.4 (Building a Strong Relationship with Volunteers - Establishment of Relationships)**

A pro bono program should clearly communicate the nature of the relationship it is establishing with each client and volunteer and delineate each party's rights and responsibilities. A program should aid a client and the volunteer who is representing or otherwise assisting that client in communicating clearly their duties and responsibilities to each other.

**Standard 4.5 (Building a Strong Relationship with Volunteers - Costs and Attorneys Fees Policy)**

A pro bono program should establish and communicate to clients and volunteers a policy and procedure regarding the payment of costs in cases in which filing fees, service fees, discovery, use of expert witnesses and other expenses related to representation are appropriate, as well as a policy regarding the receipt of attorneys' fees by program volunteers.

**Standard 4.6 (Building a Strong Relationship with Volunteers - Professional Liability Insurance)**

A pro bono program should obtain professional liability insurance coverage for itself, its staff and its volunteers.

**Standard 4.7 (Building a Strong Relationship with Volunteers - Quality Assurance)**

A pro bono program should strive to assure that all clients served through the program receive high quality legal services. Programs should either refer cases to attorneys experienced in the subject matter or provide volunteers the necessary training, mentoring and supervision. If experienced volunteers are not available to take the cases, the program should have in-house expertise in the area, develop expertise before engaging volunteers, or deploy knowledgeable volunteer trainers and mentors.

**Standard 4.8 (Building a Strong Relationship with Volunteers - Training and Support)**

A pro bono program should offer training, mentoring and supervision to its volunteers.

VOLUNTEER DEPLOYMENT

**Standard 4.9 (Volunteer Deployment - Utilization)**

A pro bono program should develop effective strategies for utilizing volunteers to meet clients' legal needs.
Standard 4.10 (Volunteer Deployment - Placement System)

A pro bono program which places cases with volunteers for assistance should establish a system for timely and appropriate referral. When placing cases, a program should provide volunteers with information regarding the nature of the problem and all available pertinent facts and documents.

ONGOING RELATIONSHIPS

Standard 4.11 (Ongoing Relationships - Tracking)

A pro bono program should establish a system for obtaining information regarding the progress and disposition of cases placed with volunteers. The program should provide any assistance needed by the volunteer, subject to any limitations imposed by rules of professional conduct.

Standard 4.12 (Ongoing Relationships – Retention and Recognition)

A pro bono program should develop effective methods for retaining and recognizing its volunteers.