

In 2005, upon the recommendation of the SCCBA Pro Bono Task Force, the Santa Clara County Bar Association adopted the following rule:

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should render at least 60 hours of pro bono publico legal services per year and should aspire to render at least 100 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the 60 hours of legal services without fee or expectation of fee to persons of limited means; and
- (b) provide any additional hours through:
 - (1) legal services provided without fee or expectation of fee to charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means;
 - (2) legal services provided for no fee or for a substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
 - (3) legal services provided at a substantially reduced fee to persons of limited means; or
 - (4) activities for improving the law, the legal system or the legal profession, such as court pro tem service or other services to the courts that promote the administration of, and access to, justice and board service for nonprofit organizations that directly provide legal services to persons of limited means.

The Santa Clara County Bar Association will formally recognize those lawyers who have contributed 100 hours or more of legal services on an annual basis pursuant to this definition and will also recognize those lawyers who have increased their pro bono contribution substantially over the prior year.

In addition, a lawyer should voluntarily contribute financial support valued at a minimum of one billable hour per year to local organizations that provide legal services to persons of limited means.

Comment: In reviewing definitions of pro bono, the Task Force considered the American Bar Association's Model Rule 6.1; the policies adopted by the Pro Bono Institute Law Firm Pro Bono Challenge; policies adopted by several different states,

including a recent policy statement adopted by the New York State Bar Association and the Pro Bono Resolution of the Board of Governors of the State Bar of California; and policies adopted by several different county bars.

This rule is largely based on the ABA Model Rule 6.1 and the comments to that rule, a copy of which is attached as Appendix C. However, given the critical need for legal services that exists among persons of limited means in Santa Clara County and elsewhere, the Task Force felt that 60 hours, rather than the 50 hours recommended in Rule 6.1 and the California State Bar's Pro Bono Resolution is an appropriate goal. Every attorney has an individual obligation to meet this hourly goal. This goal does not represent a collective obligation of any particular group of attorneys. The Task Force set the aspirational goal of 100 hours based on the evidenced need of indigent residents in Santa Clara County for pro bono legal services. The Task Force also felt it important to specifically encourage lawyers to volunteer their time to (1) serve the courts promoting the administration of, and access to, justice and (2) serve on boards of nonprofit organizations directly providing legal services to persons of limited means. The definition of pro bono services encompasses those cases that may result in fees awarded post-resolution so long as the case was originally taken "without the expectation of fee," as set forth in the definition. The Task Force recommends a recognition program for those lawyers who meet or exceed 100 hours of pro bono legal services on an annual basis or substantially increase their pro bono efforts over the previous year.

Finally, the Task Force felt that an aspirational goal of financially donating the value of one billable hour by each lawyer to local legal services organizations serving indigent persons or those of limited means would further aid in meeting the local demand for pro bono legal services. Increased funding for local legal service agencies allows the agencies to maintain and increase full-time attorney staff. Experience shows that such attorney staffing is an effective and desirable model for providing more direct services to indigent individuals than by relying solely on pro bono attorney assistance.