

Twentieth Judicial Circuit Pro Bono Plan

Adopted:

Effective:

I. Mission Statement

The goals of the Circuit Pro Bono Plan are to establish procedures that promote and facilitate the recruitment of attorneys to provide free legal services to qualified indigent clients in civil matters, ensure the delivery of high quality legal services, and provide transparency for legal aid operations. The committee should review the plan annually to insure its relevance and effectiveness.

The term “pro bono legal services” is not limited to providing representation in judicial proceedings. It also includes, but is not limited to, community legal education to eligible clients; participation in pro se clinics; mentoring or assisting other attorneys in pro bono matters; and presentation of legal seminars designed to train other attorneys to handle pro bono cases.

II. Role of the Circuit Pro Bono Committee

The Pro Bono Committee and its membership is established by order of the chief judge. The current implementing administrative order is AO 2.37. Its duties are outlined in Rule of Professional Conduct 4-6.5(c)(2) and incorporated in the circuit’s administrative order. They include the responsibility to:

- a. Evaluate and assess indigent legal needs within the Twentieth Judicial Circuit, establish goals and objectives to meet those needs, and provide for the implementation of the same through the preparation of a written Circuit Pro Bono Plan. The Circuit Pro Bono Plan shall be updated and sent to the Chief Judge, the Trial Court Administrator, and the Executive Directors of the county bar associations on or before July 1 each year;
- b. Coordinate, administer and implement the Circuit Pro Bono Plan and monitor its results, monitor and evaluate the activities of the administrative agencies, determine the available resources which may be committed to the Plan and the means by which the Circuit Pro Bono Committee seeks to meet the legal services needs within the circuit, and develop any policies and guidelines necessary to effectuate the same; and
- c. To the extent required by the Rules Regulating the Florida Bar, submit an annual report to The Florida Bar standing committee and to the Chief Judge regarding the status, activities and achievements of the Circuit Pro Bono Plan.

III. Committee Goals

The committee shall recommend the Circuit Plan to the Chief Judge for approval. Upon approval, the committee shall convene as necessary to establish an action plan setting forth its specific goals and objectives for the next reporting year. Suggested goals for consideration may include the following:

Goal 1: Improve the delivery of pro bono services through effective committee action.

Goal 2: Determine the legal needs of low-income families that may be served by pro bono attorneys, the voluntary bar associations, and legal service agencies, and assess the resources and means available to meet their needs.

Goal 3: Create a range of opportunities for attorneys to provide pro bono services.

Goal 4: Provide meaningful recognition for all attorneys providing pro bono services.

This committee shall adopt objectives and policies as appropriate to meet the goals and objectives of this plan.

IV. General Responsibilities of Committee Members

The membership of the committee is composed of persons committed to advancing the mission of pro bono service, supporting recruitment initiatives, encouraging attorneys and law firms to provide indigent services, and suggesting innovation and improvements to current practices. Members are expected to faithfully attend committee meetings, to serve on such subcommittees as may be established to implement the Circuit Pro Bono Plan, and to advance the goals of pro bono service with members of the bar and community stakeholders.

V. General Responsibilities of Agencies Providing Legal Aid Services

Consistent with agency policy, organizations providing legal services in the five counties of the Twentieth Judicial Circuit may:

- a. Provide intake, screening and referral of prospective clients;
- b. Match cases with individual attorney expertise, including the establishment of specialized panels;
- c. To the extent feasible, provide administrative support such as forms and mentoring for pro bono attorneys litigating or consulting for pro bono clients;
- d. Provide legal education and training for pro bono attorneys in areas relevant to poverty and issues facing the poor, including specialized areas of law useful in providing pro bono legal service;
- e. Recruit and provide for the availability of consultations with pro bono attorneys who have expertise in areas of law to volunteer lawyers providing pro bono legal services;
- f. Provide malpractice insurance for volunteer pro bono lawyers with respect to their pro bono legal service;
- g. Establish quality control procedures to ensure adequate monitoring and follow-up for assigned cases and to measure client satisfaction;
- h. Provide for, coordinate, and implement the recognition of pro bono legal service by lawyers;
- i. As required by this plan, submit to the Circuit Pro Bono Committee an annual report including recommendations to improve and update the Circuit Plan;
- j. Undertake other responsibilities as directed by the Circuit Pro Bono Committee to implement the Circuit Pro Bono Plan;
- k. For purposes of clarification, the legal aid organizations serving the Twentieth Judicial Circuit are Florida Rural Legal Services, Lee County Legal Aid Society, and Legal Aid Service of Collier County (hereinafter collectively referred to as "the Legal Aid Programs");
- l. In the Twentieth Judicial Circuit, Florida Rural Legal Services, Inc. is the designated pro bono administrator for Lee, Hendry, Glades and Charlotte Counties; and
- m. In the Twentieth Judicial Circuit, Legal Aid Service of Collier County is the designated pro bono administrator for Collier County.

VI. General Responsibilities of Voluntary Bar Associations

Bar Associations may support pro bono services and programs by the following:

- a. Publicizing the Legal Aid Programs' and other pro bono providers' activities and projects through their publications and social media, including the allocation of adequate space to communicate with members in their written publications at no costs or "at costs" where feasible, (such as in newsletters *Res Gestae* and *The Adverse Witness*), and by providing opportunities at bar sponsored events for representatives of the Legal Aid Programs and other pro bono providers and the Circuit Pro Bono Committee to inform members of pro bono plans and activities;
- b. Supporting and assisting in the active recruitment of attorneys for pro bono service, through their executive directors, boards and leadership, and with the collaboration of the Legal Aid Programs and other pro bono providers;
- c. With board approval, assisting the Legal Aid Programs and other pro bono providers with such financial, volunteer and administrative support as will advance the goal of providing quality legal services to the indigent;
- d. Supporting the fundraising activities of the Legal Aid Programs and other pro bono providers with such financial, volunteer and administrative support as will advance the goal of providing quality legal services to the indigent;
- e. Assisting the Legal Aid Programs and other pro bono providers to provide, at minimum cost, legal education and training for attorneys in areas of law required for the effective delivery of services to the indigent;
- f. Considering the Legal Aid Programs and other pro bono providers staff attorneys for leadership positions in bar associations; divisions and sections in order to facilitate the promotion and implementation of pro bono projects; and
- g. Considering, when feasible, reduced fees and "at cost" tickets for the Executive Director and staff attorneys of the Legal Aid Programs and other pro bono providers who attend bar meetings, events, trainings, and social functions.

VII. Judicial Support of Pro Bono Services

The Florida Code of Judicial Conduct, Canon 4B and its commentary, encourages members of the judicial branch to support pro bono services. Within the boundaries of the Code of Judicial Conduct, judges may assist by the following activities:

1. Give priority attention to pro bono attorneys who appear in court, calling their cases earlier on the docket for any given hearing day or trial period;
2. Send letters or emails to attorneys or their senior partners acknowledging pro bono service and praising their professionalism;
3. Publicly recognize pro bono attorneys for their service at bar functions or other public settings;
4. When appointing attorneys to act in an ad litem capacity, include the order notice that their service may qualify for pro bono credit, and encourage them to register the case with all agencies providing pro bono legal services in the circuit;
5. Upon request, provide secure areas in the courthouse for pro bono attorneys to meet clients;

6. When administering the Attorney's Oath to new lawyers, remind them of their duty to provide pro bono service and the critical role of all agencies providing pro bono legal services in the circuit;
7. Participate in award ceremonies recognizing pro bono attorneys for their achievement;
8. Recognize exceptional pro bono service by recommending to the court administrator the insertion of the attorney's photograph, a brief resume, and a summary of his or her professional contribution on the circuit website; and
9. Actively encourage law firms to adopt firm-wide pro bono plans.

VIII. Annual Reports as it Pertains to Legal Aid or Legal Services Agencies

Within 120 days of the close of the agency's fiscal year, in a format that may be approved by the Circuit Pro Bono Committee, the annual report of pro bono operations for the preceding calendar year shall be submitted to the committee by the Legal Aid Programs, together with such additional data as may be requested by the committee.

Except as otherwise agreed, for each reporting year the following information shall be included in annual reports filed by the Legal Aid Programs:

1. The latest CPA independent audited financial statement and schedules, and IRS 990.
2. Florida Bar audits or reports of agency activities and performance.
3. With consent of the agencies' boards and under such conditions as they may direct, such additional internal or external audits or reports the nature of which the boards may determine are appropriate for disclosure to the Chief Judge and Trial Court Administrator.
4. To the extent such data is available without extraordinary expense, a summary stating:
 - a. The number of new cases opened, identifying their type or category.
 - b. The number of cases closed, identifying their type of category, and the method by which they were disposed or closed.
 - c. The number of cases open as of the close of the fiscal year, identifying their type or category.
 - d. As to a, b, and c, the percentage each category or case type bears to the total.
 - e. For the category of "New Cases" reported on the Case Service Reports, for the preceding three quarters the number of prospective clients who were identified as needing extended services and/or who were eligible for such services but who were declined services for lack of pro bono or staff attorney availability.
5. To the extent data is available, a report of unmet client needs due to lack of resources or other factors, a description of the unmet needs, and any agency action plans to address them.
6. The agencies' strategic plan focused on pro bono-related goals and initiatives and its means of implementation.
7. A description of pro bono news and media announcements or publications, fund raising and specials events, clinics, or other public service programs initiated or sponsored by the agency.
8. For reporting purposes, agencies are encouraged to develop data that reflects:
 - a. The number of cases staff attorneys and pro bono attorneys appeared as counsel of record in a court case, the type of litigation in which the attorney appeared, and the nature of its disposition, e.g., by trial, settlement, and/or dismissal.
 - b. The clerk's case numbers of the matters referred to in a. above.

- c. The number of mentors who have offered to guide inexperienced pro bono attorneys in unfamiliar cases and identifying the mentors who provided the service.
9. The agencies' most recently audited budget from the previous fiscal year. To the extent such information is not duplicated in IRS Form 990 or the independent financial statement, the budget report shall:
 - a. Identify all income and expenditures by source and category;
 - b. Identify the source of restricted funding, such as grants received, and the type of the restriction; and
 - c. Include total staff and attorney salaries and benefits.

IX. Transparency of Records

Unless protected by privilege or otherwise exempt from public disclosure, the chair of the committee may make a written request including the stated purpose, through the legal service agencies board chair, for access to and review of agency business records to the same extent as any government entity providing funding to the agency. The committee in collaboration with the legal service agencies may establish procedures for the production, review and dissemination of such records.

This plan was approved and adopted by the Twentieth Circuit Pro Bono Committee on October 10, 2016.

Archie B. Hayward, Chair
County Court Judge