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**PBDA IMPLEMENTATION HANDBOOK:  
A GUIDE TO ESTABLISHING A PRO BONO  
PROGRAM AT YOUR LAW FIRM**

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## TABLE OF CONTENTS

<b>SECTION I INTRODUCTION .....</b>	<b>6</b>
1.1    CONTEXT .....	6
1.2    PURPOSE OF THE GUIDE.....	6
1.3    ABOUT THE GUIDE.....	7
<b>SECTION II ADMINISTRATION OF PRO BONO PROGRAM .....</b>	<b>8</b>
2.1    INTRODUCTION .....	8
2.2    PRO BONO COORDINATOR.....	8
2.2.1 <i>Designation of Pro Bono Coordinator</i> .....	8
2.2.2 <i>Role of a Pro Bono Coordinator</i> .....	8
2.2.3 <i>Duties of the Pro Bono Coordinator</i> .....	8
2.3    PRO BONO CHAIRPERSON OR COMMITTEE.....	9
2.3.1 <i>Position of Pro Bono Chairperson or Committee</i> .....	9
2.3.2 <i>Role of the Pro Bono Chairperson or Committee</i> .....	9
2.3.3 <i>Responsibilities of the Pro Bono Chairperson or Committee</i> .....	10
<b>SECTION III DEVELOPMENT OF A PRO BONO MANUAL .....</b>	<b>11</b>
3.1    INTRODUCTION .....	11
3.2    PRO BONO COMMITMENT OF THE FIRM .....	11
3.3    DEFINITION OF PRO BONO .....	11
3.4    ADMINISTRATION OF THE PRO BONO PROGRAM.....	12
3.5    PROCEDURES FOR PRO BONO MATTERS .....	12
3.5.1 <i>Opening of New Pro Bono Matters</i> .....	12
3.5.3 <i>Standard of Services</i> .....	14
3.5.4 <i>Record of Hours</i> .....	14
3.5.5 <i>Expenses</i> .....	15
3.5.6 <i>Completion of a Pro Bono Matter</i> .....	15
3.5.7 <i>Evaluation</i> .....	15
<b>SECTION IV PRO BONO OPPORTUNITIES .....</b>	<b>16</b>
4.1    BALANCING LEGAL NEED WITH ATTORNEY INTEREST.....	16
4.2.1 <i>Creation of Partnerships</i> .....	17
4.2.2 <i>Internal System</i> .....	17
4.2.3 <i>Attorney Identification of Pro Bono Opportunities</i> .....	18
<b>SECTION V PROMOTION AND RECOGNITION OF PRO BONO WORK.....</b>	<b>19</b>
5.1    PROMOTION OF PRO BONO WORK.....	19
5.2    RECOGNITION OF PRO BONO .....	20
<b>SECTION VI EVALUATION .....</b>	<b>21</b>
6.1    EVALUATION OF ATTORNEY PRO BONO WORK .....	21
6.2    EVALUATION OF THE PRO BONO PROGRAM.....	21
<b>SECTION VII BENEFITS OF A PRO BONO PROGRAM .....</b>	<b>22</b>
7.1    ATTORNEY TRAINING .....	22
7.2    RECRUITMENT AND RETENTION OF ATTORNEYS .....	22
7.3    MARKETING AND PUBLICITY OF THE PRO BONO PROGRAM .....	22
7.4    BUILDING RELATIONSHIPS WITH MEMBERS OF THE GLOBAL LEGAL COMMUNITY .....	23

**ANNEX A PRO BONO DECLARATION FOR THE AMERICAS..... 24**  
**ANNEX B MODEL PRO BONO MANUAL ..... 27**  
**ANNEX C PRO BONO QUESTIONNAIRE FORMAT..... 46**

## **SECTION I INTRODUCTION**

### **1.1 Context**

In 2005, the Cyrus R. Vance Center for International Justice (the “Vance Center”) organized the “Strategic Summit for the Americas: A Profession in Support of Democracy” that brought together attorneys from Argentina, Brazil, Chile, Colombia, Spain, the United States, Mexico, Peru, and South Africa with the goal of evaluating the progress made throughout the Americas with regard to access to justice and the promotion of social responsibility in attorneys. The Summit participants acknowledged the importance of pro bono and public interest work in addressing the unmet legal needs of the poor and unrepresented groups. Consequently, they agreed to develop a declaration of principles and an action plan to support and facilitate the expansion of pro bono throughout the Americas.

In 2006 and 2007, the Vance Center coordinated the drafting of the “Pro Bono Declaration for the Americas” (“PBDA”) (for the complete text of the PBDA, see Annex A). The PBDA was drafted by a group of distinguished attorneys in Latin America and the United States; it was presented to and discussed with the legal community throughout the Americas over a six-month period. The final text of the PBDA took effect January 1, 2008. Over 400 institutions and individuals have signed the PBDA as of the date of publication of this Guide - the majority of these signatories being law firms. (The complete list of signatories of the PBDA can be found at <http://www.nycbar.org/citybarjusticecenter/vancecenter-projects/>).

The PBDA recognizes that governments and legal aid organizations lack sufficient resources to meet the legal needs of the poor and unrepresented groups. As a result, many people in the Americas do not have meaningful access to justice. The PBDA also recognizes the privileged role enjoyed by the legal profession in the area of justice and its concurrent responsibility to provide pro bono legal services to those who need it. With this in mind, signatories committed to provide a minimum of 20 hours of pro bono work per lawyer per year. Signatories have a three-year period ending December 31, 2010 to fully implement the terms of the PBDA.

### **1.2 Purpose of the Guide**

Thanks to the PBDA, there is consensus about the definition of pro bono and the role that pro bono practice must play in the legal community. With the accomplishment of this important first step, it is now time to focus on implementing the PBDA and, specifically, ensuring that the signatory firms have the capacity to accomplish their commitment.

This Guide seeks to give Latin American law firms technical assistance in implementing the pro bono goals described in the PBDA while simultaneously providing high quality pro bono representation through an institutionalized pro bono practice.

The development of a permanent pro bono practice is similar to a firm’s development of a new practice area or new department in that it requires the systematic implementation of a formal structure and support system so that the pro bono work is fully integrated into the firm. The institutionalization of a formal pro bono program also ensures high quality and efficient legal

work with far-reaching impact. A structured pro bono program is not only key to developing a successful pro bono practice but, for PBDA signatories, it is also a way to achieve the goals of the PBDA.

A pro bono program should establish mechanisms that allow attorneys to partake in pro bono work, such as: removing potential internal obstacles (or the perception of such) to doing pro bono work; promoting participation in pro bono work among the firm's attorneys; providing clear indications that the firm supports the practice of pro bono; establishing mechanisms to identify pro bono opportunities; and promoting pro bono work internally.

A pro bono program is not only necessary to manage the pro bono work being done, but also to ensure the quality of pro bono services. By establishing mechanisms to evaluate and supervise pro bono work, a strong pro bono program is the best way in which law firms can ensure their pro bono clients' interests are handled appropriately.

Finally, a formal pro bono program permits a firm's pro bono practice to function in an efficient and effective manner. By institutionalizing their pro bono efforts, law firms can save resources, money and time, thereby accomplishing more with less.

### **1.3 About the Guide**

The Vance Center has prepared this Guide in conjunction with Skadden, Arps, Slate, Meagher & Flom LLP ("Skadden, Arps"). Skadden, Arps has considerable experience in structuring a pro bono practice and providing the support necessary for its attorneys to undertake a broad range of pro bono work. The New York City Bar and the City Bar Justice Center also provided valuable input to the development of this Guide. In drafting this Guide, the Vance Center has reviewed existing materials in this field, including pro bono manuals, best practices guides, and articles on the subject as well as relied on the experiences of firms, bar associations, and pro bono provider organizations in the United States.

This Guide is by no means an exhaustive and fixed manual, but rather a reference guide with information and examples to be used fluidly by Latin American law firms either implementing entirely new pro bono programs tailored to their particular needs or improving an already existing pro bono practice. Although this Guide was prepared to provide technical assistance to Latin American firms that have signed the PBDA, the information it contains is useful to any attorneys in Latin America or other parts of the world.

This Guide is divided into seven sections. Section II focuses on the administration of the pro bono program. Section III describes the development of a pro bono policy manual. A model pro bono policy manual and corresponding attachments are provided as annexes to this Guide. Section IV describes systematic ways in which firms can identify pro bono opportunities. Section V concerns the encouragement and recognition of pro bono work within the firm. Section VI is a guide for evaluating attorney pro bono work as well as the pro bono program itself. Section VII describes the benefits of a pro bono program for a law firm.

## SECTION II ADMINISTRATION OF PRO BONO PROGRAM

### 2.1 Introduction

The first step in developing a pro bono program is for the firm to decide who will manage the program and the functions and responsibilities that this person or group of people will have.

The management of a pro bono program consists of two main components. The first is routine administration, commonly the responsibility of a pro bono coordinator. The second involves developing the broader objectives and direction of the firm's program, typically the responsibility of the firm's pro bono chairperson or pro bono committee.

### 2.2 Pro Bono Coordinator

#### *2.2.1 Designation of Pro Bono Coordinator*

It is up to the firm's leadership to decide who is best positioned to direct the pro bono program. The pro bono coordinator in small to mid-sized firms may be one of the firm's partners or associates who assumes this role in addition to his/her role as an attorney of the firm. In the case of large firms, the pro bono coordinator may or may not be an attorney whose sole responsibility is managing the pro bono program. Regardless of who is ultimately selected as the pro bono coordinator, the firm must ensure that the individual has sufficient time and resources to fulfill all of the responsibilities the role requires.

#### *2.2.2 Role of a Pro Bono Coordinator*

- (a) A pro bono coordinator who is not an attorney must not perform duties that require legal training such as supervising the legal aspects of pro bono work of attorneys at the firm.
- (b) Should the pro bono coordinator supervise administrative assistants, it is important to ensure that the assistants have the level of experience and knowledge required for the delegated duties and that there is sufficient coordination so that matters don't go unattended.
- (c) Finally, the pro bono coordinator, if not a partner, must rely on experience of a mentor or supervisor in order to accomplish each of the duties that are assigned to him/her.

#### *2.2.3 Duties of the Pro Bono Coordinator*

In general, the duties of a pro bono coordinator are as follows:

- (a) **Administrative Management:** The pro bono coordinator is responsible for the daily administration of the pro bono program, which includes opening, maintaining, and closing pro bono cases. Where the firm has adopted a pro bono manual that contains procedures for these tasks, the coordinator must ensure that each step is completed (see Section II). The pro bono coordinator's duties also include organizing and maintaining records such as forms, pro bono files, correspondence and any other case-related documents

as well as recording pro bono hours per attorney and per pro bono client (see Section 3.5.4).

- (b) ***Supervision of Pro Bono Cases:*** The pro bono coordinator must regularly supervise the status of pro bono cases that the firm handles. This includes knowing the current status of all pro bono matters to ensure that all pro bono work is handled in a timely manner and address any problems that arise. A good way to keep abreast of each case is through the use of attorney reports, which the pro bono coordinator maintains and revises.
- (c) ***Relationships with Pro Bono Organizations:*** The pro bono coordinator must routinely communicate with organizations with which the firm has formed pro bono partnerships to receive descriptions of available pro bono opportunities and periodically inform them of the status of the pro bono cases that the firm undertakes (see Section 4.2.1). If the firm decides not to form pro bono partnerships, the pro bono coordinator will have to identify the pro bono opportunities that comply with the firm's program through some other means.
- (d) ***Notification of Available Pro Bono Matters:*** Another responsibility of the pro bono coordinator is to notify (via e-mail or other form of communication) the attorneys at the firm of pro bono opportunities and, in general, to promote the pro bono program within the firm (section 5.1).
- (e) ***Accountability:*** The pro bono coordinator must inform the pro bono chairperson or committee of the status of the pro bono program and the status of the cases that the firm has decided to undertake.

### **2.3. Pro Bono Chairperson or Committee**

#### ***2.3.1 Position of Pro Bono Chairperson or Committee***

Various factors determine the direction of a firm's pro bono program, such as the firm's size, culture, and hierarchical structure. At large law firms in the United States, a partner typically oversees the pro bono program. In addition to fulfilling his/her role as a partner of the firm, he/she is responsible for the overall direction of the pro bono program. The pro bono partner may work with a pro bono committee of partners and associates.

#### ***2.3.2 Role of the Pro Bono Chairperson or Committee***

It is crucial that at least one partner, but preferably a majority of partners (including the managing partner or the firm's founding partners) be involved in the management of the pro bono program. As noted below, overseeing a pro bono program involves strategic decision-making that should include the participation of at least some of the firm's partners (see Section 2.3.3). In addition, the participation of the partners in the direction of the pro bono program is an effective means of giving a strong indication to the attorneys, especially young attorneys, that the

firm encourages and endorses pro bono work (see Section 5.1(a)). In some cases, the chair of the pro bono committee may also carry out the administrative aspects of the program.

### 2.3.3 Responsibilities of the Pro Bono Chairperson or Committee

In general, the duties of the pro bono chairperson or committee are as follows:

- (a) **Supervision of the Pro Bono Program:** The pro bono chairperson or committee must monitor the pro bono program to ensure that it is functioning effectively. This includes supervision of the work of the pro bono coordinator.
- (b) **Drafting and Approval of the Pro Bono Manual:** The pro bono chairperson or committee should participate in the initial drafting and periodic review of the firm's pro bono manual (see Section 3.1).
- (c) **Development of Pro Bono Partnerships:** The pro bono chairperson or committee should determine what types of pro bono partnerships the firm will enter into (see Section 4.2.1.). If the firm decides that it will not create pro bono partnerships, the pro bono chairperson or committee will need to establish another mechanism for identifying pro bono opportunities (see Section 4.2.2).
- (d) **Approval of New Pro Bono Cases:** As indicated below, it is advisable that firms establish a procedure to open, monitor and close pro bono cases (see Section 3.1). The pro bono chairperson or committee, in conjunction with the pro bono coordinator, should approve the opening of all new cases (see Section 3.5.1(b)).
- (e) **Promotion and Acknowledgement of Pro Bono Work:** Another function of the pro bono chairperson or committee is to define the way in which the firm will encourage and recognize pro bono work internally (see Section V).
- (f) **Evaluation of the Pro Bono Program:** The pro bono chairperson or committee must evaluate the successes and setbacks of the pro bono program, making adjustments to it as necessary (see Section 6.2).
- (g) **External Publicity:** The pro bono chairperson or appropriate firm leadership must define or participate in the process of defining the marketing policy and the external publicity of the firm's pro bono program (see Section 7.4).

## **SECTION III DEVELOPMENT OF A PRO BONO MANUAL**

### **3.1 Introduction**

An important aspect of a pro bono program is the development of a pro bono policy manual. Although pro bono manuals differ in their depth and range, the manual generally serves four functions. First, the manual defines pro bono and what types of pro bono matters the firm is interested in undertaking. Second, the manual establishes the firm's pro bono commitment. Third, it defines who is responsible for the administration of the firm's pro bono program. Finally, the manual establishes the procedures for handling pro bono matters.

The firm must first decide who will draft and approve the pro bono manual. Because the pro bono manual establishes the firm's official position with respect to pro bono, it is advisable that it be discussed with and approved by all of the firm's partners. As the director of the pro bono program, the pro bono chairperson or committee should also participate in the drafting and approval of the manual (see Section 2.3.3(b)).

Annex B provides a sample Pro Bono Manual (the "Model of the Pro Bono Manual"), which contains the standard clauses adopted in manuals for firms in the United States, with certain modifications adjusted for Latin American firms. The Model of the Pro Bono Manual is written in manner such that it can be easily adopted for any firm.

### **3.2 Pro Bono Commitment of the Firm**

The introductory section of the pro bono manual establishes the firm's commitment to pro bono. In particular, it contains a declaration that the firm supports and encourages its attorneys' participation in pro bono work. This section normally contains specific pro bono goals or expectations adopted by the firm. Goals can include an annual minimum number of pro bono hours per attorney or for the firm as a whole as well as a determined percentage or number of attorneys that will undertake pro bono. In the case of firms that have signed the PBDA, it is advisable that this section includes their commitment to achieve a minimum of 20 hours per attorney annually, although additional goals can be incorporated.

Attorneys are not the only people at law firms who can provide pro bono services: paralegals, clerks, secretaries, and administrative personnel also make valuable contributions and are often enthusiastic about participating in pro bono matters.

### **3.3 Definition of Pro Bono**

This section of the pro bono manual defines what kind of services and types of legal issues the firm will consider "pro bono" and what categories of clients will qualify for pro bono assistance.

A firm's concept of pro bono legal services may include free legal services provided to the poor or to nongovernmental institutions ("NGOs") that benefit the poor. It may also include legal services that are provided in matters of public interest and assistance to marginalized populations. For those firms that have signed the PBDA, it is advisable that their definition of pro bono correspond to the PBDA definition of pro bono and that the firms provide the majority of pro bono hours to those clients and matters that come within this definition of pro bono.

Furthermore, so that the firm's attorneys understand with complete certainty the scope of pro bono, firms should not only define what they will consider to be pro bono services, but also what activities will not be considered pro bono. For example, pro bono should not include providing legal services at reduced fees or non-law-related assistance, lecturing, publishing books or articles, or providing free legal services to friends and family. Many of these activities are desirable and represent contributions to the community, but should not be categorized as pro bono work.

### **3.4 Administration of the Pro Bono Program**

This section of the pro bono manual establishes who will administer the firm's pro bono program, outlining the responsibilities of the various program roles – the pro bono coordinator, pro bono chairperson and pro bono committee. The administration of the program includes the general coordination of pro bono projects and management of the pro bono program and is usually the responsibility of the pro bono coordinator or committee. For general descriptions of the positions, qualifications, and duties of the pro bono coordinator and the pro bono chairperson or committee, see Section II of this Guide.

### **3.5 Procedures for Pro Bono Matters**

#### *3.5.1 Opening of New Pro Bono Matters*

The firm must establish formal procedures for undertaking and completing pro bono work. For a description of the mechanisms through which firms can identify pro bono opportunities, see Section IV of this Guide.

Undertaking pro bono matters includes the following procedural steps:

#### **(a) Pro Bono Request**

After the firm has chosen a mechanism for identifying pro bono opportunities (see Section IV) and informing its attorneys of those opportunities (see Sections 2.2.3(d) and 5.1) and once an attorney has expressed interest in working on a pro bono case, the first step will be to complete an application for a new pro bono matter (the "Pro Bono Application"). The Pro Bono Application should contain basic information, such as the description of the pro bono client and the required services. Similarly, the Pro Bono Application should be signed by the attorney responsible for the pro bono case, the supervising partner and, in some cases, the pro bono coordinator (see Section 3.5.2 and Annex 1 – "Application for Opening a New Pro Bono Matter" - Model of Pro Bono Manual).

(b) Conflict of Interests Check

Although less common than with commercial clients, pro bono matters could present conflicts of interest. As a result, a firm must undertake a conflicts check for each completed and signed Pro Bono Application. The firm should use the same process it uses for conflicts checks with commercial clients and record the results in the Pro Bono Application.

(c) Approval of the Pro Bono Case

The firm must establish who will be responsible for approving new pro bono cases. As already noted, it is recommended that the pro bono chairperson or committee perform this role (see Section 2.3.3(d)). The firm should establish formal criteria for accepting or rejecting Pro Bono Applications instead of leaving the decision to the chairperson's or committee's sole discretion.

Some of the criteria that can be considered in approving new pro bono cases are: potential conflicts of interest, whether the required services correspond to the firm's definition of pro bono outlined in its policy manual or if there are any extraordinary circumstances warranting rejection of the pro bono case. The firm should also consider whether attorneys interested in the particular pro bono case have the experience or would be able to obtain the training necessary to provide the quality and standard of service expected of the firm and its attorneys. Firms can avoid rejecting complicated pro bono cases by finding ways to mitigate or compensate for lack of experience or training such as staffing cases with a team of attorneys, including some with more advanced experience. If the application for a new pro bono case is rejected, it is recommended that the reasons be briefly explained in the Pro Bono Application.

(d) Commitment Letter

Once a new pro bono case has been approved, the firm and the pro bono client should sign a commitment letter setting forth the parameters of the representation. Even when a firm does not use this type of letter for its commercial clients, it is recommended that it do so for its pro bono clients. Among other topics, the letter establishes the nature, description and range of the representation, which are important for the client's understanding of the exact scope of services that will be provided. Similarly, it should specify who will be responsible for paying any related expenses (see Annex 2 – Template of Pro Bono Commitment Letter) – Model of Pro Bono Manual). The firm might consider adding an advance waiver position clause to the letter, for example, "Our law firm has many other clients. If you have a conflict of interest with another one of our clients, we will explain that to you and expect that you will waive that conflict of interest unless it involves the same project we are working on for you, or a related matter, or we have confidential information that could be used to your detriment in that other matter."

(e) Pro Bono Client and Matter Files

The firm should open and maintain a file for each pro bono client or matter, using the same procedure that is used for commercial clients. Firms that use a "coding system" to identify their commercial clients should use the same system for their pro bono clients.

These files can be updated by the attorney assigned to the pro bono matter and maintained by the pro bono coordinator.

### *3.5.2 Supervision*

It is necessary that a firm establish a formal supervising system for pro bono work in order to ensure that its attorneys provide pro bono services in a professional manner and follow the same standards of service that the firm provides to its commercial clients. As such, every pro bono matter should have a supervising partner who regularly reviews the associate's work and provides feedback or assistance as necessary. The supervising partner can be the associate's mentor or associates can ask partners with specific knowledge or experience in a particular issue whether he/she can serve as the supervising partner for a particular pro bono matter. It is further recommended that the pro bono coordinator regularly monitor the status of each pro bono matter (See Section 2.2.3(b)).

Firms should implement a formal written reporting mechanism as a means by which attorneys responsible for pro bono matters inform the pro bono coordinator and the supervising partner of the status of the pro bono matter. These attorney-generated reports should include information about the most recent accomplishments or setbacks, potential next steps and the existence of any hindrances or problems (see Annex 3 – "Template of Report for Pro Bono Work" – Model of Pro Bono Manual). The regularity of the reports will depend on the nature of the representation and services provided, with three- and six-month reports being reasonable for cases of long duration.

The pro bono coordinator should not only make sure that attorneys complete their pro bono reports, but they should also review and file all submitted reports. (see Section 2.2.3 (b)).

### *3.5.3 Standard of Services*

It is important that the firm clearly indicate in its pro bono policy manual that pro bono services are provided with the same standard of quality provided to commercial clients. Although it may seem apparent, attorneys at the firm should understand that pro bono work does not have a lower priority or standard of excellence than commercial work. This is especially important because attorneys who are under pressure can be tempted to neglect pro bono matters, thereby neglecting their pro bono clients' interests.

### *3.5.4 Record of Hours*

Firms must maintain a recording system for attorneys to enter their pro bono hours. Without this record, firms cannot determine whether they are achieving their pro bono goals and cannot properly evaluate their pro bono programs (see Sections 3.2 and 6.2). Also, these records are necessary so that firms can report their annual pro bono hours to institutions such as Latin Lawyer magazine or the Vance Center. Institutions with which firms create pro bono partnerships also often request annual records of hours spent on pro bono matters (see Section 4.2.1).

Such records should be maintained in the same manner that the firm maintains its hours for commercial clients. In the event that the firm does not have a timekeeping system for its commercial clients, it should implement a special system for its pro bono clients. Depending on the firm's size, different systems ranging from complex software systems to simpler Excel

spreadsheets or basic paper forms may be used. Firms must also decide whether pro bono hours will be considered “billable” hours for the purposes of attorney expectations, performance evaluations and compensation (see Sections 5.1(b) and 5.1(c)).

### *3.5.5 Expenses*

The firm must establish a policy regarding the payment of expenses incurred in the provision of pro bono services. Commercial clients typically pay all expenses associated with their representation but, in a pro bono case, the firm, the client or both can pay fees and expenses.

Matter-related expenses could include routine administrative expenditures such as photocopying, telephone and mailing costs as well as additional expenses, such as the costs related to obtaining certified copies, authentications of documents, applications for certificates, presentations of documents, notary costs or public filings, translations, technical reports, and travel costs.

As a general policy, the firm may pay for routine expenses with the expectation that the pro bono client will pay for any additional or extraordinary expenses. In cases where the client is unable to pay those expenses because of extreme economic hardship, the firm may decide to pay all of the expenses. Regardless of the firm’s policy, the issue should be discussed with the client prior to undertaking the matter and memorialized in the commitment letter (see Section 3.5.1 (c)).

### *3.5.6 Completion of a Pro Bono Matter*

When pro bono services have been completed (either when a matter or case has ended or the firm has decided that it will not continue providing its services), the firm has an obligation to communicate this fact to the pro bono client. It is advisable that such communication be in writing through a “termination of services” letter (see Annex 4 – “Template of Termination of Pro Bono Services Letter”).

Additionally, the pro bono policy manual must indicate what will happen with the records of the completed or terminated pro bono matter. It is good practice for the firm to use the same procedures it uses for its commercial clients. Where possible, the originals should be given to the pro bono client and the firm should retain copies for its own records.

Finally, the manual must establish procedures for when an attorney is not able to continue working on matters or leaves the firm altogether. Regardless of the procedure, it is important to establish one so that pro bono clients do not remain without representation and their rights are protected.

### *3.5.7 Evaluation*

To ensure high quality pro bono representation, the firm must evaluate each pro bono matter with the same regularity and using the same standards as commercial clients (see Section 6.1).

## SECTION IV PRO BONO OPPORTUNITIES

### **4.1 Balancing Legal Need with Attorney Interest**

Once a firm has established who will administer the pro bono program and has finalized a pro bono policy manual, the next step is to determine the means through which the firm will identify pro bono opportunities. Regardless of how pro bono cases are identified, in choosing which pro bono cases to undertake, firms should consider both (a) the existing legal needs of the region and (b) the interests of its attorneys.

In the PBDA, the definition of pro bono services focuses on free legal services to the poor and the disenfranchised; to the organizations that assist them; and to matters of public interest (see Section 3.5.1(b)). Firms should also consider channeling their pro bono efforts towards the most urgent legal needs of the community.

It is important to emphasize that pro bono opportunities are not limited to litigious matters. Attorneys have many opportunities to do transactional pro bono work for NGOs in the areas of labor, property, tax and corporate law. Also, pro bono services can be provided to matters in the public interest, such as preparing a legal report discussing access to public information held by government agencies.

In addition, firms should keep their attorneys' interests in mind when identifying pro bono opportunities. An effective way to encourage attorney participation and ensure retained interest in a successful pro bono program is to offer opportunities in areas where attorneys' interests lie. The best way to identify such interests is through a firm survey that asks whether attorneys wish to do pro bono work and what kind of work they would like to do (see format of the "Pro Bono Questionnaire" in [Annex C](#)). It is recommended that this survey be distributed annually so the firm can have up-to-date information.

Ultimately, firms must balance attorney interest with the legal needs of their surrounding communities. For example, a firm may find that the most pressing legal need in the community is family law litigation, but only 3% of its attorneys have expressed interest in this area. In circumstances like this, the firm will have to decide how to create the greatest amount of synergy between legal need and attorney interest.

### **4.2 Identifying Pro Bono Opportunities**

Once the legal needs and attorney interests have been identified, the next step is to determine how the firm will find appropriate pro bono opportunities. Identifying pro bono opportunities is not an easy task, but a complicated process that should be given the attention it deserves. Identifying new pro bono opportunities expends time and money and, perhaps more importantly, requires experience in the field. It is important to distinguish the need for free legal services from appropriate pro bono opportunities. The former may be plentiful – as is the case in Latin

America – but unmet legal needs should not automatically be considered appropriate pro bono opportunities.

Before a firm can determine whether a pro bono opportunity is appropriate, a series of steps must occur. Some of these steps include, but are not limited to, contacting and interviewing potential pro bono clients; obtaining and initially reviewing potential client documentation to determine whether their profile meets the firm’s definition of pro bono and confirming that the potential client has limited economic resources.

The next section describes some of the most common methods used to identify pro bono opportunities. As in all aspects of pro bono program development, law firms should remember to tailor their programs to their individual characteristics and resources. Thus, firms should utilize existing networks and already developed relationships to find pro bono opportunities.

#### *4.2.1 Creation of Partnerships*

The creation of pro bono partnerships is one of the most efficient and convenient ways to identify pro bono opportunities and is the most heavily utilized by U.S. firms. Using this approach, the firm collaborates with public interest or social welfare organizations, law schools, or government agencies, among others (the “pro bono provider”) to obtain pro bono referrals that are then circulated internally to gauge attorney interest in the project. If there is sufficient interest, the firm initiates the acceptance process (see Section 3.5.1). A benefit of this approach is that the pro bono provider frees the firm from the responsibility of interviewing clients, examining case history documents, and other administrative tasks.

Using this approach, firms can forge partnerships with NGOs or other institutions that function as “clearinghouses” connecting pre-screened pro bono clients to the firms that will provide legal services. NGOs, bar associations, government agencies, universities, law school clinics, hospitals and churches can all serve as clearinghouses. Given their daily work with disenfranchised groups, these entities understand the legal needs in their communities and are better able to identify appropriate pro bono opportunities in an efficient and effective manner.. In Latin America, examples of such clearinghouses include *Comisión de Trabajo Pro Bono del Colegio de Abogados de la Ciudad de Buenos Aires* in Argentina; *Instituto Pro Bono* in Brazil; *Fundación Pro Bono* in Chile; and the *Fundación Pro Bono* in Colombia.

#### *4.2.2 Internal System*

Firms also can choose to identify pro bono opportunities without developing these partnerships. A firm might find pro bono clients by inviting potential clients to a legal clinic. Some law firms in Latin America have chosen to create private foundations that serve as referral agencies between the community and the firm. Whereas pro bono partnerships have more administrative advantages, these methods give firms greater control over the identification of potential clients and the verification of their information. Another benefit is that, because the firm maintains direct contact with the community, it is not dependent upon on third-party institutions to identify pro bono opportunities.

#### *4.2.3 Attorney Identification of Pro Bono Opportunities*

Another way firms can identify pro bono opportunities is to permit attorneys to propose their own ideas for potential projects. Allowing this option increases attorney interest in pro bono participation. As mentioned above, however, attorney interest must be balanced with the greater goal of addressing unmet legal need in the community. Therefore, a pro bono program should not depend solely on attorney-proposed pro bono opportunities. Furthermore, all potential pro bono projects, including those proposed by attorneys, must meet either the firm's or, in the case of PBDA signatories, the PBDA's definition of pro bono work.

## SECTION V PROMOTION AND RECOGNITION OF PRO BONO WORK

### 5.1 Promotion of Pro Bono Work

Once a firm establishes how it will identify pro bono opportunities, the next step is to decide how to promote and encourage the pro bono program internally, recruit attorneys to participate in it and provide incentives for doing pro bono work. Successful pro bono recruiting efforts require that attorneys first learn of potential pro bono opportunities. Usually the pro bono coordinator is responsible for disseminating information regarding available pro bono projects (see Section 2.2.3(d)). An efficient and effective way of staffing pro bono projects, which is also the practice in U.S. firms, is for the pro bono coordinator to send (via e-mail) periodic memos to all attorneys with brief summaries of pro bono matters currently in need of staffing. Alternatively, this memo could be sent only to those attorneys who have demonstrated interest in participating in the pro bono program, although this approach limits the reach of internal marketing efforts and is therefore not recommended. Attorneys who have not previously expressed interest in participating in the pro bono program might develop an interest in pro bono by seeing specific projects highlighted in the memo.

Firms must not only inform its attorneys of pro bono opportunities, but also encourage and create incentives to do pro bono work. Some of the most common methods used to encourage pro bono practice are:

- (a) ***Partner Participation:*** The first and most important way to attract attorneys to pro bono work is through partner participation. When partners, especially the most senior partners, actively participate in the pro bono program through (1) their involvement in the pro bono committee, (2) offering direct legal services, or (3) supervising associates who are doing pro bono work, associates feel that pro bono work is not only supported but also valued. Additionally, partner participation is an effective means of breaking internal barriers to pro bono work such as the fear that pro bono is harmful to associate advancement at the firm.
- (b) ***Categorizing Pro Bono Services:*** The firm can encourage participation in its pro bono program by treating pro bono work the same as commercial client work. This includes counting pro bono hours as billable hours and considering pro bono work in the firm's evaluation and promotion decisions. If this is not done, attorneys will feel that the firm tolerates pro bono work but simultaneously "punishes" attorneys doing it.
- (c) ***Evaluation of Pro Bono Work:*** Pro bono work can also be encouraged if it is considered in performance evaluations that the firm conducts. Just as firms positively evaluate attorney efforts to expand contacts and search for new clients, pro bono work should also be seen as a plus in attorney performance.
- (d) ***Pro Bono Program Orientation for New Attorneys:*** Another effective way to promote the pro bono program is by introducing it to new attorneys through a brief and informal introductory talk or a more formal orientation, either of which the pro bono coordinator can

organize. Ideally, a partner member of the pro bono committee or another senior partner of the firm, as well as associates who have participated in the pro bono program, should contribute to this discussion and share their experiences. Copies of the firm's pro bono policy manual should also be distributed as part of this introduction.

## **5.2 Recognition of Pro Bono**

Public recognition of the pro bono work attorneys perform is another way to positively shed light on the pro bono program and encourage participation in it. For example, e-mails highlighting pro bono victories can be circulated firm wide. Also, pro bono reports containing summaries of completed or ongoing pro bono matters and the names of the attorneys who work on them can be distributed periodically (either annually or semi-annually). Annual recognition of pro bono achievements – such as completing a minimum number of pro bono hours – is another way to reward and encourage pro bono work. The firm can also bestow awards, such as the “Pro Bono Attorney of the Year”, during a special ceremony or at a year-end firm celebration.

## **SECTION VI EVALUATION**

### **6.1 Evaluation of Attorney Pro Bono Work**

Attorneys who engage in pro bono work should be evaluated with the same frequency and in the same manner as attorneys who work on commercial matters. Even in firms where attorneys are not regularly evaluated, semi-annual or annual pro bono evaluations should be conducted to help ensure that attorneys provide high quality legal services to their pro bono clients (see Annex 5 – “Format of Pro Bono Attorney Evaluation” – Pro Bono Manual Model). As discussed, attorney-generated status reports can assist supervising partners and pro bono coordinators in their evaluation of pro bono work (see Section 3.5.2).

### **6.2 Evaluation of the Pro Bono Program**

In addition to individual attorney evaluation, a firm's pro bono committee should evaluate the firm's pro bono program annually or semi-annually (see Section 2.3.3(f)). If no committee exists, the pro bono coordinator or chairperson should designate who will evaluate the program.

In order to perform an adequate program evaluation, it is necessary for the evaluating body to have all relevant quantitative information available, specifically:

- total number of pro bono hours for the year;
- number and percentage of associates and partners that performed pro bono work during the year;
- average number of pro bono hours per attorney during the year;
- number and percentage of associates and partners who surpassed the required number of pro bono hours for the year;
- number of pro bono clients served during the year;
- number of pro bono hours provided to each client during the year;
- list of pro bono matters categorized by type;
- list of pro bono matters referred to firm by institutional partnerships; and
- list of other sources of pro bono opportunities.

Using this information, firms can analyze the qualitative and quantitative aspects of their pro bono programs to determine whether they are fulfilling their pro bono goals, whether partners are actively participating and whether the institutional partnerships have been effective in providing interesting pro bono opportunities.

Firms can use their evaluations to make appropriate adjustments to improve their pro bono programs, engage in new pro bono partnerships, modify the supervisory structure, or seek new incentives for attorney participation.

## **SECTION VII BENEFITS OF A PRO BONO PROGRAM**

The next section presents the principal benefits that derive from a pro bono program.

### **7.1 Attorney Training**

Pro bono practice is a way that junior attorneys build their professional network and enhance their skills. New attorneys generally fill secondary roles in the litigations or transactions in which they participate, roles often limited to revising documents or administrative tasks. Pro bono work, however, allows new associates to build their experience by drafting court filings, contracts or preparing legal arguments. Additionally, pro bono attorneys develop their communication, deliberation, and negotiation skills with pro bono opportunities that provide them with direct client contact or close interaction with adversaries, court officials and other attorneys. Pro bono work generally gives attorneys more responsibility and prepares them for the tough decision-making they will encounter throughout their careers. In summary, pro bono work is an effective way for young attorneys to accelerate their development from law school graduates to skilled attorneys.

### **7.2 Recruitment and Retention of Attorneys**

Another benefit that pro bono work offers firms is in recruiting new attorneys and retaining existing attorneys.

Finding and retaining qualified attorneys can be difficult in a competitive legal market (like that of Latin America). A strong institutionalized pro bono practice can play a large role in distinguishing a law firm from its competition. Recent law school graduates tend to have idealistic views of their careers and the ways in which they can utilize the law as a vehicle to reconcile judicial inequality in their communities. Young attorneys may prefer working at law firms where they are given the opportunity to do pro bono work. Also, young attorneys often equate a firm's pro bono practice with its overall merit and values.

Beyond recruitment, a pro bono program is a mechanism of retaining attorneys at a firm. Pro bono practice presents an attractive break from routine casework and can produce a sense of fulfillment not always found in work for commercial clients. Participation in pro bono improves morale while generating a sense of pride and loyalty in one's socially responsible firm.

### **7.3 Marketing and Publicity of the Pro Bono Program**

A firm's pro bono work can be an effective publicity tool. Firms can include references to their pro bono programs on their websites or in client newsletters. The pro bono chairperson and marketing committee should collaborate and agree on how to best externally market the firm's pro bono program (see Section 2.3.3(g)). A firm's pro bono partnerships with recognizable institutions, offers to perform pro bono services in important matters of public interest and receipt of pro bono recognition in publications and other media (e.g., *Latin Lawyer's* annual pro

bono ranking) can be useful in attracting new clients and attorneys, distinguishing a firm from its competition, and promoting a pro bono program among attorneys. Overall, successfully run pro bono programs can improve a firm's image in its community, press and government as well as among its clients.

Media publicity can also benefit society by informing and awakening the public's consciousness about instances of injustice, social need or public interest. It assists the legal community by improving the image of attorneys in the community and enhancing trust in the legal system overall. It is important to note, however, that firms should research local law before publicizing their pro bono services because this kind of publicity may be restricted or limited by law or the bar associations in various Latin American countries.

#### **7.4 Building Relationships with Members of the Global Legal Community**

Pro bono can be a way for Latin American law firms to build relationships with firms in the United States and elsewhere around the world. For example, the Global Pro Bono Clearinghouse, established by the Vance Center, has connected New York law firms with Latin American law firms to collaborate on pro bono projects. Additionally, many associates or partners in New York law firms who specialize in Latin America are also involved in pro bono matters both in New York and Latin America.

A pro bono program also creates and strengthens relationships with judicial and governmental agents and representatives. Even if these individuals do not interact regularly with firm attorneys, it is always beneficial to have positive relationships with active members of the legal profession.

**ANNEX A**  
**PRO BONO DECLARATION FOR THE AMERICAS**

WHEREAS, access to justice and legal representation are essential to democratic societies;

WHEREAS, the resources of government and of legal services organizations are insufficient to satisfy the critical legal needs of poor and underprivileged persons and communities, often leaving these needs unmet;

WHEREAS, consequently, not all members of society have meaningful access to justice or effective legal representation, and this is especially the case for poor and underprivileged persons and communities;

WHEREAS, the absence of access to justice and legal representation undermines public confidence in governmental and judicial institutions and democracy;

WHEREAS, the legal profession has a privileged role and is uniquely positioned in matters of justice and therefore has the duty, means and opportunity to promote a fair and equitable legal system and respect for human and constitutional rights in collaboration with the State, the judiciary and legal services organizations;

WHEREAS, traditions exist across the Americas and new efforts are underway in several countries, including collaborations among bar associations, private and public interest law firms, law schools, foundations, governmental actors and non-governmental organizations, to address these pressing and unmet legal needs;

WHEREAS, a concerted movement across the Americas to promote access to justice through pro bono work would strengthen commitments to democracy and public service in the legal profession;

WE, the undersigned, solemnly declare our commitment to pro bono by stating as follows:

Members of the legal profession have a responsibility to provide pro bono legal services. This responsibility stems from the profession's role and purpose in society, and from its implicit commitment to a fair and equitable legal system.

Pro bono is derived from the Latin phrase *pro bono publico*, which refers to actions carried out "for the public good."

For purposes of this Declaration, pro bono legal services are those provided without a fee, or expectation of a fee, principally to benefit poor or underprivileged persons or communities or the organizations that assist them. They may include representation of persons, communities or organizations in matters of public interest who otherwise could not obtain effective representation. In addition, pro bono legal services can also benefit civic,

cultural and educational institutions serving the public interest who otherwise could not obtain effective representation.

Pro bono legal services should be provided with the same quality of representation as services provided to paying clients, and in a manner upholding the applicable ethical norms and standards.

Effective delivery of pro bono legal services requires cooperation among the different actors in the legal profession – including bar associations, private and public interest law firms, law schools, foundations, governmental actors and non-governmental organizations.

WE, the undersigned, each in a manner consistent with our respective roles in the legal profession, commit to:

Act to improve effective legal representation for poor or underprivileged persons and communities;

Enhance widespread and effective access to justice and to legal services for persons and communities who lack such access;

Provide, on a pro bono basis, more than 20 hours or three days of legal services per individual lawyer per annum, or in the case of law firms, institutions or other groups of lawyers, an average of more than 20 hours per lawyer per annum. This commitment should be met within three years of endorsing this Declaration;

Strengthen the profession's commitment to the provision and expansion of pro bono legal services by emphasizing its importance and practice in legal education;

Support the establishment, development and operations of non-governmental organizations dedicated to the delivery of legal services in the public interest; and

Advocate and promote within the profession for the recognition and promotion of pro bono legal services as part of lawyers' ethical standards and obligations.

This Declaration is not intended to alter or supersede any existing legislation, resolution or ethical code in any jurisdiction, firm or institution that is more conducive to the provision of pro bono legal services.

This Declaration will be effective from January 1, 2008.

**ANNEX B**  
**MODEL PRO BONO MANUAL**

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**PRO BONO MANUAL**

**[LAW FIRM NAME]**

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Index

1.	The Firm's Commitment to Pro Bono Services .....	1
2.	Purpose of the Pro Bono program.....	1
	2.1.....Definition of Pro Bono Legal Services .....	1
	2.2.....Services not considered Pro Bono .....	1
3.	Structure of the Pro Bono Program.....	2
	3.1.....The Pro Bono Coordinator .....	2
	3.2.....The Pro Bono [Committee] [Chairperson] .....	3
4.	The Pro Bono Process .....	3
	4.1.....Opening a New Matter.....	3
	4.2.....Supervision of Matters .....	5
	4.3.....Standard of Services .....	5
	4.4.....Registration Time.....	5
	4.5..... Expenses.....	6
	4.6..... Closing of a Pro Bono Matter.....	6
	4.7..... Evaluation.....	6

## Annexes

- Annex 1 - Format of Application for Opening a New Pro Bono Case
- Annex 2 - Format of Pro Bono Commitment Letter
- Annex 3 - Format of Reporting Pro Bono Work
- Annex 4 - Format of Pro Bono Services Termination Letter
- Annex 5 - Format of Attorney Pro Bono Work Evaluation

## **1. The Firm's Commitment to Pro Bono Services**

At our firm we believe that attorneys have the responsibility to offer pro bono legal services. This responsibility comes with the role that attorneys play in society, and from their commitment to a just and equitable legal system.

The firm has a commitment to pro bono work, striving to offer free legal services to benefit impoverished or disenfranchised people and communities, and the organizations that help these individuals. Offering pro bono services to those in need demonstrates professional integrity and professional ethical values highly regarded by us.

Specifically, our firm, as a signatory of the *Pro Bono Declaration for the Americas*, has committed or will commit to completing a minimum average of 20 pro bono hours per attorney per year. The firm recommends that all attorneys complete this minimum number of hours.

Even though pro bono work is voluntary, our firm encourages all partners and associates to participate in the pro bono program. The firm also encourages partners to actively supervise associate pro bono work. Additionally, the firm expects that new attorneys work encourages at least one pro bono matter within the first year of their hiring at the firm.

## **2. Purpose of the Pro Bono Program**

### **2.1 Definition of Pro Bono Legal Services**

The term "pro bono legal services" means offering legal services either for free, or without the expectation of payment, and which benefit:

- (a) impoverished or disenfranchised people or communities;
- (b) organizations that assist these people;
- (c) people, communities or organizations of public interest that would otherwise be unable to obtain legal counsel
- (d) civic, cultural, and educational institutions serving a public interest that would otherwise be unable to obtain legal counsel.

### **2.2 Services not Considered Pro Bono**

Although many of the following services and activities are ones our firm both approves of and supports attorney involvement in, they are not considered pro bono legal services:

- (a) volunteer services or activities that benefit the community, but do not involve legal services;

- (b) legal services benefiting family members or friends;
- (c) serving as a paid director of organizations, bar associations, or civic, cultural, religious or educational institutions;
- (d) serving an academic post at a faculty of law;
- (e) publishing law review articles or books;
- (f) free legal services that are performed as obligatory to a law or regulation; and
- (g) legal services for which payment is subject to a condition, including obtaining a favorable judgment, or with the expectation of being paid, either in the present or in the future.

### **3. Structure of the Pro Bono Program**

#### **3.1 Pro Bono Coordinator**

The firm will have a pro bono coordinator ("Pro Bono Coordinator") in charge of supervising the pro bono program.

The Pro Bono Coordinator will have the following responsibilities:

- (a) Implement all program measures and ensuring that the program complies with "The Pro Bono Process" contained in Section 4;
- (b) identify attorney fields of expertise in the firm, and identifying their interest in performing pro bono work;
- (c) maintain daily contact and communication with the institutions that the firm has engaged as pro bono partners (among them NGOs, bar associations, governmental organizations and other institutions);
- (d) distribute pro bono matters to the firm's attorneys;
- (e) monitor the status of active pro bono matters, and help guide attorneys in their pro bono work;
- (f) advertise pro bono program in the firm, especially among new attorneys;
- (g) obtain approval of large expenses relating to pro bono matters;
- (h) regularly inform the Pro Bono [Chairperson] [Committee] at the firm about the program and the matters that the firm has undertaken.

### 3.2 Pro Bono [Chairperson] [Committee]

The program will have a pro bono [chairperson] [committee] ("Pro Bono [Chairperson] [Committee]") in charge of the administration of the pro bono program.

[The Pro Bono Committee will contain [\_\_\_\_] members, comprised of [\_\_\_\_] partners, [\_\_\_\_] associates, and the Pro Bono Coordinator.]

The Pro Bono [Chairperson] [Committee] will have the following duties:

- (a) supervise the firm's pro bono program and may assist in the functions of the Pro Bono Coordinator;
- (b) approve new pro bono matters;
- (c) approve the budget of the pro bono program;
- (d) approve the creation of pro bono partnerships (with institutions such as NGOs, bar associations, governmental bodies and other institutions);
- (e) determine policy regarding promoting and recognizing pro bono work within the firm;
- (f) determine policy regarding marketing and external promotion of the pro bono program; and
- (g) annually evaluate the firm's pro bono program.

## 4. The Pro Bono Process

### 4.1 Opening of New Cases

The following process should be followed when opening a new pro bono matter:

- (a) Pro Bono Request: If an attorney is interested in opening a new pro bono matter, they should complete a "Request to Open a New Pro Bono Matter" that conforms to the format in Annex 1 ("Pro Bono Request"). The Pro Bono Request should be signed by the responsible attorney (the "Responsible Attorney"), the supervising partner (the "Supervising Partner") and the Pro Bono Coordinator. Among other things, the Pro Bono Request contains information about the potential pro bono client and describes the required services involved.

Although the firm expects that the majority of pro bono matters will come from pro bono opportunities that the Pro Bono Coordinator refers to attorneys through regular emails, attorneys may directly propose pro bono opportunities. In these cases, attorneys should complete a Pro Bono Request form and follow the process detailed in Section 4.1

(b) Review of Conflicts of Interest

Once a Pro Bono Request has been completed and signed, any conflicts of interest that may exist with firm clients should be checked. For such purposes, the review should follow the same procedure as that of new commercial clients. Likewise potential new business must be reviewed prior to accepting a pro bono matter. The result of these reviews should be included in the Pro Bono Request.

(c) Approval of the Pro Bono [Chairperson] [Committee]

Upon completion of the review of potential conflicts of interest, the Pro Bono Application must be submitted to the Pro Bono [Chairperson] [Committee] for the approval of the pro bono matter.

The Pro Bono [Chairperson] [Committee] should review:

- (i) if there are conflicts of interest with existing or potential clients, including pro bono clients;
- (ii) if the required services correspond to those defined here as pro bono legal services; and
- (iii) if there is any extraordinary situation in which the pro bono case should not be accepted (such as adverse public attention to the pro bono case, or if it can be extremely costly to the firm to accept the pro bono matter).

If a pro bono matter is not accepted, then the reasons for the decision should be recorded on the Pro Bono Request.

(d) Pro Bono Commitment Letter

Once the opening of the new matter is approved, the firm and the client must sign a "Pro Bono Commitment Letter", according to the format that is attached as Annex 2 ("Pro Bono Commitment Letter"). The Pro Bono Commitment Letter should describe the nature, characteristics and scope of services required and the treatment of costs.

(e) File Creation.

Once the Pro Bono Commitment Letter is signed, a file must be opened for the new pro bono matter. For such purposes, the file creation should follow the same procedure as that of new commercial clients. Each file on a pro bono client should be kept in the same way as those maintained for commercial clients.

## **4.2 Supervision**

Each pro bono case should have a Supervising Partner. The Supervising Partner should review the work product and assist as the Responsible Attorney when necessary. If a firm partner is also the Responsible Attorney in a pro bono matter, then it is not necessary to have another Supervising Partner.

Each Responsible Attorney should inform the Supervising Partner regularly of the status of the pro bono case. Also, each Responsible Attorney should immediately inform the Supervising Partner and the Pro Bono Coordinator in the event of any failure or otherwise adverse circumstance to the interests of the pro bono client.

Each Responsible Attorney should send a "Pro Bono Work Report", in the format as attached in Annex 3 to the Pro Bono Coordinator (with a copy to the Supervising Partner) every 6 months.

#### **4.3 Standard of Services**

The pro bono legal services provided by our firm must meet the same standards as those provided to our business clients. The attorneys that work on a pro bono case must have the same dedication and professionalism that they have when working with matters involving commercial clients, and the Supervising Partners are to ensure that these standards are met.

#### **4.4 Registration Time**

The attorneys that work on pro bono matters should register their working time regularly. For these purposes, attorneys must register their time with the same promptness and in the same way as time is recorded for commercial clients.

Regarding expectations of hours, compensation and attorney promotion, the firm will consider hours worked for pro bono clients just as if they were hours billed to commercial clients.

#### **4.5 Expenses**

Pro bono clients should not pay for routine office expenses, such as photocopies, telephone usage or postage.

Unless otherwise agreed to in the Pro Bono Commitment Letter, extraordinary expenses will be borne by the client, such as costs or charges in connection with obtaining copies of authorized or authentic documents; license applications; submission of documents; requests or complaints before courts or government entities; notary or clerk costs; translations; technical reports; long distance or international calls; shipping of documents; and travel costs.

In the case where the extra costs have to be paid by the firm, the Responsible Attorney must obtain authorization from the firm prior to incurring any such expenditure.

All attorneys that work on pro bono cases will make their best efforts to ensure that the costs associated with them are reasonable.

#### **4.6 Completion of a Pro Bono Case.**

When a pro bono case ends, the Responsible Attorney must inform the Pro Bono Coordinator and the Supervising Partner of the situation and the result, if any. The Responsible Attorney should, likewise, send the pro bono client a "Pro Bono Services Termination Letter", in the

format as attached in Annex 4, informing the completion of the pro bono case and thus, of the agreed services.

The files of the completed pro bono cases will be stored in the same manner as that of commercial clients.

When a Responsible Attorney of a pro bono matter leaves the firm or finds they are unable to work on the case for some reason, they should inform the Pro Bono Coordinator and the Supervising Partner of this situation, as well as inform them of the state of the case and if there are any urgent tasks. The Pro Bono Coordinator will make their best efforts to assign the case to another attorney at the firm as soon as possible. The departing attorney should take all the measures necessary for the adequate representation of the pro bono client in the interim.

#### **4.7 Evaluations**

Pro bono work will be included as a special item in the general evaluations the firm periodically performs of its attorneys. Not disregarding the assessment of the content of the work done, the mere completion of pro bono work in an evaluation period is looked upon favorably.

Pro bono work will be evaluated in accordance with the firm's evaluation policy, utilizing the format of the "Attorney Pro Bono Work Evaluation" which is attached as Annex 5.

## ANNEX 1

### FORMAT OF REQUEST TO OPEN A NEW PRO BONO MATTER

#### Request to Open a New Pro Bono Matter

For	:	
From	:	
Date	:	
Ref.	:	

**NAME OF RESPONSIBLE  
ATTORNEY:**

**NAME OF SUPERVISOR:**

**NAME OF ORGANIZATION (IF  
APPLICABLE):**

**NAME OF PRO BONO  
CLIENT:**

**NAME OF THE CONTACT PERSON (AT  
ORGANIZATION):**

**PRO BONO CLIENT CONTACT  
INFORMATION:**

**NAMES OF THE OPPOSING PARTIES (IF  
APPLICABLE):**

**DESCRIPTION OF THE PRO BONO CASE AND SERVICES  
REQUIRED:**

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**ESTIMATE OF TIME REQUIRED:**

**ESTIMATE OF COST:**

**REVISION OF CONFLICT OF  
INTEREST:**

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Responsible Attorney

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Supervising Partner

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Pro Bono Coordinator

**APPROVED BY PRO BONO [CHAIRPERSON] [COMMITTEE] ON**

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**REJECTED BY PRO BONO [CHAIRPERSON] [COMMITTEE] ON**

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**COMMENTS BY PRO BONO [CHAIRPERSON] [COMMITTEE]:**

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## ANNEX 2

### FORMAT OF PRO BONO COMMITMENT LETTER

#### Pro Bono Commitment Letter

[Date]

[Name of Client]

[Client's Address]

Ref: Pro Bono Representation

Dear [name of client]:

This letter is to confirm that we have agreed to provide the pro bono services identified herein. It also establishes the relations between the parties and the scope and terms of such services.

We have agreed to represent you in connection with *[description of pro bono case]*. Our services will consist of *[description of pro bono services]*. Services will be limited to the above and will be normal and reasonable for this type of case.

In case additional services are required over those detailed in this letter, if a change in circumstances modifies these services, or if you require other services, we will gladly discuss the possibility of continuing or beginning new representation, according to the case. If the parties come to an agreement, a new commitment letter will be signed.

The aforementioned legal services will be offered on a pro bono basis, meaning they are free and no fees will be charged for providing them. Neither will you be charged for routine office expenses, such as photocopies, telephone usage or postage.

**[OPTION ONE:** Our firm will also pay, without reimbursement, all other reasonable costs and expenses that are customary in connection with the rendering of our services. These include costs and expenses arising from obtaining authorized or authenticated copies of documents; license applications; and submissions of documents; requests or complaints before courts or government agencies; notary or clerk costs; translations; technical reports; long distance or international calls; shipping of documents; and travel costs.]

**[OPTION TWO:** Notwithstanding the above, you will be responsible and must pay the costs and other expenses that are incurred in connection with the rendering of our services. Such costs and expenses include, but not limited to, those arising from obtaining authorized or authenticated copies of documents; requests for certificates; presentation of documents; requests or complaints before the courts or governmental agencies; notary or clerk costs; translations; technical reports; long distance or international calls; shipping of documents; and travel costs. Our firm will record such costs and expenses, and will ask for reimbursements.]

**[OPTION THREE:** Notwithstanding the above, you will be responsible and must pay the costs and other expenses that are incurred in connection with the rendering of our services. Such costs and expenses, include, but not limited to those arising from obtaining authorized or authenticated copies of documents; requests for certificates; presentation of documents, requests or complaints before the courts or governmental agencies; notary or clerk costs; translations; technical reports; long distance or international calls; shipping of documents; and travel costs. Before incurring any costs and expenses mentioned above, you will be informed in time to advance us the amount required.]

We reserve the right to terminate the provision of our services at any time, without prejudice to take all emergency measures that may be necessary for adequate protection of your rights. If such termination occurs, we will send a letter of termination of services.

You agree to (i) cooperate in everything that is necessary for adequate provision of our services, (ii) timely report any changes in telephone number, email or address, (iii) pay or reimburse, as appropriate, costs and expenses incurred as described in this letter, (iv) timely report any new developments regarding your case or changes in circumstances which may be relevant, (v) contact us regularly to know the status of your case, and (vi) inform in writing if you would like to terminate our services.

If you agree with the contents of this letter and in particular with the scope, characteristics and conditions of the services detailed in it, please return a signed copy of it as soon as possible.

Sincerely,

[Name of the law firm]

I accept the terms and conditions of this letter on \_\_\_\_\_.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

**ANNEX 3**

**FORMAT OF PRO BONO WORK REPORT**

Pro Bono Work Report

Date: \_\_\_\_\_

Pro Bono Client Code: \_\_\_\_\_

Pro Bono Client Name: \_\_\_\_\_

Name of Responsible Attorney: \_\_\_\_\_

Name of Partner Supervisor: \_\_\_\_\_

We would appreciate it if you would send as soon as possible a copy of this report to the Pro Bono Coordinator and a copy to the Partner Supervisor.

1. Indicate the current status of the pro bono case \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Indicate if you have had a problem or an inconvenience in relation to the pro bono case \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Indicate the steps taken and the progress that has taken place since the last reporting date or acceptance date of the pro bono case, as appropriate \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Indicate what next steps or efforts need to be taken \_\_\_\_\_

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5. Indicate when was the last date of contact with pro bono client \_\_\_\_\_

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7. Indicate any additional or relevant comments \_\_\_\_\_

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\_\_\_\_\_  
Responsible Attorney

## ANNEX 4

### FORMAT OF PRO BONO SERVICES TERMINATION LETTER

#### Pro Bono Services Termination Letter

[Date]

[Name of Client]  
[Client's Address]

Ref.: Pro Bono Representation [case name].

Dear [client name]:

[**OPTION ONE:** This letter is to inform you [brief description of the case and its conclusion] and, consequently, of the termination of our legal services in connection with above-referenced case.]

[**OPTION TWO:** Through this letter, in accordance with the Pro Bono Commitment Letter [dated], we inform you that at this time that we have decided to terminate our legal services in connection with the above-referenced case.]

We are pleased to have been able to represent you and in case you should need legal representation in the future in any other case, please contact us to discuss the option to represent you.

Attached to this letter is the documentation related to the above-referenced case. We inform you that according to our firm's policy, we will keep a copy in our records.

In case you have any questions or queries regarding this letter, please do not hesitate to contact us.

Wishing you the best in the future.

Very truly yours,

[Name of the law firm]

**ANNEX 5**

**FORMAT OF ATTORNEY PRO BONO WORK EVALUATION**

Attorney Pro Bono Work Evaluation

Date: \_\_\_\_\_

Evaluated Attorney: \_\_\_\_\_

Evaluating Attorney: \_\_\_\_\_

Case: \_\_\_\_\_ Code: \_\_\_\_\_

1. Designate a value from 1 to 10 representing your opinion of the attorney evaluated for each of the following areas of evaluation:

- Drafting of Documents \_\_\_\_\_
- Presentation of Documents \_\_\_\_\_
- Attention to Details \_\_\_\_\_
- Research Capacity \_\_\_\_\_
- Capacity to Follow Instructions \_\_\_\_\_
- Initiative \_\_\_\_\_
- Critical Thinking \_\_\_\_\_
- Ability to Accept Criticism \_\_\_\_\_
- Relationship with Co-Workers \_\_\_\_\_
- Ability to Prioritize and Manage Multiple Tasks \_\_\_\_\_
- Timely Delivery of Documents \_\_\_\_\_
- Professionalism \_\_\_\_\_
- Dealing with Pro Bono Client \_\_\_\_\_
- Regular Contact with Pro Bono Client \_\_\_\_\_

2. Description of strengths of the attorney evaluated \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Description of weaknesses of the attorney evaluated \_\_\_\_\_

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4. Additional Comments \_\_\_\_\_

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**ANNEX C**  
**PRO BONO QUESTIONNAIRE FORMAT**

## PRO BONO QUESTIONNAIRE

Name: \_\_\_\_\_

Area: \_\_\_\_\_ Extension: \_\_\_\_\_

*My areas of interest to work in pro bono are the following:*

- |  |  |
|--|--|
| <input type="checkbox"/> Workers Rights/Social Security      | <input type="checkbox"/> Consumer Rights           |
| <input type="checkbox"/> Constitutional Law                  | <input type="checkbox"/> Women's Rights            |
| <input type="checkbox"/> Environmental Law                   | <input type="checkbox"/> Domestic Violence         |
| <input type="checkbox"/> Termination of Lease/Accommodations | <input type="checkbox"/> Human Rights              |
| <input type="checkbox"/> Criminal Rights                     | <input type="checkbox"/> Non-Profit Organizations  |
| <input type="checkbox"/> Family Rights                       | <input type="checkbox"/> Small Businesses          |
| <input type="checkbox"/> Civil Rights                        | <input type="checkbox"/> Real Estate Law           |
| <input type="checkbox"/> Inheritance Rights                  | <input type="checkbox"/> Immigration/Asylum Rights |
| <input type="checkbox"/> Access to Information               | <input type="checkbox"/> Litigation                |
| <input type="checkbox"/> Tax Law                             | <input type="checkbox"/> Administrative Law        |

*I would like to be informed of pro bono cases:* Yes \_\_\_\_\_ No \_\_\_\_\_

*I would like to work on pro bono cases:* Yes \_\_\_\_\_ No \_\_\_\_\_

*Comments:*

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