

STANDING COMMITTEE
OF THE
COURT OF APPEALS
ON PRO BONO LEGAL SERVICE

STATE ACTION PLAN AND REPORT

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**State Pro Bono Action Plan
and
Report of Standing Committee on Pro Bono Legal Service**

INTRODUCTION

In 2002, the Court of Appeals of Maryland adopted three new rules regarding the development and practice of pro bono legal services:

1) Rule 16-901 established the Court's Standing Committee on Pro Bono Legal Service and charged it with the development of a State Pro Bono Action Plan;

2) Rule 16-902 created local pro bono committees with the responsibility of developing local action plans; and

3) Rule 16-903 required annual reporting of pro bono hours on a Pro Bono Legal Service Report form.

The Court also modified Rule 6.1 by refining the definition of pro bono *publico* legal service and by establishing 50 hours of annual service as an aspirational goal.

The Standing Committee respectfully submits this State Pro Bono Action Plan and Report in compliance with Rule 16-901. (For a list of Standing Committee members, see **Appendix A**). The purpose of this Plan is to "promote increased efforts on the part of lawyers to provide legal assistance to persons of limited means." Rule 16-901 (c) (1). In the Plan, the Committee:

- a. reviews evidence of the need for pro bono services;
- b. reviews the existing pro bono system in Maryland;
- c. reviews and assesses the results of the Local Pro Bono Action Plans and makes recommendations for changes to the local committee rule and practices for local committees;
- d. assesses the data generated by the reports required by Rule 16-903 and makes recommendations for changes to the reporting form; and
- e. makes recommendations for enhancing judicial involvement in promoting pro bono service and the system of delivery of pro bono legal services.

After three years of study, extensive work with the local pro bono committees, and input from various stakeholders around the state, the Standing Committee developed this State Pro Bono Action Plan. The Plan encompasses an extensive description of the legal needs, the scope and extent of pro bono legal services in the state, a summary of the local plans and a series of recommendations for the Standing Committee, Court of

Appeals, the Administrative Office of the Courts (AOC) the bar, the bench and the legal services community. The Standing Committee submits this Plan with the understanding that it is a work in progress which should be evaluated and revised as various local committees complete their plans and as others revise their plans in response to the changing legal needs of their communities.

Since the submission of the original Action Plan in 2005, several of the recommendations have been implemented. Others are in the process of being implemented. The status of those recommendations is incorporated in the revisions to this Plan.

EXECUTIVE SUMMARY

Studies on national, state and local levels demonstrate that a substantial portion of the legal needs of those with limited means remain unmet. In Maryland, despite the extraordinary efforts of staffed legal services programs, pro bono referral programs and a bar with a strong tradition of pro bono service, many poor Marylanders are unable to obtain access to lawyers to assist them with their legal problems. Although efforts of pro bono lawyers cannot address the entire unmet need, the bar has substantial untapped resources which, if mobilized, could greatly increase access to justice for those in need.

The Standing Committee has convened monthly since November of 2002 to help marshal the pro bono reporting process and analyze the results, conduct surveys to identify legal needs, facilitate organization of the local committees and provide materials and resources to the committees to assist them in their planning efforts. The Standing Committee has also met with local committees and organized regional meetings to foster the development of local pro bono plans. Local committees have formed throughout the state, and to date, nineteen (19) have produced local pro bono plans.¹ Planning on the local level has resulted in significant and innovative pro bono initiatives, some of which are summarized in this report.

The efforts of the Standing Committee and local committees have consisted of extraordinarily hard work by volunteers who have been dedicated to increasing access to justice. The efforts have been particularly effective where the judiciary has played a significant role. As a result of this work and the local plans, the Standing Committee is making twenty (20) specific recommendations. Those recommendations are found at **Appendix B**. A few of the key recommendations are summarized below:

1. Specific changes to Rule 16-902 to increase judicial involvement on local committees and to provide for the continuity and stability of local committees;
2. The publication of a Best Practices Manual on pro bono development;

¹ The only counties which have not submitted formal plans to date are: Cecil, Garrett, Kent, Queen Anne's and St. Mary's counties.

3. A mechanism by the Administrative Office of the Courts (AOC) for funding pro bono initiatives of local committees;
4. Increased publicity of training opportunities and expanded recruitment of pro bono lawyers to specifically address the unmet family law need;
5. Modification of government agency policies and practices to support pro bono legal work; and
6. Encouragement of judicial leadership and involvement in pro bono activities.

I. EVIDENCE OF THE UNMET LEGAL NEED

A. National, State and Local Studies

National, state and other studies have consistently found that the legal needs of the poor remain unmet.² In 1994, the ABA performed a national study to assess the legal needs of low- and moderate-income individuals.³

- ❖ Approximately half of the study participants had experienced a legal problem during the past year, but nearly three-quarters of the low-income households and nearly two-thirds of the moderate-income households had not received legal assistance.⁴
- ❖ The most common categories of unmet legal needs reported dealt with issues relating to personal finance and consumer problems, housing and property, community and regional issues including inadequate police and other municipal services, and family and domestic issues.⁵

Statewide studies have reached the same distressing conclusion: the legal needs of the poor, including the elderly, children, the disabled and victims of domestic violence are not being adequately addressed. Studies of unmet legal needs conducted in Maryland mirror the findings of other states. Although Maryland is one of the wealthiest states in

² Dissatisfaction with the legal system is common among unrepresented persons. *See generally*, D. Michael Dale, *The State of Access to Justice in Oregon. Part I: Assessment of Legal Needs*. Sponsored by the Oregon State Bar, the Oregon Judicial Department, The Office of Governor John Kitzhaber (Mar.31, 2001) (on file with the Legal Aid Bureau, Inc.) (Studies conducted in Oregon found that almost 75% of people have negative feelings about the legal system when they are unrepresented. By contrast, most people who are represented report feeling positive about the legal system).

³ American Bar Association, Consortium on Legal Services and the Public, *Legal Needs and Civil Justice. A Survey of Americans. Major Findings from the Comprehensive Legal Needs Study* (1994).

⁴ *Id.* at approx. 1.

⁵ *Id.* at approx. 3.

the United States, nearly half a million Maryland residents - including 141,000 children and over 50,000 individuals aged 65 and older live below the poverty threshold.⁶ In 2005, “poverty level” is defined as having an annual income of \$19,350 for a family of four.

The numbers based on the poverty level are merely the tip of the iceberg. Hundreds of thousands of Marylanders live above the poverty line but struggle daily to provide adequate shelter, food, medicine and other necessities for themselves and their families.⁷ For them, a lawyer (and justice) is an unlikely, unimaginable, and unobtainable luxury.

In 1995, a survey of legal needs found that low to moderate income Marylanders experienced at least one legal problem in the previous year, but less than a third contacted an attorney.⁸ Of those who contacted a lawyer, almost a third did not obtain representation.⁹ The most commonly cited legal problems experienced by low to moderate income Marylanders who participated in the survey were problems relating to housing, employment, consumer and family law. None of the survey respondents who had legal needs related to housing had obtained legal representation to assist them.¹⁰

According to Maryland’s primary legal needs study conducted by the Maryland Legal Services Corporation’s Advisory Council in 1988, only 20% of individuals who were experiencing a legal problem and who were eligible for legal assistance (from state-funded sources) actually received free help. Eighty percent did not.¹¹ Findings from a

⁶ In Maryland, 438,676 individuals live below the poverty level. U.S. Census Bureau, American Fact Finder, DP-3. *Profile of Selected Economic Characteristics: 2000. Maryland.* http://factfinder.census.gov/bf/_lang=en_vt_name=DEC_2000_SF1_U_DP1_geo_id=04000US24.html.

⁷ For a family of three, the poverty guideline is currently set at only \$1,340.00 a month. However, the cost of rent alone in some Maryland counties can exhaust that amount. For example, in Montgomery County, the average cost of monthly rent for a two-bedroom apartment is over \$1,100.00. Even with a housing subsidy, a family of three with income at or above the federal guideline may not be able to pay for other significant costs including food, clothes, daycare, medicine, educational supplies, and transportation. Recently, a study found that in order to make ends meet, a family of three living in Montgomery County needs an average income of \$4,085 per month, which is over three times the amount established by the federal guidelines. *See generally*, Diana Pearce, Ph.D., with Jennifer Brooks, *The Self-Sufficiency Standard for Maryland*. (Dec. 2001) Prepared for Advocates for Children and Youth and The Center for Poverty Solutions <<http://www.sixstrategies.org>>; *See also*, Ann O’Hara and Emily Cooper, *Priced Out in 2002* 1 (May 2003) (In 2002, the average rent for a one-bedroom apartment was equal to 105 percent of the SSI benefit amount received by individuals with disabilities) http://www.tacinc.org/cms/admin/cms/_uploads/docs/PO2002.pdf.

⁸ University of Baltimore, School of Law; University of Maryland, School of Law; Maryland Bar Association, *Maryland Legal Needs Assessment Survey*. Mason-Dixon Political/Media Research, Inc. 10 (Feb. 1995).

⁹ *Id.* at 10.

¹⁰ *Id.* at 9.

¹¹ *Action Plan for Legal Services to Maryland’s Poor*, A Report of the Advisory Council of the Maryland Legal Services Corporation (1988).

1992 study regarding access to justice in family law matters were even more disconcerting: 11% or less of low income persons who needed family law legal assistance received it.¹²

B. Restrictions and Limitations on Representing the Indigent

Approximately one million people in Maryland are financially eligible for free legal services.¹³ There are approximately two hundred attorneys who work for staffed legal services providers throughout Maryland. That translates to a ratio of approximately one (1) legal services attorney for every 5,000 poor Marylanders, while the overall ratio for the general population in Maryland is one (1) attorney for every 173 people.¹⁴

Because of inadequate resources, legal services providers must reject thousands of compelling cases. Providers are placed in the difficult position of having to prioritize which applicants most need their assistance. Many organizations perform a form of legal triage, accepting only the most critical cases, providing less help than would be optimal on many cases, or providing substantial assistance in a smaller number of matters that they believe will have a substantial impact on many.

As the only statewide, federally-funded staff legal services program, the Legal Aid Bureau's mandate is to provide civil legal services to low-income persons and the elderly. There are a few restrictions on the eligible population beyond income¹⁵ and several mandated restrictions on the type of legal needs that can be addressed.¹⁶ There are only enough funds to support approximately eighty attorneys to respond to legal

¹²Advisory Council on Family Legal Needs of Low Income People: A Joint Project of the Maryland Legal Services Corporation and the University of Baltimore School of Law, *Increasing Access to Justice for Maryland's Families* 50 (Mar. 1992). See also The MD Judicial Commission on Pro Bono, *Report and Recommendations*. (March 2000) (citing the *Action Plan for Legal Services to Maryland's Poor, A Report of the Advisory Council of the Maryland Legal Services Corporation* (1988)).

¹³ The Maryland Judicial Commission on Pro Bono, *Report and Recommendations*, *supra*, at 2.

¹⁴ According to the 27th *Annual Report* of the Attorney Grievance Commission of Maryland, there are 30,646 attorneys admitted into practice in Maryland. Maryland has an overall population of 5,296,486. U.S. Census Bureau, American Fact Finder, *DP-1. Profile of General Demographic Characteristics:2000 Maryland*.
http://factfinder.census.gov/bf/_lang=en_vt_name=DEC_2000_SF1_U_DP1_geo_id=04000US24.html.

¹⁵ The approximately 67,000 undocumented individuals and prisoners who Legal Aid cannot represent are but a fraction of the 1 million low-income individuals and the additional 500,000 elderly persons who make up the nearly 1.5 million persons potentially eligible for some type of services from Legal Aid.

¹⁶ Federal regulations prohibit representation in certain fee-generating cases, specified types of drug-related public housing evictions, redistricting, abortion, euthanasia and other cases – still, a very small percentage of the legal needs of the low-income and elderly.

needs statewide.¹⁷ As a result, Legal Aid has established strict case acceptance guidelines.

In the family law area, Legal Aid limits its representation (beyond advice, information and referral) to a narrow group of cases: custody issues where a child is at risk of abuse or neglect or where there is removal (threatened by lawsuit or actual) of a child from a long-term custodian; spousal support where the household is not eligible for subsistence income; and cases involving the Uniform Child Custody Jurisdiction Act. Thus, many custody and most visitation matters and divorces, as well as guardianships, adoptions, child support, name changes and other domestic matters, do not fall under the guidelines.¹⁸

Representation in housing cases is limited to priorities including: retaining public and subsidized housing, private breach of lease cases, mobile home evictions and substandard conditions. Advice and brief service is generally the only assistance Legal Aid can provide for a wide variety of other kinds of mistreatment by landlords.¹⁹

In 2004, the Legal Aid Bureau (LAB) reported that it served 46,431 clients and of those, 80% were given advice, brief service, negotiation without litigation, information or referral only. Removing the 7,000 Child in Need of Assistance (CINA) cases, the number served is reduced to approximately 40,000 and the number served with more than brief advice is only five (5%) percent. Approximately 7,134 additional cases were handled on a pro bono basis through attorneys affiliated with a Maryland Legal Services Corporation (MLSC) program. All MLSC grantees combined served 109,419 clients.²⁰

¹⁷ Although Legal Aid currently employs approximately 130 attorneys, approximately fifty of them solely represent children in Child in Need of Assistance cases, which are not included in the services discussed here. Of the remaining eighty, a number have supervisory and other duties which means that some of their time must be allocated to activities in addition to direct client representation.

¹⁸ In fact, most “garden-variety” custody disputes between recently-separated parents do not meet these guidelines, yet the demand for such representation is great. Further, the effect on primary caretakers and their children, many of whom suddenly find themselves living in poverty, and who are forced to proceed without representation, often against a represented spouse with greater financial resources, can be disastrous.

¹⁹ Housing and family law cases form a significant portion of LAB's practice, reflecting the high demand for these litigation-intensive areas of law. In addition, LAB assists clients to obtain and retain critically important public benefits and health care, and helps to protect basic workplace and consumer rights, as well as access to education, when there are no other providers to whom aggrieved individuals and families may turn. Within each of those areas, LAB has identified types of cases which are accorded "priority", based on the potential or actual effect on the safety, health, stability or self-sufficiency of those involved.

²⁰ Maryland Legal Services Annual Report, July 1, 2003- June 30, 2004.

C. Benefits of Representation

Studies have found that prompt legal representation can prevent a downward slide and can be a cost-effective stabilizing force. A recent study, addressing a Department of Justice report about the decline in incidents of domestic violence, found that the provision of legal services was one of three factors leading to the decline of domestic violence.²¹

In Maryland's overall legal needs study, the Department of Human Resources staff estimated that at their administrative hearings, when counsel was present (usually Legal Aid Bureau attorneys or paralegals) there was a 70-80% reversal rate in favor of the claimant as compared to 40-45% without counsel. Maryland Department of Health and Mental Hygiene staff also reported a 76% reversal rate (versus 46%) when claimants were represented by counsel.²²

Despite the fact that having a lawyer is often the single most important factor in obtaining meaningful access to justice, many of Maryland's poor seek legal representation but continue to be refused services because of a lack of resources. Substantially increasing the pro bono effort is one method to address, at least in part, the denial of access to justice.

II. THE PRO BONO SYSTEM IN MARYLAND

A. Development of Organized Pro Bono Programs

The first organized pro bono referral program began in 1973 in Montgomery County through the local bar association. In 1981, Maryland established the Maryland Legal Services Corporation (MLSC) as the state's Interest on Lawyers' Trust Account (IOLTA) program to fund legal services. The Maryland Volunteer Lawyers Service (MVLS) was created by the Maryland State Bar Association (MSBA) at the same time specifically to match volunteer lawyers around the state with clients in need. By 1989, MVLS and other pro bono referral and legal services programs funded by MLSC were referring approximately 1800 pro bono cases statewide.

In 1989, the MSBA embarked on a volunteer recruitment campaign called the "People's Pro Bono Campaign."²³ The Campaign included letters from then Chief Judge Robert C. Murphy with a survey to all licensed attorneys in the state. Close to 60% of the

²¹ See, Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, (finding that the provision of legal services, improved educational and economic status of women, and demographic trends, largely the aging of the population, were significant factors relating to the decline).

²² See, Action Plan for Legal Services to Maryland's Poor—A Report of the Advisory Council of the Maryland Legal Services Corporation (January 1988), p. 12.

²³ This was in response to the legal needs study's finding that less than twenty percent of Maryland's poor had access to an attorney and a recommendation that the Court adopt a mandatory pro bono rule. In lieu of such a rule, the MSBA pledged to the Court that it would superintend a major voluntary pro bono effort.

bar responded to the Court's survey and almost 80% of those who responded indicated that they had engaged in pro bono work or would be interested in doing so.²⁴

After the campaign, the MSBA created the People's Pro Bono Action Center, Inc. (PPBAC), the predecessor to the Pro Bono Resource Center of Maryland or PBRC as its "pro bono arm." PPBAC and, subsequently, PBRC began making referrals of thousands of potential volunteer lawyers who indicated interest in pro bono service to the various legal services programs around the state.

MLSC encouraged its grantees to develop or enhance their pro bono components. PBRC worked on behalf of the legal services providers to promote the need for legal assistance from the bar and to publicize opportunities for pro bono lawyers with those providers. PBRC also worked closely with the providers to assist them in developing their programs and provided technical assistance and litigation support services. By 1993, pro bono case placements through MLSC providers had tripled from 1800 to 5897 and the number of attorneys donating their time through an MLSC provider more than doubled. Approximately 20 MLSC programs used volunteer lawyers in some fashion.

In 1992, PBRC contracted with a nationally recognized legal services consultant, John A. Tull and Associates, to evaluate the pro bono delivery system in the state. Tull's findings were reported in *Furthering the Pro Bono Commitment in Maryland: An Assessment of the State's Volunteer Legal Services Delivery System*. Five of the most significant conclusions were:

- ❖ The overall pro bono delivery system is complex and diverse, offering volunteers a variety of ways to become involved. Although it appears to work effectively, it runs the risk of duplicating services and could benefit from greater coordination.
- ❖ The capacity of the pro bono system to encourage significant participation among private attorneys in rural areas and to increase access to clients in those areas will be enhanced to the extent that locally based programs can be established.
- ❖ The family law crisis is a systemic problem beyond the capacity of the pro bono network to address.
- ❖ Timely referrals and effective screening of cases is essential to facilitate pro bono case placements.
- ❖ There is a substantial amount of direct pro bono legal work occurring in the state.

The Tull study examined the motivation for pro bono service by surveying several thousand lawyers. Tull's observations confirmed that the vast majority of lawyers were

²⁴ *An Interim Report on Maryland's People's Pro Bono Campaign*, prepared by People's Pro Bono Action Center and the MSBA Special Committee on Pro Bono Legal Service, March 19, 1991, p. 3.

interested in volunteering in an area of law in which they practiced and that they donated their time because of a high sense of professional responsibility.²⁵ The study found a strong sense of community and independence, particularly in rural areas, where lawyers did not want to be affiliated with the bureaucracy of an organized program but wanted recognition of their direct pro bono service.

During the late 1990's, staff funding cuts and increased client demands reduced the effectiveness of the pro bono programs and case placements dropped. In 1998, MLSC grantees reported referring 8177 cases; in 1999 there were 7160 referrals; and 6405 in 2000. Programs reported finding it more difficult to attract new volunteers.

In 1998, the Court of Appeals of Maryland established the Judicial Commission on Pro Bono Legal Service to boost pro bono participation and increase awareness of the growing need for free and low-cost legal services. The Judicial Commission's purpose was to "investigate and make findings and recommendations about what role the Judiciary can and should play in expanding pro bono legal services" in the state.

The Judicial Commission published its Report and Recommendations in March of 2000 which included recommended changes to Rule 6.1 and a series of new rules which were the precursors to Rules 16-901 through 16-903.²⁶ In February of 2002, the Court adopted the current version of Rule 6.1 and Rules 16-901 through 16-903.²⁷

B. Structure of the Legal Services Delivery System

❖ Legal Aid Bureau (LAB)

The centerpiece of the legal services delivery system in the state is the LAB. The approximately 80 staff attorneys in thirteen offices statewide handle thousands of cases, primarily in the areas of housing, public benefits, consumer, employment and family law. LAB also maintains its own pro bono department and contracts with MVLS to place cases with the private bar to satisfy part of its federally mandated requirement that 12.5% of its field grant be spent on Private Attorney Involvement (PAI) activities.

²⁵ In responding to the question as to why they volunteer, many lawyers crossed out the choices and wrote in "because it's the right thing to do."

²⁶ The complete Report and Recommendations of the Judicial Commission on Pro Bono Legal Services can be found on the judiciary's website at: www.courts.state.md.us under the Maryland Pro Bono section.

²⁷ The Court did not adopt the precise language of the rules proposed by the Judicial Commission. The most notable differences were: 1) the exclusion of judges on the local pro bono committees; 2) the addition of sanctions for failing to report pro bono hours; and 3) the deletion of a suggested dollar amount for contributions to legal services organizations in lieu of pro bono service.

❖ Local Pro Bono Referral Programs

Currently, there are locally-based general pro bono referral programs in Allegany, Harford, Montgomery and Prince George's counties and all operate through the local bar associations' foundations.²⁸ There is also a regionally-based Mid-Shore Pro Bono Project covering Caroline, Dorchester, Queen Anne's and Talbot Counties. All are recipients of MLSC funds. MVLS maintains its primary office in Baltimore City, has several staffed projects in other areas and refers cases to lawyers in all counties except for Allegany, Montgomery, and Prince George's.²⁹ These programs often receive referrals from the LAB and other legal or social services programs and screen for income eligibility, merit and priority. They typically handle family law, landlord-tenant, bankruptcy, consumer, trusts and estates, school discipline, special education, domestic violence, tax and real estate issues.

❖ Specialized Legal Services Programs

Other legal services providers seek to fill particular gaps for a targeted client population or in a specialized issue area. For instance, the House of Ruth counsels domestic violence victims, HERO assists those with AIDS or HIV, the Homeless Persons Representation Project (HPRP) reaches the homeless and those in danger of becoming homeless, CASA of Maryland serves the day laborer and migrant community and the Maryland Disability Law Center (MDLC) is the statewide protection and advocacy program for people with disabilities.³⁰ Some of these programs are locally-based while others attempt to cover the entire state. Many of these programs use pro bono attorneys.

❖ Law School Clinics

Both the University of Baltimore and the University of Maryland Schools of Law offer clinical programs to their students where they handle cases for the indigent and underrepresented. These cases are limited but provide opportunities for law firms to help supervise the student attorneys and serve particular client and community needs.

C. Case Types and Issues Handled

²⁸ They are: Allegany Law Foundation, Inc., Harford County Bar Foundation, Inc., Montgomery County, Maryland Bar Foundation Pro Bono Program and the Law Foundation of Prince George's County.

²⁹ MVLS and other organizations who use pro bono lawyers provide malpractice insurance coverage, training, mentors and litigation support.

³⁰ There are number of other programs that fit this category as well, including Alternative Directions, Domestic Violence Center of Howard County, Legal Services to the Elderly, Baltimore Neighborhoods, Heartly House, Maryland Crime Victims Resource Center, Mid-Shore Council on Family Violence, St. Ambrose Housing Aid Center, Southern Maryland Center for Family Advocacy and the Women's Law Center.

There are a wide range of individual civil cases handled by volunteers working through MLSC providers. In 2004 for all programs combined, 40% were family law, 27% housing, 7% juvenile/CINA, 7% consumer and 3% income maintenance.³¹

Organizations such as the Community Law Center, Habitat for Humanity and other community groups retain business, employment and real estate lawyers as pro bono counsel for their organizational needs. Legal work for these organizations includes preparation of articles of incorporation and bylaws, negotiating contracts, avoiding home foreclosures, assisting with tax sales, preparing loan documents, and counseling on personnel issues. These organizations are able to use business lawyers to do pro bono work.³² While these opportunities are gaining in number, they still represent a small percentage of the cases offered to the private bar by organized programs.

A few legal services programs engage volunteers in impact work. Pro bono lawyers have assisted in significant law reform through complex litigation and legislative work. Lawyers who volunteer for such impact work spend extraordinary amounts of time and resources on these cases with little or no compensation.³³

❖ The Family Law Dilemma

By far the greatest demand for assistance is in family law. Family law cases consistently overwhelm the legal services delivery system and pro bono programs. Contested cases are the most difficult to place because they are time consuming and the pool of experienced family law practitioners is relatively small. Few non-litigators are willing to accept a domestic matter. Despite the huge need, there is no program that focuses specifically on comprehensive representation in family law cases.³⁴ As a result, a large number of cases are referred to the general pro bono referral programs.³⁵

³¹ MLSC does not request a breakdown of pro bono cases by type so that data is not available.

³² For instance, in Baltimore City, a number of firms joined in the Mayor's Project 5000 to acquire vacant and uninhabitable lots to be revitalized. MVLS has also utilized transactional lawyers for its Community Development Project.

³³ Programs like the Public Justice Center, the HPRP and the ACLU, have had success in using staff and pro bono lawyers to co-counsel on complex litigation matters. One of the issues for these programs, however, has been the conflicts of interest presented by impact work, precluding a number of firms from joining in lawsuits.

³⁴ The Women's Law Center focuses their attention on family law issues but primarily in the context of advocacy and policy. The Center operates a Family Law Hotline with the Legal Aid Bureau and runs a Legal Forms Helpline and a reduced fee custody project.

³⁵ Lack of staff resources spurred the creation of *pro se* assistance projects supported by the AOC, family law hotlines, and facilitation and mediation projects to help alleviate the burden. MLSC also funds a Reduced Fee Contested Custody Representation project that pays lawyers a reduced fee with a cap for certain cases. That model has helped but does not come close to addressing the numbers of calls for assistance.

D. Range of Pro Bono Services

Most pro bono lawyers working through organized programs are requested to represent an individual client. Requested services range from brief advice and counseling to negotiation and full-scale litigation. According to MLSC, pro bono lawyers through their programs provided a significant percentage of full-scale service. In fact, 11% resulted in litigation, with 39% consisting of consultation and 32% constituting brief advice.

A number of programs have devised innovative mechanisms for engaging volunteers to serve larger number of clients with more limited time commitments by reducing the scope of services. Those include answering legal hotlines, advising *pro se* litigants in court, staffing community legal clinics, mediating family law issues, conducting document reviews and offering public education. These discrete services provide a way to serve multiple clients with relatively modest resources.

Pro bono coordinators play a critical role in placement of pro bono cases and the development of a pro bono program. Coordinators typically call the volunteers, send email messages or post case scenarios on listservs to entice them to accept a case. The resources and support they receive from their organization significantly impacts the effectiveness of the program.

III. LOCAL PRO BONO ACTION PLANS

Rule 16-902 directs each local pro bono committee to assess the needs in the county for pro bono legal service, determine the nature and extent of existing services, establish goals and priorities, and prepare a Local Pro Bono Action Plan. As of June 2005, the Standing Committee had received pro bono action plans from eleven of the twenty-four jurisdictions charged with formulating plans.

To date, nineteen (19) jurisdictions have submitted plans and several are in the final drafting stages.

A. Summary of Plans

ALLEGANY COUNTY

The Allegany Pro Bono Committee, chaired by Kathleen Callan, Esq. submitted its plan on June 26, 2006. The committee had been meeting since October 2004. The plan lays out in detail the work of the Allegany Law Foundation, Inc. (ALF) as the primary pro bono referral organization in the county, and its relationship with the Legal Aid Bureau (in which the ALF is housed), the Office of the Public Defender (OPD), the courts and social services agencies.³⁶

³⁶ The Standing Committee conducted a needs survey of legal services programs statewide to assist the local committees in their assessment. The results were sent to each county. The Committee also developed sample surveys for human/social services agencies and clients which it offered to tabulate for those committees utilizing them. A few committees conducted lawyer surveys as well.

The committee conducted an informal survey of interested court personnel and used the Standing Committee's survey to assess the needs from human and social services agencies. Approximately 60 surveys were mailed to agencies and 23 responses were received. The committee also sent surveys to senior centers in the county to obtain client feedback. The top areas of legal need identified were:

1. Family law;
2. Landlord tenant; and
3. SSI issues.

The ALF focuses primarily on family law, housing, consumer/finance and trusts and estates work (wills, powers of attorney, and advance directives) and plans on maintaining that focus. The latter caseload stems largely from ALF's Title IIIB work for clients over 60 years of age. The committee found that they did not seem to need special assistance for non-English speaking individuals.

The committee described the existing delivery system as comprised of five main service mechanisms: the informal method of volunteer lawyers accepting cases on their own, and the formal program structure of the LAB, the ALF, the OPD, and court appointments. ALF has 69 attorneys on its volunteer panel of which 25 were directly involved in rendering legal services in the prior year. In addition to accepting individual cases, volunteer lawyers staff the Self-Help Legal Clinics at the courthouse and library, represent clients in reduced fee custody cases, and participate in community outreach programs.

The number one obstacle to addressing the needs of the low-income community was identified as the overwhelming number of requests for assistance in the family law arena. These cases consume significant amounts of volunteer time and are difficult to place.

Allegany's plan contemplates maintaining the existing legal services structure while attempting to expand the volunteer pool. More specifically, the plan calls for:

1. a specific goal of increasing the volunteer attorney pool by 30 lawyers over the next three years;
 2. improvement of contested custody case placements through the Reduced Fee Custody Project;
 3. greater involvement in the *pro se* Litigants Clinic;
 4. reestablishing pro bono committees of ALF and the bar association;
 5. enhanced recognition of the pro bono lawyers' contributions;
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6. free training for pro bono lawyers;
7. promotion of pro bono service in non-family law areas;
8. community education programs at senior centers, housing programs and the mediation center; and
9. new fundraising events.

ANNE ARUNDEL COUNTY

Kevin M. Schaffer, Esq., President of the Anne Arundel County Bar Association and Mina Naddaf, Esq., served as Co-Chairs of the Anne Arundel County Committee which submitted its plan on May 28, 2004. The committee used the statewide survey of legal services programs conducted by the Standing Committee and sent a second survey to twenty social/human services agencies in Anne Arundel County. The results identified the following as the legal issues most often mentioned by potential clients:

1. child support;
2. consumer finance/bankruptcy, collection/loans;
3. public and subsidized housing; and
4. child custody/visitation.

The survey of social/human services agencies identified the following as the top three legal problems which were not being addressed:

1. child support;
2. child custody/visitation; and
3. public and subsidized housing.

A number of legal services organizations provide services in Anne Arundel County. They identified a number of obstacles to addressing the needs of people of limited means, including the following:

1. limited resources of time and staff to train and support pro bono attorneys;
2. emergency cases where clients often need immediate help;
3. attorneys not willing to take time-consuming cases with long-term commitments;
4. attorneys lacking knowledge of special areas of law affecting low income clients; and
5. a sense that a staff legal services model is more effective and efficient for clients.

The committee has established a plan to implement the following strategies:

1. obtain authority and funding to engage a coordinator for pro bono services through an existing provider;
2. establish a working relationship through a memorandum of understanding between the committee and institutional providers of legal services;
3. develop and implement a recruitment program to attract more lawyers to accept cases and to connect those lawyers with the institutional providers;
4. in cooperation with the Anne Arundel Bar Association, implement a training regimen for newer attorneys accepting pro bono cases;
5. conduct annual recognition events;
6. develop a plan to contact each lawyer not involved in pro bono work to solicit contributions to legal service organizations; and
7. improve the distribution of written information on how to obtain pro bono legal services.

BALTIMORE CITY

The Baltimore City Pro Bono Committee submitted its final plan in December of 2005.³⁷ The committee conducted a needs assessment utilizing the Standing Committee's survey and received a 28% response rate from human services providers. The results of those surveys were not articulated in the plan; however, so it is unclear to what extent the assessment shed any light on the existing legal needs in the city.

The plan lists 18 agencies that provide legal services to the city's residents (some of which include services to those outside the city as well). It also describes the pro bono participation rate as reported by the AOC as approximately 50%, with 21% of all full-time lawyers doing 50 hours or more of pro bono service. The committee believes that the obstacles to engaging more volunteer lawyers include:

1. an insufficient number of attorneys willing to handle cases outside their area of expertise (e.g. corporate attorneys);
2. a sense of burn-out by family law practitioners;
3. changes in the bankruptcy laws that have caused private lawyers to cease accepting bankruptcy cases;
4. government attorney prohibitions against engaging in pro bono work; and
5. language barriers.

The committee's strategy for increasing participation is multi-dimensional,

³⁷ The Committee was initially co-chaired by Cornelia Bright Gordon, Esq. and Bobbie Steyer, Esq. Leadership apparently changed prior to the submission of the final plan.

including a number of approaches directed at various segments of the legal community. The key strategy for the Bar Association of Baltimore City is to establish a permanent pro bono committee within the association, in partnership with the local committee and to promote pro bono involvement at all bar events. Some of the other major initiatives are:

1. Encouraging the bench to give “right of way” to pro bono cases on the docket;
2. Having judges recognize pro bono contributions and participate in lawyer training;
3. Requesting PBRC to coordinate more frequent training programs in key areas of need;
4. Partnering with the Maryland Association of Non-Profits (MANO) to host sessions about legal services for outreach purposes;
5. Printing a brochure about legal services in English and Spanish to be distributed to social services agencies, religious and civic groups;
6. Encouraging financial contributions if attorneys cannot volunteer;
7. Working with the District and Circuit Courts to hire bi-lingual staff and to train volunteers to help steer people through the judicial process; and
8. Expanding the membership of the local committee.

The committee plans to hold bi-annual meetings to monitor and implement the plan. An interesting note was that while the bar association was being tapped to take the lead on promoting pro bono service, a significant number of lawyers who report a Baltimore city address are not members of the city bar’s association. The committee commented that the organizations would need to be creative in recruiting these lawyers and in developing opportunities for those whose practice areas are outside the traditional areas of pro bono service.

BALTIMORE COUNTY

The Baltimore County Committee chaired initially by Virginia Barnhart, Esq., and then by James J. Nolan, Jr., Esq., submitted its plan on January 30, 2004. The committee’s needs assessment identified the area of greatest need as family law, particularly divorce and custody issues. Other areas of need included:

1. representation of non-English speakers;
2. bankruptcy;
3. landlord/tenant matters;
4. representation of students with disabilities;
5. public benefits denial or overpayment; and

6. consumer problems.

Baltimore County is served by a large number of legal services organizations. MVLS coordinates general pro bono services in the county by recruiting lawyers, accepting referrals from legal service groups, and screening and placing new cases.

The committee identified the following obstacles to lawyers volunteering to do pro bono work.

1. unwillingness to spend more than a few hours on a matter;
2. unwillingness to take on a matter outside the attorney's normal practice area;
3. lack of resources of some organizations to train volunteers; and
4. inability to speak the client's language.

The committee established a goal of encouraging 100% of the lawyers in the County to provide at least some pro bono service and to triple the percentage of lawyers contributing 50 hours or more over the next three years. The committee's plan includes the following highlights:

1. developing a plan in conjunction with the Baltimore County Circuit Court and District Court that provides for scheduling and docketing preferences for pro bono cases;
2. persuading the Baltimore County Bar Association to reconstitute the Baltimore County Bar Foundation to raise funds to support programs for pro bono services;
3. publicizing the LAB, MICPEL and PBRC training opportunities; and
4. expanding the availability of interpreter services in the courts and funding the translation of existing *pro se* court forms and governmental legal service guides.

CALVERT COUNTY

The Calvert County Pro Bono Committee, Chaired by Sheila J. Sullivan, Esq., submitted its plan on September 24, 2004. In conducting its needs assessment, the committee surveyed legal services organizations which served the county, social/human services organizations and pro bono clients. The surveys indicated that the primary unmet legal needs in the county were as follows:

1. family law – custody, divorce, child support;
2. landlord/tenant disputes;
3. representation at IEP meetings for students with disabilities;
4. SSI/Medicaid/Medicare issues;
5. bankruptcy; and
6. criminal and rights of crime victims.

The client surveys indicated that clients did not look for help because they thought that no services were available.

The committee identified the following organizations as providing service in the county: MVLS, Legal Aid of Southern Maryland, Women's Law Center of Maryland, and Southern Maryland Center for Family Advocacy, and the OPD. The Report identified recruiting lawyers for pro bono cases and panel lists as a major obstacle to increasing pro bono services. Most attorneys in the county are either solo or in small firms and the largest firm in the county has six lawyers. Many attorneys give free legal advice to walk-in clients which is not reported as pro bono time.

The plan identified three priority areas for increasing pro bono legal services:

1. family law;
2. bankruptcy; and
3. criminal law.

The committee will engage in the following efforts to decrease the unmet need:

1. publicizing the nature and extent of existing legal resources in the county;
2. soliciting the help of the Administrative Judges of the District and Circuit Courts to encourage attorney participation on panel lists currently in place at MVLS and the OPD;
3. investigating the feasibility of establishing a grey panel of attorneys from the Calvert County Bar Association who will accept cases on a reduced fee basis in the priority areas;
4. establishing a Calvert County Bar Association contact for MVLS to aid in placing referral cases; and
5. holding annual events in conjunction with the County Bar Association to recognize attorneys who meet or surpass the goal of 50 hours of pro bono work.

CAROLINE COUNTY

Caroline initially submitted a draft plan to the Standing Committee which was later finalized. The committee employed a number of survey techniques, including surveys to human and social services agencies and client surveys through local programs. They also held several town meetings to determine the most critical needs. The following were identified as areas of unmet legal need:

1. family law, particularly custody and domestic violence issues;
2. housing, landlord/tenant issues;
3. elder law;

4. wills, powers of attorney, advanced medical directives; and
5. consumer protection, debt and bankruptcy.

The Caroline County Committee viewed the lack of a regional coordinator as the principal obstacle to utilizing pro bono attorneys to address these needs. It proposed:

1. establishing a locally/regionally- based uniform referral and placement agency to recruit lawyers and make pro bono case placements;
2. having the regional coordinator working with various providers to develop training for the volunteers;
3. coordinating courthouse clinics in family law and landlord-tenant cases;
4. assisting in involving lawyers in *pro se* efforts such as the county's *pro se* clinic;
5. establishing a monthly landlord-tenant clinic;
6. creating a quarterly elder law clinic; and
7. requesting the judiciary to recruit pro bono lawyers through letters and make special accommodations for the volunteers in court.

The plan was to have a coordinator position established within 12 months.

Since its initial plan, Caroline County has been one of the founding partners in the creation of the Mid-Shore Pro Bono Project. Members provided guidance, assisted in the establishment of the non-profit with the appropriate status and oversight, obtained funding and currently serve on the Board of Directors.

CARROLL COUNTY

The Carroll County Committee, Chaired by Fred S. Hecker, Esq., submitted its plan on April 23, 2004. The committee identified unmet needs in the following areas:

1. family law, including custody and divorce;
2. landlord/tenant;
3. consumer issues including bankruptcy and fair debt collection practices;
4. private health insurance claims; and
5. social security income and disability issues.

The committee identified several obstacles to providing access to justice to the underrepresented. First, of 255 lawyers practicing in the county, 50 to 100 are in government service and may not be permitted to provide direct pro bono legal services. The indigent population of the county has significant transportation problems which limits their access to attorneys. The county's survey of local human service providers

revealed that they were uninformed about legal services that were available to their clients.

The committee proposed a plan which includes the following features:

1. the Bar Association will be asked to create a special committee to evaluate and assess compliance by the local bar with the pro bono objectives;
2. the committee's goal is to secure 100% compliance with the aspirational goal of 50 hours or more over the next three years. A specific goal is to have each available lawyer take two pro bono cases per year;
3. the committee proposed the creation of a special committee of the bar to encourage, promote and sponsor pro bono representation, including a volunteer who would screen clients for eligibility; and
4. the committee also proposes enlisting the cooperation of the bench in encouraging lawyers to handle pro bono cases and in establishing docketing preferences for them to minimize expenses.

CHARLES COUNTY

The Charles County Pro Bono Committee submitted its plan on July 13, 2004. The Chair of the committee was Wilmer R. Ticer, Esq. The committee surveyed 106 human service agencies and 34 churches in the county to identify unmet needs. The committee also conducted two town meetings in Nangemoy and Waldorf. The primary needs identified were domestic, consumer, public benefits and landlord/tenant. Other areas included grandparent rights, advance directives, powers of attorney, expungement, subsidized housing and employment issues. A number of responders indicated that they needed information about current legal service providers in the area. Barriers to obtaining legal services included transportation problems, lack of knowledge of human service agencies' about where to refer clients and the legal referral agencies' inability to help.

The plan also identified barriers to lawyers in providing pro bono services, including the following:

1. overwhelming caseloads of practicing lawyers;
2. difficulties in identifying individuals of limited means;
3. lack of support services for volunteers; and
4. restrictions on government lawyers and legal services lawyers in practicing outside of their employment.

The committee identified seven specific goals in its plan:

1. continuing to make pro bono service opportunities available to lawyers through traditional referral sources such as MVLS and Lawyer Referral;

2. continuing to coordinate the Family Law Clinic with the Director of Family Services;
3. expanding the successful Family Law Clinic into a general practice clinic, providing an opportunity for non-family law practitioners to participate in pro bono activities;
4. expanding recognition of attorneys who engage in pro bono work by recognition in the *Charles County Bar Newsletter*, Certificates of Appreciation and inclusion of pro bono work as a requirement for the County Bar's "WH" award;
5. reviewing the eligibility requirements and screening mechanism used by providers and monitoring existing lawyer referral programs;
6. publicizing the availability of existing legal service programs through brochures and public service announcements; and
7. surveying bar members regarding their willingness to accept pro bono cases or to participate in one of the legal clinics.

DORCHESTER COUNTY

Dorchester County submitted its plan on December 15, 2006, seven months after its first formal committee meeting. Heather L. Dorsey, Esq. of the OPD, served as the committee's chair. The needs assessment consisted of surveys to local social and human service providers and individual clients who sought pro bono legal assistance at the local LAB office and informal input from other legal services programs and local counsel. As a result, the following were identified as unmet or under met areas of legal need:

1. family law, particularly custody and domestic violence;
2. housing and landlord-tenant disputes;
3. elder law;
4. wills, powers of attorney and advanced medical directives;
5. consumer protection, debt and bankruptcy;
6. guardianship; and
7. special education.

All of these areas were listed as priority areas of concentration for pro bono assistance.

The plan described its existing network of legal resources from the courthouse *pro se* assistance program through the Circuit Court's Family Support Services unit, case referrals through MVLS and Mid-Shore Council on Family Violence, and the MLSC funded reduced fee project in custody cases. It also claimed that pro bono and reduced fee services have been provided "almost exclusively by private attorneys who have been contacted directly by individual clients." According to the committee, "there is no formal or institutionalized referral agency or point of contact in Dorchester County."

The absence of a local coordinating agency was the principal obstacle to utilizing pro bono lawyers in the county. Local attorneys accepted a limited number of cases from statewide programs but overall found them too bureaucratic and too far removed from the community to be very effective. Additionally, there are only about 20 attorneys practicing in the county and clients have limited access to legal help.

The key strategy of the Dorchester Plan is to officially join the Mid-Shore Pro Bono Project, a regional coordinating and placement agency. Through that alliance, lawyers will:

1. receive training provided by Mid-Shore Pro Bono Project in conjunction with statewide agencies;
2. accept pro bono case referrals from the Project;
3. participate in *pro se* assistance projects such as those at the courthouse;
4. help with community outreach efforts and presentations to community groups; and
5. seeking support from the judiciary by way of recruitment letters to members of the bar and scheduling accommodations.

It suggests that the statewide organizations that already exist could lend support through training seminars, funding for the reduced fee program, litigation costs, and research resources. It also outlines recognition activities for the volunteers such as annual award ceremonies and news publications and outreach to the courts and community to inform people of the services being offered.

The plan sets out a very specific timeframe for accomplishing its objectives. Within 30 days, the committee will meet with Mid-Shore staff and work on creating a panel of referral attorneys. Two members of the Dorchester Committee will join the Board of Directors as well. Within 60 days, the plan calls for the initiation of its outreach campaign and within three months, will begin its training program. Its chief goal is to have 100% of its members become panel attorneys for Mid-Shore Pro Bono and for each attorney to meet or exceed the 50 hour aspirational goal.

Since the submission of its plan, Dorchester has officially joined as a partner in the Mid-Shore Pro Bono Project.

FREDERICK COUNTY

Frederick County's Committee, chaired by Thomas Slater, Esq. submitted its plan on February 6, 2006. It conducted a legal needs survey of the human services providers serving the county and received 26 responses. Virtually all of the providers stated that certain segments of the county's population were not being served, most notably, minority and low-income groups (especially the Hispanic population). There was also a dramatic need for information about existing legal services resources in the community.

The greatest legal needs identified by the surveys were:

1. family law (including domestic violence and financial need);
2. housing; and
3. Social Security and Medicare/Medicaid.

The committee also surveyed the legal community. From all of the surveys, the committee observed that the mechanism for placing cases was not widely known and that the lack of a local presence made it difficult to refer pro bono cases. While the bar has a history of community service, the mechanism for matching cases “has never been integrated into the fabric of the legal community” and many lawyers reported rendering pro bono assistance directly to clients in need.

A number of legal services providers report serving Frederick County. According to the AOC, 245 lawyers practice in the county with 35% performing more than 50 hours and 39% less than 50 hours. Approximately 25% did not perform any pro bono service.

The committee designed a three-tiered approach to addressing the unmet legal needs: 1) conducting initial outreach to community groups and service agencies; 2) ensuring long-term outreach to expand visibility of existing programs; and 3) establishing ongoing services to address the needs. Within those tiers, the committee intends to:

1. host a community forum to educate human services agencies about legal resources;
2. develop a Speaker’s Bureau to continue community outreach and education;
3. distribute informational brochures about legal resources;
4. establish a Law Foundation of Frederick County, to coordinate pro bono lawyer referrals and receive donations through the Community Foundation of Frederick County;
5. recruit paralegals to assist with intake and referrals;
6. air public service announcements;
7. request that the Frederick County Bar Association to establish a Standing Committee on Pro Bono, requiring all new members to serve on the committee and tying service to the mentoring program;
8. offer free training seminars in exchange for volunteers accepting pro bono cases;
9. request that the courts place pro bono cases at the top of the court’s docket;

10. encourage the court's recognition of volunteer time; and
11. create a pilot project with a position to promote pro bono service.

HARFORD COUNTY

The Harford County Committee, Chaired by Ann Baer Cogan, Esq., submitted its plan on April 2, 2004. The committee was also assisted extensively by Judge William O. Carr of the Circuit Court of Harford County.

The Report notes the Harford County Bar's long standing commitment to pro bono legal services. The Harford County Bar Foundation has provided screening and referral services for pro bono clients since 1991. The Bar Foundation also provides training and malpractice coverage and holds annual award ceremonies to recognize lawyers who have taken pro bono cases. The Foundation also provides attorney assistance in completing *pro se* forms.

The Harford County Committee surveyed approximately 80 community service organizations in the county. The types of legal problems encountered by the organization's clients were extensive but the primary areas were as follows:

1. various types of family law issues (child custody, visitation, domestic violence, divorce, guardianship, child support);
2. social security issues;
3. landlord/tenant disputes;
4. employment issues;
5. physical disability rights;
6. food stamps, Medicare, Medicaid;
7. consumer finance/bankruptcy; and
8. public housing.

The county has a well developed system for handling the legal needs of the poor. In addition to the intake and referral services provided by the Bar Foundation, the *pro se* forms assistance project established by the Circuit Court enables persons to file their own family law cases without attorneys. A supervising attorney is available to answer legal and procedural questions, and the Court has established a program where a number of cases with *pro se* litigants are set on a special pretrial conference day. The conference is conducted by a volunteer attorney who is experienced in family law issues and who attempts to mediate a settlement.

The focal point of the Harford County Plan is a set of thirty-seven strategic initiatives. A number of the initiatives focus on the dissemination of information regarding legal services available to Harford County citizens and the availability of transportation and interpreter services which are potential barriers to access. The following are examples of the initiatives adopted by the Harford County Committee:

1. Establishing a bar association committee to draft a single brochure including all pro bono legal service providers and to pay for the production and distribution of it;
2. Requesting the judiciary to draft a letter to be sent annually to all local bar members in conjunction with the President of the Bar Association to encourage members to meet the aspirational goal of 50 hours of pro bono service. All judges will also be requested to attend the annual pro bono service award ceremony;
3. Requesting the local bar association to endorse the State aspirational goal of 50 hours of pro bono service and publicizing in the local media the names of attorneys who meet the standard each year;
4. Requesting additional funding for the legal service providers (Legal Aid, *pro se* assistance project, SARC, OPD);
5. Several initiatives focus on ensuring that funds will be available to continue the operation of the Bar Foundation by continuing the dues check off for members of the Harford County Bar and seeking additional funding from MLSC. The initiatives seek to expand the visibility and profile of the Bar Foundation by advertising in the Yellow Pages, through Comcast and adding the Foundation to the Harford County Government website;
6. Another initiative seeks to determine which members of the local bar are willing to provide legal assistance to qualified non-profit corporations, developing a list of available attorneys and reaching out to the non-profits to facilitate the relationships; and
7. Identifying ways to involve more publicly employed attorneys in pro bono activities by having them act as counsel for children in divorce and custody cases, and by developing a program where lawyers volunteer two to three days per year to assist the LAB, SARC and the Bar Foundation.

The Harford County Plan was extensive and among the first plans submitted to the Standing Committee. The Standing Committee forwarded it to other local committees and it has been very helpful to those counties in formulating their own plans.

HOWARD COUNTY

The Howard County Committee, chaired by Robert D. Earle, Esq., submitted its pro bono action plan on February 18, 2005. The committee conducted extensive surveys in doing its needs assessment for the county. In addition to using the Standing Committee's surveys, the committee used pro bono client surveys in English and Spanish

and conducted a survey of lawyers. The needs assessment identified the following as the primary legal issues which were not being met:

1. finance issues;
2. domestic/family issues;
3. landlord/tenant issues;
4. immigration/naturalization issues; and
5. social security issues.

The needs assessment also identified a number of obstacles to addressing the unmet needs, including the following:

1. a lack of knowledge about how to obtain or make referrals for pro bono services;
2. that areas of private lawyer expertise and interest do not meet the areas of need; and
3. transportation and language barriers.

The committee's primary recommendation is to establish an integrated, centralized pro bono program in Howard County through coordination with the Howard County Bar Association (HCBA) and Howard County Bar Foundation (HCBF). The centralized program will develop eligibility criteria and provide screening and referral services.

The committee recommends that the HCBA, HCBF and the Howard County Government jointly produce a comprehensive informational booklet (Pro Bono Guide) for dissemination which will contain a description of each legal services provider in Howard County, types of services provided, screening criteria and contact information, government services available to low income individuals including transportation and interpreter services, resources available through HCBA and HCBF and other available resources.

The HCBA and HCBF will be asked to promote pro bono service and training opportunities.

The courts and administrative agencies in the county will be asked to provide "right of way" for pro bono cases.

The HCBA and HCBF will be asked to provide appropriate recognition of lawyers who provide pro bono services.

MONTGOMERY COUNTY

The Montgomery County Committee, Chaired by Glenn M. Cooper, Esq. submitted its plan on May 12, 2005. The committee was assisted by Chief Judge

DeLawrence Beard of the Circuit Court for Montgomery County and Judge Louis D. Harrington of the District Court for Montgomery County.

The Montgomery County Committee found that the greatest legal needs were in the areas of:

1. family law;
2. consumer law;
3. immigration;
4. employment, and
5. elder law.

The committee found that surveys were not particularly helpful in identifying the need and believed that direct interviews with legal service and social service providers would have been an effective tool. Without resources, the committee felt that such interviews were impractical. The committee based its identification of needs on the actual requests for legal assistance that are received by the Bar Foundation Pro Bono Program.

The committee identified a number of obstacles to utilizing pro bono lawyers to address the needs of people of limited means within the county. First, many of the lawyers who report addresses in Montgomery County do not actually practice in the county. Many practice in D.C., Virginia or are employed by the federal government.

Second, the committee cited economic pressure on attorneys, stress of the practice of law, substantial demands on attorney time and the work-family conflict as impediments to increasing pro bono efforts.

The committee also identified as a barrier a lack of knowledge by social service agencies about where to refer persons needing pro bono assistance. Transportation and language barriers are also a problem. The committee commented that there is a formal vehicle for finding translators for communication between lawyers and clients (with funds provided by MLSC) but it is largely unknown to volunteer lawyers.

The Montgomery County, Maryland Bar Foundation Pro Bono Program was established in 1973 “to assist and represent income eligible residents in need of free legal services.” The Bar Foundation program is a highly organized and successful program which, among other things, screens cases, recruits attorneys, refers cases, provides training and malpractice insurance and coordinates recognition and awards for volunteer attorneys. The Foundation’s program reports that it does not turn away any qualifying person who seeks pro bono counsel.

The committee’s plan is largely to continue the work of the Bar Foundation. The committee has identified several areas for improvement, including the following:

1. Providing better information to referring agencies such as human services providers about the existence of legal services providers and pro bono programs so that the agencies are better informed about to whom to refer.
2. Increasing the effort by the organized bar to solicit more volunteers, particularly from members of the bar who practice in D.C., Virginia or for the federal government and training those volunteers; and
3. Establishing more formal coordination among providers of legal services.

PRINCE GEORGE'S COUNTY

Eric Nyce, Esq. and Keith Parris, Esq. co-chaired the Prince George's County Committee which submitted its plan on February 14, 2005. The committee conducted extensive needs assessments, including surveying providers, human service organizations and religious institutions. The committee found the surveys useful but considered them expensive and time consuming and recommended using one of the state universities to conduct a statewide survey.

The committee identified public housing, section 8 housing and subsidized housing issues as the top legal issues which are not being addressed. There are substantial obstacles in the county which limit access to legal services including transportation problems, language barriers which have increased with an increase in the Hispanic population, an overall demand which is simply too high for the resources to meet and limited funding for legal services organizations.

The county has a very well developed pro bono program which is administered by the Law Foundation of Prince George's County. In addition, numerous legal services providers have offices in the county. The Law Foundation provides screening and intake services and refers clients to appropriate sources for assistance. The committee recommends;

1. that the Law Foundation establish a satellite office in the southern part of the county to assist pro bono needs in that area and to alleviate transportation issues;
2. that the Foundation expand its pool of pro bono attorneys by targeting new admittees;
3. that the Administrative Judges of the Circuit and District courts set a policy to give docketing preferences to pro bono cases; and
4. that the Law Foundation, other providers and the Bar Association hold a gala to recognize pro bono lawyers.

The Prince George's County Plan is very comprehensive and describes a pro bono system which is already well developed. It further describes, however, a need which is substantial and growing. The committee has set a goal of 100% participation by eligible county lawyers in three years.

SOMERSET COUNTY

Kristy Hickman, Esq. and John K. Phoebus, Esq. served as Co-Chairs of the Somerset County Committee, which submitted its plan on June 5, 2004. The committee used the statewide survey and also collected information by interviewing local officials and interviewing members of organizations that serve the public. The committee identified needs in the following areas:

1. landlord/tenant;
2. child support;
3. family law;
4. criminal law;
5. bankruptcy; and
6. parents in CINA cases.

Several legal services organizations serve the county, including the LAB, The Life Crisis Center, The *Pro Se* Legal Clinic, MVLS and Alternative Directions, Inc. Somerset County only has sixteen members of its Bar Association; four are judges, one is a full-time OPD, three are full-time state's attorneys and two are part-time state's attorneys. The remaining members are solo practitioners.. Somerset also has a low socioeconomic base, with about 20% of its individuals living in poverty.

The committee established a plan which includes the following components:

1. actively engage local bar members and assist new members in participating in pro bono cases and attorney referral panels. Members of the local bar will be asked to designate specific types of cases and the number of cases they are willing to accept each year. The bar president will keep designations and act as a local referral agent;
2. compile a resource manual to distribute to all county attorneys and service organizations to educate the bar and service agencies as to available legal resources;
3. create a resource flyer to be distributed throughout the courts in the county; and
4. recognize attorneys who provide pro bono services at bar meetings.

The committee will monitor compliance with its plan bi-annually.

The committee found lack of funding to be an impediment to accomplishing its job, particularly the needs assessment. In response to the Standing Committee comments, in May of 2005, the committee submitted revisions to its plan to the Standing Committee. The committee believes that its plan still serves the needs of indigent clients in the county and added three goals: (1) increasing the free legal clinic provided to indigent family law clients by an additional 3 hours per week and expanding that to serve persons who have other, non-criminal cases through a partnership with the LAB; (2) providing training for *guardian ad litem* in custody cases; and (3) updating the *Pro Bono Resource* book.

The committee particularly commended Judge Daniel M. Long and Judge R. Patrick Hayman for their guidance and assistance in the committee's work. Finally, the committee expressed interest in working with adjacent counties once their plans are in place.

TALBOT COUNTY

Talbot County's Committee first met on July 16, 2003. Broughton (Bo) Earnest served as its chair and held monthly meetings in his office. The committee surveyed numerous social and human services agencies about their clients' legal needs. The combined results indicated the most unmet needs in the following areas:

1. divorce/legal separation;
2. child custody/visitation;
3. domestic violence/protective order;
4. landlord/tenant disputes;
5. public housing, Section 8 issues; and
6. estate planning, wills, probate.

The draft plan includes the following components:

1. Establishing a panel of local volunteer attorneys who are willing to donate approximately 50 hours of pro bono legal services per year in designated substantive practice areas;
2. Publicizing the establishment and availability of the panel and practice areas;
3. Screening applicants for eligibility for the plan based on income;
4. Coordinating plan activities with other existing organizations such as the LAB, etc.;
5. Providing financial support for participating attorneys, including out of pocket expense reimbursement, legal malpractice insurance for uninsured or underinsured counsel, and legal education and training;

6. Informing local lawyers about ways in which they might provide pro bono services as members of the panel or, in the alternative, provide pro bono services to charitable and civic organizations or, failing that, make financial contributions that can be used to support the Talbot County Pro Bono Plan;
7. Coordinating its work through the Talbot County Bar Association with the local Circuit and District Courts;
8. Hiring an administrator if the cost can be underwritten by the LAB in conjunction with other contributors;
9. Recognizing annually the local lawyer or lawyers who have made the most significant contributions of pro bono legal services; and
10. Advising charitable organizations.

Since the submission of its plan, the Talbot County Committee has worked diligently with Caroline County's Committee to establish the Mid-Shore Pro Bono Project. This effort became the main focus of both committees and its members spent considerable time identifying funding sources, assisting with the necessary documentation to create the non-profit and providing general guidance and support. As founding members, representative of the committee also serve on the Board of Directors of the Mid-Shore Pro Bono Project.

WASHINGTON COUNTY

Joseph Michael, Esq. served as Chair of the Washington County Committee which submitted its report on March 22, 2005. The committee's report points out that in Washington County, 31.9% of the lawyers provided 50 or more pro bono hours and 77.7% participated in pro bono work at some level based on the annual reports.

The committee conducted a needs assessment informally, obtaining information from the bench, a survey of the local bar and from the LAB. They concluded that there are a wide variety of needs for pro bono services which far exceed the available supply of qualified counsel. The committee identified as an impediment to addressing the pro bono need the fact that more than 25% of the members of the active County Bar are in public practice and a number of other attorneys serve as in-house counsel.

The committee identified the following as a priority list for the application of pro bono resources:

1. family law (custody/visitation, child support, property issues);
2. elder law;
3. landlord/tenant;
4. dispute resolution and mediation;
5. civil litigation (small claims, consumer protection, fair housing); and

6. criminal practice (although this need is primarily met by the OPDs' office.)

The committee established as a goal that every private practice attorney would be on at least one referral list with an established agency. MVLS maintains a referral list and does eligibility screening in the county. The committee also made the following recommendations:

1. examining the possibility of a listserv to match practitioners with cases that most clearly fit with their experience;
2. creating a directory of attorneys and expertise to be made available to members of the bar for consultation between practitioners; and
3. providing information for attorneys on how to provide pro bono legal services by coordinating with the courts, bar associations and legal services organizations.

The committee also established the goal of creating a low cost and effective local screening service.

WICOMICO COUNTY

The Wicomico Pro Bono committee, chaired by Nancy Chernoff, Esq., met monthly beginning in April 2004. The committee submitted its plan on August 15, 2005. The needs assessment conducted by the committee encompassed client surveys in English and Spanish with personal interviews by bar association members, and surveys to local social and human services agencies. Judge Kathleen Beckstead assisted in the process by including a letter from her encouraging completion of the surveys. As a result of their efforts, 73% of the surveys to agencies were returned. Clients were surveyed at the county social service office, as well as through cooperation by the local bar. The plan indicates that 140 client surveys were completed, which is a substantial sample. In addition, the committee also collected information from the LAB, the PBRC and the MVLS.

The greatest legal needs identified in Wicomico County were determined to be:

1. Family law;
2. Debtor/creditor; and
3. Landlord/tenant and housing matters.

The committee also found a need for increased awareness by the public and agencies serving the public of existing pro bono legal services. The surveys indicated that social and human services agencies and the public had little knowledge of the Circuit Court for Wicomico County's Family Law Clinic or MVLS. In addition to a lack of information regarding available resources and services, the surveys revealed that a major barrier to accessing legal help was a lack of transportation.

The overall goals of the committee, therefore, are to develop a centralized network to coordinate pro bono services and referrals to appropriate agencies and a plan to generate greater pro bono services (both attorneys and providers). The specific objectives outlined in the plan are:

1. to work with the PBRC in developing a brochure listing all existing legal services providers;
2. to work with PBRC to ensure that all local attorneys receive information on training opportunities offered by PBRC and MICPEL;
3. to develop a plan to encourage new bar members to accept pro bono cases with mentoring support from more senior members of the bar;
4. to have the Local Pro Bono Committee make two presentations each year to the Local Bar Association regarding the need for pro bono service;
5. to survey the local bar regarding their areas of expertise and their needs in order to provide pro bono service, and provide this information to pro bono agencies and service providers;
6. to establish a liaison subcommittee that would collaborate with the local judges to assess and develop a system to give consideration to pro bono cases in docketing schedules; and
7. to assist pro bono lawyers in accessing support services necessary to litigate a complex case.

The committee anticipated that it would take one year to implement these objectives.

WORCESTER COUNTY

Worcester County's Local Pro Bono Committee held its first meeting in September 2002 and worked on developing its plan during a series of 10 subsequent meetings. Cathi Coates, Bar President, acted as chair. The committee conducted its needs assessment by surveying community-based social and human services agencies with a 23% response rate (246 were mailed with 52 responses received). A graduate student assisted with the needs assessment by making follow-up phone calls to agencies. The committee concluded that according to the surveys and their assessment, much of the legal need in the community is currently being met.

Nonetheless, the results of the surveys revealed that the most common unmet legal needs included:

1. elder law;
2. Medicaid/Medicare;
3. Social Security;
4. housing/landlord-tenant; and
5. immigration issues.

The committee also surveyed the members of the bar to determine the percentage providing pro bono legal services and the types of services being offered. The key finding was that the majority of the bar is already engaging in pro bono services. With about 70 members of the bar association, 35 responded to the survey that they accepted a total of 170 cases in 2002. The lawyers participate through legal services organizations, the *Pro se* Family Law Clinic at the courthouse (reduced fee), local non-profits such as Habitat for Humanity, court referrals of pro bono criminal matters, reduced fee cases through the OPD, and the court's Volunteer Attorney Settlement Panel. The human and social services agencies commented, however, that there was a lack of knowledge about the existing legal services and suggested that agencies speak to community groups about legal topics and resources.

The committee stated that one of the challenges to meeting all of the needs of the disadvantaged was the lack of a mechanism to identify people with needs or a screening process to determine eligibility. The plan laid out the following goals as a result:

1. Increase community education about legal services;
2. Develop a speakers' bureau with the local bar association;
3. Recruit an additional 10-15 people to help implement the plan; and
4. Develop a comprehensive brochure listing all legal services entities in the county to increase public awareness and access.

B. Standing Committee Assessment of Local Pro Bono Action Plans

The Standing Committee supported the local pro bono planning process by attending local meetings, drafting first meeting agendas and supplying materials to help the local committees in their work. Committee liaisons or staff members met with virtually every local committee at least once, and often, multiple times. They attended over fifty (50) meetings with local committees or their members. The Standing Committee also offered practical resources and support, including a *Local Pro Bono Resource Manual* (which it compiled), a Template for creating the Plan, a “How To” Guide for conducting a local needs assessment, and information on specific pro bono projects. The Committee compiled needs assessment survey results, secured nominal funding for survey distribution and committee start-up costs, and developed a sample brochure for each county to list contact information of local legal services agencies.

The Standing Committee has the following observations about the process:

1. Where there was active judicial involvement and support, the committees organized and began their work sooner. The efforts were more directed and better informed and the committees saw more actual results from their recommendations.
2. Where there were local active organized pro bono efforts (such as the Bar Foundations of Harford County, Montgomery County, and Prince George’s County) the activities of the Local Committees were facilitated by those organizations and built upon the significant pro bono activities already in place.
3. Where the local bar association was active and interested in the work of the Local Committee, the results were more successful.
4. Throughout the state, the LAB has participated actively in local committees and has brought to the committees considerable expertise and initiative in the planning process.
5. MVLS and the OPD have also participated actively in many local committees and have been very helpful to the process.
6. In some jurisdictions, where the local bars are very small and consist predominantly of publicly employed lawyers, it has been difficult to form committees and to accomplish the planning process.
7. Where there was difficulty in getting started, Standing Committee members met with individual bar and committee members to respond to questions and walk them through the process.
8. Rule 16-902’s failure to define who should take the leadership role in forming the committees and engaging in the planning process made it difficult for certain counties to get started.

9. The Standing Committee believes that the needs assessment component of Rule 16-902(b) turned out to be too burdensome for a number of local committees (although there was value in educating the bar about the need and the community about the availability of legal services). The Standing Committee believes that, in general, the needs can be identified in many jurisdictions on an informal basis, and that the planning process should be more focused on pro bono initiatives promoted by the local leadership and less on technical needs assessments.
10. The lack of available funds was an obstacle for the committees. The Standing Committee was able to assist in obtaining one-time funding from the Maryland Bar Foundation which assisted some committees with such basic costs as printing and mailing the legal needs surveys.
11. In virtually all counties there is a surprising lack of knowledge on the part of human services providers of available legal resources for their clients.
12. Particularly in rural areas, committees were interested in some type of regional collaboration.
13. Particularly in rural areas, committees were interested in having a local presence coordinate pro bono services.

The needs assessments conducted by local committees identified family law, landlord/tenant issues and consumer law as areas of substantial need with considerable consistency. The plans also consistently identified the following as obstacles to increasing pro bono work:

1. a mismatch between specialized skills required to meet the need and the expertise of available lawyers;
2. restrictions on outside practice for government lawyers;
3. the general stress and time demands of the practice of law; and
4. the unwillingness of lawyers to take on pro bono engagements which require a time commitment of more than a few hours.

The Standing Committee acknowledges the extraordinary hard work of the members of local committees in developing their pro bono action plans. These committees consisted solely of volunteers and operated, for the most part, without budgets. They were charged with very substantial responsibilities and, in general, did an outstanding job of producing their plans.

C. Accomplishments of Local Pro Bono Committees

The local planning process has yielded numerous positive changes in the awareness, attitude and activities of local bar members around pro bono legal services. Some of the local committees have actively pursued action items listed in their local

plans and are in the process of implementing them. A few of the more concrete accomplishments to date are listed below.

Baltimore City

One early goal of its committee was to encourage the Baltimore City Bar Association to establish a pro bono committee. The BABC created a new Standing Committee on Pro Bono and Access to Legal Services in the fall of 2006. That committee has combined with the local pro bono committee members to collaboratively implement the Plan. The chair of the new committee was also given a position on the Executive Council for the bar association to enhance the commitment and involvement of the bar.

Baltimore County

Local bar members are registering for the first time to be included on a local pro bono listserv that includes brief synopses of local pro bono cases needing to be placed and training opportunities in conjunction with PBRC and legal services providers. They have also sponsored several successful training seminars geared toward volunteers who will agree to accept family law and other pro bono cases.

Carroll County

Volunteer lawyers participate extensively in the *pro se* clinic at the courthouse coordinated by the family services coordinator. This program was initially funded by the AOC and paid lawyers a fee for their services. When the program was about to close due to lack of funds, a notice to the bar resulted in dozens of volunteers stepping forward to offer their services to preserve the clinic. Several years later, the bar is still responding to the need. The county committee has also sponsored several “Best Practices” training sessions with members of the judiciary attracting new volunteer lawyers who agree to accept case referrals in exchange for the training.

Charles County

For several years, the courthouse clinic paid lawyers to assist *pro se* litigants in family law matters. Through the local pro bono planning process, the bar decided to assume responsibility for the Family Law Clinic and successfully recruited a sufficient number of volunteers to not only staff but expand the existing weekly clinic. In 2005, the committee opened another, new general civil law clinic staffed fully by volunteers as well.

Frederick County

The committee was one of the first to review and finalize its version of the Maryland Lawyers Care brochure. The published brochure of legal services

resources in the county, prepared initially by the Standing Committee on Pro Bono, was distributed to community and social services organizations in its county. Members of the committee are also in the process of completing the formation of a non-profit foundation to support pro bono and other public service activities of the bar.

Harford County

Committee members met with the County Executive to discuss how the county might help ameliorate transportation and resource issues to facilitate legal access for disadvantaged and isolated members of the community. The committee also published and distributed its Maryland Lawyers Care brochure to local social and human services agencies and in April 2006 sponsored an outreach luncheon for community groups to learn about the various legal resources that were available. They are in the process of working with Maryland Legal Assistance Network (MLAN) and local libraries on expanding People's Law Library as well.

Mid-Shore Region—Caroline, Dorchester, Queen Anne's and Talbot Counties

Several counties on the Eastern Shore were developing parallel plans. The Standing Committee convened a meeting with representatives from Caroline, Dorchester, Kent, Talbot, and Queen Anne's to discuss how to improve delivery in the Mid-Shore region and explore the possibility of a regional pro bono coordinator. The meeting was well attended, with representatives from the judiciary, bar, legal services community and court personnel.

With significant support from the bench, three of the local committees initially agreed to join in sponsoring a regional pro bono coordinator position and secured funding to hire an attorney on a one-year contractual basis. This is the first time in the region's history that there has been a local pro bono program. Since that first year, the Mid-Shore Pro Bono Project has formed as an independent non-profit organization with two staff members and is placing cases throughout the region. Recently, Dorchester County joined as a partner in the Mid-Shore Project as well.

Caroline County also reported recruiting sufficient volunteers to staff its *pro se* assistance clinic as well as for pro bono representation in *guardian ad litem* cases.

Montgomery County

Noting that the public lacked awareness of the availability of legal services in the community, the local committee and the Montgomery County, Maryland, Bar Foundation Pro Bono Program, developed a public website, the Montgomery County Legal Assistance Network, <http://www.montbar.org/barfound/mclan/mclan.htm> for people to utilize at no

cost. This comprehensive directory will enable anyone needing legal assistance to determine how to access the appropriate resource.

Prince George's County

One of the main goals of the committee was to develop a strategy for expanding services into the southern part of Prince George's County. After significant effort, the Community Legal Services program (formerly Law Foundation of Prince George's County) located a site and resources for a satellite office in Oxon Hill. The satellite office opened in the summer of 2006 and is staffed in part with volunteers. The new site offers a new avenue for help for those who could not access legal services because of a lack of transportation.

Saint Mary's

The local committee devised an informal plan to make referrals of cases locally. More recently, with strong judicial support, the plan has been formalized to include a local legal/social services program, the Southern Maryland Center for Family Advocacy. This program has agreed to place pro bono and reduced fee civil cases within the county.

Somerset County

As in other counties, the Somerset Committee found there was a need for public education concerning the legal services available within the county. The committee developed a resource manual and distributed it to appropriate agencies. The committee also developed, in partnership with the Legal Aid Bureau, a weekly *pro se* clinic to address civil law issues other than family law.

IV. STANDING COMMITTEE RECOMMENDATIONS REGARDING LOCAL COMMITTEES

Based on the Standing Committee's observations and feedback from local committees, the Standing Committee has the following recommendations:

RECOMMENDATION #1:

The Court of Appeals should adopt changes to Rule 16-902 regarding the composition of local pro bono committees. Those changes should include:

- a. requiring at least one but not more than two Circuit and District court judges selected by the County Administrative Judge to serve on each committee;
- b. charging the County Administrative Judge with the appointment of a member of the local committee to serve as temporary chair who shall convene a meeting at which the committee shall elect a member to serve as chair;

c. requiring that the local committee set up a rotation process for committee membership;

d. stating that on at least an annual basis, the County Administrative Judge shall take steps to ensure full membership of the local committee;

e. eliminating the maximum of three representatives of legal service providers and pro bono referral organizations for committee membership in Rule 16-902(a)(2)(iii). The Standing Committee believes that maximum participation of such organizations should be encouraged to facilitate the coordination of the delivery of legal services to the poor;

f. requiring submission of annual reports from the local committees on May 1 of each year; and

g. allowing counties within the same region to join together as a local committee with approval of all Administrative Judges from those counties where appropriate.

The proposed language for the specific changes to Rule 16-902 is attached as **Appendix C**.

RECOMMENDATION #2:

The AOC should provide a mechanism for receiving, evaluating and granting requests for funding of locally-based pro bono projects or initiatives from the local pro bono committees.

The Standing Committee has sought funding for the local pro bono committees with limited success. The AOC's support and involvement in identifying funding is critical.

RECOMMENDATION #3:

The Court should encourage greater involvement by the local bench and court personnel in the planning and implementation of the local pro bono plans. One method of accomplishing this is to encourage court personnel to join the committee as consultants and actively participate in the process.

RECOMMENDATION #4:

The Standing Committee also believes that the following practices of some local pro bono committees were particularly effective and that all local committees should consider them in formulating, reviewing and revising their plans:

a. Local committees should look to local plans from other jurisdictions and recommendations to develop policies and practices for judicial involvement in pro bono activities. Those policies should include suggestions for instituting docket preferences and flexible scheduling, encouraging alternative dispute resolution, and recruitment, referral, training and recognition of volunteer lawyers.

b. Where there is evidence of a need, the local committee should recruit attorneys to register on a list maintained by the local OPD to accept referrals of pro bono or reduced fee cases. The OPD should set up a mechanism for referring those potential clients who are above the income guidelines, but within the MLSC guidelines, to the lawyers registered.

c. Local committees should address the barriers to accessing legal services cited in their plans, including language, transportation, and cultural barriers. Local committees should work with the courts and ethnic community groups to develop specific mechanisms for increasing access to interpreters and making legal services available for non-English speakers. They should also be encouraged to approach their local county planning offices or government officials who are responsible for transportation and social services in the county and urge them to develop reasonable means of transportation to legal services programs.

d. Local committees should speak with local providers to determine what additional funds may be necessary to implement their plans and projects. Local pro bono committees need to identify specific budget needs for their pro bono projects and initiatives and determine who will be responsible for the actual operation and monitoring of the projects. They should create concrete goals for locating additional funds for local pro bono and legal services programs from the county government, lawyer contributions, the business community, foundations, the courts, the AOC and MLSC.

e. Local committees should discuss the adequacy of the screening process for pro bono referrals with local legal services programs operating in their jurisdiction at least annually. If problems are identified, the committee should work with the providers to address them.

f. Local committees should work with the local providers to communicate to lawyers in the county the anticipated amount of time expected for a case referred from each provider, the scope of work, and availability of support services, including malpractice insurance, a statewide litigation fund (funded through MLSC) and mentors.

g. Local committees should work closely with the legal services providers to develop opportunities for transactional lawyers (corporate, real estate and tax in particular) by reaching out to community groups, the faith-based community and non-profits and assessing their needs for those areas of legal expertise.

h. Local committees should work with legal services providers to identify new ways in which lawyers can become involved in pro bono work other than direct representation, including participating in legal clinics, training other volunteers,

conducting intake and screening, engaging in public education, rendering outreach services, staffing legal hotlines, mediating, researching, and legislative work.

i. Local committees should explain how they plan to address the issue of outreach to the community about the availability of legal services. As a first step, each local committee should review the Maryland Lawyers Care brochure produced by the Standing Committee and PBRC and make whatever revisions it deems necessary so the Standing Committee can publish copies for the county. The committees should also detail how and to whom they will distribute the brochures and how they plan on updating them every few years.

j. The Standing Committee believes it is important to have a local presence for the effective pro bono delivery of legal services to recruit lawyers and screen and refer clients. Some jurisdictions have this presence through MVLS or local bar pro bono referral programs. Local committees in other jurisdictions should identify local or regional pro bono coordinators.

The Standing Committee views the Local Pro Bono Plans as a first step in improving access to legal services in the state. The plans are, however, works in progress and will evolve as communities evolve, the bar changes and needs shift. Plans should be monitored, reviewed and reevaluated annually by the local committee to determine whether changes need to be made and to help the committee plan its action items for the next year.

V. LAWYER REPORTING

A. Attorney Compliance

Maryland lawyers have overwhelmingly complied with the reporting requirements of Rule 16-903. In 2002, compliance was 98%; by 2003, compliance reached 99% and has remained over 99% since.³⁸ For the first year of reporting, there were a substantial number of questions about the interpretation of Rule 6.1 and the reporting form. Those questions decreased significantly in subsequent years and, at this point, there appears to be wide acceptance of the reporting requirement.

B. The Reporting Process

Pursuant to Rule 16-903, the AOC assumed responsibility for overseeing the individual lawyer reporting process. The AOC selected ANASYS as its chief contractor for the overall distribution, compilation and analysis of the reports. ANASYS also designed and maintained the online filing forms and related website. The AOC subcontracted with PBRC to help the Standing Committee shepherd the reporting process. With input from the Committee, PBRC reviewed the reporting process and

³⁸ The compliance rates were calculated by ANASYS after several reminders from the Court and calls by PBRC staff to encourage filing. The several hundred who did not file could not be located and were ultimately decertified.

made certain recommendations, including incorporating specific revisions to the website. It also helped with beta testing the reporting form, drafting correspondence and the instructions for filing, troubleshooting logistical issues, and responding to hundreds of written and verbal inquiries about either the interpretation of Rule 6.1 or the process in general.

C. Notification to the Bar

The Court's communication with the bar regarding the new reporting process has been extensive. In the first year, Chief Judge Robert M. Bell sent letters to all attorneys in June and November of 2002 notifying them of the new rules and their reporting obligation. There was also considerable publicity about the new reporting requirement. Each year, the report forms have been accompanied by a cover letter from Chief Judge Bell, detailed instructions, a listing of legal services providers, and references to the rules. Online filing is strongly encouraged to enhance accuracy and reliability and to expedite the process.

D. Establishment of a Call Center

A large volume of calls was anticipated in the first year of reporting. With advice from the Committee, PBRC subcontracted with a private company for a 24 hour, seven day a week call center operation. Callers received a prerecorded message listing pertinent information about filing the reporting forms. The message also informed callers that they could receive a return call if they left a phone number. The call center referred those messages to PBRC whose staff returned the calls.

In the course of the first few months of reporting, the call center received over 760 calls. PBRC responded to the more than 200 messages left with the call center, approximately 250 direct calls, and 200 emails relating to the reporting forms, the process, or the interpretation of Rule 6.1. By the second year, the volume of email inquiries and calls decreased significantly and PBRC staff handled all of the responses in-house. The volume of inquiries decreased even more for the third year of reporting.

The AOC enlisted PBRC to attempt to contact as many non-filers as possible by telephone to improve the compliance rate. For 2002, PBRC received a list of 1,511 lawyers who had not filed their reports. In 2003, that number had decreased to 911 and in 2004, to 712. PBRC dedicated staff to contact lawyers who failed to file and went through considerable effort to locate them. The effort dramatically reduced the number of those on the non-compliance list.

After the first reporting year, the Standing Committee worked with the AOC and ANASYS to eliminate some confusion and improve the system. Those changes were incorporated by the second year and made the reporting process run even more efficiently and smoothly.

E. Heightening Awareness

The extensive publicity about the reporting requirement heightened awareness within the legal community of the importance of pro bono services. Virtually all Maryland lawyers are aware of Rule 6.1 and are reminded of their responsibility at least once a year when they are required to report their activities.

F. Interpreting Lawyer Reporting Data

Each year, ANASYS has compiled the data from the reporting process.³⁹ The Standing Committee reviewed the results of the Lawyer Pro Bono Legal Service Reports filed with the AOC from 2002, 2003, 2004 and 2005 (the only results compiled to date). The data generated by the reports has been extremely helpful in understanding the composition of the bar, the pattern of pro bono service throughout the state, where efforts need to be focused and the challenges to expanding pro bono legal services.

The reports from ANASYS included results from all lawyers licensed in the state of Maryland, regardless of whether they reside or practice in the state. Many who report are located out of state, not practicing law, in government service, or are part-time lawyers. From 2002 to 2003 close to 10% of the lawyers located in Maryland moved out of state. Many of these lawyers reported entering government service. In assessing the level of pro bono service in Maryland, the Standing Committee believes that the most important data is that generated from the reporting results of those practicing full-time in the state.

G. Key Findings⁴⁰

- ❖ A substantial percentage of Maryland lawyers provide pro bono legal services.

The latest reporting results indicated that 48% of Maryland-certified lawyers reported engaging in pro bono legal work. Among full-time Maryland lawyers, that figure rose to 62.3%.⁴¹ This confirms the strong pro bono culture that already exists in the state. Because of its history and emphasis on pro bono service, Maryland started at a relatively high level of pro bono participation when it formally began measuring pro bono hours in 2002.

- ❖ The number of pro bono hours and percentage of involvement by the bar continues to rise.

³⁹ The full reports can be found on the judiciary website at http://mdcourts.gov/probono/probonoreport_2002.pdf

⁴⁰ Key findings from the 2005 report, *The Current Status of Pro Bono Service Among Maryland Lawyers*, are summarized in ***Appendix D***.

⁴¹ This percentage does not include activities to improve the law, legal system or legal profession.

Since the initiation of required reporting of pro bono hours in 2002, the number of hours reported has increased. In calendar year 2002, 995,615 hours were donated. By 2005, that number had reached 1,098,609 hours, close to an **11% increase**. The changes in the percentage of *all* lawyers reporting some pro bono legal service is illustrated in the chart below.

Table 7. Percent of Lawyers with Pro Bono Activity, 2002-2005⁴²

	Yr 2005	Yr 2004	Yr 2003	Yr 2002
All Reporting Lawyers	48.0%	47.9%	47.4%	47.8%
Lawyers in Maryland	51.6%	51.8%	51.5%	50.4%
Lawyers in Other States	42.8%	42.3%	41.5%	43.4%

- ❖ Family law is reported as the top area of pro bono service.

Lawyers consistently listed family law more frequently than any other area of pro bono practice. In 2005, 53.1% of the hours donated were in the family law arena. Not surprisingly, those who identified themselves as family law practitioners, in general practice, or as litigators rendered the most service in that area.⁴³

- ❖ Areas of primary practice for lawyers do not necessarily mesh with pro bono service areas (or areas of need).

Lawyers typically prefer to provide pro bono services in their areas of expertise. To a large extent, however, service areas where pro bono legal services are rendered do not correspond to the top areas of practice. A comparison of primary practice areas in 2005 versus top pro bono service areas demonstrates that conclusion.

⁴² See *Current Status of Pro Bono Service Among Maryland Lawyers, Year 2005*, (hereinafter 2005 Status Report) p. 9, Table 7.

⁴³ Approximately 69.6% of family law practitioners do pro bono work, although not all dealing with family issues. Close to 40% of the family law bar provides family law pro bono services.

Table 13. Comparison of Practice Areas, 2005⁴⁴

Rank	Pro Bono Service Area	Primary Practice Area
1	Family/Domestic	Litigation
2	Corporate/Business	Corporate/Business
3	Other	Other
4	Real Estate	Criminal
5	Litigation	Government
6	Criminal	Real Estate
7	General Practice	Family/Domestic
8	Trusts/Estates/Wills	General Practice
9	Employment/Labor	Employment/Labor
10	Bankruptcy/Commercial	Trusts/Estates/Wills

As the chart reflects, while family law ranks the highest in terms of pro bono service, it ranked only seventh in terms of primary practice area for Maryland lawyers. The mismatch between the most common legal needs of those with limited means and areas of expertise of the bar has been a recurring problem in the delivery of pro bono legal services.

- ❖ Lawyers with more experience tended to donate more pro bono hours.

According to the 2002 report, lawyers with more experience were more likely to render pro bono service. The report found that those admitted to practice between 1978 and 1992 were far more likely to engage in pro bono work than their younger colleagues.⁴⁵ These same correlations were not included in later reports so it is not possible to know whether that trend has continued.

- ❖ Proportionately, more lawyers in rural parts of the state provide pro bono service.

Overall, higher percentages of lawyers on the Eastern Shore and in Western Maryland provided some pro bono service. While the county with the highest percentage of pro bono hours varied year to year, overall those on the Eastern Shore outpaced the rest of the state. In fact, the Eastern region had 80.4% of their full-time lawyers reporting pro bono in 2005 with Western Maryland following at 79%. Eastern region lawyers also report the highest percentage of lawyers reaching the 50 pro bono service hour goal.

Regions with lower rates of participation as a whole are the Capital area (Frederick, Montgomery, and Prince George's counties) and the Central area (Baltimore

⁴⁴ See 2005 Status Report, p. 16. Table 13.

⁴⁵ The American Bar Association (ABA) made a similar finding in its recent study of pro bono services in America insofar as older attorneys were more likely to report doing pro bono than younger attorneys. *Supporting Justice: A Report on the Pro Bono Work of America's Lawyers*, The ABA Standing Committee on Pro Bono and Public Service, August 2005 (released on July 28, 2005)(hereinafter, ABA Study).

City, Anne Arundel, Baltimore, Carroll, Howard, and Harford counties). Similarly, the Capital and Central regions overall report fewer lawyers meeting the 50 hour aspirational goal. Counties most often reporting low pro bono hours include Anne Arundel, Baltimore, Carroll, Howard, Montgomery and Baltimore City.

- ❖ Approximately 23% of the full-time bar provides 50 hours or more of pro bono service.

Statewide, 23.3% of full-time practitioners reported donating 50 hours or more to pro bono work in 2005 (a two percent increase from 2004).⁴⁶ This figure does not include activities to improve the law, legal system, or legal profession.

- ❖ Government attorneys report a lower level of pro bono activity.

For the first time, in 2005 the Lawyer Pro Bono Legal Service Report requested information on the type of office in which the lawyer practiced. Over 17% of the full-time lawyers selected “government agency” as their place of business, translating into 3885 lawyers.⁴⁷ An earlier ANASYS report observed that: “We learned that many government lawyers are prohibited from providing pro bono services.”⁴⁸ Given that observation, the Standing Committee decided to focus on changing pro bono policies and practices within government agencies. The change to the form and recent reporting results of those changes will now enable the Standing Committee and others to better gauge the potential pool of government lawyers and the amount of pro bono involvement.

- ❖ A larger percentage of small firm practitioners engage in pro bono work.

In adding the question as to where the attorney practices (i.e., private firm, corporate counsel, government agency, legal services organization, public interest organization or not practicing), the Court was able to glean important and telling data about pro bono service. The strongest correlation was between those in solo or small firms and pro bono service. In 2005, of the full-time lawyers in private firms, close to 80% of the solo and small firms members combined provided some type of pro bono service. Extra large firms (50 or more members) were next in line in pro bono participation at 67.8%. That compares to 61.7% for medium firms (6-20 members) and 57.2% for large firms (21-49 members).⁴⁹ There is a similarly strong correlation between those lawyers reaching the 50 hour “aspirational” goal and their firm type.

- ❖ Pro bono service is provided primarily to people of limited means.

⁴⁶ See Tables 8 and 9, p. 12 of the 2005 *Status Report*.

⁴⁷ Among all lawyers, government practice was selected by close to 18% or 5665 lawyers.

⁴⁸ Current Status of Pro Bono Service Among Maryland Lawyers, year 2003, p.23.

⁴⁹ See Table 26, p. 24 of the 2005report, *Current Status of Pro Bono Service Among Maryland Lawyers*.

Of those lawyers who reported doing pro bono work, 54.6% rendered services to people of limited means. An additional 15.8% provided representation to organizations assisting those of limited means. Thus, over 70% of the pro bono work done is directly impacting the poor and working poor.⁵⁰

- ❖ Direct pro bono work comprises the largest proportion of pro bono hours.

One result not anticipated by the Standing Committee was the extent to which lawyers engaged in “direct pro bono.” About a quarter of those reporting pro bono legal work for those of limited means claimed to have received the work from a pro bono or legal services program. The number receiving casework from legal services organizations has declined over the years. The result is that most lawyers reporting pro bono work presumably received the work directly from their clients or from other sources.

- ❖ Activities to Improve the Law or Legal Profession

One question on the reporting form requests the number of hours spent on activities to improve the law, the legal system or the legal profession. Lawyers spent over 407,984 hours on this category in 2005. These hours were in addition to the 1,098,609 hours spent on representational pro bono service as defined by Rule 6.1(b)(1).⁵¹

- ❖ Data on Financial Contributions

Lawyers reported donating over \$2.7 million to legal services organizations in 2005. It appears that those in certain practice areas tend to make greater financial contributions. It is unclear, however, to which organizations those funds were donated and how those donations were calculated.

- ❖ Public Interest and Legal Services Lawyers

After the adoption of the pro bono rules, the Standing Committee received numerous questions related to how public interest or legal services lawyers should report their work. Many expressed the opinion that their legal services jobs should be reported as pro bono service. The Standing Committee concluded that, based on the terms of Rule 6.1, the goal applied to public interest and legal services lawyers in addition to the work they did on a regular basis. Notwithstanding that conclusion, the Committee believed

⁵⁰ According to the ABA’s Report, two-thirds of the respondents, or 66%, reported doing some level of free pro bono services to people of limited means or organizations serving the poor.

In 2005, 24.3% of the Maryland bar also rendered services to non-profits to further their organizational purposes and 5.3% engaged in civil rights work.

⁵¹ These hours were reported separately from the pro bono legal service hours. The Standing Committee received numerous questions about what types of activities qualified in this category. The inquiries led the Committee to include a response to this as a Frequently Asked Question on the judiciary’s website.

that it was important to recognize the tremendous contributions made by public interest and legal services lawyers in increasing access to the legal system.⁵²

VI. RECOMMENDATIONS TO COURT OF APPEALS **RELATING TO REPORTING PRO BONO SERVICE**

The Standing Committee believed that the Lawyer Pro Bono Legal Service Report form needed to be modified somewhat for clarification and to gather more accurate and specific information. It also recommended that the form include a category classifying the type of office in which the lawyer practices and the size of the firm or agency.

RECOMMENDATION #5:

The Court of Appeals of Maryland should approve the modification of the Lawyer Pro Bono Legal Service Report form to allow for deletion of unnecessary information and the inclusion of a category inquiring where a lawyer was engaged in the practice of law, including firm size. Other revisions should include referencing the Frequently Asked Questions on the form, allowing lawyers to add additional information to Question # 3 regarding activities to improve the law, legal system or legal profession, and including an easy way for lawyers to volunteer. (For a specific listing of the revisions and the language associated with them, and a copy of the new form, see **Appendix E**).

All of the revisions to the form were approved by the Court of Appeals. The reporting results will assist in evaluating the recruitment efforts and aid in planning initiatives for participation of groups of lawyers. The Committee will recommend ways to increase the participation of those groups currently with lower levels of involvement as well.

RECOMMENDATION #6:

The Court of Appeals should authorize the Standing Committee to work with the AOC on modifying the Lawyer Pro Bono Legal Service Report form as necessary to ease compilation and reporting of results without the formal adoption of such changes to the form by the Court.

RECOMMENDATION #7:

The Court of Appeals should combine the mailing of the Lawyer Pro Bono Legal Service Report, the IOLTA Compliance form and the Client Protection Fund invoices for ease and efficiency.

⁵² It was in part due to this recognition that the Standing Committee recommended including a category for legal services organizations on the reporting form. This change was adopted by the Court of Appeals in 2005 and took effect before the 2005 forms were distributed. The results found 375 full-time lawyers classify themselves as legal services lawyers (a far greater number than reported by legal services sources). Of those, 35.8% report doing pro bono work.

In terms of the reporting process itself, the Standing Committee has no specific recommendations because the process has worked extremely well. The Standing Committee commends ANASYS on managing the process efficiently and responding quickly and effectively to issues of concern. The AOC, PBRC and ANASYS have been able to make logistical changes to the process as necessary and the high compliance rate and results indicate that the reporting of pro bono hours is useful, relatively easy to monitor and an important component of the pro bono effort statewide.

As a whole, the Standing Committee believes that the process has raised the profile of pro bono legal services and reminded lawyers of their professional responsibility to help ensure access to the legal system. It has also provided extremely useful data about the nature and scope of legal practice and pro bono activity by attorneys licensed in the state. The information gleaned from the reports has helped guide the Standing Committee and local pro bono committees in their planning efforts as well.

RECOMMENDATION #8:

The current annual reporting process should be maintained as a useful tool for gauging lawyer participation in pro bono legal services and for planning pro bono efforts statewide. It has also proven valuable in reminding lawyers of their professional responsibility to engage in pro bono work and needs to continue to be part of the annual mailing received by licensed practitioners from the Court to sustain its impact.

VII. RULE 6.1 AND ITS IMPACT

The Standing Committee does not believe that there is any reason to change the aspirational goals of Rule 6.1. While many have not reached the 50 hour target, overall there was an increase in the percentage of Maryland based lawyers who donated 50 or more hours. Many lawyers believe that the establishment of a specific goal has been important in setting concrete expectations and motivating others to become involved.

The reporting data showed that pro bono hours have increased steadily since the promulgation of revisions to Rule 6.1 and creation of the reporting requirement through Rule 16-903. There is no hard data to quantify changes in attitude as a result of the rule changes, but there are many indications that the rules have had a positive impact on the institutionalization of a pro bono culture.

Legal services programs report greater receptiveness to solicitations for volunteer recruits. Some have experienced higher case placements and interest from lawyers who have never been engaged in pro bono work before.

Organized bar efforts are showing a new emphasis on pro bono. For example, the MSBA's Young Lawyers' Section established a Pro Bono Committee shortly after the rules' passage and has been actively soliciting its members to staff community legal clinics and perform other pro bono work. Local and specialty bar associations are highlighting the pro bono work of their members and initiating special projects. For example, Baltimore City has instituted a new standing pro bono committee. The

Baltimore County Bar Association is promoting its own pro bono listserv for its members and expanding profiles of pro bono lawyers in its newsletter. Caroline County court-based programs report a new influx of volunteers for panel criminal cases, representation of children, and *pro se* assistance. Many county bar associations are now listing in their local newsletters those who donate time to pro bono service.

In an informal survey of large law firm pro bono coordinators, the majority of those responding indicated that they had noticed a positive change in their firms since the adoption of the pro bono rules. Several large firms give lawyers billable hour credit for pro bono legal work. A few have sponsored in-house Pro Bono Fairs to encourage their members to talk to representatives of legal services programs about volunteer opportunities. A number have instituted new recognition programs, including awards for those demonstrating outstanding service. Most firms, regardless of size, reported altering their tracking systems to identify pro bono hours. Law firms are generally more receptive and vocal about supporting pro bono work.

VIII. RECOMMENDATIONS FOR PRO BONO DELIVERY SYSTEM

The Standing Committee has the following recommendations for the Pro Bono Delivery System at this time.⁵³ The Committee will continue to update its recommendations as additional plans are received from local committees.

RECOMMENDATION #9:

The primary method for increasing the delivery of pro bono legal services is through local plans that have been developed and those which will be developed and implemented by local committees. The Standing Committee should continue to assist those committees which have not completed their plans and provide support to those committees attempting to implement their plans. In providing that support, the Standing Committee should compile a *Best Practices Manual* for local committees and encourage local committees to complete the planning process as soon as possible.

RECOMMENDATION #10:

The Standing Committee should continue to work with local committees in supporting and coordinating the delivery of pro bono legal services. The Standing Committee will encourage collaboration among local committees where warranted in order to maximize opportunities to address the need and will review and respond to the annual reports submitted by local committees.

The Standing Committee has been working closely with the local committees on supporting and coordinating pro bono services and will continue to do so. One way in which the Standing Committee is encouraging collaboration is by coordinating regional

⁵³ At the Maryland Partners for Justice Conference on May 18, 2005, the Committee received input on recommendations for an action plan from participants including representatives of the judiciary, legal services providers and the private bar.

pro bono meetings. The first such meeting was on the Eastern Shore with the ultimate outcome being the development of a Mid-Shore Pro Bono Project serving four to five counties in the Mid-Shore region. A second regional meeting was held in 2006 in Frederick County for Frederick, Howard and Carroll County local committee members. A number of representatives of legal services providers and judges attended as well. The forum provided an opportunity for members to share their struggles and successes and begin to identify areas where they may be able to collaborate on pro bono efforts.

RECOMMENDATION #11:

The Standing Committee will submit a revised statewide plan after receipt of all of the plans of local committees and revisit the Action Plan on a bi-annual basis to ensure its effectiveness and identify additional areas of focus.

The revisions to the original plan are incorporated herein. The Standing Committee intends to submit another revised plan once the last few local plans are submitted.

RECOMMENDATION #12:

Rule 16-901 states that the Standing Committee should include suggestions for the kinds of pro bono activities that will be most helpful in meeting the need for pro bono legal service throughout the State and should address long-range pro bono service issues. The Standing Committee believes that the best means of accomplishing this is to work with PBRC to convene a statewide leadership conference with the major stakeholders in the legal services community and the bar. The conference will examine how pro bono legal service fits into the broader legal services delivery system, identify gaps and overlaps, and delineate where particular strengths and skills of programs should be focused. The conference should consider the types of pro bono cases best suited for referral to volunteers and those best handled by legal services organization staff as well as how the programs can best complement one another.

On September 21, 2006, the Standing Committee hosted its first Pro Bono Leadership Conference in Kent County. Key representatives from the private bar, bench, legal services community and major funding sources were invited and the response was tremendous. The conference participants spent the day discussing effective recruitment and training of volunteers, shared information about pro bono opportunities and resources, explored the scope and nature of pro bono work and case types, and made connections for enhanced coordination and collaboration. The participants recommended convening such a group again to delve into some of the areas of discussion in a more in-depth manner and developing action plans from the ideas proposed.

RECOMMENDATION #13:

There is a need to increase the availability of pro bono family law services that has consistently been demonstrated at the state and local levels. The need is so great, however, that pro bono lawyers cannot satisfy all of it; they can address part of it. Family

law practitioners already contribute a substantial amount of pro bono work. There are opportunities available for other practitioners to receive training in different aspects of family law from various sources. The Standing Committee will work the PBRC and local committees and providers to increase awareness of these training opportunities and to encourage lawyers to take advantage of them so that they are able to help address the family law dilemma.

RECOMMENDATION #14:

The Standing Committee researched the policies and rules relating to outside practice and pro bono work at the various government agencies throughout the state. The conclusion was that a number of offices (including county law offices and state's attorney's offices) allowed for pro bono service, either as an exception to a prohibition on outside practice or by encouraging pro bono activities as a policy matter. The Standing Committee will work with government agencies to encourage them to modify their rules to allow for lawyers in their offices to engage in pro bono practice. Model policies such as those in place in the Office of the Attorney General, Baltimore City State's Attorney's Office, and Baltimore County Office of Law can be used as examples for other government agencies.

Since the publication of the initial plan, the Standing Committee has been working on developing a strategy to approach government agencies. Its first communication was with the OPD which was very receptive to the notion of a pro bono policy. After meeting with representatives of the OPD and sharing model policies with them, the OPD developed and adopted its own Pro Bono Policy in the fall of 2006. PBRC has also been assisting the OPD in organizing training programs on criminal record expungements so Assistant Public Defenders can accept cases on a pro bono basis and will be identifying other relevant pro bono opportunities for members of the OPD.

RECOMMENDATION #15:

The Standing Committee will work with local committees and law firms to identify pro bono opportunities for in-house counsel and ways to recruit in-house counsel to do pro bono work.

IX. JUDICIAL INVOLVEMENT

The Judicial Commission on Pro Bono's Report was replete with recommendations regarding judicial participation in the effort to increase the provision of pro bono legal services to the poor. The recommendations were based upon the experiences locally and in other states in which pro bono efforts were spearheaded and fostered through the active participation of the bench. Few of the recommendations pertaining to the judiciary were specifically adopted, and no explicit role was prescribed for the bench, but for the requirement that the Administrative Judges choose certain members of the local pro bono committees.

While not required by the Rules, members of the judiciary have played a key role in the development of pro bono services throughout the state. The Administrative Office of the Courts has allotted resources to the implementation of the rules adopted in 2002 and, as recommended in the *Report*, regularly participates in programs honoring attorneys who have provided pro bono services. Members of the judiciary from all parts of the state have become involved to varying degrees in recruiting, training and recognizing pro bono lawyers which consistently boosts participation and morale. The judges who sit on the Standing Committee have played important roles on the Committee, in their local pro bono committees and in facilitating the compilation of local pro bono plans. The participation of other judges on a local level has propelled the work of the local committees. When the Standing Committee held a regional meeting on the Eastern Shore to discuss alternatives for implementing a pro bono referral system for that region, district and circuit court judges and masters attended and participated. Their involvement and commitment of time and funds to support the new initiative has made a vast difference in that region's pro bono effort.

Thus, even without a mandate, many members of the bench have contributed to the promotion of pro bono services throughout the state. At the same time, not all regions of the state have benefited from participation of the bench, and the lack of a defined role for the bench has left some judges reluctant to assume a leadership role. In some counties, this has resulted in a lack of leadership or uncertainty regarding roles and responsibilities.⁵⁴

The Rules do not specify who is to convene local committees, how long members are to serve, who are to replace members who leave, and how long the chairs are to serve. As a result, committees got started at varying paces. Some committees submitted local plans in accordance with the pro bono rules--others have yet to do so. The Rules contemplate local committees continuing their role and reporting responsibilities, but in some counties that have completed their plans, participation is waning. While the committees can no doubt resolve many of these issues on their own, judicial leadership can help rally the forces and maintain the momentum.

The bench has a particular role to play in ensuring that the committees remain vibrant and that the goals of the Rules are met, as well as a general leadership role in promoting pro bono services.

X. RECOMMENDATIONS FOR JUDICIAL INVOLVEMENT

The Court should take additional steps to prioritize and institutionalize the role of the judiciary in fostering the provision of pro bono legal services to increase access to justice and to reduce the volume of *pro se* litigation for judicial economy. While various judges and court personnel have embraced the challenge, the provision of pro bono services has yet to become a priority for the bench and judicial system as a whole. For

⁵⁴ To support the authority of judges to engage in pro bono activities, see Maryland Judicial Ethics Opinion No. 124 attached as **Appendix F.**)

the benefit of the bench, the bar, and the community, the Standing Committee proposes that the role of the judiciary be clearly established by the Court of Appeals.

Some of the steps that can be taken, in addition to the proposed Rule changes are listed below.

RECOMMENDATION #16:

The Court should issue a memorandum delineating the types of activities judges should engage in to increase pro bono participation among the members of the bar and to ease access to the courts for those of limited means. This memorandum should be distributed to the Conference of Circuit Court Judges, the Conference of District Court Judges, and each individual judge along with communications through AOC publications to court personnel to foster a sense of collective responsibility.

*The Standing Committee submitted the revised memorandum with a copy of the Maryland Judicial Ethics Opinion No. 124 to the Court of Appeals in October, 2006. The request from the Standing Committee also included an explanation as to administrative leave policies for judges with regard to training, educational programs and encouragement of pro bono activities. That opinion is attached as **Appendix F**.*

RECOMMENDATION #17:

The Court should emphasize the role of the bench in the development of pro bono services at judicial conferences.

A presentation by a member of the Standing Committee on Pro Bono Legal Service was on the agenda for the Conference of Circuit Court Judges in 2006 but had to be postponed. More opportunities for presentations and communications about the role of the judiciary are strongly encouraged.

RECOMMENDATION #18:

The Court should adopt liberal continuance and scheduling policies for pro bono counsel that recognize that: a) pro bono lawyers are often brought into the case days before trial; and b) pro bono cases may conflict with “paying” cases. In the event of a conflict between AOC time standards and assuring adequate representation, the latter should take precedence.

RECOMMENDATION #19:

The Conference of Circuit Court Judges should be asked to consider systemic changes that would enhance the development of pro bono services, including, but not limited to a system for identification of litigants in need of pro bono counsel and referrals to appropriate services.

RECOMMENDATION #20:

Significantly more opportunities for Alternative Dispute Resolution (ADR) should be provided onsite early in the litigation process for pro bono litigants.

CONCLUSION

Local committees and the Standing Committee have done a great deal of work, but there is more to be done. The local planning process has been very successful in some areas but needs to be completed in others. The rule changes, activities of local committees and involvement of the bench and bar have created an increased interest in pro bono opportunities. The reporting process has been an overwhelming success in terms of compliance and in demonstrating the long-standing commitment of Maryland lawyers to pro bono legal services. Despite that commitment, a substantial unmet need remains which Maryland lawyers have the capacity to address in part. With the completion of local planning and follow-up on the initiatives already commenced by local committees, the Standing Committee believes that Maryland lawyers can make a substantial impact on the unmet need.

The Committee would like to acknowledge the extraordinary help it received from Sharon E. Goldsmith, Esq., Executive Director of the Pro Bono Resource Center of Maryland, Inc. and her staff, particularly Steven Blume, in its work. Sharon and Steve attended numerous meetings of local committees around the state and assisted them in many aspects of their work. Sharon in particular has been a leader of the Committee's activities from the outset and her long term experience and knowledge regarding legal services and pro bono activities has been invaluable to the Committee in all of its work and in producing this plan and report.

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**STANDING COMMITTEE ON PRO BONO LEGAL
SERVICE
Current and Past Members**

Committee Member Name	Designee Appointment	Liaison
<i>Mr. Ward B. Coe, III, Esq.</i>	Committee Chair Sixth Appellate Circuit	Baltimore City
<i>Ms. Jo Benson Fogel, Esq.</i>	Seventh Appellate Circuit	Montgomery County
<i>Donald Braden, Esq.</i>	First Appellate Circuit	Kent, Queen Anne's, Wicomico, and Worcester Counties
<i>Rev. Jamal Bryant</i>	Public Member	
<i>Ms. Patricia Chiriboga-Roby, Esq.</i>	Legal Services Representative	Baltimore City
<i>James Eagan, III, Esq.</i>	Third Appellate Circuit	Carroll, Frederick, and Howard Counties
<i>Honorable Angela M. Eaves</i>	District Court Member	Harford and Cecil Counties
<i>Nancy Forster, Esq.</i>	Office of the Public Defender	
<i>John Gunning, Esq.</i>	Office of the Public Defender	
<i>Mr. Peter A. Holland, Esq.</i>	Fifth Appellate Circuit	Anne Arundel County
<i>Honorable Cathy Hollenberg Serrette</i>	Fourth Appellate Circuit	Prince George's, Calvert, Charles and St. Mary's Counties
<i>Ms. Patricia Jordan</i>	Public Member	Talbot County
<i>Ms. Connie Kratovil Lavelle, Esq.</i>	First Appellate Circuit	Kent, Queen Anne's, Wicomico and Worcester Counties
<i>Hannah Lieberman, Esq.</i>	Legal Services Representative	Allegany, Garrett and Washington Counties
<i>Rhonda Lipkin, Esq.</i>	Legal Services Representative	
<i>Honorable Karen Murphy Jensen</i>	Circuit Court member	Caroline, Somerset, Talbot and Dorchester Counties
<i>Stephen J. Nolan, Esq.</i>	Second Appellate Circuit	Baltimore County
<i>Paula Peters, Esq.</i>	Fifth Appellate Circuit	Anne Arundel County
<i>Ms. Powel Welliver, Esq.</i>	Third Appellate Circuit	Carroll, Frederick, and Howard Counties
<i>Staff Counsel: Sharon E. Goldsmith, Esq. Project Staff: Steven Blume</i>		

STANDING COMMITTEE ON PRO BONO LEGAL SERVICE **RECOMMENDATIONS**

RECOMMENDATIONS REGARDING LOCAL COMMITTEES

Based on the Standing Committee's observations and feedback from local committees, the Standing Committee has the following recommendations:

RECOMMENDATION #1:

The Court of Appeals should adopt changes to Rule 16-902 regarding the composition of local pro bono committees. Those changes should include:

h. requiring at least one but not more than two Circuit and District court judges selected by the County Administrative Judge to serve on each committee;

i. charging the County Administrative Judge with the appointment of a member of the local committee to serve as temporary chair who shall convene a meeting at which the committee shall elect a member to serve as chair;

j. requiring that the local committee set up a rotation process for committee membership;

k. stating that on at least an annual basis, the County Administrative Judge shall take steps to ensure full membership of the local committee;

l. eliminating the maximum of three representatives of legal service providers and pro bono referral organizations for committee membership in Rule 16-902(a)(2)(iii). The Standing Committee believes that maximum participation of such organizations should be encouraged to facilitate the coordination of the delivery of legal services to the poor;

m. requiring submission of annual reports from the local committees on May 1 of each year; and

n. allowing counties within the same region to join together as a local committee with approval of all Administrative Judges from those counties where appropriate.

The proposed language for the specific changes to Rule 16-902 are attached as **Appendix C**.

RECOMMENDATION #2:

The AOC should provide a mechanism for receiving, evaluating and granting requests for funding of locally-based pro bono projects or initiatives from the local pro bono committees.

RECOMMENDATION #3:

The Court should encourage greater involvement by the local bench and court personnel in the planning and implementation of the local pro bono plans. One method of accomplishing this is to encourage court personnel to join the committee as consultants and actively participate in the process.

RECOMMENDATION #4:

The Standing Committee also believes that the following practices of some local committees were particularly effective and that all local committees should consider them in formulating, reviewing and revising their plans:

k. Local committees should look to local plans from other jurisdictions and recommendations to develop policies and practices for judicial involvement in pro bono activities. Those policies should include suggestions for instituting docket preferences and flexible scheduling, encouraging alternative dispute resolution, and recruitment, referral, training and recognition of volunteer lawyers.

l. Where there is evidence of a need, the local committee should recruit attorneys to register on a list maintained by the local Office of the Public Defender to accept referrals of pro bono or reduced fee cases. The Public Defender's Office should set up a mechanism for referring those potential clients who are above the income guidelines, but within the MLSC guidelines, to the lawyers registered.

m. Local pro bono committees should address the barriers to accessing legal services cited in their plans, including language, transportation, and cultural barriers. Local committees should work with the courts and ethnic community groups to develop specific mechanisms for increasing access to interpreters and making legal services available for non-English speakers. They should also be encouraged to approach their local county planning offices or government officials who are responsible for transportation and social services in the county and urge them to develop reasonable means of transportation to legal services programs.

n. Local committees should speak with local providers to determine what additional funds may be necessary to implement their plans and projects. Local pro bono committees need to identify specific budget needs for their pro bono projects and initiatives and determine who will be responsible for the actual operation and monitoring of the projects. They should create concrete goals for locating additional funds for local

pro bono and legal services programs from the county government, lawyer contributions, the business community, foundations, the courts, the AOC and MLSC.

o. Local committees should discuss the adequacy of the screening process for pro bono referrals with local legal services programs operating in their jurisdiction at least annually. If problems are identified, the committee should work with the providers to address them.

p. Local committees should work with the local providers to communicate to lawyers in the county the anticipated amount of time expected for a case referred from each provider, the scope of work, and availability of support services, including malpractice insurance, a statewide litigation fund (funded through MLSC) and mentors.

q. Local pro bono committees should work closely with the legal services providers to develop opportunities for transactional lawyers (corporate, real estate and tax in particular) by reaching out to community groups, the faith-based community and non-profits and assessing their needs for those areas of legal expertise.

r. Local committees should work with legal services providers to identify new ways in which lawyers can become involved in pro bono work other than direct representation, including participating in legal clinics, training other volunteers, conducting intake and screening, engaging in public education, rendering outreach services, staffing legal hotlines, mediating, researching, and legislative work.

s. Local committees should explain how they plan to address the issue of outreach to the community about the availability of legal services. As a first step, each local committee should review the Maryland Lawyers Care brochure produced by the Standing Committee and PBRC and make whatever revisions it deems necessary so the Standing Committee can publish copies for the county. The committees should also detail how and to whom they will distribute the brochures and how they plan on updating them every few years.

t. The Standing Committee believes it is important to have a local presence for the effective pro bono delivery of legal services to recruit lawyers and screen and refer clients. Some jurisdictions have this presence through MVLS or local bar foundations. Local committees in other jurisdictions should identify local or regional pro bono coordinators.

The Standing Committee views the Local Pro Bono Plans as a first step in improving access to legal services in the state. The Plans are, however, works in progress and will evolve as communities evolve, the bar changes and needs shift. Plans should be monitored, reviewed and reevaluated annually by the local committee to determine whether changes need to be made and to help the committee plan its action items for the next year.

RECOMMENDATIONS TO COURT OF APPEALS
RELATING TO REPORTING PRO BONO SERVICE

RECOMMENDATION #5:

The Court of Appeals of Maryland should approve the modification of the Lawyer Pro Bono Legal Service Report form to allow for deletion of unnecessary information and the inclusion of a category inquiring where a lawyer was engaged in the practice of law, including firm size. Other revisions should include referencing the Frequently Asked Questions on the form, allowing lawyers to add additional information to Question # 3 regarding activities to improve the law, legal system or legal profession, and including an easy way for lawyers to volunteer. (For a specific listing of the revisions and the language associated with them, and a copy of the new form, see **Appendix E**).

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The Court of Appeals should authorize the Standing Committee to work with the AOC on modifying the Lawyer Pro Bono Legal Service Report form as necessary to ease compilation and reporting of results without the formal adoption of such changes to the form by the Court.

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The Court of Appeals should combine the mailing of the Lawyer Pro Bono Legal Service Report, the IOLTA Compliance form and the Client Protection Fund invoices for ease and efficiency.

RECOMMENDATION # 8

The current annual reporting process should be maintained as a useful tool for gauging lawyer participation in pro bono legal services and for planning pro bono efforts statewide. It has also proven valuable in reminding lawyers of their professional responsibility to engage in pro bono work and needs to continue to be part of the annual mailing received by licensed practitioners from the Court to sustain its impact.

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The Standing Committee has the following recommendations for the Pro Bono Delivery System at this time. The Committee will update its recommendations as additional plans are received from local committees.

RECOMMENDATION #9:

The primary method for increasing the delivery of pro bono legal services is through local plans that have been developed and those which will be developed and implemented by local committees. The Standing Committee should remain in place to provide support to local committees which have not completed their plans. In providing that support, the Standing Committee should compile a *Best Practices Manual* for local committees and encourage local committees to complete the planning process as soon as possible.

RECOMMENDATION #10:

The Standing Committee should continue to work with local committees in supporting and coordinating the delivery of pro bono legal services. The Standing Committee will encourage collaboration among local committees where warranted in order to maximize opportunities to address the need and will review and respond to the annual reports submitted by local committees.

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RECOMMENDATION #13:

There is a need to increase the availability of pro bono family law services that has consistently been demonstrated at the state and local levels. The need is so great, however, that pro bono lawyers cannot satisfy all of it; they can address part of it. Family law practitioners already contribute a substantial amount of pro bono work. There are opportunities available for other practitioners to receive training in different aspects of family law from various sources. The Standing Committee should work with the PBRC and local committees and legal services providers to increase awareness of these training

opportunities and to encourage lawyers to take advantage of them so that they are able to help address the family law dilemma.

RECOMMENDATION #14:

The Standing Committee researched the policies and rules relating to outside practice and pro bono work at the various government agencies throughout the state. The conclusion was that a number of offices (including county law offices and state's attorney's offices) allowed for pro bono service, either as an exception to a prohibition on outside practice or by encouraging pro bono activities as a policy matter. The Standing Committee should work with government agencies to encourage them to modify their rules to allow for lawyers in their offices to engage in pro bono practice. Model policies such as those in place in the Office of the Attorney General, Baltimore City State's Attorney's Office, Baltimore County Office of Law and the Office of the Public Defender can be used as examples for other government agencies.

RECOMMENDATION #15:

The Standing Committee will work with local committees and law firms to identify pro bono opportunities for in-house counsel and ways to recruit in-house counsel to do pro bono work.

RECOMMENDATIONS FOR JUDICIAL INVOLVEMENT

RECOMMENDATION #16:

The Court should issue a memorandum delineating the types of activities judges should engage in to increase pro bono participation among the members of the bar and to ease access to the courts for those of limited means. This memorandum should be distributed to the Conference of Circuit Court Judges, the Conference of District Court Judges, and each individual judge along with communications through AOC publications to court personnel to foster a sense of collective responsibility.

RECOMMENDATION #17:

The Court should emphasize the role of the bench in the development of pro bono services at judicial conferences.

RECOMMENDATION #18:

The Court should adopt liberal continuance and scheduling policies for pro bono counsel that recognize that: a) pro bono lawyers are often brought into the case days before trial; and b) pro bono cases may conflict with "paying" cases. In the event of a conflict between AOC time standards and assuring adequate representation, the latter should take precedence.

RECOMMENDATION #19:

The Conference of Circuit Court Judges should be asked to consider systemic changes that would enhance the development of pro bono services, including, but not limited to a system for identification of litigants in need of pro bono counsel and referrals to appropriate services.

RECOMMENDATION #20:

Significantly more opportunities for Alternative Dispute Resolution (ADR) should be provided onsite early in the litigation process for pro bono litigants.

PROPOSED REVISIONS TO RULE 16-902

Rule 16-902. LOCAL PRO BONO COMMITTEES AND PLANS

(a) Local Pro Bono Committees

(1) Creation

There is a Local Pro Bono Committee for each county.

(2) Members

(A) The Local Pro Bono Committee consists of no more than 11 members, as follows:

(i) the District Public Defender for the county or an assistant public defender selected by the District Public Defender;

(ii) at least three but no more than five lawyers, appointed by the president of the county bar association, who practice in the county and at least one of whom is an officer of the county bar association;

(iii) at least two {but no more than three} representatives nominated by legal services organizations and pro bono referral organizations that provide services in the county and selected by the County Administrative Judge and the District Administrative Judge; and

(iv) at least one but no more than two persons from the general public, appointed jointly by the County Administrative Judge and the District Administrative Judge.

(v) at least one but no more than two Circuit Court or District Court Judges, with the selection of the Circuit Court Judge made by the County Administrative Judge and the selection of the District Court Judge made by the County Administrative Judge with the concurrence of the Chief Judge of the District Court.

(3) Term

Each Committee shall establish a procedure for new membership, including articulating length of terms, to ensure member rotation and involvement.

(4) Chair

The County Administrative Judge shall appoint a member of the Committee to serve as temporary chair. The temporary chair shall convene a meeting at which the Committee shall elect a member to serve as chair. Each Committee shall establish a procedure by which its Chair will be replaced.

(5) Full Membership

On at least an annual basis, the County Administrative Judge shall assess the composition of the Committee and take steps to ensure full membership of the Committee

(6) Consultants

The Committee may designate a reasonable number of consultants from among court personnel or representatives of other organizations or agencies concerned with the provision of legal services to persons of limited means. Each consultant should be encouraged to attend meetings and participate as a member, providing input and assisting in the development and implementation of the plan, where appropriate, without being voting members of the Committee.

(b) Duties of the Committee

The Local Pro Bono Committee shall:

(1) assess the needs in the county for pro bono legal service, including the needs of non-English speaking, minority, and isolated populations;

(2) determine the nature and extent of existing and proposed free or low-cost legal services, both staff and volunteer, for persons of limited means in the county;

(3) establish goals and priorities for pro bono legal service in the county;

(4) prepare a Local Pro Bono Action Plan as provided in section (c) of this Rule;

(5) in accordance with the policies and directives established by the Standing Committee or the Court of Appeals, implement or monitor the implementation of the Plan; and

(6) submit an annual report about the Plan to the Standing Committee by May 1.

(c) Local Pro Bono Action Plans

(1) Generally

The Local Pro Bono Committee shall develop, in coordination with existing legal services organizations and pro bono referral organizations that provide services in the county, a detailed Local Pro Bono Action Plan to promote pro bono legal service to meet the needs of persons of limited means in the county. The Plan shall be submitted to the Standing Committee within one year after creation of the Local Committee. The Local Pro Bono Committees of two or more adjoining counties may collaborate and form a Regional Pro Bono Committee with approval of the Administrative Judges of the counties that wish to collaborate. With the approval of the Standing Committee, a single joint Pro Bono Action Plan may be developed for two or more adjoining counties, by collaboration of the Local Pro Bono Committees.

(2) Contents

The Local Pro Bono Action Plan shall address the following matters:

(A) screening applicants for pro bono representation and referring them to appropriate referral sources or panels of participating attorneys;

(B) establishing or expanding attorney referral panels;

(C) continuing and supporting current services provided by existing pro bono and legal services organizations;

(D) a procedure for matching cases with individual attorney expertise, including specialized panels;

(E) support for participating attorneys, including

(i) providing litigation resources and out-of-pocket expenses for pro bono cases;

(ii) providing or supplementing legal malpractice insurance for participating attorneys;

(iii) providing legal education and training for participating attorneys in specialized areas of the law relevant to pro bono legal service, including consultation services with attorneys who have expertise in areas of law in which participating attorneys seek to provide pro bono service; and

(iv) recommending court scheduling and docketing preferences for pro bono cases;

(F) methods of informing lawyers about the ways in which they may provide pro bono legal service;

Committee note: Ways in which lawyers may provide pro bono legal service include assisting in the screening and intake process; interviewing prospective clients and providing basic consultation; participating in pro se clinics or other programs in which lawyers provide advice and counsel, assist persons in drafting letters or documents, or assist persons in planning transactions or resolving disputes without the need for litigation; representing clients through case referral; acting as co-counsel with legal service providers or other participating attorneys; providing consultation to legal service providers for case reviews and evaluations; training or consulting with other participating attorneys or staff attorneys affiliated with a legal service provider; engaging in legal research and writing; and, if qualified through training and experience, serving as a mediator, arbitrator, or neutral evaluator.

(G) coordinating implementation of the Plan with the courts, county bar associations, and other agencies and organizations;

(H) the number of hours of pro bono legal services needed annually to meet the needs of persons of limited means in the county; and

(I) programs to recognize lawyers who provide pro bono legal services.

Source: This Rule is new.

*KEY FINDINGS FROM
2005 MARYLAND PRO BONO REPORTING RESULTS*

Maryland Rule 16-903 (effective July 1, 2002) requires all Maryland attorneys authorized to practice law in the state to annually report on their pro bono activities. The definition of pro bono service was redefined by the Court of Appeals in Rule 6.1 with an “aspirational” goal of 50 hours of service for full-time practitioners with a “substantial portion” of those hours dedicated to legal services to people of limited means.

The Administrative Office of the Courts contracted with an independent company (ANASYS) to administer the process and compile the reporting results. There are now three years of reporting results to review and analyze. Some of the key findings from the *Current Status of Pro Bono Service Among Maryland Lawyers, Year 2005* report are summarized below.

Compliance Rate

- 31,991 Maryland lawyers **filed their pro bono service report** by the final cutoff date and were included in the report (representing over a **99% compliance rate**). Approximately 63% filed their reports online.

Amount of Pro Bono Service

- Among all licensed lawyers, **48% reported engaging in some** type of pro bono activity. **Among full-time lawyers practicing in Maryland, that number increased to 62.3%.**
- **Lawyers provided a total of 1,098,609 hours** of representational pro bono legal service in 2005 (amounting to 26,641 hours more than in 2004). They gave an additional 407,984 hours to improve the law, legal system or legal profession **totaling over 1.5 million hours of pro bono service.**
- Among all lawyers, 19.2% reported 50 hours or more of pro bono service while among **full-time lawyers, 23.3% reported donating more than 50 hours.**

Type of Pro Bono Service

- Tracking Rule 6.1, the breakdown of services provided by lawyers practicing in Maryland was as follows:
 - **54.6% rendered their services to people of limited means;**
 - 15.8% assisted organizations serving people of limited means;
 - 5.3% worked with entities on civil rights matters; and
 - 24.3% gave organizational help to non-profits.

If you combine those who provided service to individuals of limited means with those assisting organizations serving the low-income community, **over 70% of the pro bono services provided directly impact the poverty population.**

- Of those hours donated to assist people of limited means, 24.3% of those to individual clients and 15.8% of those to organizations serving the poor (or 40.1% combined) were referred *through* a pro bono or legal services organization.

Geographic Distribution

- The **Eastern Shore and Western Maryland** continued to **have higher proportions** of lawyers rendering pro bono services overall than lawyers in other regions. This year, lawyers in Washington County reported the highest percentage of lawyers rendering any pro bono service (70.2 %) with Allegany coming in a close second (69.5%) followed by Wicomico County (69.4%).
- **Somerset County** reported the **highest percentage of full-time lawyers with 50 hours** or more of pro bono service (72.7%) followed by the Dorchester County (50.0%) Calvert County and Caroline County. Counties with fairly consistent patterns of lower participation rates include Anne Arundel, Baltimore, Howard, Montgomery and Carroll counties and Baltimore City.

Practice Areas

- The **largest number of pro bono hours** was donated in the **family/domestic** practice area even though family/domestic law ranked seventh as a primary practice area. About 70% of the family law bar provided pro bono service while most family law pro bono cases were handled by lawyers who identified their primary practice areas as family, litigation or general.
- Lawyers generally provide a **high percentage of their pro bono service in their primary practice area**. Those in certain practice areas tend to **proportionately provide more pro bono service hours**. The top areas include:
 - Family Law – 69.6%
 - Elder Law – 67.8%
 - Trusts/Estates/Wills – 66.3%
 - Personal Injury – 63.2%
 - Bankruptcy/Commercial – 62.3%
 - General Practice – 61.5%
 - Litigation – 61.5%

Size and Type of Firm/Office

- **A larger percentage of solo and small firm practitioners engage in pro bono work. Close to 80% of solo** practitioners reported some pro bono service hours while almost 73% of small firm members (2-5 in size) donated their time. About 68% of those in extra large firms, with 50 or more members, reported pro bono service. Medium and large firms had the lowest percentages of pro bono hours.
- Government lawyers overall provided less pro bono hours than those in other offices. Over 17% of the full-time Maryland bar listed “government agency” as their place of business, translating into 3885 lawyers. Approximately 23.2% reported some pro bono service.

Financial Contributions

- The **total financial contribution** to organizations that provide legal services to people of limited means was **\$2,759,360**.
- Smaller proportions of lawyers in Southern Maryland and the Eastern Shore contribute to legal services organizations than those in other jurisdictions. With the exception of litigators, top contributors are those who tend to provide fewer pro bono hours such as those whose practice areas are: administrative, banking, labor, and environmental law.

Summarized by the Standing Committee on Pro Bono Legal Service and the Pro Bono Resource Center of Maryland.

The full report can be found at: www.courts.state.md.us.

Special thanks to the Department of Family Administration, Administrative Office of the Courts and ANASYS for compiling and presenting this data.

PROPOSED REVISIONS TO LAWYER PRO BONO LEGAL SERVICE REPORT

The Court of Appeals should adopt the following revisions to the Lawyer Pro Bono Legal Service Report form:

a. Delete unnecessary lines for demographic information, including full business address (by requesting only city or county and zip code), year admitted to the Maryland bar, and firm or organization name;

b. Add the category “Other” to primary practice area(s) on the online form;

c. Change primary practice jurisdictions to a list of “up to three” primary practice jurisdiction(s);

d. Include a “drop down” list of all Maryland counties and Baltimore City, Washington, D.C. and “Out of State” on the online form where requesting primary practice jurisdictions;

e. Add a new question to determine the size and type of office in which the lawyer works, reading: “Check the office which best describes where you are employed:

i. Solo practitioner

ii. Small firm (2-5 lawyers)

iii. Medium firm (6-20 lawyers)

iv. Large firm (21-49 lawyers)

v. Extra Large Firm (50 and up)

vi. Corporate counsel

vii. Government

viii. Public interest, policy or advocacy organization

ix. Legal services program.

f. Change the language of Question #1 to read:

“I rendered the following number of hours of pro bono legal service without fee or expectation of fee, or at a substantially reduced fee:

a) To people of limited means, I donated _____ hours in total, and out of these total hours, _____ hours were spent in matters that were referred to me from a pro bono or legal services organization;

- b) To charitable, religious, civic, community, governmental, or educational organizations in matters designed primarily to address the needs of people of limited means, I donated _____ hours in total, and out of these hours, _____ hours were spent on matters referred to me by a pro bono or legal services organization;
- c) To individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights, I donated _____ hours in total, and out of these hours, _____ hours were spent on matters referred to me by a pro bono or legal services organization;
- d) To charitable, religious, civic, community, governmental, or educational organizations in matters in furtherance of their organizational purposes, when the payment of the standard legal fees would significantly deplete the organization's economic resources or would otherwise be inappropriate, I donated _____ hours in total, and out of these hours, _____ hours were spent on matters referred to me by a pro bono or legal services organization."

g. Reference or incorporate the Frequently Asked Questions section of the judiciary's website prepared and updated by the Standing Committee on the form through footnotes referencing the appropriate FAQ or with a link to the appropriate FAQ through the online version;

h. Allow lawyers to add another piece of paper or add to another section of the online version of the form if additional space is needed to describe their answer in Question #3 regarding hours devoted to activities to improve the law, the legal system or the legal profession; and

i. Include an easy way for lawyers to register to volunteer or find out more information about pro bono opportunities while preserving the anonymity of the lawyers for reporting purposes through a separate form or online link separate from the reporting form.

**COURT OF APPEALS OF MARYLAND
LAWYER PRO BONO LEGAL SERVICE REPORT**

This is a report of Pro Bono Legal Service under Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct. **YOUR COMPLETED LAWYER PRO BONO LEGAL SERVICE REPORT MUST BE SUBMITTED TO THE ADMINISTRATIVE OFFICE OF THE COURTS BY FEBRUARY 15, 2007. FAILURE TO DO SO MAY RESULT IN YOUR DECERTIFICATION TO PRACTICE LAW IN MARYLAND, as provided in Rule 16-903.** Your report is confidential under the Maryland Public Information Act, although the non-identifying data in it is not confidential.

THE REPORTING PERIOD IS JANUARY 1, 2006 THROUGH DECEMBER 31, 2006.

Please print or type your responses.

NAME:

BUSINESS ADDRESS: City or County _____,
State _____, Zip _____

TELEPHONE NUMBER:

WHERE I PRACTICE: Please select one (1) of the following:

Private Firm _____, Corporate Counsel _____, Government Agency
_____, Legal Services Org. _____, Public Interest Org. _____, Not Practicing

If you selected 'Private Firm' above, please select one (1) of the following:

Solo (1 lawyer) _____ Small Firm (2-5 lawyers) _____ Medium Firm (6-20
lawyers) _____
Large Firm (21-49 lawyers) _____ Extra Large (50 lawyers and up) _____

PRIMARY PRACTICE AREA[S]:

PRIMARY PRACTICE JURISDICTION[S]:

_____ (List your top 3 jurisdictions to
include Maryland County names, Washington, DC or Out of State)

DURING THE REPORTING PERIOD:

1. I rendered the following number of hours of pro bono legal service without fee or expectation of fee, or at a substantially reduced fee: ¹

a. To people of limited means², I donated _____ hours in total, and out of these total hours, _____ hours were spent in matters that were referred to me from a pro bono or legal services agency.

b. To charitable, religious, civic, community, governmental, or educational organizations in matters designed primarily to address the needs of people of limited means³, I donated _____

hours in total, and out of these total hours, ____ hours were spent in matters that were referred to me from a pro bono or legal services agency.

c. To individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights, I donated ____ hours in total, and out of these total hours, ____ hours were spent in matters that were referred to me from a pro bono or legal services agency.

d. To charitable, religious, civic, community, governmental, or educational organizations in matters in furtherance of their organizational purposes, when the payment of the standard legal fees would significantly deplete the organization's economic resources or would otherwise be inappropriate, I donated ____ hours in total, and out of these total hours, ____ hours were spent in matters that were referred to me from a pro bono or legal services agency.

2. The pro bono legal service hours reported above were rendered in the following areas of law:

3. I devoted ____ hours to participating in activities for improving the law, the legal system, or the legal profession.⁴

Please specify: _____

4. I contributed a total of \$ _____ to one or more organizations that provide legal services to people of limited means.⁵

DURING ALL OR PART OF THE REPORTING PERIOD:

5. ____ I was prohibited by statute, ordinance, rule, or regulation from rendering pro bono legal service as described in Rule 6.1(b)(1) of the Maryland Lawyers' Rules of Professional Conduct.

6. ____ I was retired or not actively engaged in the practice of law.⁶

7. ____ I was practicing law part-time.⁷

SIGNATURE OF LAWYER

DATE

To find out more information concerning pro bono opportunities, please go to www.probonomd.org, or call the Pro Bono Resource Center of Maryland at 410-837-9379 or 800-396-1274.

If you have a **change in your address**, you must provide that information directly to the Client Protection Fund. You can contact them at (410) 260-1950.

RETURN THIS REPORT TO:

**ADMINISTRATIVE OFFICE OF THE COURTS
P.O. BOX 319
SIMPSONVILLE, MD 21150-0319**

OPINION NO. 124

October 22, 1996

SOLICITATION OF ATTORNEYS FOR PRO BONO WORK

When you recently inquired whether it is unethical for Judges of [a] Circuit Court ... to solicit attorneys to provide pro bono assistance to indigent parties in child custody cases, we responded with Opinion No. 123. After extensive discussion, the Judicial Ethics Committee has decided to withdraw Opinion No. 123 and respond in this fashion to your inquiry. Hence, we will again respond seriatim to your inquiries:

1. Is it unethical for the judges of the Circuit Court as a group to solicit individual attorneys to agree to handle one pro bono case per year? In this regard, may a Judge personally contact an attorney and ask him or her to volunteer for such pro bono activity? We do not believe that it is. While Canon 4C(2) of the Maryland Code of Judicial Conduct provides, in pertinent part, that [a] judge should not solicit funds for any [civic or charitable] organization, or use or permit the use of the prestige of the judge's office for that purpose. . . , the solicitation of volunteer pro bono assistance to indigent parties in child custody cases does not constitute "solicitation of] funds for [a civic or charitable] organization or use . . . the prestige of the judge's office for that purpose...." Such services are of value only to "indigent parties in child custody cases," and the uninterrupted functioning of the circuit courts Consequently, the solicitation of such pro bono services is far different from "the dangers inherent in a judge's participation in civic and charitable fund raising." For example, we see no danger of an attorney volunteering for such pro bono work being viewed as later entitled to a favor from the judges. Moreover, we believe it illogical for an attorney declining such pro bono work to fear retribution from the judges.

2. May a Judge of the Circuit Court solicit volunteers by writing personally to an attorney and asking for such assistance?

We believe our response to your first question is dispositive of your second question.

3. May the Judges of the Circuit Court place an ad in the local bar newspaper soliciting volunteers for this service without contacting individual attorneys?

We believe the Judges of the Circuit Court... may place ads in the local bar newspaper, soliciting volunteers for pro bono assistance in such cases.

4. May the Judges of the Circuit Court appear at group meetings of the Bar and solicit the group to volunteer for such service?

Canon 4A provides that:

[a] judge may speak ... on both legal and non-legal subjects. A judge may participate in other activities concerning the law, the legal system and the administration of justice.

Accordingly, we are of the opinion that judges may appear at group meetings of the Bar and "solicit the group to volunteer for such service."