

[Firm Name] pro bono policy

1. Introduction

- 1.1. [Firm Name] is committed to fostering and encouraging pro bono work and to developing a co-ordinated and meaningful pro bono practice with recognition of time spent by fee earners on pro bono matters. We recognise there is a compelling unmet need for pro bono legal services in our community. We also recognise that having a pro bono practice of substance will be personally and professionally enriching for willing contributors.
- 1.2. This policy aims to establish formal guidelines for the acceptance, distribution and supervision of pro bono work within the firm.

2. The pro bono commitments

- 2.1. A pro bono committee has been established. It currently comprises [Member's Names]

3. Pro Bono Work

- 3.1. The phrase pro bono, comes from the Latin *pro bono publico* meaning: for the public good.
- 3.2. Under the Government Legal Services contract the Victorian Attorney General has defined 'approved' pro bono work to include the provision of any services by lawyers or other staff based in Victoria which will enhance access to justice for disadvantaged persons or organisations and/or promote the public interest, including circumstances where a firm:
 - (a) without fee or without expectation of a fee, or at a reduced fee, advises and/or represents a client in cases where:
 - (i) a client has no other access to the courts and the legal system; and/or
 - (ii) the client's case raises a wider issue of public interest
 - (b) is involved in free community legal education and/or law reform
 - (c) is involved in the giving of free legal advice and/or representation to charitable and community organisations'
 - (d) provides staff (legal or other) on secondment to a community organisation; or

- (e) provides financial or 'in kind' assistance (eg equipment, sponsorship etc) to a community organisation.
- 3.3. While this definition will provide guidance as to the sort of work that can properly be referred to as 'pro bono', it is not proposed that it be adopted by the firm as an exhaustive or rigid definition.
- 3.4. The policy is not concerned with work performed for clients or prospective clients for a reduced fee or no fee. The work, performed for the purpose of practice development and marketing, is not pro bono work. Similarly, work performed for employees of the firm, acquaintances, friends, families etc is not pro bono work.

4 Sources of pro bono work

- 4.1 The firm is a member of the Public Interest Law Clearing House (Vic.) Inc. (**PILCH**) which is an independent not-for-profit legal referral service. www.pilch.org.au PILCH refer a number of requests for pro bono assistance to the pro bono committee each month which are assessed by reference to the criteria in clause 5.3.
- 4.2 The firm also has a close relationship with Goodcompany and monitors requests for legal assistance, or 'legal wishes', published by Goodcompany. We will continue to regularly provide pro bono legal services to Goodcompany causes.
- 4.3 Fee earners with a personal interest in a potential pro bono matter or client may submit a pro bono proposal. These proposals might include:
 - (a) sitting on the board of a charitable or not-for-profit community organisation;
 - (b) proposing a matter which you would like to work on and which you think would fit the criteria for pro bono work (see clause 5.3).

5 Criteria for selection of pro bono matters

- 5.1 Any requests for pro bono assistance (whether from community legal centres, organisations, fee earners or otherwise) should be directed to the pro bono committee for consideration, approval and implementation. An application form for pro bono assistance can be found on the Vibe. It can be emailed to any organisation seeking assistance for completion or completed internally before being submitted to the pro bono committee.
- 5.2 At this stage it is unlikely that individuals seeking pro bono assistance will be approved. The emphasis of the firm's pro bono policy will instead be on community based charitable and not for profit organisations.

- 5.3 Any proposals received by the pro bono committee will be evaluated by reference to the following criteria:
- (a) whether the client or matter falls within the Victorian Attorney General's definition of 'pro bono' (see above);
 - (b) the merits of the matter and the potential public benefit as compared to the resources required;
 - (c) the capacity of the organisation to pay legal fees;
 - (d) whether there is any potential conflict of interest (legal or commercial) with our existing clients;
 - (e) whether the work falls with the professional expertise of the firm;
 - (f) whether accepting the referral is likely to foster the firm's relationship with an existing or potential client;
 - (g) whether there are sufficient resources available at the time to undertake the work;
 - (h) whether a fee earner with suitable expertise is willing to undertake the work
 - (i) whether or not Legal Aid is available or has been unreasonably denied; and
 - (j) any other relevant matter.

6 Performance and recording of pro bono work

- 6.1 If a matter is considered by the pro bono committee to be suitable for pro bono assistance, it will be allocated to a fee earner willing to undertake the work and a supervising partner. The fee earner will be required to submit a detailed fee estimate which then is to be approved by the supervising partner and the pro bono committee. A pro forma fee estimate can be found in the pro bono precedents.
- 6.2 Liability for fees and internal and external disbursements will be clearly set out in the pro bono engagement letter and appointment terms. The precedent pro bono engagement letter and appointment terms can be found in the pro bono precedents and will need to be completed and sent to the pro bono client in each case in consultation with the relevant partner and, where appropriate, the pro bono committee.
- 6.3 Pro bono matters will be treated in the same way as any other file. Our professional standards and procedures, particularly in respect of quality control, will not be compromised in any way for pro bono work.

- 6.4 Fee earners will record all time spent on approved pro bono matters in the normal manner. Files numbers will identify these files as pro bono matters. Time spent on pro bono matters will be entered on CLO with codes identifying the file as pro bono/non chargeable (such as 'PRO003'). This will allow the time spent on the files to be recorded without the time being brought to account as work in progress. It is important that normal standards in respect of time keeping be applied to pro bono matters so that the firm has an accurate record of the resources devoted to the pro bono program.
- 6.5 For most pro bono matters the firm will not charge professional fees. In some matters it will be appropriate to charge reduced professional fees. The firm will not charge for incidental 'internal' disbursements (photocopying, facsimile and telephone etc), up to a value of \$200 per matter. However pro bono clients will be charged for substantial 'internal' disbursements (such as bulk photocopying etc). Pro bono clients will pay all 'external' disbursements, out of pocket expenses (court fees, barristers' fees etc).
- 6.6 Pro bono matters are to be billed monthly and copied to the pro bono committee. This will allow the pro bono committee to track and document the chargeable time spent on pro bono matters by individual fee earners and the firm as a whole. It will be left to the discretion of the fee earner and supervising partner as to whether a copy of the account is forwarded to the pro bono client.

7 Recognition and encouragement of pro bono work

All fee earners wishing to undertake pro bono work will be encouraged to do so and be given due recognition. Time spent on pro bono matters will be included within fee earners' financial performance relative to budget. The pro bono component of a fee earner's financial performance relative to budget is capped at 5% of each fee earner's budget. In addition, contributions made to the pro bono practice will be celebrated in the quarterly Hall & Wilcox pro bono report.

PRO BONO CHECKLIST

Name of applicant:	
Contact:	
Matter name:	
Matter no:	
Approved by pro bono committee:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Conflict check:	
Proposed fee earner:	
Fee earner accepted:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Supervising partner approval to work on matter	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Fee estimate provided by fee earner:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Fee estimated approved by supervising partner:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Fee estimated approved by pro bono committee	<input type="checkbox"/> Yes <input type="checkbox"/> No Date:
Expected time frame:	
Engagement letter sent Type: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	Date:
Has 75% of the fee estimate been reached?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes , prepare amended fee estimate and arrange for review with pro bono committee
Amended fee estimate provided by pro bono committee:	<input type="checkbox"/> Yes <input type="checkbox"/> No Date: If no , alternative actions
Other:	
File completed:	