

PUBLICATION

When Attorney Participation In Pro Bono Service Is Not Mandated, Who Says You Cannot Make Your Own Pro Bono Service Goals?

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The American Bar Association (ABA) Model Rule 6.1 provides that “[e]very lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono public legal services per year.” While the ABA Model Rules do not mandate that all lawyers participate in pro bono service, states are free to draw inspiration from this particular model rule and create state-specific pro bono service requirements. For example, in New York, since January 1, 2015, all candidates seeking admission to the bar have been required to file documentation illustrating that they have completed 50 hours of pro bono service. (The New York State Board of Law Examiners, <https://www.nybarexam.org/MPB.html>). To date, New York is the only state that requires pro bono service as a condition to becoming licensed to practice. “The Role of Pro Bono Service as a Condition for Receiving a Law License,” The American Bar Association (https://www.americanbar.org/groups/probono_public_service/policy/bar_pre_admission_pro_bono/).

While nine states require the annual reporting of pro bono service (Florida, Hawaii, Illinois, Indiana, Maryland, Mississippi, Nevada, New Mexico, and New York), there is not one single state that requires pro bono work as a condition to keeping an active law license. “Mandatory Pro Bono Reporting,” The American Bar Association (https://www.americanbar.org/groups/probono_public_service/policy/arguments/).

There are many law firms that encourage attorneys to participate in pro bono service by allowing a certain number of service hours to be counted as billable hours, but without any mandatory requirements trickling down from the state legislature, why should attorneys motivate themselves to become involved in pro bono service?

The answer to this question is rather straightforward: create a pro bono service requirement for yourself and hold yourself to this requirement. Attorneys have vastly different schedules and non-work-related responsibilities, which makes each individual attorney the best person equipped to make a realistic pro bono service requirement for himself/herself. Once you identify a personal pro bono goal, integrate that goal into your practice and set aside time in your calendar to work towards achieving that goal. Based upon your areas of interest, this goal may be very specific, such as to serve as an attorney volunteer for a landlord-tenant clinic, or it may be a broad goal to work on at least one new pro bono matter each month.

There is no reason for attorneys to limit their pro bono service simply because there are no state or local requirements for pro bono participation. Attorneys are fortunate enough to have the power and knowledge to navigate complex legal systems, and with such power comes the great responsibility to increase access to the justice system for those of limited means. Use that power, create your own goals, hold yourself accountable, and be proud of your personal, mandatory pro bono service requirement.