

## **Mississippi Pro Bono Toolkit**

### **Pro bono in Mississippi**

Rule 6.1 of the Mississippi Rules of Professional Conduct suggests that every attorney in Mississippi should aspire to provide legal services to those unable to pay. A lawyer should seek to render at least twenty (20) hours of pro bono publico legal services per year. In fulfilling this goal, attorneys are encouraged to provide legal services without fee to persons of limited means and participate in other pro bono service activities that directly relate to the legal needs of the poor.

Members of the judiciary are exceptionally well-positioned to encourage attorneys to live up to their ethical obligation to do pro bono work. Judges are able to set a tone within the legal profession that pro bono is a central part of fulfilling the promise of justice for all.

### **Suggestions for Encouraging Pro bono**

1. Thank volunteer lawyers. Make positive comments about pro bono service and the importance of volunteering. Thank attorneys for making the commitment.
  - a. Publicly recognize the contributions of pro bono attorneys at bar functions or in social settings when others are present.
  - b. Attend pro bono award/recognition ceremonies held by pro bono organizations.
  - c. Make a special effort to thank attorneys who handle cases outside of their regular scope of practice.
  - d. Include a statement in the court's annual report acknowledging the important contribution of attorneys who have handled cases pro bono.
2. Refer litigants needing pro bono assistance. Inform indigent litigants that they may receive assistance from a legal aid program or a pro bono program. For more information, visit the Mississippi Access to Justice Commission's website at <http://www.msatjc.org> to find more information concerning legal aid programs.
3. Assist with Training. Volunteer to assist with or attend trainings produced by pro bono organizations, especially those for 1) new pro bono attorneys, 2) in practice areas where the need for volunteers is greatest (usually family law, landlord/tenant, etc.) but the subject matter is unfamiliar to the volunteers.

4. Encourage pro bono work publicly. During speaking engagements note the importance of pro bono services to the legal profession and to access to justice.
  - a. Encourage local bars to support pro bono activities and to participate in providing pro bono assistance to eligible members of their community.
  - b. Discuss with your colleagues the importance of pro bono lawyers and the good works they are doing.
  - c. Set an example for others by encouraging court employees and staff to volunteer at pro bono events where and when appropriate.
  - d. Pen a letter from the court, for individual distribution or distribution through local bar associations, thanking attorneys who perform pro bono services.
  - e. Provide a reserved parking space at the court for a pro bono attorney of the month.
  - f. Hold a special reception annually with all members of the court limited to attorneys who have provided pro bono services.
5. Communicate and Collaborate with Pro bono Providers. Meet regularly with local pro bono and public interest organization leadership to better understand their services. Judges serving as pro bono program board members can participate in pro bono developments and easily offer guidance and assistance.
6. Support unbundling. Encourage attorneys to consider providing pro bono help on an unbundled (limited scope) basis if they are unable to take on a whole case.<sup>1</sup>
  - a. Hold a training session about the issue of unbundling or limited scope representation. Encourage the local bar to participate in unbundling to provide pro bono assistance.
  - b. Allow attorneys to withdraw easily from completed limited representation cases where the litigant is fully aware of the limited scope of service and counsel has notified the court that representation is limited.
  - c. If a pro bono attorney is appearing on only one issue in a matter, allow for a bifurcated hearing where appropriate to allow pro bono attorneys to use that time more effectively (like taking on other pro bono matters).
  - d. Resist attempts by opposing counsel to broaden the scope of the representation in limited scope pro bono matters.
7. Expedite pro bono lawyer calendaring. Provide special calendar arrangements/priority scheduling for attorneys appearing on a pro bono basis when requested, or when notified, as the court time commitment is often an inherent difficulty in the recruiting of pro bono volunteers.
  - a. Hear pro bono cases first on the daily calendar.
  - b. Allow pro bono attorneys to attend routine hearings by conference call.
  - c. Every effort should be made to honor the pro bono counsel's scheduling requests, and the court should give latitude to pro bono counsel who make continuance requests.

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<sup>1</sup> According to Rule 1.2 of the Mississippi Rules of Professional Conduct, a "lawyer may limit the objectives or scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent."

8. Assist in Recruiting Efforts. Make presentations to law firms, corporate law departments and government offices about the need for volunteers and encourage services with the local pro bono or public interest organization.
9. Support Pro Bono Fundraising. Attend fundraising events organized by local pro bono and public interest legal organizations.
10. Educate Clients and Attorneys. Lawyers and litigants look to judges for guidance and approval, and they will pick up on subtle and not-so-subtle signals.
  - a. Make sure self-represented litigants you refer to a pro bono program understand the volunteer services of an attorney are not guaranteed and that there is no entitlement to pro bono services or civil right to an attorney. It is important that people realize this is a gift of the lawyer's time, not a requirement on the part of the lawyer.
  - b. Make sure attorneys understand that pro bono services are those given without any expectation of compensation, as opposed to those matters the attorney handles without pay because the client is unable to or refuses to pay the bill.
  - c. Let attorneys know that you are aware of the practical problems they face and the commitment that they are making by volunteering their time.

## **Talking Points for Judges on Pro bono**

### **Introductory Remarks**

- With the privilege of law practice comes the obligation to ensure that our system is accessible to the most vulnerable among us.
- By doing pro bono work, you are not only helping the vulnerable, you are also improving the administration of justice.

### **Benefits to the Community**

- Over 695,000 Mississippi citizens live below the federal poverty level according to the U.S. Census Bureau. It is estimated that approximately seventy-one percent (71%) of low income households experienced at least one civil legal problem in the past year in the U.S.
- Low-income Americans seek legal help for only twenty percent (20%) of their civil legal problems and are more likely to seek help for problems that seem more obviously legal, like problems related to children and custody (48%) and wills and estates (39%).
- 123,000 of Mississippi children live in extreme poverty. That is, they live in families with incomes less than 50% of the federal poverty level. For 2018, 50% of the poverty level for a family of 4 is an annual income of \$12,550.
- The existing legal services programs are simply not able to fully meet the legal needs facing poor and low-income people throughout Mississippi.
- Mississippi Pro Bono and civil legal aid programs support volunteers and provide assistance to facilitate attorneys working with poor and low-income clients.

- Pro bono work can help prevent homelessness, help women and children escape violent relationships, help foster parents adopt children, help families with upward mobility through expungements and bring hope of a better future and financial stability to poor and low-income people throughout Mississippi.
- Pro bono legal services also promote the peaceful resolution of problems by increasing access to the legal system.

### **Benefits to the Bar and to Attorneys**

- Pro bono allows the courts to operate more efficiently and fairly.
- Pro bono work creates valuable networking opportunities.
- New attorneys can gain new areas of expertise and improve their legal skills.
- Experienced and retired attorneys can use their experience to mentor new attorneys and to explore new areas of practice.
- Pro bono attorneys may receive free CLE credit in trainings.
- Pro bono improves public perception of the legal profession.

### **Many ways to do pro bono work**

- Pro bono opportunities are available for litigators, transactional attorneys, and mediators—for both new and experienced attorneys.
- There are varying levels of time commitments and opportunities for limited scope representation.
- Pro bono opportunities exist in many different forms:
  - Advice and counsel clinics;
  - Impact litigation and policy advocacy;
  - Community education and outreach;
  - Mediation of legal disputes; and
  - Transactional legal assistance to nonprofit organizations.

### **Get involved!**

- Get involved in your local area.
- Contact local pro bono, legal aid and other public interest legal services agencies.
- Work with your firm's pro bono manager/partner.
- Get your local bar association to host pro bono clinics or other volunteer opportunities.