**Government Agency Pro Bono Policy**

 The Pro Bono and Public Service Committee of the Washington State Bar Association, working under the belief that every organization and government agency can benefit from a clear policy encouraging pro bono work by its employees, has created the following template policy for government agencies in Washington state. This document is intended to be a starting point for the creation and adoption of such a policy, with the expectation that each government agency will customize the template to best reflect its strengths and goals. All government agencies are welcome to reach out to the Pro Bono and Public Service Committee for assistance with finalizing and adopting a policy, or with identifying opportunities for pro bono work for the organization’s attorneys.

**[Government Agency]**

Pro Bono Policy

Adopted \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_.

Over two million Washington households face significant legal challenges each year, and many of them are unable to access or afford an attorney’s assistance in navigating these problems. This disconnect is amplified for low-income families, who, according to a recent [Washington State Civil Legal Needs Study](https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf), receive beneficial legal assistance in just 24% of the instances in which they may require it.

Although the Washington legal community has a long tradition of providing pro bono services, more must be done to address the unmet needs. Government lawyers have a unique role to play in meeting this need. Government attorneys, as public servants, are committed to public service full-time. A majority of government attorneys work closely with or work on policies impacting the poor and marginalized. **[Government Agency]** (the “Agency”) acknowledges that individual government lawyers meet their professional obligations to perform public interest legal service in a variety of ways and does not explicitly require government lawyers to participate in pro bono projects. Nonetheless, the Agency believes that participation in pro bono activities is beneficial for the public interest and that government attorneys bring unique expertise and experience from which the public will greatly benefit.

**Pro Bono Aspirations**

According to Washington’s Rule of Professional Conduct (RPC) 6.1, “Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay…and should aspire to render at least 30 hours of pro bono publico service per year.” Washington State, the American Bar Association Model Rules of Professional Conduct, and many other states have gone even further, adopting a 50-hour goal of pro bono work per year. Lawyers who report a minimum of 50 hours or more of pro bono work to the Washington State Bar Association (WSBA) will receive commendation for such service. Given their unique circumstances, the Agency encourages all Agency lawyers to dedicate a minimum of **[30/50/\_\_]** hours per year to pro bono work.

**Definition of Pro Bono**

 The Agency adopts the description for pro bono work outlined in Washington’s Rule of Professional Conduct 6.1, which states that all attorneys should:

* 1. provide legal services without fee or expectation of fee to:
		1. persons of limited means or
		2. charitable, religious, civil, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
	2. provide pro bono publico service through:
		1. delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, or charitable, religious, civil, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
		2. delivery of legal services at a substantially reduced fee to persons of limited means; or
		3. participation in activities for improving the law, the legal system or the legal profession.

**Pro Bono Opportunities**

The Agency encourages Agency lawyers to consider participating in pro bono work via a [qualified legal services provider (“QLSP”)](https://www.wsba.org/connect-serve/volunteer-opportunities/psp) recognized by the WSBA. QLSPs are established programs that often offer fully integrated volunteer opportunities, including training, staffing and resources, MCLE credits, and in some cases malpractice coverage. Other examples of pro bono opportunities include teaching a pro bono CLE, serving on bar association boards or committees mentoring pro bono attorneys, advocating changing laws that impede access to justice for those of low or moderate means, or advising an organization that serves communities experiencing poverty and inequities.

**Use of Official Position or Public Office**

Because the Agency is supported by public funds for the sole purpose of providing governmental legal services, Agency attorneys providing direct pro bono services to individuals must do so in their private capacities, on their own time, and without conflicting with the Agency’s work.

Agency lawyers who provide direct pro bono legal services to individual clients:

* may not represent in any way that they are acting on behalf of the Agency, or in their official capacity;
* are responsible to make clear to clients and opposing parties and counsel that they are acting in their individual capacities as volunteers;
* may not use office resources including **[office letterhead, Agency or office business cards, agency e-mail system for communicating with clients or the courts],** except as permitted by the Agency’s policy regarding de minimis use of office resources; and
* may not use Agency office space for meetings with clients or opposing counsel in a pro bono case unless the office space is a common area of a building not associated only with the Agency, or unless the use is permitted by the Agency’s policy regarding de minimis use of office space for pro bono activities.

**Malpractice Insurance Coverage**

Because pro bono activities are not within the scope of the public employment or duties of Agency attorneys, the Agency does not provide malpractice coverage for pro bono work. Before agreeing to undertake pro bono legal services, Agency attorneys should determine whether the pro bono program or organization has a malpractice insurance policy that covers volunteer attorneys. If coverage is not provided, the individual attorney assumes responsibility for any malpractice liability.

**Pro Bono Service Oversight**

Pro bono activities of Agency lawyers will be overseen by **[a designated pro bono coordinator, their applicable supervisor, or a selected Human Resources contact].** In each pro bono project or engagement, Agency lawyers must:

* gain requisite approval from their applicable supervisor or contact prior to undertaking potential pro bono cases and projects;
* make a reasonable request for paid/excused leave or a flexible work schedule for pro bono activity that occurs during normal working hours;
* ensure that participation complies with the Agency’s conflict of interest policy; and
* agree to the Agency’s policy regarding de minimis use of office resources for pro bono activities.

**[Optional Paragraph]**

**Benefits of Pro Bono Service**

There are many benefits of doing pro bono work which include:

* helping to meet critical legal needs and gaining satisfaction by giving back to the community;
* building the attorney’s legal skills and knowledge;
* networking with other attorneys and leaders to enhance individual professional development; and
* if the attorney does pro bono work through a QLSP recognized by the WSBA, the attorney can receive additional benefits including:
	+ one CLE credit hour for every hour of pro bono work (maximum 24 per reporting period);
	+ access to free online CLEs focused on pro bono topics;
	+ training specific to the pro bono case or project; and
	+ malpractice insurance for the pro bono case.