

NORTH CAROLINA

BAR ASSOCIATION
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NC Bar Association Pro Bono Guidelines

To: NC Bar Association Sections, Divisions and Committees
From: Pro Bono Committee, NC Bar Association

Re: Guidelines for NCBA Section, Division or Committee-sponsored
Pro Bono Projects

North Carolina Rule of Professional Conduct 6.1

Every 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 publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) Provide a substantial majority of the (50) hours of legal services

without fee or expectation of fee to:

- 1. Persons of limited means;*
- 2. Charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; or*
- 3. Individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, 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.*

(b) Provide any additional services through:

- 1. The delivery of legal services described in paragraph (a) at a substantially reduced fee; or*
- 2. Participation in activities for improving the law, the legal system, or the legal profession.*

In addition, every lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

I. Policy and Purpose

The North Carolina Bar Association (NCBA) encourages all North Carolina-licensed attorneys to fulfill their ethical duty under Rule 6.1. The North Carolina Bar Foundation (NCBF) provides support and resources to NCBA member attorneys who seek to participate in pro bono service.

Pro bono efforts that are undertaken through the NCBA and its Sections, Divisions and Committees should focus on serving those individuals and groups highlighted in Rule 6.1(a) and should further the missions of the NC Bar Association and Foundation. NCBA pro bono projects should be non-discriminatory in scope, and open to those in the greatest need.

The NCBA Pro Bono Committee (“PBC”) is charged with implementation of these Guidelines. Members of the PBC will review, advise and approve pro bono project proposals from NCBA Sections, Divisions and Committees. The Pro Bono Committee review process will:

- Help ensure that pro bono projects are well-designed to meet the intent of RPC 6.1 and target pro bono resources to persons of limited means; and
- Maximize NC Bar Association, NC Bar Foundation and other organizational resources that could enhance the success of proposed projects.

Volunteers providing pro bono legal services to clients through approved pro bono projects must be covered by malpractice insurance. Projects designed in cooperation with the Pro Bono Committee will receive the support of NCBA and NCBF staff and resources, including potential eligibility for malpractice insurance coverage provided by the NCBA. The NCBA offers malpractice insurance for attorneys and paralegals participating in these projects; volunteers may also elect coverage under privately-held policies.

II. Considerations

NCBA-sponsored pro bono projects should prioritize service to persons of limited means (i.e. service to those falling at or below 300% of the Federal Poverty Level). Pro bono project coordinators should submit a Pro Bono Project Proposal Form to the Pro Bono Committee as soon as possible, but at least 60 days in advance of the project launch date. To submit a project or event for PBC review, please fill out the NCBA Pro Bono Project Proposal Form available online at <https://www.ncbar.org/members/communities/committees/pro-bono/>.

At the conclusion of the bar year (i.e. by June 30th), pro bono project coordinators will submit a project report to the Pro Bono Committee. This report should include at least the following information:

1. Names and contact information of the project coordinators, as well as the project name and sponsoring Section, Division or Committee.
2. Number of clients served by the project that year.
3. Type of client served or type of demographic targeted (e.g. low-income, elder, veteran, rural, organizational, etc.).
4. Number and type of volunteers involved that year (Section members, paralegals, law students, etc.).

5. A 1-2 paragraph statement of the impact or value of the project on the individuals or communities served through the project that year (in what ways was this an important or meaningful project?).
6. Reflections on how the project could be improved in future implementations (pitfalls to avoid, essential people to contact, organizational/logistical tips, etc.).
7. If available, pictures from the pro bono service event(s).
8. If available, the name and contact information of a client served through the project who might be willing to give a testimonial.

The Pro Bono Committee may periodically invite the pro bono project coordinator(s) to attend a Pro Bono Committee meeting to report back on the project's progress or success. For projects that are on-going, the Committee may request that the project planners resubmit the project proposal every two years for the Committee's review and reconsideration.

III. Guideline Specifications

The Pro Bono Committee will review and respond to all pro bono project proposals within two weeks of submission. This review process ensures that all NCBA pro bono projects conform to and comply with these guidelines, as adopted by the NCBA/F Board of Governors. Pro bono project planners are encouraged to discuss their proposal with NCBA/F staff prior to submission if there are concerns about a project's suitability under these guidelines.

Every NCBA Committee, Section, or Division is encouraged to identify a pro bono project and to set its own pro bono service priorities each year. Each project planning team should discuss and decide the following when considering the project's specifics and preparing the Pro Bono Project Proposal Form:

Project Client Considerations:

1. Will the project target clients who are likely to have limited access to legal services, such as veterans, first responders, cancer patients, older citizens, low-income individuals, etc.?
2. Will this project serve a community in significant need of legal services? Considerations should include subject matter, geographic location, population vulnerability and other need-based considerations for the project's proposed client group.
3. Are other groups already serving the same or a similar client population? If so, the projects should be coordinated in order to prevent duplication of efforts before submitting a project proposal.

Project Volunteer Considerations:

1. How many attorney volunteers will be involved in the project? Consider whether there are adequate numbers of competent volunteers available and, if not, whether and how necessary and appropriate training could be provided.
2. Can the project accommodate other types of volunteers in addition to regularly practicing attorneys? If the project does not involve the “practice of law,” consider ways to include law students, paralegals and other legal staff, as well as attorneys with special circumstances, such as corporate counsel licensed in other states, emeritus attorneys, or government attorneys who may otherwise be limited in their pro bono practices.
3. Consider whether it might be appropriate and advisable to involve non-legal volunteers such as governmental agency employees, mental health and social services professionals, etc.

Project Design and Implementation Considerations:

1. Identify how the project’s success will be measured, and who will be responsible for reporting back to the Pro Bono Committee on the project’s success.
2. Specify the person responsible for preparing any necessary disclaimers or disclosures for the project. This person should work with the staff of the NC Bar Foundation’s Pro Bono & Public Service Program Department to ensure that appropriate disclosures are drafted and shared with project participants.
3. Identify the person or persons who will prepare informational and promotional materials for the project, including press releases, blog posts, newsletter articles, fliers, social media or other sources of information about the project for NCBA/F staff to circulate as appropriate.
4. Identify the project’s expenses, including those related to marketing and communications, event planning, and NCBA or NCBF staffing. Explain how the project organizers will cover the project’s expenses (i.e. Section/Division budget, NCBF Endowment Grant, or other fundraising efforts). If this is a long-term, on-going project, identify how the project will be funded and sustained over time.

The NCBA/F staff and Pro Bono Committee look forward to working with NCBA member volunteers to support Section, Division and Committee pro bono project efforts. Please contact the NC Bar Foundation’s Pro Bono Staff Attorney with any questions regarding these Guidelines, or the design and implementation of pro bono projects:
probono@ncbar.org.

Adopted by NCBA/F Board vote on January 25, 2018