



The State Bar of California

Pro Bono Practice Program: Proposed Amendments to State Bar Rules 3.325–3.330

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State Bar Strategic Plan: Increasing Pro Bono Services

- Goal 2 strategy to increase representation through the State Bar's existing regulatory and oversight authority including special admissions and **pro bono practice programs**
- Implementation step to incentivize and support licensees and law firms to increase the number of pro bono hours provided to underserved groups



Pro Bono Practice Program Overview

- The State Bar administers a **Pro Bono Practice Program** (PBPP) which allows attorneys who would otherwise be inactive to remain active licensees, with waived fees, to provide free legal assistance for a legal aid provider exclusively
- The attorney must be in good standing with no record of public discipline in the prior three years, be admitted to practice law in California for at least three years, have practiced law or served as a judge in California for at least three of the prior five years
- Pro bono services must be provided with a qualified legal services provider, the no-fee or pro bono panel of a certified lawyer referral service, or a court-based self-help center



Increasing Pro Bono Services in California

- Increase attorneys' access to the program (and increase access to justice for low- and moderate-income Californians)
- Increase legal aid organizations' access to the program
- Require reporting of pro bono hours delivered through the program
- Clarify existing administrative procedures





Public Comments

- Five public comments were received
 - Two disagreed
 - One agreed if modified
 - Two agreed
- One commenter who disagreed was opposed to the PBPP in its entirety
- One commenter who disagreed had concerns about removing years of practice requirements





Public Comments

- Commenter who agreed if modified suggested expanding the program to paid legal aid attorneys
- Commenters who agreed (California Access to Justice Commission, Legal Aid Association of California) suggested further increasing legal aid organizations' access to the program



Increasing organizations' access to program

- Rule sent out for public comment in November would allow nonprofits that “provide free legal services to indigent or disadvantaged Californians” to participate if they comply with client protection criteria, including a mission statement including or related to “providing legal services to underserved client groups in California”
- CalATJ and LAAC suggested expanding to include “a nonprofit with a substantial purpose of improving the law and the legal system, serving the poor and disadvantaged, or protecting or preserving civil rights, civil liberties, public rights or human rights, or increasing access to justice”
- Staff agree with expanding to nonprofits that “provide free legal services to or on behalf of indigent Californians” to participate if mission statement includes or relates to “improving the law and the legal system, serving the indigent, or increasing access to justice in California”



Next Steps

Staff request to recirculate for another 45-day public comment period on proposed revisions to State Bar Rules 3.325-3.330

After the public comment period, the rules will be brought back to the Board to request approval of revisions



Questions

