

SUMMARY OF PRO BONO PROPOSALS

JULY 1, 2016

	ORIGINAL TFARR PROPOSAL	SB 1257 BLOCK
General Description	Prior to admission or by the end of one year following admission, each new admittee must complete at least 50 hours of supervised pro bono or supervised reduced fee legal services.	Prior to admission, each new admittee must complete at least 50 hours of supervised pro bono legal services.
Definition of Pro Bono	<p>“Pro bono” means providing or enabling direct delivery of supervised legal services without expectation of compensation from the client other than reimbursement of expenses to</p> <ol style="list-style-type: none"> (1) persons of limited means as defined by Business & Professions Code section 6213(d)¹ California, or by the interest on lawyers trust account program in another United States jurisdiction; (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. 	<p>"Pro bono legal service" means work without compensation from the client who receives the legal service. The legal service must be designed to benefit the public interest or persons who are indigent or of modest means² and be for one of the following purposes:</p> <ol style="list-style-type: none"> (A) To secure or promote access to justice, including, but not limited to, the protection of civil rights, civil liberties, or public rights. (B) To address the economic, health, and social needs of persons who are indigent or of modest means. (C) To further the purpose of a charitable, civic, community, governmental, or educational organization where payment of the market rate for legal fees would significantly deplete the organization’s resources or would otherwise be inappropriate <p>Pro bono legal service shall be performed with or for any of the following:</p> <ol style="list-style-type: none"> (1) A “legal aid organization,” as defined by Section 6159.51, or a qualified legal services project or a qualified support center, as defined in Section 6213. (2) A nonprofit organization. (3) A charitable, civic, community, governmental, or educational organization. (4) An externship, law school clinic or other placement approved for credit hours by a law school, or law school-sponsored project, in which the applicant is assigned work that otherwise meets the criteria of this section. (5) A law firm, including a solo practitioner, or other legal services provider where the applicant is assigned work that otherwise meets the criteria of this section. (6) A State Bar-certified lawyer referral and information services panel that provides legal services to the indigent or persons of modest means without

¹ "Indigent person" means a person whose income is (1) 125 percent or less of the current poverty threshold established by the United States Office of Management and Budget, or (2) who is eligible for Supplemental Security Income or free services under the Older Americans Act or Developmentally Disabled Assistance Act.

² “Modest means” means low income, very low income, or extremely low income under the official state income limits established by the Department of Housing and Community Development under Section 50093 of the Health and Safety Code or under comparable official state income limits in another United States jurisdiction.

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Definition of Pro Bono (cont.)		<p>charge or for less than market rate.</p> <p>(7) An attorney incubator program or nonprofit law corporation affiliated with a law school or bar association that provides legal services to the indigent or persons of modest means without charge or for less than market rate.</p> <p>Note: Nothing in this section prohibits an applicant from receiving compensation, including, but not limited to, a salary, for performing pro bono legal service that is paid by a person or entity other than the client who receives the pro bono legal services.</p>
Would provision of reduced fee legal services satisfy the requirement?	Yes. The original TFARR proposal allowed provision of pro bono legal services or reduced-fee legal services.	No. The legislation is limited to pro bono legal services. These services, however, may be for the benefit of the public interest or for persons who are indigent or of modest means.
Supervision	Supervision by attorney in good standing who has practiced law for at least two years immediately preceding the time of supervision.	<p>All qualifying pro bono legal service shall be performed under the supervision of one of the following:</p> <p>(1) A member of a law school faculty, including adjunct faculty, or an instructor employed by a law school.</p> <p>(2) A person with the appropriate licensing to represent the client before the relevant judicial body or government agency, which includes, but is not limited to, an active licensed attorney in good standing.</p> <p>(3) An active licensed attorney in good standing.</p>
Deadline for Completion	At any point during law school or law study and no later than one year following admission.	After commencement of legal studies and prior to admission.
Method of Certification	Individual applicant completion of forms signed by applicant and supervising attorneys. Report to State Bar online using My State Bar Profile or with a compliance form.	Individual applicant completion of forms signed by applicant and supervising attorneys. State Bar may create the form and shall adopt rules for retention of forms.

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Exemptions/ Modifications	<p>Would not apply to out-of-jurisdiction applicants who were admitted and active for four or more years immediately preceding application.</p> <p>Would not apply to applicants who received a law degree outside the US and then an LLM degree from a US law school.</p> <p>Individuals unable to fulfill the requirement due to a physical or mental condition, natural disaster, family emergency, financial hardship, or other good cause may apply to the State Bar for approval of any modification of the requirement.</p>	<p>The requirements of this section do not apply to:</p> <ol style="list-style-type: none">(1) An applicant who is already admitted to practice in any state, territory, or foreign jurisdiction.(2) An applicant who has earned a J.D. or its equivalent in a foreign jurisdiction and is qualified to practice without a separate admission process in that jurisdiction.(3) An applicant qualifying for admission by completion of an LL.M. degree program.
Dual Credit	<p>Yes. Allowed for concurrent satisfaction of pro bono or reduced fee requirement and practical skills training requirement by completion of an externship or apprenticeship with a legal services program, court self-help center, or law school clinic or credit-bearing experiential program.</p>	<p>Yes, applicants may receive credit for work done in externships, law school clinics, or other placements approved for credit hours by an accredited law school, or law school sponsored project, in which the applicant is assigned work that otherwise qualifies as pro bono legal service.</p>
Compliance/Audit	<p>Not referenced.</p>	<p>State Bar shall randomly audit the compliance documentation.</p>