

# LAW WEEK COLORADO

## Law Firm Pro Bono: Closing The Justice Gap

By **Lauren Schmidt and Candace Whitaker**

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SIXTY-ONE MILLION Americans — nearly one in five people — qualify for civil legal assistance. Legal Services Corp. is the largest provider of low-income civil legal services with 134 programs nationwide.

Legal Services Corp.-funded programs, such as Colorado Legal Services, help people who live in households with annual incomes at or below 125 percent of the federal poverty guidelines. In 2014, that amounts to a mere \$14,588 per year for an individual, or \$29,813 for a family of four.

These clients come from every ethnic and age group. They include the working poor, families with children, veterans, homeowners and renters, people with disabilities and the elderly. Some 70 percent are women with children. Of those who qualify, 50 percent are turned away due to lack of resources.

These numbers bear out in Colorado as well — 880,000 Coloradans qualify for low-income legal services. With only 47 lawyers employed by Colorado Legal Services statewide, one out of every two clients is turned away because of inadequate staffing and resources. Some studies indicate that, nationwide, up to 80 percent of the civil legal needs of low-income persons go unmet.

Numerous privately and publicly funded organizations have stepped in to supplement LSC, including other non-profit legal services organizations, bar associations, law schools and the private bar. Significantly, over the past 20 years, law firms have stepped in to provide critical civil legal support to low-income Americans.

Based on the most recently available figures, AmLaw 100 firms provided an estimated 4.2 million hours of pro bono legal services in 2011, a 300 percent increase of the pro bono services provided by the AmLaw 100 in 1993. More recently,



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corporate legal departments are developing their own programs to meet these needs.

### The justice gap

The 50 percent or more of low-income Americans who are unable to find legal services fall into the great abyss of what is called the justice gap — the difference between the civil legal needs of eligible low-income Americans and the capacity of legal services organizations and other providers to meet those needs.

To put this into perspective, 50 percent of all state court litigants and 76 percent of domestic relations litigants in Colorado state courts are unrepresented.

### The legal community responds

Despite the Herculean efforts of civil legal aid attorneys, the need simply cannot be met by legal services providers alone. Although pro bono legal services have long been ingrained in the culture of the legal profession and memorialized in the rules of professional conduct, a trend has emerged to formalize and mobilize these efforts. Increasingly, more law firms are developing sophisticated pro bono programs to combat the justice gap.



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In 2006, the Colorado Supreme Court emerged as a national leader in supporting and encouraging these efforts through then-Chief Justice Mary Mullarkey's open invitation to law firms and corporate legal departments to participate in the Court's Pro Bono Commitment and Annual Recognition Program.

The program, which implements RPC 6.1, recognizes law firms, solo practitioners and in-house counsel or government groups that commit to an annual goal of 50 hours of pro bono legal services per attorney. The Supreme Court commitment requires firms to pledge that the substantial majority of pro bono work will be for persons of limited means or organizations serving persons of limited means.

The court also requires firms making the pledge to value pro bono hours in an equal manner to billable hours for purposes of attorney evaluation, advancement and compensation.

The Supreme Court has promoted this program to raise awareness of the justice gap, as well as to encourage and recognize those lawyers who commit to closing the gap through provision of pro bono services.

The program has been administered with great gusto by Justice Gregory Hobbs and now Justice William Hood. An impressive 292 Colorado law firms, solo practitioners and corporate law departments have signed on to this program, providing thousands of pro bono hours to low-income Coloradans who otherwise would have no representation. In 2013, 164 firms met their 50 hour per attorney goal.

In late 2012, Justice Hobbs spearheaded the formation of the Colorado Pro Bono Coordinators Committee, gathering together a group of local pro bono professionals representing law firms, corporate legal departments, state and federal government, the bar and the judiciary who are committed to sharing best practices in pro bono program management.

### National trends

On a national level, law firms and corporate legal departments have started moving away from ad hoc pro bono representation and toward more collaborative projects designed to tackle systemic problems. In 2013, member firms of the Association of Pro Bono Counsel, with the support of Vice President Joe Biden, launched a series of "IMPACT" projects (Involving More Pro Bono Attorneys in our Community Together) to address problems such as safe and affordable housing, re-entry to society after incarceration, and homelessness. APBCo IMPACT projects are currently underway in Boston, Chicago, Los Angeles, New York City, Philadelphia, San Francisco, Seattle and Washington, D.C. •

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