

# **DUANE MORRIS LLP**

## **PRO BONO POLICY**

(Last Updated November 2016)

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## **Duane Morris LLP Pro Bono Policy**

**Last Update August 2016**

### **I. Pro Bono Program Mission Statement**

Duane Morris believes in equal justice for all. Through our pro bono program, we encourage and support all firm attorneys and non-attorney personnel in their legal service to individuals, non-profit legal service providers, community economic development organizations and all other organizations that work to address unmet legal, civil, economic, environmental, health, shelter, and societal needs.

### **II. Policy Statement**

Duane Morris provides pro bono legal services in all of the firm's U.S. and international offices to the extent those services are authorized by local law. All attorneys are encouraged and supported in providing a minimum of 50 hours each of pro bono legal services annually. The primary focus of our provision of pro bono legal services is to represent low-income individuals, non-profit organizations that serve low-income individuals, non-profit organizations that serve the community or advocate on behalf of civil, human and public rights, and organizations that further economic development in low-income areas. Pro bono legal services may also be provided to the courts, rules committees, and other legal committees that serve the public good. All pro bono matters undertaken must meet the requirements set out in this policy, unless otherwise approved by the Pro Bono Partner.

### **III. Definitions**

- A. Board Service: Any activities that do not meet the definition of Legal Service that are performed as a member of a Board of Directors for a not-for-profit entity.
- B. Community Service: Any activities on behalf of any group or organization that do not meet the definition of Legal Service.
- C. Legal Service: The provision of any and all legal services regularly provided by Duane Morris attorneys, Summer Associates, Law Clerks, and Paralegals to the firm's clients, including, but not limited to administrative, appellate, bankruptcy, corporate, employment, health, immigration, litigation, transactional, trusts and estates, real estate, and other legal matters.
- D. Qualifying Entity:
  - 1. Individuals:

Who have been screened and referred to Duane Morris for pro bono services by a legal service provider, or

Who have been screened by the Duane Morris Pro Bono Program for eligibility for pro bono legal services.

2. Governmental Institutions:

Any local, state, or federal government agency, commission or organization that has been approved by the Duane Morris Pro Bono Program and/or Duane Morris Executive Committee.

3. Not-for-Profit Organizations:

Charitable, religious, civic, community, governmental and educational organizations that represent or serve individuals, groups, or organizations that secure or protect human rights, civil rights, civil liberties, public rights and community economic development; and

Have assets of \$ [REDACTED] or less; and

For which the payment of Duane Morris' standard legal fees would significantly deplete the organization's economic resources, or otherwise would be inappropriate.

4. Un-incorporated Groups and to be Formed Non-Profit Entities:

Charitable, religious, civic, community, governmental and educational organizations that represent or serve individuals, groups, or organizations that secure or protect human rights, civil rights, civil liberties, public rights and community economic development; and

Have assets of \$ [REDACTED] or less; and

For which the payment of Duane Morris standard legal fees would significantly deplete the organization's economic resources or otherwise would be inappropriate.

5. For-Profit Small Business Entities:

Business entities that have annual business income of \$ [REDACTED] 0 or less; or

Business entities owned by individual(s) who have personal income that is less than or equal to [REDACTED] % of the Federal Poverty Guidelines; and

The payment of Duane Morris standard legal fees would significantly deplete the organization's economic resources or otherwise would be inappropriate.

6. For-Profit Social Enterprise Entities:

Entities that have annual business income of \$ [REDACTED] or less; or

Entities owned by individual(s) who have personal income that is less than or equal to ■■■% of the Federal Poverty Guidelines; or

Entities for which the mission and purpose of the entity is to help-low income individuals, disadvantaged communities or groups, preserve or advance a public right; and

The payment of Duane Morris standard legal fees would significantly deplete the organization's economic resources or otherwise would be inappropriate.

7. Other Groups and Organizations:

Approved by Pro Bono Partner based upon standards contained in Section IX of this Policy.

8. Exceptional Pro Bono Matters:

In times of national emergency or similar events of catastrophic proportions, the Executive Committee may determine that the firm should provide pro bono legal services to individuals, regardless of income, where the payment of standard legal fees would be inappropriate.

#### **IV. Participation in Pro Bono Matters**

A. General Rules

1. The firm only shall undertake pro bono representation for Qualifying Entities as they are defined in this policy.
2. Attorneys are strongly encouraged to perform a minimum of fifty (50) pro bono hours annually.
3. Paralegals & Patent Agents are encouraged to work on pro bono matters to the extent they can assist in matters under appropriate supervision.
4. All firm personnel are strongly encouraged to participate in pro bono matters to the extent their skills can be utilized to serve the interests of an approved firm pro bono client.
5. There is no limit to the number of pro bono hours an attorney may perform on behalf of qualifying entities.
6. Attorneys, paralegals and other employees who work on pro bono matters must treat pro bono clients as they would all other clients by providing excellent service that meets the highest ethical and professional standards and performing such services in a timely, efficient and effective manner.

- B. Billable Hour Credit for Time Spent on Pro Bono Client Matters
  - 1. The firm will give billable hour credit in the following amounts on a calendar year basis for recorded pro bono time.
    - (a) Fifty (50) hours for full-time partners and of counsel;
    - (b) One hundred (100) hours for full-time associates, special counsel and staff attorneys;
    - (c) Seventy-five (75) hours for full-time patent agents; and
    - (d) Twenty (20) hours per calendar quarter for full-time paralegals.
  - 2. These amounts will be adjusted pro rata, based upon an individual's full time equivalency.

## V. Scope of Pro Bono Representation

- A. Limited Scope
  - 1. Pro bono matters are to be limited in scope to the particular issue at hand, and except in approved representations of non-profit organizations, the firm should not act as "general counsel" to a pro bono client.
- B. Litigation Matters
  - 1. The firm will not provide pro bono representation to not-for-profit organizations, small businesses, social ventures, or other business entities in litigation matters without Executive Committee approval.

## VI. Pro Bono Case Administration

- A. File Opening
  - 1. All pro bono matters shall be opened according to the firm's standard File-Opening Procedures prior to the commencement of any work on the matter. Please see the firm's [Pro Bono / Community Service: Getting Started & Pro Bono Resources](#) page on Discovery for information about how to open a new pro bono matter.
- B. Time Recording
  - 1. All time for pro bono matters shall be recorded in the firm's time-billing system.

C. Staffing of Pro Bono Matters

1. Pro bono matters shall receive the same level of staffing and supervision as any other legal matter that the firm undertakes, with appropriate consideration given to the experience of the attorneys involved, the complexity of the matter, and the time to be spent on the matter.

D. Supervision of Matters

1. Any associate or staff attorney seeking approval of a pro bono matter must obtain a supervising partner prior to the matter being approved. Associates and staff attorneys working on pro bono matters should provide supervising attorneys with timely updates and with enough information to allow for a substantial review as well as to receive adequate advice.
2. Supervisors on pro bono matters are expected to provide guidance and close supervision of the supervised attorneys or paralegals and to provide substantive reviews where appropriate.
3. Attorneys are encouraged to find appropriate roles for non-attorneys on pro bono matters.

E. Expenses in Pro Bono Matters

1. Out of Pocket Expenses

- (a) Pro bono clients, to the extent possible, should bear the burden of out-of-pocket expenses required for their legal matters.
- (b) A pro bono client's inability to afford the out-of-pocket expenses required in connection with representation shall not interfere with the firm discharging its professional responsibilities.
- (c) The firm will not pay expenses for the client that are not directly related to the representation, such as living expenses, penalties or fines levied on the client.
- (d) Payment of out-of-pocket expenses on behalf of a pro bono client, including attorney travel expenses must be approved by the firm prior to incurring the expense and under the following circumstances.

2. Any arrangement for a pro bono client to forego the payment of expenses in whole or in part is subject to the following approvals:

- (a) ████████: No Pre-Approval Required

(b) [REDACTED]: Approval by Associate Pro Bono Counsel or Pro Bono Partner

(c) [REDACTED]: Approval by Pro Bono Partner

(d) [REDACTED]: Approval by Executive Committee

3. Tracking Expenses: All expenses shall be billed to the file number.
4. Experts and Professional Fees: Experts and other professionals retained to provide services for a pro bono matter should be expected to provide their services either pro bono or at a reduced fee to be paid by the client or the firm, to the extent possible and customary without compromising the representation.
5. Travel Expenses: Unreimbursed travel costs in pro bono matters should be kept to a minimum; attorneys should seek lower-cost alternatives to travel where appropriate, such as video or teleconferences. To the extent travel is necessary for the representation of a pro bono client, any trip that is expected to cost more than \$[REDACTED] should be approved in advance by the Pro Bono Partner or Associate Pro Bono Counsel except in cases where the client has agreed to pay such expenses.

F. Receipt of Legal Fees in a Pro Bono Matter

1. Use of Fees

Should a pro bono engagement result in payment of attorneys' fees, the firm shall use those fees as follows:

- (a) The fees will be applied to any outstanding disbursements in the matter for which the attorneys' fees were awarded; and
- (b) If any fees remain after payment of all outstanding disbursements on the matter, remaining fees then will be applied to outstanding disbursements for other pro bono matters that will not result in the award of attorney's fees.

2. [REDACTED]  
[REDACTED]  
[REDACTED]

3. [REDACTED]  
[REDACTED]



## **VII. Criteria for Considering Other Individuals, Groups and Organizations for Pro Bono Representation**

- A. Duane Morris from time to time will provide pro bono legal services to non-qualifying entities, as approved by the Pro Bono Partner and/or Executive Committee as per this Pro Bono Policy and all other firm client intake policies. In such cases, the following factors will be used to determine whether pro bono representation should be undertaken on a case-by-case basis.
1. **Mission:** The firm will consider whether the entity's mission fits within the goals of the Pro Bono Program. Organizations that provide legal services to low-income individuals or otherwise serve the needs of low-income individuals, or promote human rights, public rights or civil rights, the arts or public health will be considered to support the goals of the pro bono program.
  2. **Matter: Community Impact of the Proposed Matter and/or Organization:** The firm will consider whether the proposed pro bono matter has a community-minded, public purpose, will operate in an economically disadvantaged area, create jobs for low-income individuals, provide job training opportunities, is minority-owned or women-owned, will attract investors and consumers to an otherwise depressed area, or will have other such impact.
  3. **Duration and nature of the legal services required to complete the matter.**
  4. **Firm resources required to undertake and complete the matter.**
  5. **Means: Ability to Pay:** The firm will consider whether the entity can pay for legal services without substantially compromising its mission. The ability of an organization to pay for legal services shall be evaluated on a case-by-case basis, considering:
    - (a) **Organization's Assets:**
      - (i) Organization's history of payment of legal fees to the firm or to other legal counsel for the same or similar matters;
      - (ii) Organization's payment of professional fees to non-legal service providers;
      - (iii) Organization's budget relative to other organizations considered potential pro bono clients; and
      - (iv) Payment of legal fees by organizations of a similar size and purpose.

- (b) Principal(s)' Income: Whether each principal(s)' incomes are greater than █████% of Federal Poverty Guidelines. If so, the entity should be presumed ineligible for pro bono representation.
- (c) Entity's Finances: For ongoing business entities, the firm should assess whether the business venture possesses sufficient operating funds to pay for legal and other professional services, including:
  - (i) Staff Salaries and Expenses
  - (ii) Professional Fees
  - (iii) Affordable Access to Third Party Funds

### **VIII. Non-qualifying Activities**

- A. The following are not the provision of pro bono legal services under this policy:
  - 1. Board Service;
  - 2. Community Service;
  - 3. Service spent as a judge pro temp, arbitrator or mediator also generally does not constitute pro bono legal services. Time spent serving as a judge pro temp, arbitrator or mediator should be charged to the firm's mediation/arbitration number of █████.
    - (a) Exception: Service as a judge pro temp, arbitrator or mediator shall qualify as pro bono legal services if: (i) there is no compensation for the service, and (ii) at least one of the parties in the dispute resolution process qualifies for pro bono representation.
  - 4. Legal services performed with the expectation of a fee either in the instant matter or in a future matter for that client or for a related client.
    - (a) Exceptions:

Recovery of fees pursuant to a statute, rule or regulation which awards such fees to the prevailing party, for matters on behalf of a pro bono client; or

Payment of fees in a court-appointed criminal or civil matter, where fees are allowed by statute, court order, rule or regulation.