

*Excerpt from the March 2008 Hawaii Bar Journal Perspectives article by HSBA Executive Director Lyn Flanigan.*

### **Pro Bono Service Disclosure**

This disclosure had been on our renewal forms for years as a voluntary disclosure; this year the disclosure became mandatory. This generated many questions about what constitutes pro bono service and a review of HRPC 6.1 is in order.

In actuality, there are many ways to fulfill the aspirational pro bono requirement contained in HRPC 6.1. The HSBA pro bono rule is modeled after the ABA model rule, which has been described as authorizing 4 tiers of pro bono, which can be generally summarized as:

Tier 1: providing direct legal services to the indigent without expectation of a fee

Tier 2: providing legal services to an entity that provides Tier 1 services

Tier 3: participating in activities that enhance the legal profession

Tier 4: donating to entities and programs that provide Tier 1 services

### **What can you do to fulfill the aspirational goal next year?**

Check the HSBA website for “Pro Bono Opportunities” to find direct links to nine agencies offering pro bono public opportunities, the preferred Tier 1 type of pro bono services. If your position or status precludes you from undertaking direct pro bono cases, there are alternatives. Service on the boards of these entities which provide direct legal services to the indigent, participation in clinical programs offered by these entities and the Young Lawyers Division, mentoring and/or training attorneys who are handling pro bono cases, participating as faculty in HSBA’s extensive CLE programs or service on an HSBA committee or Judiciary task force dedicated to the enhancement of the legal profession, participation in in-school or community programs which explain and thus render the

legal system available to the public, participation in local or even international rule of law programs—these are just a few of the many, many activities which allow members to fulfill the intent of the aspirational rule.

### **Why Pro Bono?**

Every lawyer has a professional responsibility to provide legal services, services which only lawyers *can* provide, to those unable to pay—not to mention that personal involvement in helping the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. The needs are staggering. **Today, in fact, we only meet the civil legal needs of about 1 in 5 low- and moderate- income families in Hawaii needing assistance. 1 in 5---yes, only about 20%!**

Recently a dedicated group of HSBA members/organizations formed the Access to Justice Hui and undertook a needs survey resulting in the major Access to Justice Report and Community Wide Action Plan (the CWAP) published in November 2007. The complete report and CWAP are posted on the HSBA website ([www.hsba.org](http://www.hsba.org).) The boards of virtually all of the members of the Hui have adopted resolutions pledging strong support for the recommendations in the CWAP.

As the Access to Justice Commission is established and all segments of the legal community come together in the effort to support the CWAP, there will be many opportunities to provide much needed direct and indirect services and programs to ensure that the “disenfranchised” in our community are served. Be a part of this---and you’ll be amazed how many pro bono hours you’ll report next year!!

*By: Lyn Flanigan  
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