

**STATE BAR OF GEORGIA
PRO BONO PROJECT**



**A CIVIL PRO BONO PRIMER
FOR THE
YOUNG LAWYER**

**... Following in the Footsteps
of Young Lawyer Justice Leaders**



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History of the Young Lawyers Division and Georgia Legal Services Program: Following in the Footsteps of Young Lawyers Justice Leaders

As a newly admitted lawyer, you need to know that in 1968, the State Bar of Georgia Younger Lawyers Division was instrumental in the creation of Georgia Indigents Legal Services, a staffed legal service program serving low-income Georgians that was the predecessor of Georgia Legal Services Program. You and thousands of other young lawyers in Georgia share a common bond-- You can follow in the footsteps of young justice leaders and make a difference for your community by ensuring the growth and vitality of Georgia Legal Services Program.

The legal aid community has strong roots in Georgia. Georgia Legal Services Program, founded in 1971, is relatively young, but many of its regional offices and much of its grassroots lawyer support developed out of local bar association legal aid societies, such as those in Macon and Savannah. In the 1940s and 50s, nearly every lawyer in Savannah and Macon participated in the provision of free legal services to those who could not afford a lawyer. When Georgia Legal Services Program was born, these legal aid societies served as the platform for the new paid staff programs.

The history of civil legal services and pro bono in Georgia is detailed in an article entitled, "The History of Legal Aid in Georgia." H. Sol Clark, former Judge of the Georgia Court of Appeals, authored the article in 1972 for the Georgia Bar Journal. The article is now posted on the website of the State Bar of Georgia at: www.gabar.org/probono.htm. Judge Clark's article credits many well-known and influential Georgia lawyers for their role in providing access to justice for the poor. You can learn more about Georgia Legal Services Program and its pro bono programs and opportunities by visiting the State Bar of Georgia's Pro Bono Project website at: www.GeorgiaAdvocates.org/GOJC.

In 2002, as a celebration of Georgia Legal Services Program's anniversary, the State Bar recognized these then Georgia Young Lawyers who were instrumental in the creation of Georgia Legal Services Program in 1971:

R. William Ide III
A. James Elliott
Elizabeth E. Neely
J. Ben Shapiro, Jr.
Alan F. Rothschild
Leah F. Chanin
Robert H. Walling
Phil Heiner
Hulett H. "Bucky" Askew
Bettye H. Kehrer

H. Sol Clark
David Gambrell
Frank Jones
Irwin W. Stolz Jr.
Robert L. Steed
Lloyd Whitaker
L. Martelle Layfield
Matthew Patton

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Prior to 1970, organized legal services efforts beyond voluntary, non-funded programs were non-existent in areas of Georgia other than Atlanta (served by Atlanta Legal Aid Society) and Savannah (which had a very small grant, insufficient to develop a substantial effort in that city). However, interest in more organized efforts to provide legal services to the poor was growing. At its mid-1966 meeting, the State Bar passed a resolution encouraging the implementation of legal services programs in the state. Several voluntary projects—in Macon, Columbus, Gainesville and Savannah—had cropped up, and while these efforts were relatively timid, they reflected a slow shift to a more receptive attitude by local bar associations.

In 1968 the Younger Lawyers Section of the State Bar found a “distressing disproportion between the actual need for legal services by those who cannot afford them and the present supply of legal services available to them” and urged that legal aid programs be set up throughout the state, according to R. William Ide, one of the four people who advocated such a law-related civic project in a published study. Ide, then a vice-president of the National Legal Aid and Defenders Association, was a key person in forming GILS and became its first president.

At the August 23, 1968 meeting of the Board of Governors of the State Bar of Georgia, the Younger Lawyers Section obtained permission from that group to prepare an application for funding of a legal services program, subject to approval by the Board of governors. The passage of this resolution was a major step forward “...because it represented a firm philosophical commitment on the part of the organized Bar to support the principle of statewide services to the poor.” In March 1970, Georgia Indigents Legal Services or “GILS” was incorporated.

The Bar’s Younger Lawyers Section efforts to meet the legal needs of the poor concentrated on securing federal funding and on coalescing the existing legal aid societies into the GILS structure after each had opted into the program. In 1971, the Younger Lawyers Section, seeking to create an entity independent of the State Bar incorporated a companion non-profit corporation to GILS, Georgia Legal Services Program, Inc. (GLSP). GLSP then absorbed the assets, mission and work of GILS.

Today, Georgia Legal Services Program continues to fulfill the vision the Younger Lawyers Section leaders created over three decades ago. The Section is now known as the Young Lawyers Division of the State Bar of Georgia, and while its name has changed slightly, the YLD can still be counted upon to stand up for justice issues.

The stories of young Bar leaders and of others who were pioneers in establishing legal services for the poor in rural Georgia are being preserved through the efforts of Georgia State University Library's Special Collections and Archives. You can learn more about the Oral History Project by visiting the GSU Library Special Collections and Archives website: <http://www.library.gsu.edu/spcoll/ggdp/gls.htm>.

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Young Lawyers are Shareholders in the Success of Georgia Legal Services Program

Georgia Legal Services Program was founded by young lawyers like you who saw a critical need to provide access to justice for impoverished Georgians. Growing from a few storefront legal aid offices in the early 1970's, GLSP's 12 offices now provide free legal assistance to low-income persons in the 154 counties outside the Atlanta metro area. Georgia Legal Services Program staff have provided free legal assistance to more than 400,000 low-income clients throughout rural Georgia since the program was created by young lawyers like you.

Each GLSP office provides legal services to clients living at or below 125% of the poverty level. GLSP attorneys provide legal representation, advice and counsel, and educational programs to clients on legal issues involving family, housing, employment, consumer, and health care problems. Many of our clients are members of working families. Two-thirds of GLSP clients are women, many of them mothers with children.

GLSP is the only source of legal assistance to low-income clients and organizations serving low-income clients outside metro Atlanta. Our contacts and relationships extend throughout the state, and as a large organization, we have the capacity to provide specialized resources that smaller organizations cannot offer. The combination of our statewide scope and our very local presence in small communities throughout the state creates a unique and powerful method of providing broad-based, high-quality services to clients. With four decades' history of service to low-income communities, GLSP possesses unparalleled access to and familiarity with rural Georgia.

The Program operates a number of special projects throughout the state, including the Domestic Violence Project, which helps victims of family violence obtain restraining orders, address property and children's issues, and secure supportive services to end the cycle of abuse and reconstruct their lives; the Benefits Hotline, a toll-free, statewide help line through which callers receive information on resolving problems in accessing critical public benefits; homeless advocacy projects, AIDS/HIV advocacy, elder law projects, and many others. GLSP's Migrant and Seasonal Farmworker Project provides workers in dozens of labor camps with education on farmworker rights and legal representation on employment and work-related health, and housing issues.

In collaboration with the State Bar of Georgia, GLSP's Pro Bono Project recruits and supports volunteer attorneys to represent low-income clients on a variety of poverty law issues. With the assistance of the State Bar, we provide for lawyers and local bars web resources, online trainings, technical assistance and recognition programs. For lawyers, we manage GeorgiaAdvocates.org, our statewide volunteer lawyer support site; for the public, we manage a statewide client legal information website, GeorgiaLegalAid.org.

In partnership with other legal services providers, the Program also directs task forces on domestic violence, public benefits, and housing, which work to develop effective ways of delivering legal and other services to low-income clients and other

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under-served populations. The Program also manages internship programs in cooperation with law schools.

Then, as now, we need the help of young, creative lawyers like you to ensure access to justice for thousands of Georgians.

Introduction to the Pro Bono Project

The Pro Bono Project of the State Bar of Georgia is a technical support unit within the State Bar. Its mission is to promote equal access to the civil justice system by working to expand the involvement of significant numbers of private attorneys in the delivery of legal services to Georgians in poverty to supplement and support the work of staff attorney programs. The Pro Bono Project, created by the State Bar of Georgia in 1982 in conjunction with the Georgia Legal Services Program, is a project which assists local bar associations, individual private attorneys and communities in developing pro bono private attorney/bar involvement programs in their areas for the delivery of legal services to the poor.

Why Was the Pro Bono Project Created?

Our judicial system cannot function without the availability of counsel to ensure that all people have effective access to the legal system. The need for legal assistance by low-income Georgians to resolve life-shattering problems is enormous. Legal intervention is often the critical factor that enables a family to remain together or to receive vital financial support. In even the best of times, Georgia Legal Services can serve only a small fraction of the persons who meet program standards and who need legal assistance. Thus, private attorney participation in the delivery of legal services to the poor is absolutely critical.

What is a Pro Bono/Private Attorney Involvement (PAI) Program?

In a Pro Bono/Private Attorney Involvement (PAI) Program, lawyers volunteer their time to represent individuals who cannot afford to pay for the legal services. A variety of different activities are considered Pro Bono/PAI contributions, including:

- Lawyers representing individuals who cannot afford representation.
- Lawyers providing advice at specific locations or to certain groups on a regular basis.
- Lawyers counseling the elderly at Senior Citizens Centers.
- Lawyers addressing low-income groups on legal topics.
- Lawyers offering training in legal or quasi-legal matters.

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What Are the Project's Activities and Services?

Under the leadership of an experienced attorney, the Pro Bono Project is available to assist local bar associations, individual private attorneys and community organizations in addressing the unmet civil legal needs of their communities. In addition to offering advice and technical assistance, the Project coordinates pro bono activities throughout Georgia, works with State Bar leadership on ways to increase pro bono contributions, identifies areas where pro bono programs are needed, and disseminates information. Specifically, the activities and services include:

- **Technical Assistance**

Interested groups and individuals are encouraged to contact the project office for technical assistance in developing pro bono programs in their area. The director is available for on-site visits to assist in evaluating local needs and to provide advice with program, training, and materials design.

- **Court Reporters Project**

The Pro Bono Project coordinates referrals to the GSRA Pro Bono Court Reporters Project, which makes free depositions available in cases handled by legal services staff or pro bono attorneys working with a recognized pro bono program.

- **Materials**

The Pro Bono Project serves as a state clearinghouse for information on the delivery of quality legal services to the poor. We have files of information on pro bono programs and delivery methods, such as Judicare (reduced fee compensation), compensated contractual arrangements, and lawyer referral services from programs statewide and nationally. The Project also publishes a newsletter that provides information on our community and innovations in the delivery of legal services.

- **Pro Bono Awards**

Every year, pro bono awards are conferred by the State Bar during the annual meeting in June. The H. Sol Clark Pro Bono Award goes to the attorney who has done the most to further pro bono activity and legal representation for the poor. The William B. Spann, Jr. Pro Bono Award is given to the bar association or community organization with the most active or innovative pro bono program in Georgia.

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How Do Pro Bono Programs Work?

To make certain that the volunteer attorneys spend their valuable time most productively, the following services are provided:

- Screening

All clients are screened by the staff of the local program to ensure that they are eligible for free or reduced fee legal assistance.

- Case Review

All cases are reviewed prior to referral to determine whether the client has a meritorious case.

- Referral

When requested, the program will arrange an appointment at the time convenient to the client and the attorney, and send written confirmation of the referral to both parties.

- Resources

We host one of the best volunteer lawyer support websites in the country— www.GeorgiaAdvocates.org – where you can find practice materials, training materials, news, and access to other volunteers and specialists. Resource materials, as well as access to a law library and national support centers, are also available to volunteers. The Pro Bono Project also hosts several listservs, including one dedicated to business law pro bono. The listserv provides volunteers a chance to communicate via e-mail with other volunteers, receive support materials, share ideas, and to post practice questions and answers related to volunteer cases.

- Back-up Attorneys

Experienced attorneys in various specialty areas will be available and used to provide back-up assistance to volunteer attorneys.

- Costs and Professional Liability Insurance

Georgia Legal Services Program will pay litigation expenses for those clients who are within their financial and substantive guidelines. The program also provides malpractice insurance protection for each case referred.

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- Training

By agreeing to spend a few hours each year on pro bono referrals, the volunteer attorney may participate without charge or for a reduced charge in continuing legal education seminars provided by Georgia Legal Services Program. (See the local PAI Coordinator for details.) Lawyers who accept three cases in a year will receive ICLE discounts.

Meet Our Clients

The number of people living in poverty in 2010 (46.2 million) is the largest number seen in the 52 years for which poverty estimates have been published. And though poverty is often perceived as a problem of urban environments and inner cities, nationally the poverty rate in metropolitan areas (14.9%) is actually *lower* than the poverty rate in rural areas (16.5%). Legal Services and volunteer lawyer programs need you because:

- Over 1.2 million Georgians live at or below the poverty line according to the U.S. Census
- Nearly 70% of those living in poverty in Georgia are women and children
- A full time minimum wage worker earns about \$11,960 per year to cover rent, transportation, food and clothing.
- According to a legal needs study conducted by the Supreme Court of Georgia in 2007-08, low-income households in Georgia experience an average of three legal needs annually, totaling over 2 million legal needs each year.

With an income at 125% of the federal poverty level, a poor household doesn't have much of a paycheck, retirement check or child support left to retain a lawyer when dealing with with a legal problem. When faced with choosing between paying the rent or medical bills and hiring a lawyer, the poor pay their bills and go unrepresented in court unless they are eligible for a legal services program. We focus on providing services to those most vulnerable, including abused women and children, families about to lose their home or income source, and people with very special vulnerabilities such as the elderly, persons with disabilities, people in institutions and the poor who do not speak English.

You Can Help Us Beat the Odds

Federal funding for civil legal services programs is debated year after year, and legal services programs continue awkwardly adapting year after year to decreasing federal funding. The truth is volunteer lawyers can never replace federal or state-supported legal services programs; sufficient numbers of volunteers might be available, however, to *supplement* the work of legal aid and legal services programs. Young lawyers like yourself can be an asset to the State's justice system and can extend legal services to persons who otherwise would go unrepresented.

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There are over 1.2 million poor people in Georgia, with about 72% of the poor living in small cities and rural areas. Nearly 70% of Georgia's lawyers work in the metro-Atlanta area where only 28% of the poor reside. In Georgia, there is one private lawyer for every 250 people, but only one legal services lawyer for every 25,000 poor people. There are 6 rural counties in Georgia in which no lawyer resides. As is the case in much of the country, in Georgia, legal aid and legal services programs can only meet about 20% of the justice needs of the poor.

Outside the 5-county Atlanta area, pro bono efforts are dependent on Georgia Legal Services Program for organizational support, such as screening of referrals, assignment of cases, and substantive assistance from staff attorneys to volunteer attorneys. Volunteer lawyers are used to assist rural clients, including institutionalized persons, persons in nursing homes, persons with disabilities and language barriers, and others who find their rural isolation compounded by extreme circumstances. Volunteer lawyers also have the opportunity to provide business law services on a pro bono basis to emerging or existing nonprofits that serve the low-income community on affordable housing development, transportation projects, childcare programs, and more.

Incentives for Involvement in Pro Bono Service

All private attorneys who volunteer and accept a case from a participating coordinated civil pro bono program will be listed in an honor roll published annually in the Georgia Bar Journal and on the State Bar of Georgia's website. Each year the State Bar confers three pro bono awards during its annual meeting. The *H. Sol Clark Award* is presented to an attorney who has done the most to further pro bono activity and legal representation for the poor. The *William B. Spann, Jr. Pro Bono Award* is given to the bar association or community organization with the most active or innovative pro bono program in Georgia. The State Bar presents its *A Business Commitment Business Law Pro Bono Award* to a lawyer, law firm or corporate counsel program that has provided significant business law services to an existing or emerging nonprofit serving the low-income community in Georgia.

All volunteer lawyers receive certificates of recognition, signed by the Director of the Pro Bono Project and the President of the State Bar of Georgia on an annual basis as a gesture of the Bar's appreciation for their service to the public. We provide vouchers courtesy of the Institute for Continuing Legal Education in Georgia for lawyers who have handled at least three pro bono cases during the calendar year. The vouchers entitle them to a \$150 discount off the cost of an ICLE-sponsored program. Many participating pro bono programs offer free or reduced fee CLE programs to volunteer lawyers who, in exchange for the CLE, agree to take on one or two pro bono cases. Pro bono programs also offer free periodic training programs to volunteers.

You Choose How to Participate in Pro Bono Service

- Join a Volunteer Panel

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Pro bono publico is a phrase that encompasses many types of service to the community, the most important of which is the use of your skills as a lawyer. You can be an advocate for justice by representing a senior citizen who has been denied access to health care or by taking on the case of a child with severe learning disorders who needs special education. Most clients face family law issues, such as domestic violence, or consumer law matters, like home repair rip-offs. You could agree to handle one or two cases a year on problems like these, or the lawyers and paralegals in your corporate counsel program could all work together on a special kind of legal clinic or advice line.

- Be a Pro Bono Business Lawyer

Many Georgia nonprofits and emerging nonprofits serving low-income communities lack the resources to obtain necessary legal counsel, and many more are unaware that they have a legal issue. Many nonprofits, rushed into creation, need legal audits and advice on corporate restructuring. Volunteer lawyers can handle corporate legal matters, tax exemptions, real property matters, contracts, as well as just about any legal issue arising in the business law context. Corporate counsel programs can also adopt “signature projects” by choosing special issues or unique clients and providing in-depth, long term business law services.

- Share Your Expertise by Telephone or E-mail

Many business law practitioners find that they are best suited to provide back-up support to legal services lawyers or to other volunteer lawyers on legal issues with which they have a volume of experience. For example, you can volunteer your time to provide legal advice or consultations by telephone or e-mail on real property transactions, contracts, divorce settlements, damages appraisals— just about anything. You can also volunteer to draft or review documents by e-mail, prepare legal training materials, or participate in seminars on poverty law issues. Today’s technology allows you to do this work while you are sitting at your own desk.

- Help Put a *Dot.Com* after Pro Bono

Corporate counsel programs and large law firms use or have access to cutting edge technology and information systems. Your program or firm, as part of its pro bono obligation, can find ways to help legal services and pro bono programs by allowing them access to your technology. For example, most legal services and pro bono programs do not have access to high quality computer scanning equipment. Your program could offer its scanner and a fraction of staff support to scan important documents, news articles, and legal forms. You could also lend your technology staff to a program that needs website design or network troubleshooting. You could help a program produce and publish its newsletter or training materials or even help us secure affordable software.

- Invest in Access to Justice

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All lawyers, including those in corporate counsel programs, are urged by Georgia pro bono Rule 6.1 to contribute financially to civil legal services programs. Legal services and legal aid programs in Georgia are efficiently run law firms. These programs and their affiliated pro bono units operate with minimal overhead while delivering high quality legal services to thousands of Georgians. Staff lawyers are well-trained and dedicated. However, about 80% of those who apply for services cannot be represented due to lack of funding. Invest in access to justice by contributing financially to legal services programs and their pro bono partners.

Currently, Georgia Legal Services Program receives about \$11.00 per poor person in Georgia from the federal Legal Services Corporation. GLSP leverages other funding, much of which is earmarked by the respective grantor for specific projects. Civil legal services programs depend on financial contributions from lawyers and law firms, not just for operational expenses, but as a sign of commitment to the program and to the American ideal of equal justice under law.

While financial contributions are crucial to the development and maintenance of quality civil legal services programs, there are other roles for young lawyers, including serving on fundraising committees and networking with corporate foundations.

Take the First Step

Start with small steps— Volunteer to take a pro bono case from your local office of Georgia Legal Services Program or donate the dollar equivalent of one or two billable hours to GLSP. Join a State Bar Young Lawyers Division committee or your local bar pro bono committee and be a voice for *pro bono publico*.

If you work in a corporate setting, your company probably already has a community service or relations program. Talk to the director of your program and find out how volunteer lawyering might fit into your company's commitment to its customers. Often, corporate directors are unaware of your obligation to provide free legal services to those who can't afford a lawyer. If you are unable to accept pro bono cases due to company limitations, please be sure to make a financial contribution to GLSP. Use this manual to show how you can meet your ethical responsibilities in a structured program. Your participation in improving access to justice will provide you and your company with wonderful stories to tell about how you made a real difference in someone's life.

Be a young lawyer justice leader. Support the work of Georgia Legal Services Program in your community.

Call the Pro Bono Project at: 1-800-334-6865.

Visit us online at: www.glsp.org, on [Facebook](#), or on [Twitter](#).

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