

1 **Rule 6.1. Voluntary pro bono legal service.**

2 Every licensed paralegal practitioner has a professional responsibility to provide legal
3 services to those unable to pay. A licensed paralegal practitioner should aspire to render at
4 least 30 hours of pro bono publico legal services per year. In fulfilling this responsibility,
5 the licensed paralegal practitioner should:

6 (a) provide a substantial majority of the 30 hours of legal services without fee or
7 expectation of fee to:

8 (a)(1) persons of limited means or

9 (a)(2) charitable, religious, civic, community, governmental and educational
10 organizations in matters that are designed primarily to address the needs of persons of
11 limited means; and

12 (b) provide any additional services through:

13 (b)(1) ~~Reserved. delivery of legal services at no fee or substantially reduced fee to~~
14 ~~individuals, groups or organizations seeking to secure or protect civil rights, civil liberties~~
15 ~~or public rights, or charitable, religious, civic, community, governmental and educational~~
16 ~~organizations in matters in furtherance of their organizational purposes, where the~~
17 ~~payment of standard legal fees would significantly deplete the organization's economic~~
18 ~~resources or would be otherwise inappropriate;~~

19 (b)(2) delivery of legal services at no fee or at a substantially reduced fee to persons of
20 limited means; or

21 (b)(3) participation in activities for improving the law, the legal system or the legal
22 profession.

23 (c) A licensed paralegal practitioner may also discharge the responsibility to provide
24 pro bono publico legal services by making an annual contribution of at least \$5 per hour for
25 each hour not provided under paragraph (a) or (b) above to an agency that provides direct
26 services as defined in paragraph (a) above.

27 (d) Each licensed paralegal practitioner is urged to report annually to the Utah State Bar
28 whether the licensed paralegal practitioner has satisfied the LPP's professional
29 responsibility to provide pro bono legal services. Each licensed paralegal practitioner may
30 report this information through a simplified reporting form that is made a part of the Bar's
31 annual dues statement.

32 (e) In addition to providing pro bono legal services, a licensed paralegal practitioner
33 should voluntarily contribute financial support to organizations that provide legal services
34 to persons of limited means.

Comment

[1] Every licensed paralegal practitioner, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to pay. Personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a licensed paralegal practitioner. All licensed paralegal practitioners are urged to provide a minimum of 30 hours of pro bono services annually. It is recognized that in some years a licensed paralegal practitioner may render greater or fewer hours than the annual standard specified, but during the course of the licensed paralegal practitioner's career, each licensed paralegal practitioner should render on average per year, the number of hours set forth in this Rule. Services can be performed in any area in which the licensed paralegal practitioner is authorized to practice.

[2] Paragraphs (a)(1) and (a)(2) recognize the critical need for legal services that exists among persons of limited means by providing that a substantial majority of the legal services rendered annually to the disadvantaged be furnished without fee or expectation of fee. Legal services under these paragraphs include individual representation, the provision of legal advice, legislative lobbying, administrative rule making and the provision of free training or mentoring to those who represent persons of limited means.

[3] Persons eligible for legal services under paragraphs (a)(1) and (a)(2) are those who qualify for participation in programs funded by the Legal Services Corporation and those whose incomes and financial resources are slightly above the guidelines utilized by such programs but nevertheless cannot afford counsel. ~~Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women's centers and food pantries that serve those of limited means.~~

[4] Because service must be provided without fee or expectation of fee, the intent of the licensed paralegal practitioner to render free legal services is essential for the work performed to fall within the meaning of paragraphs (a)(1) and (a)(2). Accordingly, services rendered cannot be considered pro bono if an anticipated fee is uncollected. ~~LPPs~~ Licensed paralegal practitioners who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

[5] While it is possible for a licensed paralegal practitioner to fulfill the annual responsibility to perform pro bono services exclusively through activities described in paragraphs (a)(1) and (a)(2), to the extent that any hours of service remain unfulfilled, the remaining commitment can be met in a variety of ways as set forth in paragraph (b).

[6] ~~Reserved. Paragraph (b)(1) includes the provision of certain types of legal services to those whose incomes and financial resources place them above limited means. It also permits the pro bono licensed paralegal practitioner to accept a substantially reduced fee for services.~~

[7] Paragraph (b)(2) covers instances in which licensed paralegal practitioners agree to and receive no fee or a modest fee for furnishing pro bono legal services to persons of limited means. Participation in judicare programs and acceptance of court appointments in which the fee is substantially below a licensed paralegal practitioner's usual rate are encouraged under this section.

[8] Paragraph (b)(3) recognizes the value of licensed paralegal practitioners engaging in activities that improve the law, the legal system or the legal profession. Serving on bar association committees, serving on boards of pro bono or legal services programs, taking part in Law Day and other law related education activities, acting as a continuing legal education instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities that fall within this paragraph.

[9] Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each licensed paralegal practitioner. Nevertheless, there may be times when it is not feasible for a licensed paralegal practitioner to engage in pro bono services. At such times a licensed paralegal practitioner may discharge the pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm's aggregate pro bono activities.

[9a] This Rule explicitly allows licensed paralegal practitioners to discharge their pro bono services responsibility by annually contributing at least \$5 per hour for each hour not provided under paragraphs (a) and (b). While the personal involvement of each licensed paralegal practitioner in the provision of pro bono legal services is generally preferable, such personal involvement may not always be possible. The annual contribution alternative allows a licensed paralegal practitioner to provide financial assistance to increase and improve the delivery of pro bono legal services when a licensed paralegal practitioner cannot or decides not to provide pro bono legal services through the contribution of time. Also, there is no prohibition against a licensed paralegal practitioner's contributing a combination of hours and financial support.

[10] Because the efforts of individual licensed paralegal practitioners are not enough to meet the need for free legal services that exists among persons of limited means, the government and the profession have instituted additional programs to provide those services. Every licensed paralegal practitioner should financially support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono service is not feasible.

[11] Law and law-related firms employing licensed paralegal practitioners should act reasonably to enable and encourage all licensed paralegal practitioners in the firm to provide the pro bono legal services called for in this Rule.

[11a] Voluntary reporting is designed to provide a basis for reminding licensed paralegal practitioners of their professional responsibility under this Rule and to provide useful statistical information. The intent of this Rule is to direct resources towards providing representation for persons of limited means. Therefore, only contributions made to organizations described in subsection (a) should be reported. Reporting records for individual licensed paralegal practitioners will not be kept or released by the Utah State Bar. The Utah State Bar will gather useful statistical information at the close of each reporting cycle and then purge individual reporting statistics from its database. The general statistical information will be maintained by the Bar for year-to-year comparisons and may be released, at the Bar's discretion, to appropriate organizations and individuals for furthering access to justice in Utah.

[12] The responsibility set forth in this Rule is not intended to be enforced through disciplinary process.