

# **Proposal to Establish a Pro Bono Alberta Network (PBAN)**

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**Phase 1: Consultation  
February – April 2006**

**Background Document**

**A Project of the Law Society of Alberta**

## The proposal

The Pro Bono Committee of the Law Society of Alberta has proposed the development of a new service to support, maximize, and coordinate the delivery of *pro bono* legal services in Alberta.

The working title of the proposed initiative is the Pro Bono Alberta Network (PBAN).

The Law Society recognizes that the many *pro bono* hours contributed by Alberta lawyers each year help to ensure that all Albertans, regardless of their circumstances, have access to justice.

The Law Society also understands that the organizations that support and coordinate these *pro bono* efforts may be experiencing challenges—financial, human resource, and infrastructure—in meeting burgeoning client demand, and these challenges may increase over time.

Therefore, the Law Society supports the establishment of PBAN to nurture the ongoing development of a *pro bono* culture among Alberta lawyers, and to assist existing and new organizations with the coordination of resources for the delivery of *pro bono* legal services.

**In Phase I of the PBAN initiative, the Law Society is seeking feedback from key stakeholders around the province about the need for PBAN, the ways in which PBAN could best support the delivery of *pro bono* services, and the extent to which key stakeholders may wish to be involved in governing or directing a new entity.**

In this consultation process, **key stakeholders** are those organizations which are involved in the administration of legal services, the delivery of *pro bono* legal services, and the funding of *pro bono* legal services, along with Alberta lawyers. The Law Society will also be soliciting written feedback from lawyers about the proposal via *The Advisory*.

Based on the consultation findings, the Law Society will proceed with Phase II, an implementation plan for PBAN. It is hoped that Phase III, launching the new entity, will take place in the spring of 2007. The Law Society is contemplating the possibility of promoting PBAN as a legacy project in celebration of its centennial anniversary.

## What has been accomplished so far?

Since establishing a *Pro Bono* Committee in 1998, the Law Society has been working to promote and provide a structure for the delivery of *pro bono* legal services in Alberta.

A few highlights from among the *Pro Bono* Committee's accomplishments include:

- In 1999, sponsoring the creation of a *pro bono* legal clinic start-up kit, using the Calgary Legal Guidance (CLG) model and, from 1999 to the present, engaging in an outreach program to recruit local bar associations to consider the formation of clinics.

With support from the Law Society, the kit has served as a "how-to" manual for new *pro bono* legal clinics, including the Edmonton Centre for Equal Justice, the Children's Legal Education Resource Centre (Calgary), and the Central Alberta Community Legal Clinic (Red Deer).

Other communities, including Lethbridge and Medicine Hat are now investigating the viability of *pro bono* legal clinics for their communities based on the CLG model.

- In 2002, drafting a new definition of *pro bono* services, which was adopted by the Benchers in 2003.
- In 2003, producing the report, *Pro Bono Publico – For the public good*,<sup>1</sup> which set forth a series of recommendations to promote *pro bono* service, including PBAN.
- In 2004-2005, brokering a "partnership" between a major law firm and the Calgary and Edmonton clinics for the referral of specific *pro bono* files considered to be beyond the expertise of the clinics.
- In 2005, supporting an enhancement to the membership structure, along with an extension of insurance coverage, to better accommodate retired and inactive lawyers who provide *pro bono* legal services through approved *pro bono* clinics. This will take effect in February 2006.
- In 2005, introducing the *pro bono* award as a new category of the LSA/CBA Distinguished Service Awards. The first *pro bono* award will granted at the Alberta Law Conference in 2006.

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<sup>1</sup> The report in its entirety is posted on the LSA website at [www.lawsocietyalberta.com](http://www.lawsocietyalberta.com).

## Proposed Guiding Principles

- *Pro bono* service should not be mandatory.
- *Pro bono* legal services are meant to complement, not replace, a properly funded legal aid program.
- PBAN must be designed to support, not duplicate, the efforts of other organizations providing *pro bono* legal services.
- PBAN should be a collaborative entity with representation from key stakeholder organizations.
- The definition of *pro bono* should be broad and inclusive, recognizing and encouraging the many contributions lawyers make to the community.
- The most pressing need for *pro bono* legal services is the need for legal advice and representation for persons who do not have the resources to pay for these services.
- PBAN should work to increase public awareness about the *pro bono* contributions of lawyers in Alberta.
- The role of the Law Society in the provision of *pro bono* legal services is to provide a structure, offer leadership, and to encourage and promote a culture of *pro bono* legal services in Alberta.
- Not all of the solutions are within the power of the Law Society. The recommendations at this time do not include programs staffed by the Law Society or dedicated funding to certain programs. The Law Society needs to leverage resources for maximum benefit and provide a structure so that *pro bono* programs can be developed by the appropriate agencies.

## Definition of *pro bono* legal services

A lawyer who voluntarily provides legal services without fee and without expectation of a fee is providing a *pro bono* service, which may include:

- providing legal advice and/or representation to a client to ensure access to the courts, the legal system and legal services regardless of the ability to pay,
- providing legal advice and/or representation to a client whose case raises a wider issue of public interest,
- delivering community legal education,
- providing legal advice and/or representation to charitable, not-for-profit and community organizations, and
- providing ADR, mediation or preventative law services.

The Law Society also recognizes the value of and promotes lawyers providing services in the regulation and education of the legal profession or service on committees of professional associations.

## Possible functions of PBAN for consideration

- Assume the promotion, co-ordination and facilitation functions regarding pro bono currently undertaken by the Pro Bono Committee, the Benchers and Law Society staff and expand upon these functions;
- Work in collaboration and assist in promoting the Volunteer Lawyers Service;
- Assist in the recruitment of volunteer lawyers for CLG, ECEJ, and the regional clinics;
- Recruit and provide transition assistance to retired and inactive lawyers and judges wishing to do *pro bono* work;

# PBAN CONSULTATION BACKGROUNDER

- Act as a clearinghouse and matching service for law-firm *pro bono* “signature” projects;
- Act as a clearinghouse and matching service for *pro bono* public interest cases (Charter cases, administrative law cases, cases of impecunious individuals litigating against large institutions or corporations, cases requiring representation in the Court of Appeal or the Supreme Court of Canada) that are not necessarily signature projects;
- Act as a resource for local bar associations wishing to start regional clinics, for communities wishing to develop community-based clinics (e.g., in a cultural community or the community of seniors) or charitable and non-profit organizations wishing to establish specialty clinics (e.g., in areas such as preparation of wills or advice on how to start a small business);
- Act as liaison between client communities and *pro bono* providers;
- Develop “self-help” resources for unrepresented litigants;
- Act as an assessment, intake and referral service;
- Respond to requests from charitable and non-profit groups seeking lawyers to deliver seminars, workshops and in-services;
- Assist law firms in developing in-house *pro bono* policies and programs;
- Assist in procuring sustainable funding for *pro bono* initiatives;
- Provide resources and training to lawyers and law firms wishing to engage in *pro bono* work;
- Make the best use of website technology.

## Consultations with key stakeholders

**An external consultant engaged by the Law Society will be contacting organizations which are involved in the administration of legal services, the delivery of *pro bono* legal services, and the funding of *pro bono* legal services to arrange a facilitated discussion with senior staff and/or board members between February and April 2006 to obtain feedback about the PBAN proposal.**

The Law Society wishes to support the valuable work done by stakeholder organizations. All aspects of the proposal are open for discussion.

Key issues to be discussed at the stakeholder consultations include the following:

- What are the key gaps in and barriers to the delivery of legal services to low-income and marginalized populations in Alberta? Which areas of law and/or population groups are currently under-served?
- What are the best means of addressing unmet needs? Would additional *pro bono* services be helpful in meeting these needs? Which services should fall within the government's scope of responsibility?
- If there is a role for *pro bono* services:
  - What would an ideal *pro bono* system look like?
  - What should the role of government be in supporting and enabling *pro bono* services? What should the role of the Law Society be?
  - What would be the most effective role and functions of an organization such as PBAN in supporting your organization in meeting the needs of the low-income and marginalized population? How do these compare with the list of suggested functions described in this document?
  - What role might your organization be willing to play in devising the structure and roles of PBAN? In governing PBAN?

Please note that the consultation will not be limited to these questions. Stakeholders are encouraged to bring their own ideas to the table.

Stakeholders may also wish to review the websites of the Ontario and B.C. Pro Bono Networks to see some models in action. See [www.probononet.ont.ca](http://www.probononet.ont.ca) and [www.probononet.bc.ca](http://www.probononet.bc.ca).

**If you would like additional information about the PBAN proposal or the consultation process, please contact:**

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