



Pro Bono Publico - For the Public Good

**Report of the *Pro Bono* Committee
April 2003**

***Pro Bono* Committee:**

Perry Mack – Chair
Norma Sieppert – Vice Chair
Michelle Crighton
Douglas McGillivray
Nadine Nesbitt
June Ross
Dale Spackman
Yvonne Stanford
Jeffrey D. Wise
Susan Billington

This report was prepared by the 2002 committee:

June Ross – Chair, Perry Mack – Vice Chair, Michelle Crighton, Alan Hunter, Terry McGregor, Vaughn Myers, James Peacock, Rhonda Ruston, Norma Sieppert, Susan Billington

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Executive Summary**

During its discussions the Committee developed a set of guiding policy considerations, a definition of *pro bono* legal services and a series of recommendations. These are summarized here for ease of reference.

Guiding Policy Considerations

- **Role of the Law Society** – Access to justice, including through the provision of *pro bono* legal services, is an integral part of the values of the Law Society as the governing body of an independent, self-governing profession, acting in the public interest. 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.
- *Pro bono* service should not be mandatory
- **Definition of *Pro bono* Legal Services** - The definition of *pro bono* should be broad and inclusive, recognizing and encouraging the many contributions our members make to the community.
- **Focus on inability to pay for legal services** - 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. The recommendations should focus on initiatives that will promote the provision of this form of *pro bono* work.
- **Legal Aid** - *Pro bono* legal services are meant to complement not replace a properly funded legal aid program.
- **Resources** – The Law Society needs to be cognizant of the resources that we have to expend on facilitating *pro bono* legal services. Not all of the solutions are within the power of the Law Society. The recommendations made by the Committee at this time, do not include programs staffed by the Law Society or dedicated funding to certain programs. We need to leverage our resources for maximum benefit and provide a structure so that *pro bono* programs can be developed by the appropriate agencies.
- **Non-duplication with existing *pro bono* programs** - In promoting a *pro bono* legal culture, we need to be cognizant of the *pro bono* legal services and programs already provided by others and not duplicate the efforts of other organizations. To accomplish this, liaison with other stakeholders is necessary.
- **Maximum profile and benefit to our members and the public** - In expending the time and effort to encourage and promote the *pro bono* legal services of our members, any program that is adopted should have a maximum benefit to and profile with our members and the public.

Definition

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.

Pro bono programs are meant to complement not replace a properly funded Legal Aid program.

Recommendations

1. that the Benchers adopt the definition of *pro bono* legal services as developed by the Committee;
2. that the Committee contact and liaise with the local bar associations such as Red Deer, Medicine Hat, Lethbridge and Grande Prairie to garner the legal community's interest in promoting the establishment of a CLG model legal clinic in those locations as was done with the ECEJ in Edmonton.
3. that the Committee in conjunction with the Insurance Committee review the possibility of the extension of insurance coverage to retired lawyers who provide *pro bono* legal services (like the BC insurance model).
4. that a broad stakeholder Committee be formed by the Law Society including those identified organizations that already provide or have a stake in *pro bono* legal services. This committee would have as its mandate the development of a *pro bono* regime that maximizes and co-ordinates the resources for the delivery of *pro bono* services for those clients who do not have the ability to pay. This broader committee would also be mandated to review the suggested initiatives in this paper (such as the formation of an independent not-for-profit umbrella group, extension of existing *pro bono* programs, liaison with law firms, duty counsel, *pro bono* award, *pro bono* challenge, survey of the profession) which in the considered opinion of the Committee are best delivered and resourced by a broader section of stakeholders. A logical partner in the formation of this Committee is the Canadian Bar Association (Alberta Branch).

INTRODUCTION

At the April 2002 Convocation, Alan Hunter Q.C. implored the Benchers to address the professional obligation of lawyers to provide *pro bono* legal services particularly to those who have an inability to pay for those services.¹ The Benchers directed the *Pro Bono* Committee to consider the issues and report to the Benchers with its “thoughts and recommendations”.

Since that time, the Committee has met on six occasions. Our deliberations began in earnest in May 2002 with the development of an Issues Paper that guided the Committee through a wide range of issues regarding the provision of *pro bono* legal services and the role of the Law Society of Alberta.² The result of those deliberations is this report. The purpose of this report is to set out a brief description of the issues and the views of the Committee, and to seek the endorsement of the Benchers for the Committee’s recommendations.

REASONS FOR DOING *PRO BONO* WORK

First, the Committee considered the reasons to promote the provision of *pro bono* services.

Discussion: It was agreed that there are many compelling reasons for doing *pro bono* legal work. Primarily, it is important to ensure access to legal representation for those who require it, regardless of ability to pay. There are many collateral benefits as well. *Pro bono* service achieves the moral satisfaction derived from helping others, and thus improves the quality of professional life that a firm can offer to lawyers and students alike. Further, it offers a method of training articling students and junior associates by giving them the opportunity to work on files of interest, including, potentially, large and complex matters. It improves the reputation of the legal profession and the individuals and firms who participate in it.

Decision: *Pro bono* services should be encouraged among legal practitioners.

THE ROLE OF THE LAW SOCIETY AND THE *PRO BONO* COMMITTEE

The Committee then turned to the proper role of the Law Society in the promotion of *pro bono* services.

1. *What is the proper role of the Law Society, with respect to the provision of pro bono legal services, in light of its mission statement?*

¹ Attached is the excerpt of the Minutes of that meeting.

² Those interested in a more detailed review of Background information considered by the Committee are referred to the *Pro bono Issues Paper*, by C.Hykaway (June 2002) and the *Overview of the Provision of Pro bono Services in Canada, the United States, Great Britain and Australia*, by N. Nesbitt (June 2001), both of which were prepared by summer students for the use of the *Pro bono Committee*. Also refer to the Report of the *Pro bono Initiative Committee*, (LSBC and CBA (BC Branch) entitled, *Pro bono Publico – lawyersr serving the pubic good in British Columbia* and the Law Society of Upper Canada *Access to Justice Report* June 28, 2002.

Discussion: The Committee viewed the promotion of *pro bono* services as in accordance with the mission of the Law Society of Alberta, which is to serve the public interest by promoting a high standard of legal services and professional conduct through the governance and regulation of an independent legal profession.

By promoting access to legal services, the public interest in obtaining high quality professionally delivered services is advanced. By promoting access through the vehicle of a self-governing profession, the public interest in the maintenance of a self-governing profession is demonstrated, and potential challenges to the independence of the profession are convincingly met. For both of these reasons, the Committee agrees with the view recently expressed by the Access to Justice Committee of the Law Society of Upper Canada that access to justice, including through the provision of *pro bono* legal services, “is an integral part of the values of the Law Society as the governing body of an independent, self-governing profession, acting in the public interest.”³

The Code of Professional Conduct provides in chapter 1, Rule 4 that: “A lawyer should support and contribute to the profession’s efforts to make legal services available to all who require them, regardless of ability to pay.” The Statement of Principle in Chapter 5 states: “The profession has a duty to ensure that the public has information regarding the nature and availability of legal services and access to the legal system.” The Commentary elaborates on this general principle as follows:

The *Legal Profession Act* provides that no person other than a lawyer is authorized to practise law. As a result, the profession must ensure that legal services are readily available to those who require them. Lawyers therefore have an obligation to support legal aid plans and referral services and **to act on a *pro bono* basis in appropriate cases.** (emphasis added)

At the same time, the Committee also agreed with the following statement made by the Treasurer of the Law Society of Upper Canada:

Not all solutions are in the power of the Law Society as a regulatory body. What we can do is provide a structure, offer leadership and encouragement to promote a culture of *pro bono* legal services in Canada.⁴

This qualification does not affect the mandate of the Law Society regarding *pro bono* services, but may affect the methods by which the Society promotes their provision.

Decision: The Law Society of Alberta should take a leadership role in the promotion of *pro bono* legal services among members of the legal profession of Alberta.

2. *What is the mandate of the Pro bono Committee? Should its mandate be broad or narrow?*
3. *What is the proper role of the Pro bono Committee, with respect to the issue of pro bono services, in light of its mandate?*

³Access to Justice Committee Report to Convocation, June 28, 2002, para. 197. See also, A. Hunter, *An Independent Legal Profession, Part 2*, Benchers’ Advisory, March 2002.

⁴“Treasurer’s Message” (2001) 5:4 *Ontario Lawyers Gazette*, online: <http://www.lsuc.on.ca/news/gazette/gazette_27.jsp#focus> (date accessed: 19 June 2002).

Discussion: The *Pro bono* Committee was conceived of in 1998. The Benchers' minutes give an indication of the Committee's mandate.

Mr. Flynn suggested an ad hoc committee be established to look into the issue of whether or not the Law Society should encourage its members to do *pro bono* work and take advantage of this opportunity for publicity. The committee would have a broad mandate to include the consideration of mandatory *pro bono* work.⁵

Pursuant to this mandate, the *Pro bono* Committee under the Chair of then President Terry Clackson, endorsed the approach of encouraging the expansion of the *pro bono* legal clinic model established by Calgary Legal Guidance (CLG) and operating in the Calgary community since 1971. The LSA commissioned CLG to provide a *pro bono* clinic start up kit at a cost of approximately \$27,000. The kit is a comprehensive guide of all aspects of a *pro bono* legal clinic and consists of 7 binders of material and 12 discs of precedents. The kit has been distributed to two organizations in Alberta and has been an invaluable resource in the establishment in 2002 of the Edmonton Centre for Equal Justice (ECEJ) servicing the Edmonton community and the Children's Legal and Education Resource Centre in Calgary.

The Committee has also discussed whether it should be examining broader access to justice issues, as is the case with the Law Society of Upper Canada Access to Justice Committee, rather than strictly *pro bono* services. Ultimately the Committee decided not to request an extension of its mandate in this regard, as it was thought that by concentrating on the issue of *pro bono* services the Committee's ability to produce tangible results would be improved.

Decision: It is recognized that *pro bono* services comprise only one, but a very important, aspect of a broader array of access to justice initiatives. It is important, for the reasons set out above, that the Law Society take a leadership role in promoting *pro bono* services. Therefore, the role of the *Pro bono* Committee should be to develop proposals for the promotion of *pro bono* legal services, while being mindful of the broader range of access to justice issues.

PRO BONO SERVICE AND LEGAL AID FUNDING

4. *Will an increase in pro bono schemes result in the decline of government funded Legal Aid programs?*

Discussion: While this is a debatable issue, it is not the intention of the Committee that *pro bono* services would in any way replace an adequate Legal Aid system. Rather, it is meant to address areas where the legal aid system does not apply; it is meant to merely complement legal aid programs. It was agreed that an express statement to this effect should be made.

Decision: The Law Society of Alberta should make a statement that *pro bono* programs are not meant to replace Legal Aid programs. Instead *pro bono* programs are meant to complement properly funded Legal Aid programs.

⁵ Benchers' Minutes, February 4, 5 & 6, 1998, at pp.5-6.

DEFINITION OF *PRO BONO* LEGAL SERVICES

The Committee turned to the definition of *pro bono* services.

A. *Preliminary Matters*

5. *Is a definition of pro bono service necessary?*
6. *If a definition of pro bono service is developed, where will it appear? Should the Law Society have a policy concerning the provision of pro bono services?*

Discussion: It is important not only to have a consensus that the Law Society's mandate extends to the promotion of *pro bono* services, but also to have a consensus and a clear understanding regarding the scope and nature of that mandate. Therefore the Law Society should adopt a written definition of *pro bono* legal services.

Because the Law Society wants to promote the provision of *pro bono* services, the definition should be quite broad and inclusive. This will ensure that it provides recognition for the varied contributions that lawyers already make, and will help to attract interest in any program that the Law Society may adopt. The definition should include a non-exhaustive list of the types of *pro bono* services that lawyers could provide; again, this will be useful for promoting such services.

Decision: The Law Society of Alberta should adopt a written definition of *pro bono* services. The definition of *pro bono* service should be broad, and should include a description of various types of *pro bono* services.

B. *The Beneficiaries of Pro bono Services*

7. *Should the definition of pro bono service restrict the possible recipients of services?*

Discussion: The Committee discussed whether the definition should be limited to the provision of services to persons of limited means. Ultimately, the Committee agreed that, for the reasons set out above, the definition should be broad and inclusive in terms of recipients of services, as well as in other respects. This would not prevent the Committee or the Law Society from developing programs focused on specific projects or needy groups.

Decision: The definition of *pro bono* should not limit the recipients of such services. However, the Law Society in encouraging the development of *pro bono* programs may wish to focus its efforts on *pro bono* legal services for the most needy members of society.

C. *Are Pro bono Services Free Services?*

8. *Does pro bono service include legal services provided at a substantially reduced fee?*

9. *In order to constitute pro bono service; must there be a lack of expectation of payment on the part of the legal practitioner? If legal services are rendered, and then the client is unable to pay, has the lawyer provided a pro bono service?*

Discussion: It was decided that if the legal service is provided and then the client is unable to pay, this does not constitute providing *pro bono* legal services. The Committee determined that *pro bono* services must be provided in a spirit of charity. It would not be appropriate to include the provision of services at reduced rates within the definition as this practice is common and not exclusively or even predominantly associated with charitable purposes. However, the Committee recognized that there are circumstances where *pro bono* services are rendered and a fee is paid by a client as a mere token of payment. Under such circumstances, the services would be considered to be *pro bono* service.

Decision: There must be a lack of expectation of payment on the part of the legal practitioner. Working for reduced fees is not providing a *pro bono* service, unless the fee is a mere token of payment and the services has been provided in a spirit of charity.

10. *Is working on a Legal Aid file providing a pro bono service in light of the relatively low fees paid?*

Discussion: Again, Legal Aid work is not exclusively or predominantly provided in the spirit of charity.

Decision: Working on a Legal Aid file is not providing a *pro bono* service.

11. *Is working on a contingency basis providing a pro bono service?*

Discussion: Working on a contingency basis is not exclusively or predominantly provided in the spirit of charity.

Decision: Working on a contingency basis is not providing a *pro bono* service.

D. Are Pro bono Services Legal Services Only?

12. *Is community volunteer work considered pro bono work?
Is sitting on the board of directors of a non-profit society pro bono work?
Is assisting/consulting with law students at legal clinics a pro bono service?
Is instructing bar admission or continuing education courses providing a pro bono service?*

Discussion: The Committee decided that all community volunteer work involving a degree of legal content should be included in the definition of *pro bono* legal services. Community service without any legal content (e.g., coaching a sports team, canvassing for a charity) would not be included, but work that involves legal issues as well as other issues would be included. Thus service on a board might be *pro bono* service, if it is at least partly legal in nature. With regard to the teaching of bar admission or continuing

education courses, as this is legal in nature, and provided it is performed without a fee or expectation of a fee, it should be considered as *pro bono* service. This is consistent with the approach that there should be no restriction regarding the recipients of *pro bono* service. The Committee is of the opinion that the definition of *pro bono* should not include non-legal community service work. This approach is consistent with the LSBC *Pro bono* Report⁶ and other *pro bono* programs in Ontario and throughout Canada.

Decision: Community volunteer work that is legal in nature is providing a *pro bono* service.

E. Voluntary vs. Mandatory Issue

13. *Should the definition include a mandatory number of pro bono hours to be completed annually?*

Discussion: The Committee decided unanimously that the Law Society should encourage, but not mandate *pro bono* services. If the Law Society chooses to encourage *pro bono* work, and does so effectively, then *pro bono* service should not have to be mandated.

Decision: *Pro bono* service should not be mandatory.

14. *Should the definition refer to a target or desired number of hours?*

Discussion: Committee members expressed differing opinions on this issue. Some Committee members felt that it would be useful to include a target number of hours that practitioners or firms could aspire to. If, in the future, the Law Society of Alberta and the *Pro bono* Committee choose to recruit the assistance of law firms in promoting *pro bono*, then a target number of hours may provide a helpful guide. However, other Committee members felt that inserting a target number into the definition of *pro bono* services would be a step down the path towards mandatory *pro bono* work.

The Committee concluded that a target number may not have to appear in the definition, but could be incorporated into a specific program; this system would allow target numbers to be developed in consultation with firms or practitioners to meet the objectives of the specific program..

Decision: The definition of *pro bono* should not include a target or desired number of *pro bono* service hours to be achieved. In relation to particular programs that may be developed in consultation with firms and practitioners, target numbers could be developed to meet the objectives of the specific program.

15. *Are monetary donations providing a pro bono service?*

Discussion: The Committee felt that monetary donations should not replace the professional responsibility to provide *pro bono* legal services. In formulating a definition of *pro bono*, the Committee recognized that no person, other than a lawyer is authorized to practise law. Therefore, it is the provision of a lawyer's knowledge and skills that is the essence of the *pro bono* service not a monetary donation. The Committee also

⁶ LSBC and CBA (BC Branch), *Pro bono Publico – lawyers serving the public good in British Columbia*, page 10.

recognizes the importance of monetary donations to charitable purposes which may include donations to organizations that provide *pro bono* legal services.

Decision: Monetary donations do not constitute *pro bono* services.

16. *Should the definition include a monetary amount, which must be contributed to a legal clinic annually?*
17. *Instead of a mandatory sum, should the definition refer to a target or desired sum?*
18. *If pro bono service is mandatory, should the legal practitioner have the choice between completing the hourly requirement and making a monetary donation?*

Discussion: As a result of the Committee's previous decision, it was not necessary to discuss the above three issues.

Decision: None.

G. Reporting of Pro bono Services

19. *Should the reporting of pro bono services rendered be voluntary or mandatory?*

Discussion: The Committee noted that it would be valuable for the Law Society to have statistical information regarding the number of hours that lawyers spend doing *pro bono* work; this would be proof that the legal profession is shouldering its responsibility to those less fortunate in society. Ultimately, however, it was concluded that reporting does not have to be mandated in the definition of *pro bono*. Instead this could be encouraged through the various programs the Committee decides to support or spearhead.

Decision: The Committee is opposed to mandatory reporting of *pro bono* services rendered.

20. *What body will receive and tabulate these reports? Would this be difficult to facilitate?*
21. *Does the requirement of such reports comply with the mission statement of the Law Society and the mandate of the Pro bono Committee?*

Discussion: In light of the previous decision these two issues were not discussed.

Decision: None

H. The provision of Pro bono legal services by lawyers

22. *Who is allowed to provide pro bono legal services?*

Discussion: The issue in this discussion is whether retired or inactive lawyers who are uninsured can provide *pro bono* legal services. There is no question that active/insured lawyers can provide legal services for clients on a *pro bono* basis. Recent revisions to our ALIA insurance contract extend the ability of active corporate and government lawyers to provide *pro bono legal* services through organizations such as Calgary Legal Guidance and the Edmonton Centre for Equal Justice. The issue is whether retired or inactive lawyers who are uninsured should have insurance coverage available so they are in a position to provide their services on a *pro bono* basis. In British Columbia, there have been recent amendments to the professional liability insurance contract available through the Law Society of British Columbia to facilitate the ability of retired and inactive lawyers to provide *pro bono* legal services.

Decision: The Committee indicated that it would be worthwhile to investigate the LSBC model that extends professional liability insurance coverage to retired and inactive lawyers to facilitate the provision *pro bono* services by retired/inactive lawyers.

THE *PRO BONO* COMMITTEE'S DEFINITION OF *PRO BONO* SERVICES

As a result of its discussion, the *Pro bono* Committee has developed the following definition of *pro bono*:

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.

Pro bono programs are meant to complement not replace a properly funded Legal Aid program.

WHAT INITIATIVES SHOULD THE *PRO BONO* COMMITTEE PURSUE?

Guiding Policy Considerations - In determining the targets for *pro bono*, several key policy decisions made by the Committee shape the recommendations in this report:

- **Role of the Law Society** - Access to justice, including through the provision of *pro bono* legal services, is an integral part of the values of the Law Society

as the governing body of an independent, self-governing profession, acting in the public interest. The Committee has determined that the Law Society's role in the provision of *pro bono* legal services is to provide a structure, offer leadership and encouragement to promote a culture of *pro bono* legal services in Alberta.

- Pro bono service should not be mandatory.
- **Definition of *Pro bono* Legal Services** - The definition of *pro bono* legal services adopted by the Committee is a broad definition that is inclusive of the variety of different ways that our members may wish to contribute *pro bono* legal services to the community. The Committee wants to ensure that the definition of *pro bono* is inclusive and does not dissuade our members who already actively participate and contribute *pro bono* legal services within the community in a broad variety of ways. Through the broad definition of *pro bono*, the Committee wants to recognize and encourage the many *pro bono* contributions our members make.
- **Focus on inability to pay for legal services** - The Committee in making recommendations has focused within the definition of *pro bono* to meet the need for *pro bono* legal services that has been identified by the public, the courts and the profession: that is, the provision legal advice and/or representation to a client to ensure access to the courts and the legal system regardless of ability to pay. Therefore the focus of our recommendations is on initiatives that will provide *pro bono* legal services to the client who needs legal representation but does not have the resources to pay for those services.
- **Legal Aid** - *Pro bono* legal services are meant to complement not replace a properly funded legal aid program.
- **Resources** - We need to be cognizant of the resources that we have to expend on facilitating *pro bono* legal services. Not all of the solutions are within the power of the Law Society and funding of programs and initiatives by the Law Society is not an option within the foreseeable future. The recommendations made by the Committee at this time, do not include programs staffed by the Law Society or dedicated funding to certain programs. We need to leverage our resources for maximum benefit and provide a structure so the *pro bono* programs can be developed by the appropriate agencies.
- **Non-duplication with existing *pro bono* programs** - In promoting a *pro bono* legal culture, we need to be cognizant of the *pro bono* legal services and programs already provided by others. In our recommendations we want to provide additional and necessary legal services and not duplicate the efforts of other organizations.
- **Maximum profile and benefit to our members and the public** - In expending the time and effort to encourage and promote the *pro bono* legal services of our members, we want to ensure that any program that is adopted has a maximum benefit and profile with our members and the public.

Initiatives Considered by the Committee

Given the policy decisions listed above, several possibilities and suggestions for programs and initiatives were considered. Some ideas for *pro bono* initiatives, such as voluntary/mandatory reporting of *pro bono* legal services and the statement of *pro bono* as a mandatory professional responsibility were dispensed with in our policy review and are not reconsidered below. The Committee reviewed the following additional suggestions:

- **Liaison and consultation with other stakeholders providing legal services** – Such consultation would identify the specific needs and programs that may be developed in collaboration with other stakeholders and ensure that there is no duplication in delivery. The Canadian Bar Association (Alberta Branch) is a logical partner in this liaison. The stakeholders would include organizations such as Calgary Legal Guidance, Edmonton Centre for Equal Justice, Student Legal Services (U of A), Student Legal Assistance (U of C), Legal Aid, Children’s Legal and Education Resource Centre, Young Offenders Office, Family Law Project, programs within the courts such as the Dispute Resolution Officer program and the Family Law Information Centre. Liaison is also desirable with law firms. Consultation should also be considered with the Courts.
- **Legal Clinics** - Extend the CLG model legal clinics to other cities and locations across Alberta, such as Red Deer, Medicine Hat, Lethbridge and Grande Prairie.
- **Not-for Profit-Umbrella group** - Form a new not-for-profit umbrella group to facilitate and coordinate *pro bono* legal services across Alberta. This is the model that has been pursued in British Columbia and Ontario. Such a body could pursue initiatives such as a *pro bono* website, developing a roster of *pro bono* lawyers and identifying the needs of organizations and individuals who require *pro bono* representation. As well, an independent not-for-profit group would have the ability to seek funding from external sources. This has been successfully pursued, particularly by *Pro bono* Law Ontario, which in its first year successfully raised over \$500,000 to run their programs.
- **Duty Counsel** - Develop a program of civil and family law duty counsel.
- **Extension of existing *pro bono* programs** - Develop a *pro bono* program in consultation with CLG and in time with ECEJ. Clients with identified legal needs and inability to pay are matched with a lawyer who will provide the *pro bono* legal representation required. CLG would provide the support and administration in dealing with the client. The Law Society would assist in the recruitment of the roster of *pro bono* lawyers.
- ***Pro bono* Award** - Create a *pro bono* award. This could be a new award or could be a new category under the existing Distinguished Service Awards, awarded annually by the Law Society and the CBA.

- **Pro bono Challenge** - Initiate a *pro bono* challenge within the legal profession. A target number of hours per member could be considered within this context.
- **Insurance for Retired/inactive lawyers who provide *pro bono* services** - Review the ability of retired/inactive members to provide *pro bono* legal services and the insurance and membership requirements.
- **Survey of the Profession** - Conduct a survey of the members as there is information we would like from our members regarding *pro bono* legal services. We do not want to duplicate initiatives already undertaken by others and we should collaborate with the CBA on this initiative. The Committee noted that the CBA is independently pursuing a survey of the profession designed to measure the hours that members of the legal profession spend on *pro bono* and other volunteer activities.

Recommendations:

The following recommendations were adopted by the Benchers pursuant to debate at the February and April 2003 Convocations:

1. That the Benchers adopt the definition of *pro bono* legal services as developed by the Committee;
2. That the Committee contact and liaise with the local bar associations such as Red Deer, Medicine Hat, Lethbridge and Grande Prairie to garner the legal community's interest in promoting the establishment of the CLG model legal clinic in those locations as was done with the ECEJ in Edmonton.
3. That the Committee in conjunction with the Insurance Committee review the possibility of the extension of insurance coverage to retired lawyers who provide *pro bono* legal services (like the BC insurance model).
4. That a broad stakeholder Committee be formed by the Law Society including those identified organizations who already provide or have a stake in *pro bono* legal services. This committee would have as its mandate the development of a *pro bono* regime that maximizes and co-ordinates the resources for the delivery of *pro bono* services for those clients who do not have the ability to pay. This broader committee would also be mandated to review the suggested initiatives outlined above (such as the formation of an independent not-for-profit umbrella group, extension of existing *pro bono* programs, liaison with law firms, duty counsel, *pro bono* award, *pro bono* challenge, survey of the profession) which, in the considered opinion of the Committee, are best delivered and resourced by a broader section of stakeholders. A logical partner in the formation of this Committee is the Canadian Bar Association (Alberta Branch).