

**RESOLUTION
OF
BOARD OF DIRECTORS OF THE LEGAL AID SOCIETY OF HAWAII
In Support of Enhanced Private Attorney Involvement
with LSC-Funded Programs**

Whereas, the Legal Services Corporation and the programs it funds, including the Legal Aid Society of Hawai'i, have long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital, resources, and increased pro bono commitment; and

Whereas, at its April 2007 meeting, the Board of Directors of the Legal Services Corporation adopted Resolution 2007-003 supporting and encouraging private attorney involvement and urging governing boards of LSC-funded programs to collaborate with other organizations to effectively engage lawyers in pro bono representation and other services that benefit low-income persons; and

Whereas, the LSC Board of Directors resolution builds upon the following national LSC initiatives:

- The October 2005 LSC report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, which found that 50 percent of the potential clients requesting assistance from an LSC grantee were turned away for lack of resources on the part of the program;
- The *LSC Strategic Directions 2006-2010*, which calls upon LSC to increase public awareness of and support for legal services to low-income persons in order to respond appropriately to more of their legal needs;
- The *LSC Performance Criteria*, which consider, in evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area, whether that program effectively integrates private attorneys into its work in order to supplement the amount and effectiveness of its representation and other services;
- The Provision for the Delivery of Legal Services Committee of the LSC Board of Directors 2006 meetings, which highlighted the potential, opportunities and challenges of private attorney involvement and determined ways in which this critical resource can be used more effectively by LSC-funded programs as a means to help close the justice gap;
- The unanimous adoption in January 2007 by LSC Board of Directors of a strategic work plan entitled *Action Plan for Private Attorney Involvement: Help Close the Justice Gap, Unleash the Power of Pro Bono*, which highlights the benefits of engaging private attorneys to help represent clients of LSC-funded programs and describes ways in which the LSC Board and staff will work to expand private attorney involvement.

• The American Bar Association's Model Rule 6.1 and similar state bar rules note the professional responsibility of every lawyer to provide pro bono legal assistance to persons of limited means;

Whereas, in Hawai'i,

• The November 7, 2007 report from the Access to Justice Hui, entitled *The 2007 Assessment of Civil Legal Needs and Barriers of Low and Moderate-Income People in Hawai'i* found that only one in every five low and moderate-income Hawaii residents have their legal needs met and that legal services providers are only able to assist one of every three of those who contact them for assistance;

• The November 7, 2007 report from the Access to Justice Hui included a plan entitled *The Community Wide Action Plan: Ten Action Steps to Increase Access to Justice in Hawai'i by 2010* recommends that Hawai'i Develop a Culture that Values Providing Pro Bono Services by taking the following actions:

- a. The Judiciary, led by the Hawai'i Supreme Court, other state and federal courts, and the Hawai'i State Bar Association, should clearly set forth their expectations that lawyers provide at least 50 hours of pro bono services each year pursuant to Rule 6.1 of the Rules of Professional Conduct, including at least 25 hours of no-fee legal services to persons of limited means.
- b. The Judiciary, Hawai'i State Bar Association and legal service providers should call upon law firms and all other employers of lawyers (e.g., government and corporate legal departments) to actively encourage, support and reward pro bono legal assistance by their attorneys. Some examples of supporting and rewarding pro bono legal assistance are:
 - Including within the firm's annual billable hours requirement a number of pro bono hours.
 - Where possible, assigning a person of influence within each firm or office to facilitate pro bono services in the office.
- c. The Hawai'i State Bar Association should actively encourage and support greater levels of pro bono service from its members. The State Bar should consider providing free continuing legal education courses, access to online legal research, and/or malpractice insurance for attorneys who contribute at least 50 hours of pro bono service per year.
- d. The Judicial Selection Commission should consider each candidate's pro bono contributions as a factor in its selection process.

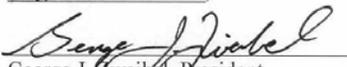
- e. Nonprofit legal service providers should create or expand programs that recruit and train pro bono lawyers, provide and support pro bono service opportunities, and recognize pro bono service in order to make it easier and more attractive to provide such service.
- f. New ways to increase pro bono involvement by government (county, state, and federal) lawyers, including eliminating any legal or internal policy barriers to such involvement, should be explored and pursued.

Now, Therefore, Be It Resolved that the Board of Directors of the Legal Aid Society of Hawai'i, in an effort to help close the justice gap in Hawai'i, supports and encourages private attorney involvement with the Legal Aid Society of Hawai'i and the Legal Aid Society of Hawai'i will endeavor to:

- Collaborate with other organizations and entities in Hawai'i to develop and facilitate educational efforts that demonstrate the extent of the unmet civil legal need and encourage collective responsibility in Hawai'i by both public and private entities to help meet this unmet civil legal need;
- Collaborate with other organizations and entities in Hawai'i to develop effective strategies for engaging lawyers in pro bono representation and other services that benefit low-income persons;
- Include in that collaboration organizations and entities such as an Access to Justice Commission, the Hawai'i State Bar Association, local county bar associations, the Delivery of Legal Services to the Public Committee of the Hawai'i State Bar Association, the William S. Richardson School of Law, Volunteer Legal Services Hawai'i and other legal service providers, law firms, and corporate law departments; and
- Develop strategies that encourage pro bono, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers.

Be it Further Resolved that the Legal Aid Society of Hawai'i will promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of the Legal Aid Society of Hawai'i and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

Adopted by the Board of Directors of the Legal Aid Society of Hawai'i on
November 28, 2007.


George J. Zweibel, President