**PRO BONO POLICY — SHORT FORM**

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| GUIDANCE NOTE  This short form policy precedent refers to, but does not incorporate, Guidelines and procedures and Forms.  Key terms:  ● The Centre’s definition of pro bono is adopted.  ● All pro bono legal work is credited towards billable hours and financial targets.  ● There is a budget to approve payment of disbursements.  ● Pro bono legal work is managed by a person or a committee.  ● A Pro Bono Committee provides oversight and governance of the program.  Precedents in the *Australian Pro Bono Manual* are provided with the generous assistance of leading Australian law firms, and have been developed to reflect best practice in pro bono.  There are two or more examples of each type of precedent to accommodate the various ways in which firms coordinate their pro bono programs. Use the precedent that best reflects the firm’s size, structure, systems, organisational culture and policies. Precedents should also be adapted as necessary to comply with the firm’s house style and terminology.  The Centre welcomes feedback on the usefulness and ease of use of these precedents, especially from firms in the early stages of developing a formal pro bono program. |

**PRO BONO POLICY**

1 Scope

The policy applies to all [firm] partners, employees and contractors.

2 Aim

This policy describes the [firm] pro bono program, and sets out guidelines for its operation.

3 Background

[Firm] is committed to providing pro bono legal services in appropriate cases as part of its contribution to the wider community. [Firm] has signed up to the National Pro Bono Aspirational Target of 35 hours per lawyer per year as part of its commitment to the provision of pro bono legal services.

4 Approach

(a) To operate successfully and achieve the best possible outcomes for our pro bono clients and for the firm, the pro bono program must operate according to the following principles:

(i) It must have the support of the firm’s partners and be well managed and supervised.

(ii) It must be targeted to areas of need where the firm’s skills and resources can be best used.

(iii) Pro bono work must be performed to the same standard of skill and professionalism as other work the firm undertakes.

(iv) All interested personnel, at all levels within the firm, should be able to participate so far as possible.

(v) The program must operate according to the approved policy and procedures.

(b) A matter appropriate to be undertaken as pro bono work should meet these guidelines:

(i) It should come within the firm’s definition of pro bono work.

(ii) The firm should have the appropriate skills and present capacity to undertake the matter.

(iii) There should be no other more appropriate avenue of assistance for the client.

(iv) There must be no conflict of interest.

(v) There is no formal means test, but a general enquiry should be made as to the client’s capacity to pay for legal services sought.

(vi) There is no formal merit test and the [person/committee with authority] has the discretion whether to accept matters as pro bono.

(c) Requests for pro bono assistance should be submitted to [name].

(d) All pro bono requests must be submitted by email with the pro bono request form being completed in detail explaining how the work fits within the pro bono policy.

(e) Pro bono requests need to be signed off by the partner overseeing the matter.

(f) To make the best use of the firm’s pro bono resources and to maximise the impact of the program, the firm will, from time to time, nominate certain legal areas or client groups to which it will give special priority.

5 Financial management, budget and time recording

(a) The pro bono budget

[Firm] has signed up to the National Aspirational Pro Bono target of at least 35 hours per lawyer per year. The number of hours allocated to pro bono work within the firm each year will be determined annually by [person/committee with authority].

(b) Allocated hours

When a request for pro bono assistance is approved, the lawyer undertaking the work will be allocated a number of hours to be spent on the matter, based on an estimate of how much work will be involved.

It is the responsibility of the lawyer undertaking the work to monitor the actual time taken against the hours allocated to the matter. If it seems likely that the allocated hours will be exceeded, the matter must be referred back to the [person/committee with authority] for further consideration and, where appropriate, an increase in the allocated hours. This approval must be obtained before reaching the allocated hours for the matter.

(c) Opening a pro bono matter

Once a pro bono matter has been approved, a matter may be opened. Once a matter has been opened finance will send the matter number to the [person/committee with authority] and the lawyer opening the matter. A pro bono matter will only be opened for matters that have been approved.

Each approved pro bono matter is required to have a separate matter number.

(d) Costs agreements and costs orders

All pro bono clients must sign a cost agreement setting out the terms of the retainer. The pro bono costs agreement precedent is to be used for pro bono matters.

In litigious matters, particular care must be taken to ensure the client understands that he or she will be personally liable for any adverse costs order. Advice to this effect must be provided to the client in writing.

(e) Time recording

Time for work performed on an approved pro bono matter should be entered against the matter number in the normal way as if the matter was a normal fee paying matter.

All of the time spent by a lawyer on a pro bono matter will be included in the lawyer’s billable hours and fees at their average realised rate. It is the responsibility of the supervising partner to review the time recorded on pro bono matters and to ensure that the time recorded is appropriate based on the work involved and the experience of the lawyer.

(f) Pro bono disbursements

The firm has a budget to cover disbursements in pro bono matters where the client is unable to pay the disbursements and they cannot be funded from any source. Any payment of a pro bono disbursement by the firm must first be approved by the [person/committee with authority] (if required).

6 Accountability

All partners, employees and contractors have the responsibility to comply with this policy.

(a) The day-to-day operation of the pro bono program is overseen by the:

(i) [person(s)/committee with authority]

(b) The [person/committee with authority (ie international/national level)] is responsible for:

(i) reviewing all requests for pro bono assistance and deciding which matters the firm will accept (for matters with a value of up to $[insert]), in line with this policy;

(ii) allocating pro bono work to lawyers with the relevant skills to perform;

(iii) providing assistance and advice to lawyers undertaking pro bono work within the firm, particularly regarding the requirements of this policy;

(iv) monitoring pro bono work undertaken against the pro bono budget and policy;

(v) overseeing the development of new pro bono work and the development of the pro bono work plan to be implemented by the firm with the aim of meeting the National Pro Bono Aspirational Target;

(vi) developing relationships with external agencies involved in the provision of pro bono legal services and other sources of pro bono referrals; and

(vii) reporting to and liaising with the [person/committee as appropriate].

(c) The [person/committee with authority (ie local level)] may be responsible for:

(i) being the primary contact for organisations in that State/city for the provision of pro bono work, such as the public interest law clearing houses, and other organisations the firm has a relationship with;

(ii) screening requests for pro bono assistance in their State/office and determining, by reference to this policy, which requests should go to the [person/committee with authority] for approval; and

(iii) assisting the [person/committee with authority] with other matters as required.

(d) The [insert person/committee with authority (ie the head of the program)] is responsible for:

(i) reviewing and approving pro bono matters (in conjunction with the [insert person/committee with authority]) of more than $[insert];

(ii) assisting with the review of pro bono requests that do not clearly fit within the policy;

(iii) oversight of the day-to-day running of the pro bono program and keeping the firm’s partners’ informed as required; and

(iv) reporting to and liaising with the [person/committee with authority (ie the executive or a committee)].

(e) There is a Pro Bono Committee that consists of [positions of members of the committee (ie a partner in each practice group, a representative from finance etc)] whose role is to:

(i) provide oversight and governance of the pro bono program;

(ii) provide input on the firm’s pro bono priority areas from time to time; and

(iii) address matters referred to them by the [person(s)] as required.

(f) The Pro Bono Committee may meet face-to-face, by video-conference or by email as required.

(g) The [insert person(s)] has the right to veto any pro bono request that is considered not to be in the best interests of the firm, and if required can refer this to the Pro Bono Committee.

(h) Matters involving a significant issue for the firm, that have the potential to be high profile in the media or that involve a large amount of resources by the firm will be referred by the Pro Bono Committee to the firm’s [committee with authority (ie executive level)] as required.

7 Policy approval

[Name/title] issues this policy and the [name/title] approves this policy.

8 Breaches

A breach of this policy by a staff member will result in disciplinary action being taken, which, in serious cases, may lead to termination of employment or contract.

[Insert any specific term required because of a partnership or other arrangement.]

9 Guidelines

(a) Guidelines and procedures

[Insert]

(b) Forms

[Insert, eg pro bono request form.]

10 Definitions

Pro bono work for the purpose of this policy means:

(a) providing legal assistance for free or at a significantly (at least [insert]%) reduced fee to:

(i) individuals who can demonstrate a need for legal assistance but cannot obtain Legal Aid or otherwise access the legal system without incurring significant financial hardship; or

(ii) individuals or organisations whose matter raises an issue of public interest, which would not otherwise be pursued; or

(iii) charities or other non-profit organisations that work on behalf of low income or disadvantaged members of the community or for the public good;

(b) conducting law reform and policy work on issues affecting low income or disadvantaged members of the community, or on issues of public interest;

(c) participating in the provision of free community legal education on issues affecting low income or disadvantaged members of the community or on issues of public interest; or

(d) providing a lawyer on secondment at a community organisation (including a community legal organisation) or at a referral service provider such as a Public Interest Law Clearing House.

Pro bono work is not limited to litigation but includes the full range of legal activities, including legal opinions and advice, drafting of documents, research, negotiations, involvement in law and legal policy reform and services to the community.

Pro bono work does not include:

(e) providing legal assistance to a person for free or at a reduced fee without having regard to whether the person can pay for the assistance;

(f) work performed at no charge as a favour to a family member or friend;

(g) a free first consultation with a client who is otherwise billed at normal rates or work for an existing or prospective client for business development reasons;

(h) legal work undertaken under a contingency fee arrangement, or other speculative legal work that is undertaken with a commercial expectation of a fee;

(i) legal work provided under a grant of legal assistance;

(j) the sponsorship of cultural and sporting events and other marketing opportunities; or

(k) time spent by lawyers sitting on the board of a community organisation (including a community legal organisation) or a charity.