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**Report and Recommendation to the MSBA
Regarding increase of the Pro Bono Development Director to a full-time position**

RECOMMENDATION

Resolved that the MSBA increase the Pro Bono Development Director position from 65% to a full time position, adding the job responsibilities described herein.

REPORT

The LAD Committee proposes that the Pro Bono Development Director position be increased to full time to enhance the capacity to provide essential leadership in meeting the MSBA's core goal of ensuring meaningful access to justice for people of limited means in Minnesota. The primary goals of a full-time director position would be to: (1) increase MSBA member participation in the MSBA's Pro Bono Standard and other initiatives; (2) expand services to MSBA members who take on pro bono matters; and (3) help address the rapidly growing needs of the disadvantaged through pro bono legal services on a statewide basis.

The MSBA has undertaken numerous initiatives to try to increase legal services to the disadvantaged and recruit more lawyers to do pro bono work. The most recent initiative was the adoption in 2008 of the MSBA Pro Bono Standard. Through the Standard, the MSBA encourages each firm to use its best efforts toward meeting the Standard, including reaching a minimum level of pro bono service from its lawyers starting at 1% of billable hours and increasing to 2-3% depending on the size of the firm. The Standard challenges, among other things, each firm to adopt and maintain a firm-wide policy which unequivocally supports pro bono and encourages broad-based firm-wide participation in pro bono. The Standard provides for MSBA staff support and was to be launched after adoption by the Assembly on June 17, 2008. However, due to a lack of staff resources and turnover, the MSBA has not yet publicly launched the Standard. Staff support for the launch and implementation of the Standard needs to be in place to assure its success.

The current Pro Bono Development Director position is part time (.65 FTE) with ten primary responsibilities listed in the job description, several of which are not related to the core pro bono development functions. This compromises the ability of the person in this position to be a leader in pro bono development or serve MSBA members through the first three primary responsibilities: increasing the number of attorneys volunteering for pro bono work, increasing visibility and raising public awareness of attorney pro bono efforts, and assisting volunteer attorney programs with recruitment and retention of volunteer attorneys. In addition, it denies services to MSBA members and makes it difficult for the MSBA to promote statewide pro bono efforts as a core part of the delivery of legal services to the disadvantaged in our community.

Other state and local bar entities around the nation, both voluntary and integrated, have begun to devote additional full time staff resources to pro bono development and implementation efforts. For example, the Louisiana Access to Justice Program, a joint project of that state's bar foundation and legal services program, provides 4 FTE to access to justice programming, including pro bono support. Among the staff of 9 at the Chicago Bar Foundation, all of whom support access to justice work in some capacity, is included a full-time director of pro bono. Finally, of the 7 staff members of the California Center for Access to Justice, at least 3 provide support to statewide pro bono initiatives.

The MSBA Assembly has reflected a similar interest in increasing the support for services to clients of limited means in a budget exercise conducted last year. When given a choice of seven areas currently supported by the MSBA budget, individual Assembly members gave "access to a quality judicial system" an average of 26%, greater than any other category of services. The first two subparts of this category are access for low income clients and facilitating pro bono work. The current spending on access to a quality judicial system is approximately 7% of the total MSBA budget.

For these and numerous other reasons, it is incumbent on the MSBA to increase the Pro Bono Development Director to a full-time position. The .35 additional staffing will be used to enhance and focus on the three existing primary responsibilities of the current position by adding the following new job functions:

- 1) Identifying and reaching out to mid size and small law firms statewide to get them to adopt the Pro Bono Standard;
- 2) Assisting law firms with the development of pro bono programs;
- 3) Collaborating with pro bono providers and leading efforts to encourage collaboration between lawyers, law firms, law schools, pro bono providers, bar associations and legal aid offices to improve the efficient delivery of pro bono services throughout the state;
- 4) Advocating within the MSBA, its committees and sections, such as the Association of Corporate Counsel Section, for pro bono efforts and programs;
- 5) Coordinating with the Judiciary in assisting the courts to increase its access to justice throughout Minnesota with increased pro bono efforts and programs; and
- 6) Participating with other organizations and committees engaged in statewide efforts, such as the Legal Services Planning Commission.

It is critical that the MSBA provide leadership and support for raising the profile of pro bono work in Minnesota by recruiting more lawyers to do pro bono throughout the state, helping firms establish pro bono programs, implementing the MSBA Pro Bono Standard, and supporting other initiatives to try to increase pro bono legal services available to the disadvantaged in Minnesota.