

Florida Pro Bono Coordinators Association

August 28, 1996

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR RE
AMENDMENT TO RULES
REGULATING THE FLORIDA
BAR - 4-6.1 Pro Bono
Public Service

FILED
AND WHITE
CASE NO. 88.646

COMMENTS ON THE PETITION TO AMEND THE RULES REGULATING THE FLORIDA BAR

If it pleases the court, my name is Bruce Levine and I am currently President of the Florida Pro Bono Coordinators Association (FPBCA).

The Florida Pro Bono Coordinators Association is vehemently opposed to the proposed amendment to eliminate the mandatory annual reporting requirement and substituting in its place a reporting process that is voluntary. It is important to note that the petition to amend Rule 4-6.1 is only before the court due to a tie-breaking vote by the president of the Florida Bar.

Before discussing the various reasons for our opposition, I would like to present to you the most compelling reason for our opposition which is the increased statistics from across the state regarding pro bono participation since Rule 4-6.1 went into effect.

In the years following the decision to make reporting requirements mandatory, nearly all of the statewide organizations that provide legal services to the poor have reported across the board increases in the following areas: a) number of attorneys participating; b) number of pro bono hours provided by these attorneys and c) the amount of monetary contributions made by attorneys in lieu of pro bono work.

Dade County's "Put Something Back Program" has seen the number of participating attorneys doubled from approximately 3,000 in 1992 to more than 6,000 in 1995. In addition, monetary contributions more than doubled since the rule went into effect. In Broward County, Broward Lawyers Care buy-ins increased from \$700 in 1992 to over \$107,000 in 1995. Attorney pro bono hours more than doubled from 1992-1994.

The Legal Aid Society of Palm Beach County has also reported a significant increase in its numbers, from 5,333 reported pro bono hours in 1992 to 10,254 in 1995.

In 1992 only 613 lawyers participated in providing pro bono services to the Bay Area Volunteer Lawyers program in Tampa. This number has more than doubled to 1,372 in 1995. The number of pro bono hours reported increased from 2,630 to 7,696. As important as pro bono participation, monetary contributions made by attorneys in lieu of pro bono work rose dramatically from \$10,000 in 1992 to \$100,000 in 1995.

In Orlando, the Legal Aid Society of Orange County Bar Association saw an increase in the number of attorneys participating. In 1991, 744 attorneys participated and that number rose to 910 in 1995. Greater Orlando Area Legal Services, Inc., reported an increase in the number of contributions made from a total of \$734 in 1993 to \$2,070 in 1995.

As you can clearly see, mandatory reporting has had a significant and compelling effect on the major metropolitan areas of Florida. Similarly, many smaller counties throughout the state have been affected favorably; for example, Manatee and Sarasota Counties, under the umbrella organization of the Bar Association Legal Aid Society, Inc., reported an increase from 1992 to 1995 of attorneys participating from 280 to 457 and an increase in donations from \$0 to \$17,500.

Brevard County Legal Aid has seen an increase in buy-ins from \$0 in 1992 to \$18,550 in 1995. In 1991, because of a lack of participation, the Volunteer Lawyers Project in Daytona Beach was only able to offer 2 methods of pro bono delivery. In 1995 this same project was able to offer 7 methods of pro bono delivery.

All of the above cited improvements in the various regions of the state are attributed directly to mandatory reporting. The implications of these numbers as they relate to legal assistance to the indigent population of Florida are indeed impressive. It is important to note that the above mentioned pro bono projects have had relatively few complaints from attorneys regarding the mandatory reporting requirement.

Under the comment for rule 4-6.1, it is stated that "The reporting form requirement is designed to provide a sound basis for evaluating the results achieved by this rule, reveal the strengths and weaknesses of the pro bono plan and to remind lawyers of their professional responsibility under this rule." Without reporting being a requirement there will be no true measure of the pro bono plan. Voluntary reporting which is currently in operation in several states has not been successful due to the fact that there has been a very low compliance rate.

Federal Funding has been reduced drastically for all legal services corporation programs nationwide including Florida. Members of Congress believe that private attorneys providing pro bono representation for the indigent will offset the loss of staff positions in legal services programs. If the legislators on Capitol Hill are expecting pro bono projects to fill the gap, then this really does seem to be a most inopportune time to do away with the mandatory reporting

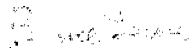
requirement. It is important to note that monetary donations are as vital to a program as the pro bono work itself, for without such financial assistance in this era of fiscal austerity many pro bono organizations would find it difficult to maintain their staffs and provide legal services to the indigent.

The reporting requirement, although procedural in nature, has been a windfall for indigent individuals in need of legal assistance, many of whom would not have received such help had it not been for this new rule. The benefits that this requirement has brought to the indigent of Florida far outweighs the minimal imposition of reporting on the members of the Florida Bar.

In conclusion, there is no doubt that the decision to require reporting of pro bono hours has had an extremely positive effect on both the amount of pro bono hours provided by attorneys and on the amount of funding that these statewide pro bono organizations receive.

On behalf of the Florida Pro Bono Coordinators Association, I urge the court to keep the reporting requirement mandatory and to leave Rule 4-6.1 Pro Bono Public Service as is.

Very truly yours,



Bruce Levine, Esq.
President, FPBCA

cc: John F. Harkness, Jr.