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Lending a Learned Hand—With Help from Friends: Utah Pro Bono Update 2014

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By Jill O. Jasperson

If we are to keep our democracy, there must be one commandment: thou shalt not ration justice.” –Judge Learned Hand

Students of the law are familiar with the name Learned Hand. He was a judge for the United States District Court for the Southern District of New York (1909-1924) and the United States Court of Appeals for the Second Circuit (1924-1961). Hand has been quoted more often than any other lower-court judge by legal scholars and by the Supreme Court of the United States.¹ So it is appropriate that his name be linked with a Utah State Bar campaign to gain more volunteers for pro bono service during the annual bar registration.² It is a goal that is gaining momentum and ongoing support.

How has the state of Utah fared in her quest for access to justice and pro bono support? In 2004, representatives from Utah Legal Services, Inc. (ULS) and the Utah State Bar Association (USB) jointly contacted the ABA Center for Pro Bono (Center) about a possible consulting visit determining Utah’s strengths and weaknesses in offering pro bono services. As a result of these conversations, a peer consulting (Consultants) visit was accomplished in February 2005.³

This article is a backward look at what the USB and ULS has done in the nine year period since that visit,⁴ and is based on the general recommendations from the Center, as related/recorded in a connected article⁵

The information for this article is supplied from personal interviews and emails directed to attorneys, employees, and staff persons living and working in the area where nearly 75% of Utah’s population is located. Other information is derived from Utah Bar Journal articles and additional online research.

² http://silk.utahbar.org/volunteer/pro-bono-lend-a-learned-hand/ Website visited 1-14-14
³ The consultants were Jane Gill Kellenberger, Jesse Gaines in a voluntary capacity and Steven Scudder, Counsel to the ABA Standing Committee on Pro Bono and Public Service. Mr. Scudder authored an article in the 2006 Utah Law Review titled "Justice Will Prevail (With a Little Help from Her Friends): Pro Bono in Utah " detailing an overview of this visit and goals.
⁴ The accomplishments are based on what the Center’s suggestions to the Utah State Bar and Utah Legal Services were.
Geographical limitations

The Center listed Utah’s natural geography as a challenge. Long miles, and short services prevailed. This continues to be a challenge to Utah and other states in general.6 Utah is ranked 11th in size at 84,905 square miles,7 and ranked 33rd in population at 2,900,000.8 Its population is roughly the same as three other states: Arkansas, Nevada, and Kansas.9

Utah’s ‘Wasatch Front’ is roughly 80 miles long with Ogden approximately 40 miles north of the Salt Lake Valley and Provo approximately 40 miles south of the Salt Lake Valley. This mountainous area encompasses Weber, Davis, Salt Lake and Utah counties, and accounts for 75.39% of the population.10 This is where 75% of the four ULS offices are located: satellite offices in Ogden,11 and Provo,12 and main office in Salt Lake City.13

The 2010 U.S. Census has a list of cities and the percentage of persons below poverty level, 2007-2011. In the Utah Quickfacts14 Utah and Utah cities (above 5000 population) are listed with poverty levels. The Utah average is 11.4% of persons who are below poverty level. However, some cities are ranked beyond that average. Those cities in alphabetical order are: Cedar City 22.6, Clearfield 17.6, Enoch 16.3, Ephraim 31.8, Ivins 12.1, Kearns 12.4, Logan 27.3, Magna 12.7, Midvale 15.3, Moab 18.9, Ogden 21.7, Orem 13.8, Price 16.8, Provo 30.8, Roosevelt 15.6, SLC 17.9, South SL 24.6, St George 12.2, Sunset 18.0, Tremonton 12.5, Vernal 14.9, Washington 12.1, West Valley City 15.0.

Geographically speaking, of the three Wasatch Front and St. George LSC offices that are open, all the above mentioned cities are within a one hour (reasonable) driving range of those offices except for the cities of Ephraim, Moab, Price, Roosevelt and Vernal.15 LSC has been very wise in placing their resources for the majority of the population of Utah, reaching the five largest metro areas in Utah and 79.36% of the population.16

However, LSC is out of reach to approximately 20% of Utah’s population, which is 540,000 individuals. Out of those 540,000 individuals, with a Utah average of 11.4% poverty

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6 Id. at 1106.
8 http://quickfacts.census.gov/qfd/states/49000.html visited on 5-8-13
9 Id.
10 http://factfinder2.census.gov/ visited 1-14-14. The percentage is obtained by adding all four of the populations of those Wasatch Front counties: Weber-231,236; Davis-306,479; Salt Lake-1,029,655; Utah-516,564 = 2,083,934 by Utah’s total population 2.7 million.
11 298 24th St., Ogden, UT 84401.
12 455 N. University Ave., Provo, UT 84601.
13 205 North 400 West, Salt Lake City, UT 84103.
15 See http://maps.google.com
level, there are still 61,560 people who may have legal needs not met by any pro bono or legal aid organization. These are challenges that Utahans still face. Pro bono should improve services in those outlying areas.

**Definition of Pro Bono**

The ABA Consultants felt there was not a clearly communicated or agreed upon definition of pro bono in Utah. Subsequent to the visit, as noted by the article, the Utah Supreme Court did change the Utah Rules of Professional Conduct 6.1. The rule was adopted on November 1, 2005.18

**The Rule:**

The hour requirement was changed from 36 hours to 50 hours; the words ‘aspirational rather than mandatory in nature’ were deleted. The new Utah rule has a discharge provision that the ABA Model rule 6.1 does not: an annual contribution of at least $10 per hour for each pro bono hour not provided. The Utah rule has another provision not found in the Model Rule: voluntary reporting to the Utah State Bar which can be used for statistical information.

Both rules added a ‘do not seek enforcement through any disciplinary process’ provision in the last sentence.

**Commentary:**

In the comment section, the words ‘Personal involvement in the problems of the disadvantaged can be rewarding’ incentivizes attorneys to do pro bono work. However, the Utah rule commentary adds caution that personal involvement may not always be possible and the annual contribution alternative may allow lawyers to provide assistance in other ways.

The word ‘should’ was replaced by “‘must’ be provided without fee or expectation of fee” in the rule. Judges were added to those persons who are encouraged to fulfill pro bono responsibilities. Serving on bar association committees and pro bono boards were included in the activities commensurate with pro bono activity. Law firms were also encouraged to support the pro bono work done by their lawyers.

What has been the result of the changes? Voluntary reporting in adherence to the rule has been good, but no statistics are available. As the bar gets better at pro bono placements, they will be able to get attorneys to fill out surveys showing the numbers of hours that attorneys spend on pro bono.19 However, the volunteer numbers have skyrocketed sevenfold so far. In 2012, before the Pro Bono Commission started placing cases, the bar had a list of less than 100 attorneys with whom they could place cases; 15 cases were placed. Less than a year later, the bar had over 700 volunteer attorneys and they placed 141 cases. This has been since the program began in September 2012.20

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17 There is even a discrepancy in how the U.S. Government and locals view the word Utahan. Most locals prefer Utahn while the U.S. Government uses the word Utahan. See [http://www.ksl.com/?sid=24207511](http://www.ksl.com/?sid=24207511) visited 1-10-14
18 See [http://www.utcourts.gov/resources/rules/approved/20051101/](http://www.utcourts.gov/resources/rules/approved/20051101/) The rule is listed as RPC 06.01. Voluntary Pro Bono Legal Service. Amend
19 Email from Michelle Harvey, USB Access to Justice Coordinator, to Jill O. Jasperson, Associate Professor of Legal Studies, UVU (May 2, 2013, 1:58pm MDT) (on file with author).
20 Email from Michelle Harvey, USB Access to Justice Coordinator, to Jill O. Jasperson, Associate Professor of Legal Studies, UVU (May 31, 2013, 11:34am MDT) (on file with author).
Commission on Renaissance of Idealism in the Legal Profession

This was the name of the Commission that Michael S. Greco, 2005-2006 ABA President initiated. Honorary Co-chairs of this commission were US Supreme Court Associate Justice Ruth Bader Ginsberg and President John F Kennedy’s special counsel Theodore C. Sorenson. This commission as termed by Mr. Greco, was a “reorganization of priorities in all practice settings so that the notion that time must be set aside for lawyers to perform pro bono and public service will become institutionalized and made permanent.” The commission presented three resolutions (121A, 121B and 121C), which were adopted August 7-8, 2006 by the ABA’s House of Delegates.21

The resolutions were a call to action for legal practitioners everywhere.

Resolution 121A stated: (underlined for emphasis)

RESOLVED, That the American Bar Association urges lawyers in solo and small firms, larger firms, and corporate law departments to serve their communities through pro bono and public service activities consistent with applicable rules of professional conduct; FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local government and military lawyers to serve their communities through pro bono and public service activities consistent with applicable rules of professional conduct; FURTHER RESOLVED, That the American Bar Association urges solo and small firms, larger firms, corporate law departments and government and military law offices to adopt effective strategies to provide their lawyers with opportunities to do pro bono work and to adopt specific internal policies and procedures to support such work; FURTHER RESOLVED, That the American Bar Association specifically urges larger law firms, larger corporate law departments, and government and military law offices to adopt the applicable portion of the Pro Bono Policies and Procedures, dated August 2006; FURTHER RESOLVED, That the American Bar Association calls on state, local and territorial bar associations and legal services providers to employ effective strategies for engaging all lawyers in pro bono and public service activities including providing training, mentoring, malpractice insurance, assistance in developing best practices, and similar support services; and FURTHER RESOLVED, That the American Bar Association urges all lawyers and law practices to seek out and utilize the resources and support offered by state, local and territorial bar associations and legal services providers that enable these lawyers to do pro bono and public service work.

Resolution 121B stated: (underlined for emphasis)

RESOLVED, That the American Bar Association urges law schools to require legal employers that recruit on campus to disclose, and to make available to the school’s students and alumni, specific information regarding the employer’s pro bono policies, practices and activities; FURTHER RESOLVED, That the American Bar Association urges law schools to adopt the Pro Bono Disclosure Requirements for Law School Recruiters, dated August 2006; FURTHER RESOLVED, That the American Bar Association urges law schools to make available to their faculty, students and alumni and prospective students specific information regarding the policies

21 See the full report at http://apps.americanbar.org/renaissance/.
and practices the law school maintains to enable and encourage pro bono work by all members of the law school community.

Resolution 121C stated:

RESOLVED, That the American Bar Association urges all federal, state, local, and territorial courts to develop programs, in collaboration with state, local and territorial bar associations and pro bono programs and legal services offices, to encourage, facilitate and recognize pro bono representation of indigent parties in civil cases.

FURTHER RESOLVED, That the American Bar Association urges courts to provide opportunities for their lawyer employees to participate in pro bono and public service activities consistent with applicable federal, state, local and territorial laws and regulations and applicable rules of professional conduct.

Further policy and procedures were attached to the resolutions and printed in a Commission final report dated August 2006.22

This Commission report on the Renaissance of Idealism in the Legal Profession laid the groundwork for accountability in the Center’s recommendations, and called on leadership from the state’s judges, bar leaders (i.e. bar associations), law schools, legal services program management, chief government counsel, and corporate general counsel to promote pro bono services.

It is interesting to note that the ABA, too, has updated their reports and emphasis on pro bono activities23 with additional research and statistics.24 They also conducted comprehensive empirical studies of pro bono, with the last one finished in March 2013.25

(a) Utah Judges

The Consultants called on the cooperation of Utah judges to help in pro bono activities. And cooperation did come: the premier support was initiated by the Utah Judicial Council (UJC) and the crowning achievement was a resolution of that council, signed by the UJC’s chair, Chief Justice Christine Durham on March 21, 2012. It states:

WHEREAS, equal justice for all is fundamental to our system of government; and
WHEREAS, this promise of equal justice under law is not realized for individuals and families who have no meaningful access to the justice system because they are unable to pay for legal services; and
WHEREAS, this de facto denial of equal justice has an adverse impact on these individuals, families, and society as a whole, and works to erode public trust and confidence in our system of justice; and
WHEREAS, the Utah State Bar seeks to increase pro bono legal services throughout the state of Utah by establishing the Utah Pro Bono Commission, a Utah State Bar program that includes

23 See www.abaprobono.org
24 http://www.americanbar.org/groups/probono_public_service/research_pro_bono.html
25 http://www.americanbar.org/content/dam/aba/administrative/probono_public_service/ls_pb_Supporting_Justice_III_final.authcheckdam.pdf
District Pro Bono Committees in Utah’s eight Judicial Districts that will assist in providing pro bono services at a local level;

NOW THEREFORE BE IT RESOLVED, pursuant to Rule 2-201 of the Utah Rules of Judicial Administration, that the Utah Judicial Council endorses the Utah State Bar’s creation of a Pro Bono Commission and urges law firms, corporate law departments, and governmental law offices to adopt pro bono policies and procedures to engage all lawyers in pro bono service that will increase access to equal justice; and

BE IT FURTHER RESOLVED that, subject to the Utah Code of Judicial Conduct, we support the participation of judges in Utah Pro Bono Commission and District Pro Bono Committee activities to promote the wider availability of pro bono services.  

The Pro Bono Commission, formed by this resolution includes six judges and a commissioner, who are actively involved in the pro bono program. There are eight District Pro Bono Committees who have ten judges directly involved. Judges are becoming hands-on involved in pro bono.

In this new electronic age, emails instead of letters, are sent by the Pro Bono Commission Co-chairs. These judges send emails to the entire bar asking each lawyer to join the Check Yes program. And almost all of the co-chair judges in the District Pro Bono Committees have their names on the case placement email. These emails go to volunteer attorneys asking them to take a case.  

A simple thank you in the courtroom from a judge to a pro bono attorney speaks volumes. This type of recognition can only be recorded anecdotally and therefore is hard to determine. However, judges have presented public recognition awards, and Law Day award ceremonies. Some judges put pro bono lawyers first on the docket and there has been a rule established to assign pro bono counsel a specific time for judicial appearances to reduce attorney waiting time.  

Helpful materials have been distributed to each District Pro Bono Committee from the Commission. It includes a template for the District’s Pro Bono Annual Plan and an Annual Report template. The plan template asks leading questions, designed to make District

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26 The official Resolution signed by then Chief Justice Christine Durham was supplied by Email from Michelle Harvey, USB Access to Justice Coordinator, to Jill Jasperson, Associate Professor of Legal Studies, UVU (May 2, 2013 1:58pm MDT) (on file with author).
See also http://www.utahbar.org/utah-bar-journal/commissioner-corner/commission-message-2/ for partial resolution.

27 Email from Michelle Harvey, USB Access to Justice Coordinator, to Jill Jasperson, Associate Professor of Legal Studies, UVU (Jan. 17, 2014, 8:18am MST) (on file with author).

28 Interview with Michelle Harvey, USB Access to Justice Coordinator, in Provo, UT (May 28, 2013).

29 There are four awards given by judges at the Law Day Luncheon and Fall Forum: Pro Bono Student, Pro Bono Young Lawyer, Pro Bono Law Firm, and Pro Bono Lawyer.

30 Harvey, supra note 19

31 Harvey, supra note 19

32 Prepared by the USB Access to Justice Coordinator, author has a template of this annual plan in her possession.

33 Prepared by the USB Access to Justice Coordinator, author has a template of this annual report in her possession.
Committees find ways to improve pro bono activities.\(^\text{34}\) And the Annual Report template asks for important feedback to solidify pro bono support. \(^\text{35}\)

However, the Center’s 2006 report rallying judges to encourage their own lawyer-employees to do pro bono work has been extremely difficult, and is not done. \(^\text{36}\)

(b) Utah Bar Leaders

Utah Bar Leaders have been supportive of Pro Bono. In fact, various members of the Utah Bar Commission have personally taken pro bono cases.\(^\text{37}\) Past and present Utah Bar Presidents have made pro bono a priority.\(^\text{38}\) Local bar leaders in the various bar associations across the state have also been active in supporting pro bono activities. After doing an informal survey of past local bar presidents, they responded their pro bono activity with an average of 3.25/5, with five being the most involved. \(^\text{39}\) Past bar presidents are giving themselves a passing grade on pro bono and access to justice, and making a difference in people’s lives.

Young Lawyer’s Division (YLD) of the Utah Bar has several pro bono programs they help sponsor: Wills for Heroes; Serving our Seniors, Wednesday Night Clinic, Veterans Administration Clinic, Help R.I.S.E. Program, and Tuesday Night Bar Legal Clinic.\(^\text{40}\)

(c) Utah Law Schools

ABA Resolution 121B\(^\text{41}\) urges law schools to make available to their faculty, students, alumni and prospective students specific information regarding the policies and practices the law school maintains to enable and encourage pro bono work by all members of the law school community. This resolution is based on the notion that law school can be the sure foundation for future attorney’s involvement in pro bono work.

\(^{34}\) Questions include: what programs will your committee foster or start in the coming year? How will your committee continue or expand activities for the coming year? How will your committee foster the placement of cases in your district in the coming year? What activities is your committee planning for Pro Bono Celebration week? What is the most important goal for your committee this coming year?

\(^{35}\) Report feedback includes: Please mark next to the programs your committee has done this year. Please list the names of the attorneys who have provided pro bono services through participation in one of your programs. Please quantify the number of your low-income population who have benefited from your programs.

\(^{36}\) Harvey, *supra* note 19

\(^{37}\) Harvey, *supra* note 19

\(^{38}\) A perusal of the Utah Bar website shows Utah Bar Past- Presidents since the Scudder article was published have been active in pro bono pursuits: Gus Chin (06-07) V. Lowry Snow (07-08) Nathan Alder (08-09) Stephen Owens (09-10) Rob Jeffs (10-11) Rod Snow (11-12) and Lori Nelson (12-13). This also include current President Curtis M. Jensen (13-14).

\(^{39}\) Question asked was: On a scale of 1-5, (one being not much and five being a large part), how do feel you did in advocating pro bono activities in your bar?

\(^{40}\) Email from Katherine Conyers, YLD [now past] president, to Jill O. Jasperson, Associate Professor of Legal Studies, UVU (May 28, 2013, 2:52pm MDT) (on file with author). See also YLD president-elect platforms at *http://younglawyers.utahbar.org/index.php/YLD_Elections* and YLD website explaining programs and opportunities at *http://younglawyers.utahbar.org/index.php/Programs_&_Opportunities*

\(^{41}\) *Supra* note 21
The ABA discusses pro bono in its Standards for Approval of Law Schools. The law schools themselves are urged, but not required to provide relevant pro bono policies to its law school community.

However, law schools are required by accreditation standards to provide pro bono activities for law students. The student may do the pro bono activity through clinics or field placement.

Faculty pro bono policy is included under Standard 404 Responsibilities of Full-Time Faculty. In Standard 404(a) (5), it specifically calls on faculty to be obligated to the public, including participation in pro bono activities. And in Standard 404(b) the law school is charged with evaluating periodically the extent to which each faculty member discharges her or his responsibilities under policies adopted pursuant to Standard 404(a).

In surveying Utah’s law schools, neither school was specifically aware of the policy on the faculty obligations; however, both schools were aware of the ABA Accreditation standard which requires law schools to provide substantial opportunities to students in pro bono service.

Have law schools improved their pro bono game since 2006? Do more and more law students want to know what pro bono opportunities they will have with a prospective employer? In personal interviews with both Utah law schools’ career services people, they say the question supports a bigger issue. Law firms are much more forthcoming on their websites, but law schools do not have statistics to support a positive or negative answer on this particular question.

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42 Standard 302 Curriculum. Interpretation 302-10 states: Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities. Pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however volunteer programs that involve meaningful services that are not law-related also may be included within the law school’s overall program. Law-related pro bono opportunities need not be structured to accomplish any of the professional skills training required by Standard 302(a) (4). While most existing law school pro bono programs include only activities for which students do not receive academic credit, Standard 302(b)(2) does not preclude the inclusion of credit-granting activities within a law school’s overall program of pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

43 Scudder, supra note 5 at 1102

44 Standard 302 Curriculum (b)(1) (2) and (3) states: A law school shall offer substantial opportunities for:

1. live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence;

2. student participation in pro bono activities; and

3. small group work through seminars, directed research, small classes, or collaborative work

45 Standard 302 Curriculum Interpretation 302-5: The offering of live-client or real-life experiences may be accomplished through clinics or field placements. A law school need not offer these experiences to every student nor must a law school accommodate every student requesting enrollment in any particular live-client or other real-life practice experience.

46 Email from James Backman, BYU Law School Professor of Law, to Jill O. Jaspers, Associate Professor of Legal Studies, UVU (May 2, 2013, 2:20 pm MDT) (on file with author).

47 Email from Linda F. Smith, Professor and Clinical Program Director, S.J. Quinney College of Law to Jill O. Jaspers, Associate Professor of Legal Studies, UVU (May 10, 2013, 1:07 pm MDT) (on file with author). In fact Prof. Smith wrote an article about how law school curriculum can encourage more public services: Linda F. Smith, Fostering Justice Throughout the Curriculum, 18 Geo .J. on Poverty L. & Pol’y 427 (2011).

48 Telephone interview with Beth Hansen, Director of Career Services, J. Reuben Clark Law School (May 16, 2013).
answer is an anecdotal no. This may have something to do with the economy also, as one law school reported comparatively few students receive multiple job offers therefore, students have less choice in their job prospects.

Career Services departments were also aware of the ABA’s Resolution 121B urging law schools to require legal employers that recruit on campus to provide information to their law students and alumni regarding the employer's pro bono policies, practices, and activities, and whether or not the employer reveals pro bono policies. These two discussion points are not requirements, however, and again, it is a private conversation between student and recruiter.

In answering the question “Do you believe successful pro bono projects contribute to law school efforts in recruitment, public relations, and development?” both law schools wisely answered they hoped so, but there was no social science study to show positive or negative answers to this question. Both law schools believe that faculty can profit both personally and professionally when involved in pro bono work. Both law schools responded that pro bono projects have high visibility within the law school community.

The most striking interview answer reveals much about the progress that has been made in the past seven years for the two Utah law schools. When asked whether the law school supports or does not support pro bono projects, the self-assessment score was above average with 4/5 or 80%.

As an example, public interest service awards are available to students at the J. Reuben Clark Law School. Those who dedicate part of their legal education to public interest or pro bono causes can qualify. The J. Reuben Clark Public Interest Service Award is presented to all students who perform 100 hours of unpaid legal work in a public interest cause during their three years of law school and who submit brief, but necessary, paper work. Qualifying work includes, but is not limited to: pro bono work; community service hours for Law Help; TLC; Utah Legal Services and for hours above the course requirements for service-learning courses.

Utah law schools provide foundational support for present and future pro bono work.

Further, the ABA Consultants listed ULS and the USB as sources to promote greater communication between the state’s law schools and other providers.

The goal: enhance law student involvement in pro bono initiatives.

They have strived to do that goal over the last few years. There are currently ten clinics throughout the state, mostly in the two judicial districts where the law schools are located, that

49 Email from Jess Hofberger, Director Professional Development Office, S.J. Quinney College of Law to Jill O. Jasperson, Associate Professor of Legal Studies, UVU (May 23, 2013, 2:52 pm MDT) (on file with author).
50 Id. note 49
51 Hansen, supra note 48 & Hofberger, supra note 49.
52 Id.
53 Backman, supra note 46 & Smith, supra note 47
54 Id.
55 Hansen, supra note 48 & Backman, supra note 46 & Smith, supra note 47
56 http://www.law2.byu.edu/site/current-students/service_opportunities visited 1-17-14
are being supported by the law schools in different ways, from student coordinators managing
the clinic to students making appointments or doing the initial intake at the clinics.

(d) Utah Legal Services Program management

Utah Legal Services has been very active in promoting pro bono in Utah since the Center’s response in the 2006 Law Review article.

Collaboration: ULS Pro Bono Director and USB Access to Justice Director have been working very closely together, with collaboration between the two organizations. In fact, the bar added an assistant to the Access to Justice Director, thus showing their support with ULS.

By all accounts, the Utah State Bar and ULS are working more closely than ever. Since its inception, the Pro Bono Commission, through the combined efforts of the USB and ULS have placed more than 200 cases and recruited more than 800 attorneys. Of the 8000 active attorneys in the state, they have about 10% volunteering through this program. They hope to increase the collaborative efforts so that all non-profits are participating in the joint system and all of the volunteers are working through the central collaborative pro bono system. The email matching system and the collaborative efforts of USB and ULS have enabled ULS to place three times as many cases each month and greatly expand the number of clients assisted.

Bar Activity: ULS staff attorneys are active in their various bar associations; ULS pays Bar Dues and also pays for each attorney to be active in their local association. ULS also allows their attorneys to participate in the statewide pro bono efforts by checking yes on their bar registration.

Offices: No field offices have shut down since the Center published their report; they remain in the same locations.

Plan: There is a comprehensive pro bono plan: The Statewide Pro Bono Committees is the largest systemic endeavor by the Bar to put a pro bono plan in place that we have ever seen in this State. While the USB and ULS have worked together on small projects, this is the first time the USB has participated so profoundly in recruitment of attorneys (through the combined “Check Yes” campaign) and participated directly in placing poverty law cases on a statewide basis. For so long, ULS was the only statewide program promoting pro bono. There were other programs that encouraged it in their geographic areas or in their individual practice area. But ULS has been instrumental in promoting pro bono across the state for decades and has been viewed as the place to refer cases that other programs are unable to assist because they have the fall back option of pro bono. Because of their long term investment and experience it just makes sense that they continue to be instrumental in the spread of pro bono opportunities across the state.

Finance: Utah Legal Services spends 12.5% of its Legal Services Grant on pro bono services. This includes the salary of a full time Pro Bono Director and a 70% funded Pro Bono Paralegal. In addition, ULS supports TLC through additional grants that pay for a part time (20 hours) attorney in Provo and a 6 hour a week Executive Director of Timpanogos Legal Center; who creates and oversees local pro bono projects. Finally, ULS provides expertise to pro bono attorneys who are unfamiliar with the area of practice in which they agreed to take a case.

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57 Email from Susan Griffith, ULS Utah County contact, to Jill O. Jasperson, Associate Professor of Legal Studies, UVU (May 24, 2013, 6:29am MDT) (on file with author). 58 Id.
They have several full time staff who field questions from pro bono attorneys in addition to presenting at training events for volunteers. All ULS employees are trained on pro bono priorities and how to properly refer a case to the pro bono program. This has enabled ULS to efficiently place more cases and to properly record its PAI hours.

**Staffing:** This includes ensuring there is sufficient staffing in the Salt Lake City office to manage the program's statewide pro bono efforts. ULS has a full time Pro Bono Director or oversees all of its statewide pro bono efforts. This includes participation on the USB Pro Bono Commission, staying apprised of the pro bono efforts undertaken by both TLC and the Southern Utah Bar Association who also acts as the 5th District Pro Bono Committee as well as what the other district pro bono committees are doing; overseeing multiple pro bono clinics in participation with the law schools; managing technology grants obtained to facilitate pro bono delivery systems; supervising in house volunteer attorneys; and managing all of ULS' pro bono cases with the assistance of the two administrative positions. Currently, ULS has a paralegal in its Salt Lake Office who spends 70% of her time on pro bono cases as well as a 20 hour per week attorney in the Provo office who splits her time on TLC projects and 4th district case assignment and management. ULS allowed TLC to take the money ULS had been receiving for years from Utah County United Way to pay for the attorney position’s work as the Program Manager for TLC.

In addition to the full time staff in the Salt Lake office, who oversees and coordinates the statewide efforts, there is also a part time attorney position in Provo who acts as a liaison with TLC. In addition, the paralegal position in our St. George office acts as administrative support for SUBA/5th district pro bono committee and runs their Talk to a Lawyer Night clinic.

Finally, each of the eight judicial districts has created a local pro bono committee to assist in pro bono services on a local level. This committee is tasked with evaluating the local needs and working to provide pro bono services to help meet those needs. ULS also works closely with the self-help center of the Utah State Courts who run a statewide hotline and referral system. This includes ensuring there is sufficient staffing in the Salt Lake City office to manage the program's statewide pro bono efforts.

**Operations:** At one point USB did transfer all day to day operations and administrative duties of pro bono services to ULS. However, now that the Access to Justice Coordinator position has been revamped and the Pro Bono Commission is in place, the USB has taken on all of the administrative duties in running the Commission, the district committees, placing cases through the email system, recruiting attorneys through the check yes campaign (with the help of the Commission members including ULS), and working with firms who wish to create signature pro bono projects.

The statewide plan was designed so that while the Bar will assist in coordinating pro bono services, they will not become a direct service provider. This means that all non-profits and the courts can refer pro bono cases to the bar who will use a central database to send requests to the attorneys. Attorneys will be able to manage their pro bono services in this database and choose cases and clinics to assist with. The bar will not be assisting with case management, or case assembly. The non-profits and judges referring the cases will be responsible for determining merit and providing a summary of the case for placement. The bar simply assists in the matching process for both the pro bono program as well as the modest means program. ULS as a direct

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59 Email from Sue Crismon, Utah Legal Services to Jill O. Jasperson, Associate Professor of Legal Studies, UVU (June 24, 2013, 2:52 pm MDT) (on file with author).
service provider will be one of many non-profits referring cases to the system for placement with volunteer attorneys.

**Educational campaign:** The Utah State Bar has done an extensive Check Yes Campaign for recruiting pro bono attorneys. As part of this campaign Pro Bono Commission members have visited law firms to explain the new Commission and the role it will play in overall pro bono services. Many attorneys know some of the non-profits who provide free legal services, especially those who have volunteered for one, but many of them do confuse the eligibility and priorities of each. Many attorneys do not know how to refer clients to appropriate services or how to get involved in pro bono. Through this process the Commission has hoped to educate attorneys on the easiest way to get involved in pro bono. If attorneys check yes to volunteer, they will be in the volunteer database which will be available for all non-profit providers. This means that a volunteer can access one location for potential pro bono opportunities but could end up volunteering for multiple agencies.

For example, an attorney may check that they want to do immigration and domestic cases and could receive emails which include cases referred from Holy Cross Ministries and Legal Aid Society of Salt Lake. Or an attorney could indicate they want to help on the innocence project, street law clinic and the private GAL projects. That way they will receive information from the Innocence Project, the Pro Bono Initiative, and the GAL’s office. The Pro Bono Program is explained in this 8 minute video at [http://www.utahbar.org/volunteer/pro-bono-lend-a-learned-hand/](http://www.utahbar.org/volunteer/pro-bono-lend-a-learned-hand/). The Commission hopes to reach out to more attorneys in remote areas, in house corporations and smaller firms on a local level.

As for the client community and other service providers, there is still much educating that needs to take place. While And Justice for All holds a bi-annual Public Interest Summit to compare eligibility of various legal non-profits and to discuss proper referral protocols the same is not happening with other services providers. United Way and 211 do a good job of referring clients to the appropriate agency as do the other legal non-profits.

Utah has not seen as much success in referrals coming from ecclesiastic leaders, social services providers, and other types of non-profits. Clients are still likely to call a legal non-profit when looking for legal services and since most non-profits participate in the annual summit, they should know how to give good referrals.

The new pro bono system will hopefully be able to act as a safety net in catching those clients who critically need an attorney but who do not meet any agency’s eligibility requirements. Someday, once the system is fully in place, the self-help center of the courts, who have already been making good referrals, may be able to also refer clients to the pro bono program when they have been determined not to be eligible for other existing services.

The Pro Bono Commission does not want to take clients away from other agencies and will only act as a gap filler for clients who otherwise will be without services. In addition, perhaps someday a client may be able to walk through an online tree system of legal services to self-determine which agency or program would best be able to meet their legal need. This would be extremely helpful for those service providers and ecclesiastic advisers who are assisting low income clients find the help they need. Hopefully Utah will be able to successfully create a system that enables clients to find the help they need without being passed around to various organizations and be able to provide a safety net for non-profits so that when they turn away a client due to lack of resources they can be assured that client will still get the legal help they seek.
Another note, one of ULS primary programs in Utah County, the Family Justice Center reported a 2012 total of 864 people who came to the Center seeking assistance from the Department of Workforce Services, housing, Community Action, Victim Advocates, the Division of Child and Family Services, etc. Of those 864 people, ULS et al served 785 of them with legal advice. That is 90%, so the majority of people needing help need assistance with legal issues.

(e) Law Firms

The ABA Consultants suggested USB’s recruitment efforts should include encouraging law firms to develop more formal pro bono policies. The Bar pushed forward to do that. As part of Check YES! Campaign, the USB’s Access to Justice Office has visited almost all of the largest law firms in Utah. As part of these visits, USB has not only encouraged law firms to ‘check yes!’ on their Bar applications but has also asked them to sign a Pro Bono Policy Pledge. These pledges state that the firm or organization will form a defined written pro bono policy, which not only encourages but gives clear guidelines on how the attorneys may participate in pro bono. Currently, there are ten firms or organizations who have signed the pledge. 60  

The 2013-2014 bar registration plan includes, as part of the Check Yes! Campaign, a pro bono policy challenge that states the law firm now has a written pro bono policy. Firms are currently recognized on the USB website and there are plans to have this as a part of the Bar Journal Honor Roll in the future.61 These pro bono policies are distributed by the Pro Bono Commission and are a welcome addition and help for law firms to solidify their pro bono efforts.62

(f) Utah Chief Government Counsel

The Attorney General’s office has a great pro bono policy. They encourage the attorneys to do pro bono service in “accordance with their professional conduct obligations.” Such work shall be performed on the attorney’s own personal time unless otherwise authorized. It cautions attorneys and paralegals alike to be aware of conflicts of interest. A Division Chief must be notified of the attorney’s pro bono service; and the client must sign an Acknowledgement of Pro Bono Client form.63 However, despite a few obstacles, the AG’s office in Salt Lake has a team for Tuesday Night Bar and they are one of the best manned teams USB has. 64

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60 Email from Michelle Harvey, USB Access to Justice Coordinator, to Jill O. Jasperson, Associate Professor of Legal Studies, UVU (Apr. 29, 2013, 11:50am MDT) (on file with author).
61 Id.
62 Prepared by the USB Access to Justice Coordinator and distributed by Utah Pro Bono Commission, author has a template of this law firm pro bono policy in her possession.
63 2.32 Pro Bono Service Policy, Utah Attorney General Employee Policy and Procedures, Revised Feb 2, 2009, in possession of author
64 Email from Michelle Harvey, USB Access to Justice Coordinator, to Jill O. Jasperson, Associate Professor of Legal Studies, UVU (June 3, 2013, 4:12 pm MDT) (on file with author).
The USB assists government counsel; the Access to Justice Office has created a template for pro bono policy.65

(g) Utah Corporate General Counsel

One of the problems that may affect corporate counsel is unauthorized practice of law in a multijurisdictional setting.

The rules in most states allow in-house counsel who are admitted to practice and are in good standing in one or more jurisdictions, but are not licensed in the state in which they are working, to provide legal services to their in-state employer. However, many of these states are silent on whether these same lawyers may also provide free legal help to low-income clients. For states that have addressed the issue, most have adopted rules that impose unnecessary restrictions that in-house attorneys must meet in order to provide pro bono services to needy communities. These restrictions result in fewer attorneys providing pro bono services and fewer low-income people receiving help.66

Rule:

The Utah rule regarding these multijurisdictional practice issues is Utah Rule of Professional Conduct (URPC) 5.5. Utah’s rule is somewhat silent on whether these corporate lawyers may also provide free legal help to low-income clients. Utah Rules 5.5(d) and (d) (1) state:

(d) A lawyer admitted in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction may provide legal services in this jurisdiction that:

(d)(1) are provided to the lawyer’s employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission;

Commentary:

In the body of Comment 16 it states: The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. This comment could be construed to mean that legal services can only be rendered to the employer and not in pro bono services to needy communities. However, no definite answer is made in comments to Rule 5.5.

The Utah Code of Judicial Administration rule 14-719(i) gives further light on this subject. House Counsel is not authorized by anything in this rule to hold out to the public or otherwise solicit, advertise, or represent that he or she is available to assist in representing the public in legal matters in Utah.

The Center’s encouragement of corporate social issues is a good one.67 There are many associations and institutes that promote the progress of pro bono.68 There has been a push

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65 Prepared by the USB Access to Justice Coordinator and distributed by Utah Pro Bono Commission, author has a template of this law firm pro bono policy in her possession.
66 See http://thepbeye.probonoinst.org/2011/04/12/arkansas-decision-good-but-not-good-enough/
67 Scudder, supra note 5 at 1097
68 ACC Association of Corporate Counsel, CPBO Corporate Pro Bono, PBI Pro Bono Institute, and others
for pro bono globally. Latham & Watkins LLP produced a white paper detailing pro bono practices in seventy-one jurisdictions. It was released February 2013. 69

   CPBO produced an In-House Pro Bono at a Glance: 2010 Benchmarking Survey printed in March 2011 that is very interesting. 70

   With all of that, there is still a need globally and in Utah. According to a recent Association of Corporate Counsel survey of over 1,100 chief legal officers, 95 percent of respondents noted that they did not have a formal pro bono program at their law department. For smaller legal departments, a shortage of staffing and resources created challenges in developing a pro bono program. 71

   There is no doubt that corporate pro bono work is being done in the Mountain West Chapter of the ACC. The Chapter started giving pro bono awards out in about 2008. They also provide pro bono services through their Save Summer and Serve events in both Utah and Idaho. 72 This is a step up from previous years, and shows concern for pro bono in the corporate world.

   From the Utah Bar standpoint, they are not sure if there has been a rise of pro bono in a corporate setting since the bar’s pro bono recordkeeping was not sufficient. But presently, the bar does have quite a few corporate counsel or in-house counsel that is on their list of pro bono attorneys. E-filing has made it more difficult for them to participate but the bar is working with the courts to help make this easier for them. 73

   The corporate bar is assisted by USB; the Access to Justice Office has created a template for pro bono policy, making it easier for them to embrace and adopt pro bono policies in their corporate setting. 74

   Resources: The Good and Bad News

   The Utah State Bar deserves an A for the work they are doing to promote pro bono nowadays. The Utah State Bar has hired an attorney to fill the position of Access to Justice Coordinator, which is a position they did not have in the past. That office now has a Coordinator, plus one full-time and one part-time staff. The Executive Director of the Utah Bar touches base with the Access to Justice Office weekly to ask what he can personally do to help.

   The Bar pays for travel when the Coordinator travels state-wide to visit the various District Pro Bono Committee meetings. They also send that Coordinator to ABA’s Equal Justice Conference (EJC) every year. The Coordinator has traveled to other states to see what the Utah Bar could learn from their pro bono programs. USB also sponsors free CLEs for attorneys that

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72 Email from Megan, ACC Mountain West Chapter to Jill O. Jaspersen, Associate Professor of Legal Studies, UVU (May 30, 2013, 3:52pm MDT) (on file with author).

73 Harvey, supra note 19

74 Prepared by the USB Access to Justice Coordinator and distributed by Utah Pro Bono Commission, author has a template of this corporate pro bono policy in her possession.
volunteer to give pro bono services. The Coordinator believes that the Utah Bar is supportive of anything that the Access to Justice Office needs in resources.\textsuperscript{75}

The Bar encourages its own attorney-employees to do pro bono work. They help in any way that they can to promote that agenda. The Bar’s Access to Justice Office helps place the cases and supports programs that wish to expand available pro bono services.\textsuperscript{76}

The Bar promotes pro bono participation of existing projects and publications, whether sponsored by the USB-at-large or any of its sections. Examples include: the placement of cases with non-profits, Tuesday Night Bar support, a debtor’s counseling clinic in SLC. The USB also supports the Bar Litigation Section in their efforts to start a Guardian ad Litem Signature Project.\textsuperscript{77} Law firms are supported with their signature projects, and the Bar is helping the Attorney General’s office develop their own Signature Project.\textsuperscript{78}

In summer 2013, the USB improved their website tremendously. Direct links to “to serve the public” and ‘volunteer’ are on the landing page giving prime space to pro bono. This shows the general population concern for public service, and demonstrates to individual attorneys the importance of public service through pro bono.\textsuperscript{79}

The USB provides malpractice insurance for pro bono service given through the Pro Bono Commission. If an attorney is new to a certain area of practice they may contact the Bar and receive contact information for a mentor that can help them with the case.

As in any state, the funding for non-profits has been cut tremendously. The Utah cuts came to about $600,000.

The Utah State Legislature has provided an additional $200,000 which is more than other states have provided for the coming year but the state still only gives a total of about $395,000, which is for family law only.

Currently there is no competition for these funds, but And Justice For All (AJFA)\textsuperscript{80} does feel like the larger this fund gets, the more competition there will be for the funds. AJFA also

\textsuperscript{75} Harvey, \textit{supra} note 19

\textsuperscript{76} Harvey, \textit{supra} note 19

\textsuperscript{77} Signature projects occur when attorneys prefer to create an in-house project to focus their volunteer efforts. The first step in creating a signature project is to identify attorneys’ strengths and practice areas. A close second step is identifying what interests attorneys have and what sort of partnerships are needed to create a successful project.

\textsuperscript{78} Harvey, \textit{supra} note 19

\textsuperscript{79} www.utahbar.org last accessed 1-17-14.

\textsuperscript{80} Utah’s current efforts to expand and improve access to justice for low-income people in the state grew out of a report issued in 1997 by the Utah Access to Justice Task Force, co-chaired by the chief justice of the Supreme Court and the president of the State Bar. The report led to the creation in 1999 of And Justice for All, a unified fundraising effort for civil legal services, which has served as the basis for collaborative efforts among providers. Since 1999, Utah’s “And Justice for All” combined campaign has raised a total of more than $2.7 million to fund direct legal services. In 2003, the campaign raised over $425,000. In addition, a capital campaign to build the Community Legal Center raised $3.55 million. The Center houses the Disability Law Center, Legal Aid Society of Salt Lake, Multi-Cultural Legal Center, and Utah Legal Services, and has led to annual cost savings of over $440,000 for these agencies.
had great success in 2012 with their fundraising breakfast. They raised $50,000 more than in the past few years; the amount is back to pre-recession levels. Even with these additions to funding, both ULS and Legal Aid Society of Salt Lake have had to make cuts in their programs. Both programs finished the fiscal year of 2011-2012 with a deficit of over $150,000.

IOLTA revenues are down 87% from 2007 and the Utah Bar Foundation is spending down its reserves. This means even greater deficits in coming years, if a new funding source is not found.\textsuperscript{81}

**Collaborative efforts USB⇌ULS**

There is great collaborative effort between USB and ULS. The goal of Pro Bono Commission is to help foster and support those non-profits that are already providing legal services. There are other organizations involved as members of the Pro Bono Commission and District Committees and they work very closely with Utah Legal Services, the largest statewide legal services provider.

**Governance**

It was determined that the state of Utah could do much better in their collaborative efforts to provide low income Utahans with pro bono assistance. Recommendations from the Center stated that the USB and ULS should consider themselves partners and should appoint a joint pro bono committee to coordinate efforts, facilitate communication and provide leadership for their joint pro bono initiative.

Rod Snow,\textsuperscript{82} met with Sue Crismon the Pro Bono Director at ULS before he became bar president. Ms. Crismon presented the idea of a combined pro bono database to manage pro bono volunteers and cases, and also suggested some changes to the Access to Justice Coordinator position (then called the Pro Bono Coordinator.) And Mr. Snow presented a complementary goal by creating a statewide Pro Bono Commission similar to those in surrounding states. From that discussion, Mr. Snow decided that the new Utah Pro Bono Commission would be something that he would strive to create during his tenure.\textsuperscript{83}

Formation of a planning committee began with three members: Mr. Rob Rice, Ms. Sue Crismon,\textsuperscript{84} and Mr. James Backman.\textsuperscript{85} Soon after the planning committee was formed it was decided they needed to fill the pro bono coordinator position quickly and preferably with an attorney who could jump in and help administer the new program. Michelle Harvey, who had been volunteering with ULS, was the perfect candidate.

The committee worked as a Bar - ULS - University liaison to create a new organization. In the planning stages of the new idea, they visited New Mexico, Arizona, and Wisconsin. The committee also spoke many times with Idaho, Colorado, and Illinois pro bono organizations, as well as Jamie Herz from the ABA.

They attempted to take the best of all researched state’s programs and learn from others to form an idea that would work for the Utah dynamic.\textsuperscript{86}

\textsuperscript{81} Harvey, \textit{supra} note 60

\textsuperscript{82} Elected USB President- Elect 2010, and USB President July 2011-2012. \textit{See} \url{http://www.utahbar.org/bar-operations/history-of-previous-presidents-of-the-utah-state-bar/}

\textsuperscript{83} Harvey, \textit{supra} note 60


\textsuperscript{85} \url{http://www.law2.byu.edu/news/item.php?num=4555} Website access 6-7-13

\textsuperscript{86} Harvey, \textit{supra} note 60
The Utah Pro Bono Commission had its first meeting on April 17, 2012. The Commission is made up of a Supreme Court Justice, an Appellate Ct. Judge, a Federal Magistrate Judge, a Presiding District Ct. Judge, 3rd and 4th District Ct. Judges, a Commissioner, a past bar president, a Bar Commissioner, a Law Professor, an attorney at the AG’s office, ULS representative, an in house attorney, a public defender, and five private attorneys practicing at various sized law firms in various locations in the state (both North and South are represented). In addition, seven of Utah’s eight judicial districts have created local district pro bono committees with at least one seated co-chair, most of them judges. This level of judicial involvement is unprecedented and indicates that this program is well supported and likely to continue to grow.

It is hoped that the Pro Bono Commission will alleviate some of the strains placed on non-profits and help with governance issues. Specifically, the Commission hopes to facilitate the matching of pro bono needs with attorney volunteers. By maintaining a joint central database of attorneys and allowing attorneys to indicate their pro bono preferences all in one place, non-profits will no longer need to recruit their own attorneys to handle their cases, they can simply refer them into the program and the bar will take care of the matching process. This enables both the attorneys and the non-profits to better manage their pro bono needs and services. It is hoped that through Commission efforts, Utah’s legal non-profits may place cases with pro bono attorneys more easily, thus giving non-profit in-house attorneys more focus on their own client base. This process also serves the clients by providing yet one more safety net to serve those who slip through the gaps of services provided by legal non-profits.

The Pro Bono Commission is taking a leadership step forward by hosting CLE’s on a regular basis to help attorneys feel more comfortable taking cases outside their normal areas of practice. The Pro Bono Commission fulfills its goal of changing the culture of pro bono in the state by enhancing pro bono practices and policies through a collaborative effort. They make attorney pro bono services more accessible, easy to manage, and they recognize attorney’s efforts.

The Center would be pleased that the Pro Bono Commission leads issues relating to operational success such as recruitment, public relations, and recognition, and includes oversight, planning, coordinating, and implementing specific pro bono initiatives. In fact, at the 2013 ABA Equal Justice Conference, Mr. Scudder commented on the impressive improvements the State of Utah has made through the collaborative efforts of the Bar, ULS, and the Judiciary.

The Commission is not currently planning to participate in fundraising, however. This may be something addressed in the future, but for now And Justice for All is the only legal fundraising organization.

Because USB umbrellas the Pro Bono Commission as a bar program, there are few discussions about budget and staff, making it easier for the Commission to focus on what’s important—client needs.

87 http://webster.utahbar.org/barjournal/2012/05/commision_message.html last visited 1-17-14.
88 Scudder, supra note 5, pages 1112-1113
89 Crisman, supra note 59
90 Id.
91 Harvey, supra note 19
Operationally, the Pro Bono Commission oversees statewide efforts and makes decisions regarding structure, eligibility and other changes that need to happen on a statewide level to facilitate pro bono services. However, the actual case assignment works through District Committees and the Judiciary. First a case is referred from the judge or a non-profit into the program. The case summary is sent out via email to various attorneys asking them to accept the case for representation. If the case is not picked up through email communication, the district committees assist in placing that case with a local attorney through personal contact. In addition, the district committees assist in identifying community needs and ways to meet those needs. Through the future pro bono system, much of the case assignment and acceptance will be automated freeing up much time for ULS, USB and the Committee members to allow them to focus on further expanding services.

Therefore, operationally, the Pro Bono Commission works through District Committees and the Judiciary. Community need is identified, and the District Committee solves the issue of attorney-client assignment.

Local Bar support

As part of the new Renaissance in Utah, USB hired an attorney to help facilitate new efforts. The Bar is promoting this new effort to encourage attorneys throughout the state to provide pro bono services. The coordinator travels throughout the state to District Pro Bono Committee Meetings and supports those committees in any way. Not only is the travel a connection from USB to rural communities, but a strengthening tie assuring all Utah communities and districts that they have a say in their local pro bono activities.

USB has developed and implemented a range of strategies aimed towards recruiting new volunteers. The Pro Bono Commission has been pushing the Check YES! Campaign as their first order of business. This campaign is asking attorneys to check a box on their license renewal forms and fill out a survey to place their information into a database that the Commission and Committees can use to place cases throughout the state.

The Check YES! Campaign has been successful. In 2012 before the Pro Bono Commission started placing cases, the USB had a list of less than 100 attorneys with whom they could place cases; the Access to Justice Office placed 15 cases. In just over seven months the USB increased the amount of volunteer attorneys to 700 and placed 141 cases. That is a 700% increase in volunteer attorneys, and nearly a 950% increase in placed cases!

Involving Other Partners

The Timpanogos Legal Center (TLC) and Southern Utah Community Legal Center are great examples of USB involvement with other partners. TLC and SUCLC place cases, create

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92 Harvey, supra note 19
93 Id.
94 Access to Justice Coordinator
96 Harvey, supra note 60
97 Id.
98 Harvey, supra note 19. This is calculated by the Check Yes program beginning in Sep 2012 and calculating until the end of May 2013.
99 http://timplegal.org/ visited 1-17-14
needed clinics, and work with students and attorneys to give needy clients the legal help they need. The Fourth District Pro Bono Committee works closely with the local bar association, TLC, and ULS. Persons on the board of the TLC are also on the District Pro Bono Committee. This synergy of nonprofit, USB and ULS provides greater access to justice.

Additionally, other partners include dozens of clinics across the state.  

Communication where to Volunteer
USB’s first step in communication where to volunteer is located in the yearly bar license renewal forms. This renewal includes a box attorneys may check in order to become part of the pro bono program.

USB also reaches out to new bar admittees through a letter in their admissions packet inviting them to participate in pro bono activities.

Lastly, attorneys can contact the Access to Justice Coordinator at the Bar to receive help and assistance with a case.

Variety of Volunteer areas
Utah has a plethora of clinics, resources, and self-help centers located throughout the state. These resources can be found at [http://www.utahbar.org/public-services/freelegalclinics/](http://www.utahbar.org/public-services/freelegalclinics/).

Pro se clinics and clinics cover a range of issues: housing disputes, domestic violence, income maintenance, consumer protection, migrant worker issues, Native American issues, senior citizens, homeless, attorney referral services, access to court forms, CORIS and online legal research databases, bankruptcy, family law issues, disability law, consumer complaints, general legal information, mediation, crime victim issues, Spanish resources, non-legal alternatives, elder law, tax issues, housing/avoid foreclosure issues, prisoner resources, immigration, and employment law.

Promoting Pro Bono

One-on-one attorney invitations occur through the Check Yes!! Campaign located in the bar renewal. In 2012, the first year of recruitment, USB had over 700 attorneys sign up to take on a pro bono case or help with a legal clinic. The USB and the Access to Justice Office believes this is a great accomplishment and knows that the number grows with each passing year.

One of the first agenda items for the District Pro bono Committees after placing cases is the yearly National Pro Bono Celebration in October. USB hopes to foster a more statewide program of Pro Bono Celebration. The District Pro Bono Committees will plan and put on an event in each of the eight districts. Wasatch Front, where the USB main office is located, will have several events during the week.

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Conclusion

Utah is stepping up its game, and doing all it can to promote pro bono, or pro bo as it is lovingly called.
Utah’s efforts changed the culture of pro bono in the state and created effective strategies to increase pro bono opportunities and participation.