

1 **PUBLIC SERVICE**

2 **Rule 6.1. Voluntary Pro Bono Legal Service.**

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4 Every licensed paralegal practitioner has a professional responsibility to provide legal  
5 services to those unable to pay. A licensed paralegal practitioner should aspire to render at least  
6 30 hours of pro bono publico legal services per year. In fulfilling this responsibility, the licensed  
7 paralegal practitioner should:

8 (a) provide a substantial majority of the 30 hours of legal services without fee or expectation  
9 of fee to:

10 (a)(1) persons of limited means or

11 (a)(2) charitable, religious, civic, community, governmental and educational organizations in  
12 matters that are designed primarily to address the needs of persons of limited means; and

13 (b) provide any additional services through:

14 (b)(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups  
15 or organizations seeking to secure or protect civil rights, civil liberties or public rights, or  
16 charitable, religious, civic, community, governmental and educational organizations in matters in  
17 furtherance of their organizational purposes, where the payment of standard legal fees would  
18 significantly deplete the organization's economic resources or would be otherwise inappropriate;

19 (b)(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

20 (b)(3) participation in activities for improving the law, the legal system or the legal  
21 profession.

22 (c) A licensed paralegal practitioner may also discharge the responsibility to provide pro  
23 bono publico legal services by making an annual contribution of at least \$5 per hour for each  
24 hour not provided under paragraph (a) or (b) above to an agency that provides direct services as  
25 defined in paragraph (a) above.

26 (d) Each licensed paralegal practitioner is urged to report annually to the Utah State Bar  
27 whether the licensed paralegal practitioner has satisfied the LPP's professional responsibility to  
28 provide pro bono legal services. Each licensed paralegal practitioner may report this information  
29 through a simplified reporting form that is made a part of the Bar's annual dues statement.

30 (e) In addition to providing pro bono legal services, a licensed paralegal practitioner should  
31 voluntarily contribute financial support to organizations that provide legal services to persons of  
32 limited means.

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34 Comment

35 [1] Every licensed paralegal practitioner, regardless of professional prominence or professional  
36 work load, has a responsibility to provide legal services to those unable to pay. Personal  
37 involvement in the problems of the disadvantaged can be one of the most rewarding experiences  
38 in the life of a licensed paralegal practitioner. All licensed paralegal practitioners are urged to  
39 provide a minimum of 30 hours of pro bono services annually. It is recognized that in some years  
40 a licensed paralegal practitioner may render greater or fewer hours than the annual standard  
41 specified, but during the course of the licensed paralegal practitioner's career, each licensed  
42 paralegal practitioner should render on average per year, the number of hours set forth in this  
43 Rule. Services can be performed in any area in which the licensed paralegal practitioner is  
44 authorized to practice.

45 [2] Paragraphs (a)(1) and (a)(2) recognize the critical need for legal services that exists among  
46 persons of limited means by providing that a substantial majority of the legal services rendered  
47 annually to the disadvantaged be furnished without fee or expectation of fee. Legal services  
48 under these paragraphs include individual representation, the provision of legal advice,  
49 legislative lobbying, administrative rule making and the provision of free training or mentoring  
50 to those who represent persons of limited means.

51 [3] Persons eligible for legal services under paragraphs (a)(1) and (a)(2) are those who qualify  
52 for participation in programs funded by the Legal Services Corporation and those whose incomes  
53 and financial resources are slightly above the guidelines utilized by such programs but  
54 nevertheless cannot afford counsel. Legal services can be rendered to individuals or to  
55 organizations such as homeless shelters, battered women's centers and food pantries that serve  
56 those of limited means.

57 [4] Because service must be provided without fee or expectation of fee, the intent of the licensed  
58 paralegal practitioner to render free legal services is essential for the work performed to fall

59 within the meaning of paragraphs (a)(1) and (a)(2). Accordingly, services rendered cannot be  
60 considered pro bono if an anticipated fee is uncollected. LPPs who do receive fees in such cases  
61 are encouraged to contribute an appropriate portion of such fees to organizations or projects that  
62 benefit persons of limited means.

63 [5] While it is possible for a licensed paralegal practitioner to fulfill the annual responsibility to  
64 perform pro bono services exclusively through activities described in paragraphs (a)(1) and  
65 (a)(2), to the extent that any hours of service remain unfulfilled, the remaining commitment can  
66 be met in a variety of ways as set forth in paragraph (b).

67 [6] Paragraph (b)(1) includes the provision of certain types of legal services to those whose  
68 incomes and financial resources place them above limited means. It also permits the pro bono  
69 licensed paralegal practitioner to accept a substantially reduced fee for services.

70 [7] Paragraph (b)(2) covers instances in which licensed paralegal practitioners agree to and  
71 receive a modest fee for furnishing pro bono legal services to persons of limited means.  
72 Participation in judicare programs and acceptance of court appointments in which the fee is  
73 substantially below a licensed paralegal practitioner's usual rate are encouraged under this  
74 section.

75 [8] Paragraph (b)(3) recognizes the value of licensed paralegal practitioners engaging in  
76 activities that improve the law, the legal system or the legal profession. Serving on bar  
77 association committees, serving on boards of pro bono or legal services programs, taking part in  
78 Law Day and other law related education activities, acting as a continuing legal education  
79 instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law,  
80 the legal system or the profession are a few examples of the many activities that fall within this  
81 paragraph.

82 [9] Because the provision of pro bono services is a professional responsibility, it is the individual  
83 ethical commitment of each licensed paralegal practitioner. Nevertheless, there may be times  
84 when it is not feasible for a licensed paralegal practitioner to engage in pro bono services. At  
85 such times a licensed paralegal practitioner may discharge the pro bono responsibility by  
86 providing financial support to organizations providing free legal services to persons of limited

87 means. In addition, at times it may be more feasible to satisfy the pro bono responsibility  
88 collectively, as by a firm's aggregate pro bono activities.

89 [9a] This Rule explicitly allows licensed paralegal practitioners to discharge their pro bono  
90 services responsibility by annually contributing at least \$5 per hour for each hour not provided  
91 under paragraphs (a) and (b). While the personal involvement of each licensed paralegal  
92 practitioner in the provision of pro bono legal services is generally preferable, such personal  
93 involvement may not always be possible. The annual contribution alternative allows a licensed  
94 paralegal practitioner to provide financial assistance to increase and improve the delivery of pro  
95 bono legal services when a licensed paralegal practitioner cannot or decides not to provide pro  
96 bono legal services through the contribution of time. Also, there is no prohibition against a  
97 licensed paralegal practitioner's contributing a combination of hours and financial support.

98 [10] Because the efforts of individual licensed paralegal practitioners are not enough to meet the  
99 need for free legal services that exists among persons of limited means, the government and the  
100 profession have instituted additional programs to provide those services. Every licensed  
101 paralegal practitioner should financially support such programs, in addition to either providing  
102 direct pro bono services or making financial contributions when pro bono service is not feasible.

103 [11] Law and law-related firms employing licensed paralegal practitioners should act reasonably  
104 to enable and encourage all licensed paralegal practitioners in the firm to provide the pro bono  
105 legal services called for in this Rule.

106 [11a] Voluntary reporting is designed to provide a basis for reminding licensed paralegal  
107 practitioners of their professional responsibility under this Rule and to provide useful statistical  
108 information. The intent of this Rule is to direct resources towards providing representation for  
109 persons of limited means. Therefore, only contributions made to organizations described in  
110 subsection (a) should be reported. Reporting records for individual licensed paralegal  
111 practitioners will not be kept or released by the Utah State Bar. The Utah State Bar will gather  
112 useful statistical information at the close of each reporting cycle and then purge individual  
113 reporting statistics from its database. The general statistical information will be maintained by  
114 the Bar for year-to-year comparisons and may be released, at the Bar's discretion, to appropriate  
115 organizations and individuals for furthering access to justice in Utah.

116 [12] The responsibility set forth in this Rule is not intended to be enforced through disciplinary  
117 process.