

The Massachusetts Supreme Judicial Court Pro Bono Honor Roll Program

I. INTRODUCTION

Each year, individuals and organizations from Massachusetts contribute thousands of hours of pro bono service to clients and causes across the Commonwealth, the country, and the world. The Supreme Judicial Court (SJC) and its Standing Committee on Pro Bono Legal Services applaud those efforts and celebrate them annually through the SJC Pro Bono Honor Roll Program.

The SJC Pro Bono Honor Roll Program includes an Honor Roll and a High Honor Roll for individual attorneys, as well as Honor Rolls for legal organizations and for law students. Honorees are recognized each fall in ceremonies at the John Adams Courthouse and on the SJC's website, and they receive certifications acknowledging their commitment to pro bono service.

To determine whether you or your legal organization can apply for the SJC Pro Bono Honor Roll Program, please review the definitions and criteria set forth below. At the end of this document, you will also find instructions for submitting your name or your organization's name to the relevant honor roll(s).

II. DEFINITIONS

A. Pro Bono Legal Services

The SJC Pro Bono Honor Rolls for Attorneys and Legal Organizations recognize individuals and organizations that have provided a significant number of hours of "pro bono legal services." For the purpose of these honor rolls, the meaning of "pro bono legal services" is derived from Rule 6.1(a) of the Massachusetts Rules of Professional Conduct. As such, "pro bono legal services" means:

- Legal services that are provided "without compensation or expectation of compensation to persons of limited means, or to charitable, religious, civic, community, governmental, and educational organizations in matters that are designed primarily to address the needs of persons of limited means."

In line with Rule 6.1(a), "pro bono legal services" include "activities for improving the law, the legal system, or the legal profession that are primarily intended to benefit persons of limited means." *See* Rule 6.1, Comments 4 and 5. To be eligible for the honor rolls, attorneys and organizations must participate in such activities without compensation or expectation of compensation.

In addition, qualifying "pro bono legal services" are not limited to work performed in Massachusetts. So long as the work fulfills the requirements set forth above, it may be

performed outside of Massachusetts and/or for the benefit of persons with limited means outside of Massachusetts.

Training, transportation, and observation do not qualify as “pro bono legal services.” For further guidance on the meaning and the scope of “pro bono legal services,” please consult the comments to Rule 6.1(a).

B. Law-Related Pro Bono Services

Because law students cannot perform legal services for clients except under appropriate supervision, the SJC Pro Bono Honor Roll for Law Students recognizes students who have provided a significant number of hours of “law-related pro bono services.” For the purpose of this honor roll, “law-related pro bono services” are defined as:

- Work performed, without compensation or academic credit or expectation of compensation or academic credit, to support or assist in the provision of “pro bono legal services,” as defined above.

By way of example, the following activities qualify as “law-related pro bono services” when performed without compensation or academic credit, or the expectation of compensation or academic credit:

- Assisting an attorney with a pro bono case;
- Assisting self-represented litigants in court;
- Conducting client or witness interviews and investigations for a pro bono case;
- Drafting documents for a pro bono case;
- Preparing a pro bono case for trial;
- Conducting legal research or writing for a pro bono case or activity;
- Drafting an amicus brief for pro bono case or activity; and
- Performing work during an unpaid legal internship (full-time or part-time) at a pro bono or legal services program primarily intended to benefit persons of limited means.

Conversely, the following activities do not meet the criteria for “law-related pro bono services”:

- Academic coursework;
- Work for a school-based clinical program;
- An internship or any legal work for which the student receives academic credit or pay;
- Pro bono work performed at a law firm as part of a paid summer internship or associate position;
- A judicial internship, externship or summer clerkship (paid or unpaid);
- Non-legal volunteer or community service work; and
- Training, transportation, and observation.

That said, if a student exceeds the number of hours required to receive academic credit for a clinical program, internship or other legal work, the student may count any hours performed in excess of the requirement toward the honor roll hours requirement.

Qualifying “law-related pro bono services” are not limited to work performed in Massachusetts. So long as the work fulfills the requirements set forth above, it may be performed outside of Massachusetts and/or for the benefit of persons with limited means outside of Massachusetts.

III. CRITERIA

A. Attorneys

1. General

The SJC Pro Bono Honor Rolls for Attorneys are open to attorneys who work primarily in Massachusetts and who are (1) admitted to practice law in Massachusetts or (2) otherwise eligible to provide pro bono services in Massachusetts under Supreme Judicial Court Rules 3:04 or 4:02.

2. Honor Roll for Attorneys

Eligible attorneys who provide between 50 and 99 hours of pro bono legal services in the previous calendar year qualify for this honor roll.

3. High Honor Roll for Attorneys

Eligible attorneys who provide 100 or more hours of pro bono legal services in the previous calendar year qualify for this honor roll.

4. Qualifying Hours

Only hours devoted to the provision of pro bono legal services, as defined above, may be counted toward the honor roll hours requirement. Please note that attorneys are not required to complete all of the hours in a single case or activity. The hours may be earned through service performed in more than one pro bono context.

B. Legal Organizations

1. General

The SJC Pro Bono Honor Roll for Legal Organizations is open to organizations that employ attorneys who work primarily in Massachusetts and who are (1) admitted to practice law in Massachusetts or (2) otherwise eligible to provide pro bono services in Massachusetts under Supreme Judicial Court Rules 3:04 or 4:02.

Eligible legal organizations include law firms, solo practitioners, in-house corporate counsel offices, government attorney offices, non-profit organizations, and law schools. Solo practitioners are eligible to apply for the Honor Roll for Legal Organizations as well as the Honor Rolls for Attorneys.

2. Honor Roll for Legal Organizations

The SJC honors those law firms, solo practitioners, in-house corporate counsel offices, government attorney offices, non-profit organizations, and law school faculties that certify that in the relevant calendar year, they have met the following criteria:

a. That the pro bono legal services hours per attorney, defined as the total number of pro bono hours provided by the Massachusetts Attorneys divided by the number of Massachusetts Attorneys (full-time equivalents), is at least fifty (50); or more than seventy-five percent (75%) of the Massachusetts Attorneys have provided at least twenty-five (25) pro bono hours;¹

AND

b (i). (for law firms and solo practitioners) That for purposes of attorney retention and promotion, time devoted to approved pro bono legal services is treated the same as time devoted to billable time or its equivalent. If billable hours are not strictly or solely used as a criteria for retention and promotion (e.g., contingency fee work or salaried positions), pro bono legal services hours are treated the same as time that is recognized for purposes of retention and promotion; and that for purposes of attorney compensation, time devoted to approved pro bono legal services up to at least fifty hours (50) per year is treated the same as time devoted to billable legal work or its equivalent. If billable hours are not strictly or solely used to measure compensation (e.g., contingency fee work or salaried positions), pro bono legal services are treated the same as time that is determinative of compensation;

or

b (ii). (for other organizations) An attorney may devote up to at least fifty (50) hours per year to pro bono services without any negative impact on the attorney's compensation, retention or promotion opportunities.

C. Law Students

¹ For law school faculties, the calculation divides the total number of pro bono hours performed by faculty who are Massachusetts Attorneys by the number of faculty who are Massachusetts Attorneys. For purposes of this calculation, work of clinical faculty members within the scope of their primary job duties shall be excluded from the calculation, although voluntary additional work within the scope of Rule 6.1 may be included. For non-profit agencies, the work of attorneys performing within the scope of their primary job duties shall be excluded from the calculation, although voluntary additional work within the scope of Rule 6.1 may be included.

1. General

The SJC Honor Roll for Law Students is open to students who are enrolled at Massachusetts law schools or who have graduated from Massachusetts law schools within the past year.

2. Honor Roll for Law Students

Eligible law students who provide 50 or more hours of law-related pro bono service during their law school careers qualify for this honor roll. Students may appear on the Honor Roll only once, and may be recognized while still enrolled in law school or in the fall following graduation.

If a student completes an unusually high number of hours of law-related pro bono service, we suggest that the faculty or staff of the relevant law school consider whether the student's work is worthy of the special recognition afforded by the Adams Award.

3. Qualifying Hours

Only hours devoted to the provision of law-related pro bono services, as defined above, may be counted toward the honor roll hours requirement. Please note that law students are not required to complete all pro bono hours at one placement or activity. The hours may be earned through service performed in more than one pro bono context.

Hours may be completed at any time during the student's enrollment in law school and are cumulative from year to year. Work may begin on the first day of the student's first year and may be performed over the summer or on school vacations, and must be completed by the date of graduation.

IV. THE PRO BONO HONOR ROLL CERTIFICATION PROCESS

A. General

All honor roll certification forms are due each fall on the final business day in September.

B. Attorneys

Eligible attorneys who have met the criteria for the Honor Roll or the High Honor Roll for Attorneys in the previous calendar year are invited to submit an *SJC Pro Bono Honor Roll Certification Form for Individual Attorneys*.

C. Legal Organizations

Eligible legal organizations that have met the criteria for the Honor Roll for Legal Organizations in the previous calendar year are invited to submit an *SJC Pro Bono Honor Roll Certification Form for Legal Organizations*.

D. Law Students

The certification process for law students involves two steps:

- Law students who have met the relevant criteria are encouraged to submit information about their pro bono hours to a designated individual or office at their law school by a deadline established by the law school.
- Each law school is invited to designate one or more individuals who are authorized to compile the information submitted by the students, complete an *SJC Pro Bono Honor Roll Certification Form for Law Students* for the law school by listing all of the students who are eligible for the honor roll, certify the form, and submit the form to the SJC.
- Law schools may elect to verify the hours submitted by their students, or rely on an honor system.

E. Certification Forms

The Certification Forms for individual attorneys, legal organizations, and law students are available below as online forms:

- *SJC Pro Bono Honor Roll Certification Form for Individual Attorneys*
- *SJC Pro Bono Honor Roll Certification Form for Legal Organizations*
- *SJC Pro Bono Honor Roll Certification Form for Law Students*

All Certification Forms should be submitted by the last business day in September.

F. Questions

Questions about the SJC Pro Bono Honor Roll should be addressed to Chip Phinney, Deputy Legal Counsel, Supreme Judicial Court, via email at Chip.Phinney@jud.state.ma.us.