

FILED

2011 SEP 26 AM 11:42

SUPREME COURT OF GUAM

IN THE SUPREME COURT OF GUAM

<p>5 Re:</p> <p>6</p> <p>7 ESTABLISHMENT OF PRO BONO</p> <p>8 PILOT PROGRAM; ADOPTION OF PRO</p> <p>9 BONO PILOT PROGRAM GUIDELINES</p> <p>10</p> <hr/>	<p>)</p>	<p>Supreme Court Case No. PRM11-003</p> <p>PROMULGATION ORDER</p> <p>NO. 11-003-01</p>
---	---	--

Pursuant to the authority to “govern attorney and judicial ethics and the practice of law in Guam,” 48 U.S.C. § 1424-1(a)(7), this court hereby establishes a Pro Bono Pilot Program, which shall be adhered to by all active attorneys practicing in Guam. The pilot program shall be governed by the attached Pro Bono Pilot Program Guidelines during its existence. The court believes that a pilot period covering the remainder of the 2011 reporting year and two full reporting years, namely calendar years 2012 and 2013, is warranted. Active Guam attorneys should aspire to complete 12 qualifying pro bono hours from the date of adoption of the program through December 31, 2011 and 50 qualifying pro bono hours during each full calendar year.

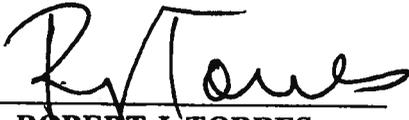
A draft version of the pilot program guidelines was provided to members of the Guam Bar Association. Comments were sought and accepted for several weeks. All timely comments were duly considered, and revisions were made to the draft pilot program guidelines if deemed appropriate by this court.

//
2011175 5

ORIGINAL

1 The attached Pro Bono Pilot Program Guidelines shall remain in effect from the date of
2 this order through two full calendar reporting years, namely calendar years 2012 and 2013.

3
4 **SO ORDERED** this 26 day of September, 2011.

5
6 
7 **ROBERT J. TORRES**
8 Associate Justice


 KATHERINE A. MARAMAN
 Associate Justice

9
10 
11 **F. PHILIP CARBULLIDO**
12 Chief Justice

13
14
15
16
17
18
19
20
21
22
23
24

**SUPREME COURT OF GUAM'S PROPOSED
PRO BONO PILOT PROGRAM GUIDELINES**

[Adopted through Promulgation Order 11-003-01; September 26, 2011]

1. **Aspirational Participation**

Participation in the Pro Bono Pilot Program ("PBPP") by members of the Guam Bar Association ("GBA") is not mandatory. Rather, as articulated in Rule 6.1 of the Guam Rules of Professional Conduct ("GRPC"), the program is aspirational in nature, urging each active GBA member to perform at least 50 qualifying pro bono hours each year and to keep a detailed record of the hours completed so the member's contributions will be recognized.

2. **Mandatory Reporting**

While participation is not required, annual reporting by each active GBA member of his/her pro bono hours completed is required, even if no pro bono hours were performed. The "reporting year" is the calendar year. Reporting by each GBA active member shall be done by written certification submitted to the office of the GBA Executive Director identifying the number of hours performed together with a detailed description of the pro bono activities engaged in during the reported hours. The deadline for reporting is January 31 following the end of each calendar year.

3. **Monitoring and Recognition**

The PBPP is one of self-reporting, similar to the long-established CLE program. The office of the GBA Executive Director shall monitor each active GBA member's satisfaction of the reporting requirement each year. An annual PBPP report shall be submitted to the Supreme Court of Guam by the office of the GBA Executive Director identifying the number of pro bono hours each active GBA member reported for the year. The report shall be published in a manner approved by the Chief Justice to recognize the accomplishments of the GBA members in performing pro bono hours.

Whether a certain activity may qualify as a pro bono activity shall be determined by the CLE Committee of the GBA unless the Court or the GBA empanels a separate Pro Bono Committee. The Executive Director of the GBA shall provide assistance to the responsible committee as may from time to time be requested.

4. Qualifying Pro Bono Credit

A broad range of community service activities may be eligible for pro bono credit. Such services include, but are not limited to, civic, charitable, or public service activities, activities that improve the law, the legal system and/or the legal profession as well as uncompensated or reduced rate legal services provided to those in need so long as such arrangement is agreed to by the GBA member and the client in advance of the performance of such services. The CLE Committee Chair or the GBA Executive Director's office may be contacted for guidance regarding potentially qualifying pro bono activities.

The Judiciary of Guam and the GBA may sponsor, recognize and/or adopt programs which provide opportunities for GBA members to perform pro bono activities.

5. Qualifying Pro Bono Hours

In order for pro bono hours to be considered "qualifying" they must satisfy the broad standards for pro bono activities established in paragraph 4 above and the hours must be properly reported to the office of the GBA Executive Director on or before January 31 each year regarding the reporting/calendar year just completed. The Guam Bar Annual Registration Statement regarding membership in the GBA will include a section for active members to report their pro bono hours if they choose to, or they may report their pro bono hours separately so long as such is completed on or before January 31. The required report must include a detailed listing describing the reported pro bono hours.

6. Pro Bono Credit for Providing Reduced-Rate Legal Representation

The providing of legal services to those in need, free-of-charge as agreed-in-advance, is one type of pro bono activity. 1-hour-to-1-hour hour pro bono credit may be claimed for such free-of-charge legal services. If legal work is performed at a reduced rate to those in need a formula will be used to convert the value of the reduced-rate work to claimable pro bono hours. A baseline hourly rate of \$150 for legal work will be used for the purposes of the pro bono program. For every \$150 worth of agreed-in-advance reduced-rate legal work a member performs that is reasonably related to the categories of work articulated in GRCP 6.1(b)(1) or (2), the member will receive 1 pro bono hour credit. Comment 7 to the ABA's 2006 Annotated Rules re MRPC 6.1, which is identical to GRPC 6.1, provides that "acceptance of court appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this section." Members who participate on the Private Attorney Panel ("PAP") and who represent indigent criminal defendants through court appointed cases do such work at an hourly rate of \$90 which is \$60 per hour less

than the base-rate adopted herein of \$150 per hour. Consequently, every 2 ½ hours of PAP legal work that is properly documented amounts to one pro bono hour ($2 \frac{1}{2} \times \$60 = \150). If a PAP attorney exceeds the indigent defense cap on a case and is therefore no longer paid for their legal work the attorney would be eligible for pro bono credit on a typical 1-hour-to-1 hour ratio just as if that portion of the case were handled free-of-charge.

Bar members are reminded that this PBPP are potential reporting hereunder is secondary to any and all duties and/or responsibilities an attorney may have to clients with regards to matters such as confidentiality.

7. Use of Pro Bono Hours to Satisfy General CLE Hours

Active members of the GBA may satisfy up to 5 hours of their annual general CLE requirement by completing pro bono hours that involve the providing of legal services to those in need. Such credit shall be available on a 5-to-1 ratio. For each 5 hours of qualifying pro bono service completed and properly reported by a member during a calendar/reporting year the member may claim 1 general CLE hour for the same reporting year in which all of the qualifying pro bono hours were completed. Consequently, an active GBA member's first 25 hours of qualifying pro bono work in any calendar year could be used to satisfy 5 general hours of their annual CLE requirement in that same calendar year.

8. Financial Contribution as an Alternative to Providing Pro Bono Services

Active members of the GBA shall be deemed to have satisfied the aspirational goal of 50 hours of pro bono work in a reporting/calendar year upon providing a financial contribution of \$500 which shall be deposited to the Judicial Client Services Fund.