

# Federal Court Pro Bono Program CLE

Practical Guidance for Pro Bono  
Representation in  
Federal Court



# Agenda

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Limited Scope Representation:  
Rule 1.2(d)

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How to Define the Agreement  
with the Client(s) and Co-  
counsel (Retainer Agreements)

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Alternative Dispute Resolution:  
Settlement Conferences and  
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Pro Bono and the Rules of  
Professional Conduct:  
Rule 6.1



# Limited Scope Representation Rule

## Partial Legal Assistance

Rule 1.2(d) enables lawyers to help clients only with specific aspects of their case, improving access to justice.

## Defining Representation Scope

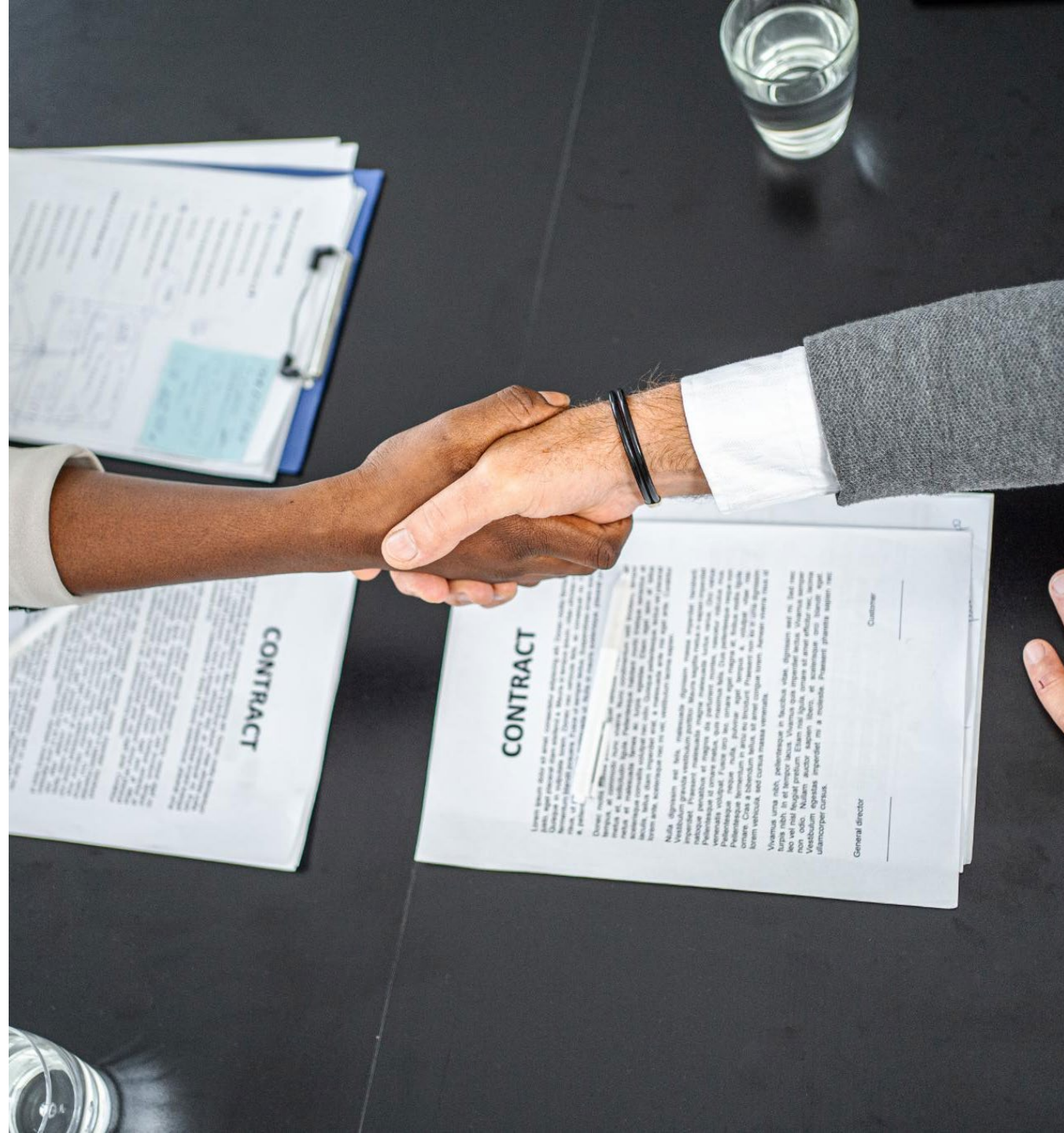
Lawyers must clearly outline which parts of the case they are handling, ensuring transparency and mutual understanding.

## Encouraging Pro Bono Services

Rule 6.1 promotes pro bono work, helping those unable to afford full legal representation to receive assistance.

# Understanding Limited Scope Representation

Rule 1.2(d) Limited Scope Representation. A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and **the client gives informed consent**. The client must provide knowing and informed consent as part of the **written limited scope representation engagement or retainer agreement**. Upon entering into a written limited scope representation engagement or retainer agreement, an attorney/client relationship arises between the client and lawyer.



# Rule 1.2(d) and Limited Representation



## Drafting-Only Services

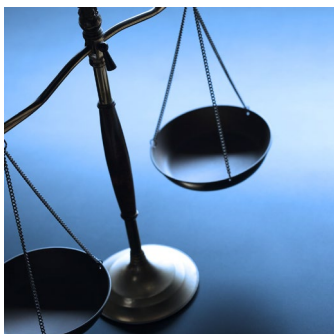
Attorneys can provide clients with legal documents without full or ongoing representation, offering a more accessible service.



## Tailored Limited Representation

Lawyers may tailor their assistance to fit client needs, providing help in specific legal areas beyond just document drafting.

In the context of a Pro Bono panel referral this can include limiting the representation to certain counts or claims the client is seeking help with and filing an amended complaint focused on those matters only.



## Enhanced Access and Ethics

Limited representation promotes access to justice while ensuring ethical conduct and clear scope of service for clients. Clear conversations and limitations on scope should be resolved BEFORE embarking on the representation and should be clearly reflected in the retainer agreement.

# Key Elements of Co-Counsel Agreements



## **Division of Responsibilities**

Co-counsel agreements specify how attorneys share client communication and manage the case, ensuring clarity from the start.

## **Fee and Cost Arrangements**

Clear fee structures and shared cost protocols are crucial for financial transparency and fair compensation in co-counsel partnerships.

## **Confidentiality and Conflict Resolution**

Agreements outline how information is kept confidential, address potential conflicts of interest, and provide procedures for dispute resolution.

# Pro Bono Civil Rights Case Examples

- Employment Law Cases
- Education Cases
- Appeals from Government Actions
- Discrimination Cases
- More...



# Alternate Dispute Resolution [ADR] in Federal Court

## Role of Settlement Conferences

Settlement conferences are overseen by a judge or or magistrate who helps parties negotiate and resolve disputes without a trial.

## Mediation Process

Judge or magistrate assists parties in communicating and finding solutions that work for everyone involved. Including “shuttle diplomacy”.

## Benefits of ADR

ADR promotes efficiency and reduces litigation costs by resolving disputes outside traditional court trials.



# Why Choose Pro Bono?

## Access to Justice

Pro bono work helps individuals who cannot afford legal services, ensuring equal access to justice for all.

## Skill and Experience Development

Lawyers gain valuable experience and grow their skills, making pro bono work beneficial for personal and professional growth. Opportunities to work with colleagues and firms you would not otherwise meet expand your network and experiences.

## Strengthening Community Ties

Pro bono strengthens connections within communities and demonstrates lawyers' commitment to social responsibility.



# Pro Bono Public Service

## PUBLIC SERVICE

Rule 6.1. Voluntary Pro Bono Publico service. Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year.



Make A  
Difference

In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

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


(b) provide any additional services through:

- (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
- (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- (3) participation in activities for improving the law, the legal system or the legal profession. In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.



## Pro Bono Panel Advantages

- Cases are pre-screened by the court.
- Panel members benefit from mentorship and co-counsel opportunities.
- Increased exposure to new colleagues and firms, new areas of law.
- ADR support.
- Fulfilling professional Pro Bono responsibilities in a structured environment.
- Limited case support from a small fund at the court for case expenses.

A scenic view of a lighthouse on a cliff overlooking the ocean. The lighthouse is a white, cylindrical structure with a dark top, situated on a grassy cliffside. The cliff is dark and rocky, with a steep drop to the sea. The water is a vibrant blue, and the sky is a clear, light blue. The overall scene is peaceful and picturesque.

***QUESTIONS?***