

# The 2012 Tennessee Pro Bono Report

## Executive Summary

The efforts of the Tennessee Supreme Court and the Access to Justice Commission to increase pro bono services and pro bono reporting are having an impact on Tennessee's licensed attorneys.

Based on information and statistics collected, attorneys have provided most of their pro bono assistance by directly helping low-income Tennesseans with their legal needs. Since commencement of the collection of statistics in 2009, Tennessee attorneys have shown they are stepping up and responding to the civil legal needs gap by donating more time to pro bono projects.

In 2011, the Access to Justice Commission recommended and the Tennessee Supreme Court approved a streamlined Voluntary Pro Bono Reporting Form that has aided in the reporting of pro bono activity hours by attorneys. Continuing its support of pro bono reporting by attorneys, the Tennessee Supreme Court sent a letter to all licensed attorneys in their 2012 annual attorney license renewal packets from the Board of Professional Responsibility, encouraging the voluntary reporting of pro bono hours. We will be able to quantify the impact of this encouragement when the 2012 reporting statistics are available.

In 2011, 46.11% of Tennessee's licensed attorneys reported 804,961 hours of pro bono work, for an average of 82.68 hours per attorney reporting pro bono work. The pro bono legal services were provided and reported in four categories:

- Legal services without a fee or at a substantially reduced fee to persons of limited means;
- Legal services without a fee to non-profit organizations serving persons of limited means;
- Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship; and
- Legal services to improve the law, the legal system, or the legal profession.

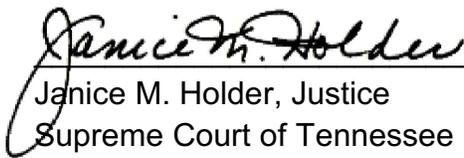
Since 2009, reported pro bono hours have increased dramatically.

The Access to Justice Commission has established a goal of 50% of all licensed attorneys providing at least 50 hours of pro bono service per year. Forty-six percent of all attorneys voluntarily reported providing pro bono services during 2011. For those

who reported, the average number of pro bono services provided per attorney was significantly higher than 50 hours during the year. In a short period of time, the Commission has come close to achieving this goal.

The pro bono services reporting data for this report was obtained from the Tennessee Board of Professional Responsibility. Surveys of organizations involved in providing legal services or involved in providing non-legal services, such as mediation, to those with legal issues were also completed.

The members of the Supreme Court of Tennessee and the Access to Justice Commission, thank the Tennessee licensed attorneys, legal services organizations, bar associations, mediators, judges, and all those involved in providing legal assistance or working with those that provide legal assistance to low-income members of their communities. You have made a difference and have made access to justice a reality for many.



Janice M. Holder, Justice  
Supreme Court of Tennessee  
Liaison to the Access to Justice Commission



George T. "Buck" Lewis, Chairperson  
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## **The 2012 Tennessee Pro Bono Report**

This 2012 Tennessee Pro Bono Report contains information about and statistics on the hours devoted to pro bono activities of legal aid providers, bar associations, law schools, and individual attorneys in 2011. Comparisons with 2010 and 2009 statistics have also been completed.

The following definitions apply to the breakdown of the reporting groups:

“All Attorneys” - all attorneys licensed to practice law in Tennessee regardless of the location of their primary address

“All Government Attorneys” - all attorneys licensed to practice law in Tennessee and employed by Tennessee state government regardless of the location of their primary address

“All In-House Counsel” - all attorneys licensed to practice law in Tennessee and employed by a Tennessee employer as in-house counsel regardless of the location of their primary address

“Out-of-State Attorneys” - all attorneys licensed to practice law in Tennessee whose primary address is outside of Tennessee

“Out-of-State Government Attorneys” - all government attorneys licensed to practice law in Tennessee whose primary address is outside of Tennessee

“Out-of-State In-House Counsel” - all attorneys licensed to practice law in Tennessee, employed as in-house counsel for a Tennessee employer, and whose primary address is outside of Tennessee

“Tennessee Attorneys” - all attorneys licensed to practice law in Tennessee whose primary address is in Tennessee

“Tennessee Government Attorneys” - all attorneys licensed to practice law in Tennessee whose primary address is in Tennessee

“Tennessee In-House Counsel” - all attorneys licensed to practice law in Tennessee, employed as in-house counsel for a Tennessee employer and whose primary address is in Tennessee

## **Attorney Voluntary Pro Bono Reporting Statistics**

The Tennessee Supreme Court adopted Supreme Court Rule 9, Section 20.11 on November 2, 2009. The Rule requests that every attorney who is required to file an Annual Registration Statement with the Board of Professional Responsibility (“BPR”) voluntarily file a statement reporting the attorney’s pro bono service and activity during the last calendar year. The Voluntary Pro Bono Reporting Form was first included in the 2010 BPR Registration Statement and reported data for the 2009 calendar year.

The Tennessee Supreme Court approved a change in BPR Registration procedures to require renewals on the first day of each attorney’s birth month. Under this new procedure, pro bono reporting data for the previous calendar year is not available until all reporting for that year has been received.

The Access to Justice Commission now has pro bono reporting data for three calendar years, 2009, 2010, and 2011. The Access to Justice Commission is pleased to provide an analysis of the 2011 data and a comparison to that of the previous two years.

### **2011 Statistics**

Pursuant to the Access to Justice Commission’s 2012 Strategic Plan, the Access to Justice Commission is focused on pro bono work that aids Tennesseans. The 2011 statistics reflect pro bono work performed in 2011 and reported during the 2012 annual registration period.

The 2011 reporting form asked for feedback from attorneys in four categories of pro bono service.

#### **1. Pro Bono Hours Reported by All Attorneys**

The group of All Attorneys subject to the 2011 annual registration process totaled over 21,000 attorneys. Almost half of these attorneys reported pro bono hours.

**Chart 1(a): Total Pro Bono Hours Reported by All Attorneys**

<b>Total number of All Attorneys subject to the annual registration</b>	<b>Number of Attorneys Reporting</b>	<b>Total Number of Reported Hours</b>	<b>Average Hours per Attorney</b>	<b>Percent of Attorneys Reporting</b>
21,111	9,736	804,961	82.68	46.12%*

\*Rounded to the nearest 100<sup>th</sup> of a decimal point

**Chart 1(b): Pro Bono Categories - All Attorneys**

<b>Pro Bono Category</b>	<b>Number of Attorneys Reporting*</b>	<b>Total Number of Reported Hours</b>	<b>Average Hours per Attorney**</b>	<b>Percent of Total Hours Reported**</b>
Legal services to persons of limited means without a fee or at a substantially reduced fee	8,022	524,670	65.40	65.18%
Legal services to non-profit organizations serving persons of limited means without a fee	3,345	129,578	38.74	16.10%
Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship	1,365	60,341	44.21	7.50%
Legal services to improve the law, the legal system, or the legal profession	2,202	90,372	41.04	11.23%

\* The total of this column will be greater than the total number of attorneys reporting pro bono work because attorneys can report pro bono service in multiple categories.

\*\* Rounded to the nearest 100<sup>th</sup> of a decimal point. Because of rounding, the total of this column will be a fraction over 100%.

In addition to providing pro bono services, 4,721 (22.36%) of All Attorneys reported voluntary contributions of financial support to organizations providing legal services to persons of limited means.

## **2. Pro Bono Hours Reported by Tennessee Attorneys**

Tennessee Attorneys, which includes 195 in-house counsel and 269 government attorneys, reported over 689,000 hours of pro bono services, averaging over 84.23 hours per attorney.

**Chart 2(a): Total Pro Bono Hours Reported by Tennessee Attorneys**

<b>Total number of Tennessee Attorneys subject to the annual registration</b>	<b>Number of Attorneys Reporting</b>	<b>Total Number of Reported Hours</b>	<b>Average Hours per Attorney</b>	<b>Percent of Attorneys Reporting</b>
17,352	8,190	689,845	84.23	47.20%

**Chart 2(b): Pro Bono Categories: Tennessee Attorneys**

<b>Pro Bono Category</b>	<b>Number of Attorneys Reporting*</b>	<b>Total Number of Reported Hours</b>	<b>Average Hours per Attorney**</b>	<b>Percent of Total Hours Reported**</b>
Legal services to persons of limited means without a fee or at a substantially reduced fee	6,854	462,939	67.54	67.11%
Legal services to non-profit organizations serving persons of limited means without a fee	2,898	103,970	35.88	15.07%
Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship	1,208	50,787	42.04	7.36%
Legal services to improve the law, the legal system, or the legal profession	1,895	72,149	38.07	10.46%

\* The total of this column will be greater than the total number of attorneys reporting pro bono work because attorneys can report pro bono service in multiple categories.

\*\* Rounded to the nearest 100<sup>th</sup> of a decimal point. Because of rounding, the total of this column will be a fraction over 100%.

### **3. Pro Bono Hours Reported by Tennessee Government Attorneys**

For the first time in 2011, a request was made to the Board of Professional Responsibility (“BPR”) for a breakdown of hours provided by Tennessee Government Attorneys. The BPR also provided the number of attorneys who indicated they were in-house counsel; however, we did not request that the BPR provide the number of hours this category of attorneys provided. In the 2009 and 2010 data, the hours provided by Tennessee Government Attorneys and Tennessee In-House Counsel were simply included in total attorney hours noted in chart 2(b) above.

**Chart 3(a): Comparison of Number of Hours Reported by Tennessee Government Attorneys, 2009-2011**

Year	Total number of Tennessee Government Attorneys Reporting Pro Bono Hours	Total Number of Hours Reported*	Average Number of Hours per Tennessee Government Attorney*
2011	269	12,446	46.27
2010	286	-	-
2009	218	-	-

\* Only available for 2011

Most of the Tennessee Government Attorneys' pro bono services were provided to persons of limited means without a fee or at a substantially reduced fee.

**Chart 3(b): Pro Bono Categories: Tennessee Government Attorneys**

Pro Bono Category	Total Number of Reported Hours	Percent of Total Hours Reported*
Legal services to persons of limited means without a fee or at a substantially reduced fee	6,065	48.73%
Legal services to non-profit organizations serving persons of limited means without a fee	1,880	15.11%
Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship	489	3.93%
Legal services to improve the law, the legal system, or the legal profession	4,012	32.24%

\* Rounded to the nearest 100<sup>th</sup> of a decimal point

#### **4. Pro Bono Hours Reported by all Out-of-State Attorneys**

Out-of-State Attorneys reporting pro bono service hours compose 7.18% of All Attorneys. Twenty-four attorneys whose primary address is outside of Tennessee indicated that they are in-house counsel, and 30 attorneys residing outside of Tennessee indicated that they are government attorneys. The reporting data from attorneys residing outside Tennessee reflect the same trends as to category and number of hours reported in each category by Tennessee Attorneys residing in Tennessee.

**Chart 4(a): Total Pro Bono Work Reported by All Out-of-State Attorneys**

<b>Total number of Out-of-State attorneys subject to the annual registration</b>	<b>Number of Attorneys Reporting</b>	<b>Total Number of Reported Hours</b>	<b>Average Hours per Attorney</b>	<b>Percent of Attorneys Reporting</b>
3,759 *	1,516	115,116	75.93	40.32%

\* Total number of attorneys with an active Tennessee law license less the total number of attorneys residing in Tennessee with an active law license

**Chart 4(b): Pro Bono Categories: All Out-of-State Attorneys**

<b>Pro Bono Category</b>	<b>Number of Attorneys Reporting*</b>	<b>Total Number of Reported Hours</b>	<b>Average Hours per Attorney**</b>	<b>Percent of Total Hours Reported**</b>
Legal services to persons of limited means without a fee or at a substantially reduced fee	1,168	61,731	52.85	53.63%
Legal services to non-profit organizations serving persons of limited means without a fee	560	25,608	45.73	22.25%
Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship	205	9,554	46.60	8.29%
Legal services to improve the law, the legal system, or the legal profession	370	18,223	49.25	15.83%

\* The total of this column will be greater than the total number of attorneys reporting pro bono work because attorneys can report pro bono service in multiple categories.

\*\* Rounded to the nearest 100<sup>th</sup> of a decimal point.

## **5. Comparison of 2011 Data with Previous Years**

In all three years, the highest category for both the number of attorneys and the number of hours is the provision of legal services without a fee or at a substantially reduced fee to persons of limited means. The ranking of all categories is set out in the table below.

**Chart 5(a): Comparison of All Attorneys Reporting and Hours reported, 2009-2011**

Pro Bono Category	2011 Data		2010 Data		2009 Data		Change from 2009-2011	
	ATTORNEYS	HOURS	ATTORNEYS	HOURS	ATTORNEYS	HOURS	ATTORNEYS	HOURS
Legal services to persons of limited means without a fee or at a substantially reduced fee	8,022	524,670	7,690	351,408	3,600	170,019	+4,422	+354,651
Legal services to non-profit organizations serving persons of limited means without a fee	3,345	129,578	2,499	79,678	1,187	35,212	+2,158	+94,366
Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship	1,365	60,341	1,590	69,102	734	39,110	+631	+21,231
Legal services to improve the law, the legal system, or the legal profession	2,202	90,372	1,872	67,186	845	49,331	+1,357	+41,041

**Chart 5(b): Comparison of Data Reported by All Attorneys, 2009-2011**

Category	2011 Data	2010 Data	2009 Data	Change from 2009-2011
Total number of All Attorneys who responded to annual registration statement	21,111	19,878	20,255	+856
Total number of All Attorneys who reported pro bono	9,736	7,745	3,698	+6,038
Percentage of All Attorneys who reported pro bono	46.11%	38.96%	18.26%	27.85%
Total number pro bono hours reported	804,961	567,374	294,672	+510,289
Average number of hours per reporting attorney	82.68	73.25	79.68	+3
Total number of Tennessee Attorneys responding to the annual registration statement	17,352	16,391	No data	No data

## Overall Results

Access to justice cannot be achieved without collaboration. The multiple partners of the Court and the Commission include but are not limited to the many volunteers on the Commission's numerous committees and workgroups, attorneys, legal services organizations, bar associations, law schools and law students, mediators, judges, and countless volunteers involved in providing day-to-day assistance to those needing legal services within their communities. The results of these efforts are over 800,000 pro bono service hours reported in 2011.

Tennesseans have responded to the civil legal needs gap—they have donated time, talent, and treasure to pro bono services, programs, and projects. They have provided pro bono assistance by directly providing legal services at no cost or at substantially reduced rates to low-income Tennesseans, by providing legal services to non-profit organizations serving persons of limited means, by providing legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship, and by providing legal services to improve the law, the legal system, or the legal profession.

The efforts of many have made a difference. Access to Justice has become a reality for many low-income Tennesseans.

## **Additional Information, Data and Survey Highlights**

### **Bar Association Pro Bono**

Using [www.surveymonkey.com](http://www.surveymonkey.com), the Pro Bono Coordinator surveyed regional and local bar associations about the pro bono initiatives and efforts sponsored by each bar association. Bar association presidents were emailed a link to complete the survey. The Pro Bono Coordinator followed up with phone calls and emails to encourage additional responses.

To date, 33 responses were received from bar associations. Highlights and insights obtained from some of the survey responses are listed below.

### **Bar Association Survey Highlights**

- Six bar associations indicated that 25% of their members participated in pro bono activities.
- Three bar associations indicated that 50% of their members participated in pro bono activities.
- Seven bar associations indicated that 75% of their members participated in pro bono activities.
- Five bar associations indicated that 99-100% of their members participated in pro bono activities.

Many of the rural and some suburban bar associations do not have formal organized pro bono programs but do accept referrals from their local legal aid offices.

Several bar associations noted specific pro bono initiatives or are working on developing pro bono initiatives:

- Anderson County Bar Association has a need for pro bono volunteers to address issues regarding access to healthcare (TennCare) and other benefits.

- Coffee County Bar Association is developing a pro bono packet to distribute to all new members in an effort to recruit more participation in the bar. The packet will educate new members on the benefits of participating in pro bono cases.
- Cumberland County Bar Association has members who have ideas for pro bono projects and would like to partner with the Commission in these efforts.
- Henry County Bar Association hosts an annual event during which members prepare wills, powers of attorney, and living wills for military and EMS personnel in Henry, Benton, and Weakley counties.
- Knox County Bar Association created a Legal Legacy Project to pair law students and newer attorneys with more experienced practitioners to handle pro bono cases. The Knoxville Bar Association also introduced the Pillar Law Firm Model to its members in October 2012. The Pillar Law Firm Model is an initiative to increase the number of law firms/offices with pro bono policies for its members.
- Loudon County Bar Association has a need for pro bono services for members of Spanish-speaking communities unfamiliar with legal practices in the United States.
- Marshall County Bar Association established a Court Appointed Special Advocates program in December 2012.
- Memphis Bar Association (Shelby County) is working on faith-based initiatives through local churches.
- Monroe County Bar Association is coordinating a pro bono clinic and pro bono efforts in general.
- Sullivan County Bar Association is launching its first free legal clinic in July 2013.
- Tipton County Bar Association is launching a free legal clinic to serve civil legal needs of low-income residents.

## **Law School Pro Bono**

In its 2012 Strategic Plan, the Access to Justice Commission acknowledged the importance of introducing pro bono services to future attorneys while they are still in law school. The Access to Justice Commission was committed to convening meetings with law school deans, law school pro bono directors, and students at least annually to explore increasing the participation of law students in pro bono activities. The Commission also compiled the pro bono policies of Tennessee law schools into one document, a Pro Bono Policy Compilation, as a resource for Tennessee law schools and for law schools nationwide.

The Tennessee Bar Association's Law School Subcommittee of its Access to Justice Committee conducted a survey of Tennessee law schools to develop a list of the pro bono and clinical opportunities for law students. This Resource Inventory provides details on the clinical programs offered by each school, formal law student pro bono programs, informal law student pro bono opportunities, alumni pro bono opportunities, and resources and support for public interest careers. The Access to Justice Coordinator and the Pro Bono Coordinator contacted the law schools to gather supplemental information to include in the Resource Inventory.

### **Resource Inventory Highlights**

- **Belmont College of Law:** This school is the newest addition to the Inventory. All Student Bar Association officers are required to perform 20 hours of public interest work. Committee chairs and members of the committees must each complete 10 hours of public interest work. Belmont Legal Aid Society members pledge to complete 25 hours of public interest work per year.
- **Duncan School of Law:** Law students are required to complete 30 hours of pro bono services to graduate. Each member of the faculty is required to complete 20 hours of pro bono per year to be considered for tenure.
- **University of Tennessee:** This law school offers seven different clinical programs. UT Pro Bono, a student-run organization, handles pro bono projects with faculty and administrative support. The University of Tennessee offers alumni pro bono opportunities supervised by its Access to Justice Coordinator at the Career Center and the Office of Development and Alumni Affairs. The University also offers public interest fellowships, stipends, and loan repayment assistance to its students.

- University of Memphis: The Cecil C. Humphreys School of Law offers four different clinical programs: Child and Family Litigation, Civil Litigation, Elder Law Clinic, and Housing Adjudication. The Public Action Law Society (PALS) is the formal student pro bono program and it conducts an annual pro bono fair. The law school is developing a system for alumni and local attorneys to request student assistance in providing pro bono services to low-income residents. Beginning in January 2013, students are required to complete 40 hours of pro bono work to graduate.
- Vanderbilt University: This law school offers five different clinical programs. Pro bono organizations include Vanderbilt Legal Aid Society and Law Students for Social Justice. Externship programs, stipends for internships, and post-graduate stipends are available, as well as loan repayment assistance.

### **Legal Service Providers – Legal Services Corporation (“LSC”)-Funded**

In Tennessee, there are four legal aid providers that receive federal funding from the Legal Services Corporation (“LSC”): Legal Aid of East Tennessee, Legal Aid Society of Middle Tennessee and the Cumberland, Memphis Area Legal Services, and West Tennessee Legal Services. In October 2011, the Access to Justice Commission Chair and the Access to Justice Coordinator met with the executive directors of these organizations to begin an ongoing discussion about how the Access to Justice Commission and the LSC-funded legal aid providers can collaborate to increase the pro bono assistance provided by Tennessee attorneys. The Access to Justice Commission Chair now holds quarterly conference calls with these directors.

According to federal regulations, LSC-funded legal aid providers must use at least 12.5 percent of their LSC funds for Private Attorney Involvement (pro bono). Each of the four LSC-funded organizations has a Pro Bono Coordinator/Director. The coordinators provide a wide range of services and interact with a variety of partners to provide assistance to substantial numbers of clients. These services range from arranging classic attorney-client representation to providing unbundled services. The coordinators also provide support services for pro bono activities such as intake, referrals to a variety of programs, continuing legal education, malpractice coverage, legal clinics, partnering with bar associations to highlight the profession’s commitment to access to justice, recognition activities, and numerous other activities.

General information gathered from the four LSC-funded organizations' directors and websites is provided below. A chart detailing pro bono opportunities and pro bono statistics for the organizations is attached as Exhibit A.

#### Legal Aid of East Tennessee (LAET)

LAET has been part of the community structure of East Tennessee for over 40 years, serving 26 counties from Hamilton County to Johnson County. LAET has six offices with locations in Chattanooga, Maryville, Johnson City, Morristown, and two offices in Knoxville (Family Justice Center and LAET office). There are Pro Bono Directors in the Knoxville and Chattanooga offices.

#### Legal Aid Society of Middle Tennessee and the Cumberland (LAS)

LAS serves 48 Tennessee counties with its eight offices: Clarksville, Columbia, Cookeville, Gallatin, Murfreesboro, Nashville, Oak Ridge, and Tullahoma. To qualify for assistance from the Legal Aid Society of Middle Tennessee and the Cumberland, clients must be at least 60 years of age or from a low-income household. People living outside the Nashville office's service area are instructed to call the LAS office serving their county to find out about pro bono opportunities. LAS has a full-time Pro Bono Director in the Nashville office.

The Nashville office has the most pro bono resources. In addition to providing legal counsel for nonprofit organizations, LAS will accept cases in the following areas: domestic violence, family law, employment (federal income tax disagreements, wage claims, discrimination, job training courses), health (TennCare, Medicaid, Medicare, nursing home issues, living wills, powers of attorney), housing (Section 8 or public housing, evictions, foreclosures, rental issues, unfair loans, homeowner counseling), and money (illegal collection methods, bankruptcy, SSI, Families First, TANF, SNAP, unemployment, simple wills for individuals over 60 years of age and the seriously ill). LAS generally does not accept immigration issues or divorce cases unrelated to domestic violence.

#### Memphis Area Legal Services (MALS)

MALS provides civil legal assistance to low-income individuals and the elderly in southwestern Tennessee, anchored by its office in Memphis. Its Covington office serves three smaller rural communities: Tipton, Fayette, and Lauderdale counties. MALS has a full-time Pro Bono Coordinator. Priorities include cases involving issues related to family

and children, housing and real property, consumer issues, individual and civil rights, health and income maintenance, and seniors.

### West Tennessee Legal Services (WTLS)

WTLS serves Benton, Carroll, Chester, Crockett, Dyer, Decatur, Gibson, Hardeman, Hardin, Haywood, Henry, Henderson, Lake, McNairy, Madison, Obion, and Weakley counties. Its main office is in Jackson, with offices in Dyersburg, Huntingdon, and Selmer. It has one part-time Pro Bono Director/Coordinator. WTLS accepts the following types of civil cases: access to health/medical care, securing or retaining housing, ensuring compliance with Fair Housing Laws, securing or retaining income, personal freedom and security rights, parental rights with state action, rights of persons in institutions, freedom of all persons from abuse, family issues, education rights, consumer rights, and community education. WTLS does not accept cases with the potential of a high monetary judgment or adult criminal cases.

### **Legal Service Providers – Non-LSC-Funded**

In Tennessee, there are many legal service providers that do not receive funding from the Legal Services Corporation. The Tennessee Access to Justice Commission considers any organization that does not receive funding from the Legal Services Corporation a non-LSC-funded legal service provider. Non-LSC-funded organizations can serve segments of the population that LSC-funded providers cannot. Non-LSC-funded organizations do not have to follow federal income guidelines to determine if a person is eligible to receive legal services.

The Commission has gathered data from the following non-LSC providers: Catholic Charities of Tennessee, Community Legal Center, Compassionate Counsel, Disability Law & Advocacy Center, Justice for Our Neighbors, Southeast Tennessee Legal Services, Southern Migrant Legal Services, Tennessee Coalition to End Domestic and Sexual Violence, and Tennessee Volunteer Lawyers and Professionals for the Arts. A chart detailing the pro bono opportunities and pro bono statistics of each provider is attached as Exhibit B.

## **Mediation Center Pro Bono**

In Tennessee, some counties have mediation centers offering free or reduced-fee mediation services to people who cannot afford a mediator. The Administrative Office of the Courts has limited funding from the General Assembly to assist mediation centers that apply for and meet grant criteria. The grants are designed to help low-income Tennesseans access mediation services.

The Commission has gathered data from the following mediation center providers: Community Mediation Center, Community Reconciliation, Inc., Family Court Services of East Tennessee, First Judicial District Court Clinic, Mediation Services of Putnam County, Mid South Mediation Services, Nashville Conflict Resolution Center, and Neighborhood Reconciliation Services.

A chart containing information about each provider, including its pro bono statistics, is attached as Exhibit C.

## **Continuing Legal Education (“CLE”) Credit Attorneys Received for Pro Bono Work in 2012**

Supreme Court Rule 21, Section 4.07(c) permits the Continuing Legal Education (“CLE”) Commission to give Ethics & Professionalism credit at the rate of one hour of credit for every five billable hours of pro bono legal representation provided through court appointment or an organized bar association program or legal services organization, or of pro bono mediation services as required by Supreme Court Rule 31 or the Federal Court Mediation Programs.

As of March 1, 2013, the CLE Commission has posted 3,780.84 hours of CLE credit given to attorneys for pro bono work done in 2012. This is the highest number of CLE credit hours given since the Commission began collecting this data.

<b>Year</b>	<b>Number of CLE Hours for Pro Bono Work</b>
2012	3,780.84
2011	2,080.93
2010	3,635.29

The Tennessee Alliance for Legal Services and the Tennessee Bar Association, with support from the Tennessee Access to Justice Commission, has developed an online legal resource that allows those with legal questions to email their questions to a central website. ([www.OnlineTNJustice.org](http://www.OnlineTNJustice.org)). These questions are then answered by volunteer attorneys. Information and statistics regarding this pro bono resource are below.



**Activity & Outreach Summary Through 12.12.12**  
**[www.onlinetnjustice.org](http://www.onlinetnjustice.org)**

**Users' Questions**

- 2695 questions posted to date (up from 2228 on 9/20/12).
- 22 unanswered questions posted currently. Update emails on unanswered questions sent out weekly.
- The majority of the questions posted have been family law questions (1249), followed by questions in the 'other' (495), housing (320), debt and purchases (234) and work (140) categories.

**Volunteer attorneys**

- 341 attorneys approved.
- 171 attorneys have answered questions.
- 7 attorneys have answered more than 50 questions.
- 28 attorneys have answered 20 or more questions.

**Client Users**

- 2895 registered (up from 2686 on 9.20.12).
- Income is still the main reason users are ineligible to use the site (1239 people ineligible).
- Clients thus far come from 93 of Tennessee's 95 counties. The most questions have been posted by users in Davidson Co (472), Shelby Co. (240), Montgomery Co. (217), Rutherford Co. (189), Knox Co. (125), Hamilton Co. (95), and Anderson (77).

**Updates**

- Spanish version has been delivered to Baker Donelson and they have implemented Google Translate on the Futures site. Testing and language review is underway. These are major steps toward having a Spanish-translated version of the site.
- Using Google Translate on our platform we should be able to expand to other languages down the road.
- In early 2013, we need to continue recruitment of Spanish-speaking attorneys to answer questions once this functionality is rolled out.
- TALS has cleaned up duplicate accounts on the list of attorneys and continues to immediately respond to technical issues raised by both attorneys and users.
- Site improvements have been implemented (users can update their own passwords, new responses are flagged, and screen to screen navigation improved).
- TALS and TBA have demonstrated site to over 12 other states. Two states – Indiana and South Carolina are actively working to launch their own versions.

**Outreach**

- Producing new outreach materials that will combine OTJ, the new 1-888-ALEGALZ help line, and other resources into a simple "leave behind" or handout document (likely business card size or slightly larger)
- Working to co-brand these projects with AOC/Commission and the TN Bar Association.
- Conducting more in-depth outreach to referral sources. Describing sites and expectations to intake staff and receptionists at each legal aid program. MALS is scheduled for 12/14/12 with others to come after the new year.
- Continuing to distribute current materials in quantity to clerks, providers, and other social service providers.

**Exhibit A**  
**Pro Bono Opportunities and Statistics**  
**Legal Services Corporation Funded Programs**

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	TOTAL # OF CLIENTS SERVED	# OF CLIENTS SERVED THROUGH PRO BONO	CLINICS
<b>Legal Aid of East Tennessee</b>	50	705 volunteer attorneys, 134 law students, over 25 other (paralegals, paralegal students, foreign language interpreters court reporters)	7,373 (including staff and pro bono files)	1,116 (pro bono files only)	<p>In addition to recruiting volunteer lawyers to handle full representation of clients in litigation and transactional matters, we offer the following clinics:</p> <p><i>Advice Clinics</i> are designed to assist clients who have questions about routine legal issues and do not require on-going representation. We conduct at least three "Saturday Bar" Advice Clinics per month, and offer Clinics as part of special events sponsored by LAET or in collaboration with other social service providers. In 2012, our Advice-Clinic program included large-scale clinics conducted as part of the ABA's National Pro Bono Celebration in October. These clinics (conducted in Athens, Chattanooga, Cleveland, Dunlap, Gruetli-Laager, Jasper, Knoxville, Madisonville, Maryville, Morristown, and Pikeville) served hundreds of low-income people. We will have similar clinics in 2013.</p> <p><i>Brief-Service Clinics</i> are for clients who need representation at routine hearings without requiring the volunteer to enter an appearance for extended</p>

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	TOTAL # OF CLIENTS SERVED	# OF CLIENTS SERVED THROUGH PRO BONO	CLINICS
					<p>representation:</p> <ol style="list-style-type: none"> <li>(1) <i>Domestic Violence Clinics.</i> Volunteers assist survivors of domestic violence in obtaining orders of protection in Blount, Knox, and Sevier Counties.</li> <li>(2) <i>Debt-Relief Clinics.</i> Volunteers conduct workshops for clients to educate them about alternatives to bankruptcy and how to deal with creditors.</li> <li>(3) <i>Self-Help Divorce Clinics.</i> Volunteers help Clinic participants complete form pleadings to obtain a divorce without representation by counsel. The Clinics are conducted in all 26 counties in LAET's service area.</li> <li>(4) <i>Advance Directives Clinics.</i> Volunteers prepare healthcare powers of attorney and other advance directives.</li> <li>(5) <i>Eviction Prevention Clinic.</i> Volunteers meet with pro se parties appearing in eviction actions to advise them about the eviction procedures and potential defenses and counterclaims.</li> <li>(6) <i>Debt Advice Clinic.</i> Volunteers meet with pro se debtors appearing in debt-collection cases to advise them about defenses and counterclaims.</li> </ol>
<b>Legal Aid of Middle Tennessee</b>	3	- 1500 active volunteer lawyers, of which 850		2,716	<ul style="list-style-type: none"> <li>• Second Tuesday Walk-In Clinic</li> <li>• McHugh Saturday Legal Clinic</li> </ul>

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	TOTAL # OF CLIENTS SERVED	# OF CLIENTS SERVED THROUGH PRO BONO	CLINICS
<b>&amp; The Cumberlands</b> (Nashville Pro Bono Program only)		helped a client in 2012. - Law Student Volunteers: 24 - Paralegal Volunteers: 42 - Other: 5			<ul style="list-style-type: none"> <li>• Clinica Legal</li> <li>• Martha O'Bryan Clinic</li> <li>• Senior Adult Legal Clinic</li> <li>• HELP Clinic (with Baker-Donelson)</li> <li>• Operation Stand Down Clinic</li> <li>• Williamson County Legal Clinic</li> </ul>
<b>Memphis Area Legal Services</b>	48	400	4000	1,300+	<ul style="list-style-type: none"> <li>• Family Law Advice Group</li> <li>• Pro Se Divorce Workshop</li> <li>• Consumer Clinic</li> <li>• St. Jude Conservatorship Clinic</li> <li>• Veterans Affairs Clinic</li> <li>• Bankruptcy Alternative Clinic</li> <li>• Rural Outreach Legal Clinic</li> </ul>
<b>West Tennessee Legal Services</b>	32	162		88	None

**Exhibit B**  
**LEGAL SERVICES ORGANIZATIONS**  
**(NON "LSC" FUNDED)**

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	# OF CLIENTS SERVED	SYNOPSIS OF 2012 SERVICES	FUTURE PLANS	NEEDS/COMMENTS
<b>Catholic Charities of Tennessee</b> Nashville, TN	100	100	500	Immigration Support Services. Assistance in filling out applications to be submitted to the USCIS and immigration counseling. They hold a free immigration legal clinic each month.	Continue the once a month free immigration legal clinic.	Needs: Funding
<b>Community Legal Center</b> Memphis, TN				CLC is a legal services organization that focuses on serving Memphians whose incomes are between 125% and a living wage– those who simply cannot afford private legal counsel, but who earn enough that they do not qualify for Memphis Area Legal Services. They hold a Pro Se Divorce clinic every day, a civil law clinic twice a month, and an immigration clinic twice a month. Their immigration clinic serves the entire state; while CLC's other clinics are for Shelby Co. residents only.		
<b>Compassionate Counsel</b> Nashville, TN	0	8-10	100+	Compassionate Counsel is a Christian legal aid ministry offering counsel, guidance, and in select cases, representation, to individuals unable to pay for such civil legal services. They hold their clinic at the Nashville Rescue Mission once a month, and have in-take forms at the mission.	They desire to expand their service to partner with other non-profits and their participants. Additionally, they would like to have set clinics for general sessions civil	Compassionate Counsel is a 501(c)(3) organization, so funding would be helpful in order to hire staff to assist with clinic coordination, volunteer recruitment and

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	# OF CLIENTS SERVED	SYNOPSIS OF 2012 SERVICES	FUTURE PLANS	NEEDS/COMMENTS
				In 2012, they had 10 clinics with good volunteer support and participant attendance.	defendants.	follow up.
<b>Disability Law &amp; Advocacy Center of Tennessee</b> Nashville, TN	30	1 regular, 20 for bullying clinics	441 via case work; additional 2572 through info. and referral	DLAC takes on disability rights issues including issues under Title I, II, and III of the ADA; IDEIA cases with emphasis on bullying in schools, restraint/isolation and transition; issues; abuse/neglect; assistive technology issues and traumatic brain injury issues. During 2012, DLAC began hosting pro bono clinics to deal with bullying in schools.	They plan to continue the bullying clinics and expand outside of the Middle TN area.	
<b>Justice For Our Neighbors</b> Nashville, TN	2			Tennessee Justice for Our Neighbors (TN JFON) is a part of a national network of immigration legal clinics created by the United Methodist Committee on Relief (UMCOR) in 1999. The primary objectives of TN JFON are to provide high-quality, free immigration legal services for low-income individuals and to engage the faith community in advocacy on behalf of our immigrant neighbors. TN JFON conducts client intake through a monthly free immigration legal services clinic on the third Saturday of each month between 9 a.m. and 1 p.m. at Hillcrest United Methodist Church in Nashville, then represents clinic clients through the pendency of their immigration legal needs. This year, in addition to their monthly	JFON will continue their in-take clinics, although they currently have a very long waiting list. They will continue their information and clinics for DACA through March.	

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	# OF CLIENTS SERVED	SYNOPSIS OF 2012 SERVICES	FUTURE PLANS	NEEDS/COMMENTS
				intake clinics, TN JFON sponsored information sessions and clinics for children who are filling out Deferred Action for Childhood Arrival paperwork.		
<b>Southeast Tennessee Legal Services</b> Chattanooga, TN	3	Varies	573 cases closed 316 cases still open	SETLS is an organization that assists clients in a ten county area with Orders of Protection. They are the Parenting Plan Coordinator for the 10th and 11th judicial districts. They have a pro se library program in the 10th, 11th and 12th judicial districts and in Meigs County. SETLS also partners with the Chattanooga Bar Association for the P.A.T.H. program which has volunteer attorneys helping litigants at General Sessions Court every Monday in Hamilton County. They also attend the Attorney of the Day program in Bradley County where their staff attorneys and a volunteer lawyer from the Bradley County Bar assist pro se litigants at the Order of Protection docket.		Needs: More money. Since SETLS does not receive federal funds under LSC, it does not qualify for funding for some programs from which fees can be used to provide legal services to low income families. They do not see the need for this restriction and would like the same opportunity to apply for the funds. This restriction affects many other programs in the state, not just SETLS.
<b>Southern Migrant Legal Services</b> Nashville, TN	6	1	200+	SMLS represents migrant farm workers in employment-related matters. They are very busy covering six state service areas with only small staff. So far, efforts to locate lawyers interested in pro bono work have not been successful.		

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	# OF CLIENTS SERVED	SYNOPSIS OF 2012 SERVICES	FUTURE PLANS	NEEDS/COMMENTS
<b>Tennessee Coalition to End Domestic and Sexual Violence</b> Nashville, TN	<b>15</b>	<b>1</b>	<b>150</b>	The Coalition provides pro bono civil legal services to sexual assault victims, and immigration legal services to immigrant victims of domestic violence, sexual assault, and stalking. During 2012, they organized a pro bono project with our local legal aid society, and they had seven attorneys take on seven pro bono cases.	The Coalition plans to continue their pro bono legal services to immigrants and victims of sexual assault.	
<b>Tennessee Volunteer Lawyers &amp; Professionals for the Arts</b> Nashville, TN	2	230 pro bono volunteer lawyers	300	<p>VLPA provides pro bono legal assistance and education to low-income artists of all disciplines and non-profit arts organizations. Most clients come from the Greater Nashville area, but any TN resident is eligible.</p> <p>VLPA operates on an ongoing basis assisting clients both in-house through their volunteer legal associates and legal interns or by matching them with a pro bono volunteer lawyer. They also hosted two legal clinics in the community last year.</p> <p>In 2012, VLPA matched 140 clients with pro bono volunteer lawyers, 20 clients were served through pro bono clinics, 110 clients were helped in-house, and 30 were referred to other resources.</p>	VLPA plans to continue growing partnerships with the Vanderbilt and Belmont Law School clinical programs to expand our offerings. They are also exploring a Wills for Artists initiative.	VLPA desires better coordination with other pro bono providers, more in-office volunteers, and, of course, more funding.

**Exhibit C  
TENNESSEE MEDIATION CENTERS**

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	# OF CLIENTS SERVED	SYNOPSIS OF 2012 SERVICES	FUTURE PLANS	NEEDS/COMMENTS
<b>Community Mediation Center</b> Crossville, TN	2	20	Over 1000	CMC has provided free access to justice for over 20 years in Cumberland County. They provide access to justice that is free, neutral, voluntary and confidential by trained volunteer mediators, specifically in the area of victim-offender reconciliation. All of their mediations are free.		
<b>Community Reconciliation, Inc.</b> Chattanooga, TN	2	56	65	Community Reconciliation, Inc. receives referrals from the Hamilton County Juvenile Court. These referrals are all Victim-Offender cases dealing with property crimes and shoplifting. Many of these cases are first time offenders. All of their mediations are free.  They have a 97% closure rate of cases successfully completed, and only 3% were sent back to Court for lack of participation by the victim or offender or parent/legal guardian.	They plan to maintain and increase their current model which is linked to the Juvenile Court. They have offered their services to the Chattanooga Gang-Task Force.	<b>Needs:</b> Adequate funding. Mediators who are passionate about youth.
<b>Family Court Services of East Tennessee</b> Athens, TN	3	1	0	FCSET provides court ordered supervised visitation for children to have a safe place to visit the non custodial parent. They provide a Batterers Intervention Program that is court ordered as well as referrals from DCS through court ordered permanency plans.  They have just started a new program to work with parents divorcing parents in the	FCSET has a new program called H.E.L.P. (Helping Engage the Lives of Parents). This will allow them to work with the parents on parenting plans and mediation and help resolve any conflicts.	FCSET is a grassroots nonprofit organization created in 2010 to intervene and prevent domestic violence and child abuse. They serve the community, courts and families that are

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	# OF CLIENTS SERVED	SYNOPSIS OF 2012 SERVICES	FUTURE PLANS	NEEDS/COMMENTS
				area of mediation and parenting plans.		in conflict due to domestic violence and child abuse.
<b>First Judicial District Court Clinic</b> Johnson City, TN	4		100+	They are an evaluation team for the domestic court and juvenile court judges. When the litigants are highly contentious, the judges refer the parties to the Court Clinic for an evaluation. The Juvenile Court judge refers parents for mediation to the Court Clinic. They also have a Supervised Visitation program where they supervise approximately 50 hours of supervision ordered by the juvenile and domestic court judges. Approximately 80-90% of the mediations result in settlement of the matter.	They are attempting to schedule mediations in one of the counties that is 50 miles from their 'home' base, that is rural and does not have access to their services. Additionally, they are considering volunteering their mediation services to a local legal clinic.	These programs have been extremely successful and have a lot of support from local judges and lawyers.
<b>Mediation Services of Putnam County</b> Cookeville, TN	1	10	147 new clients	They provide services including: Court Intake, Mediation – court & community, Shoplifting Intervention Course (juveniles), Mediator Training, Referral to other resources/services, Community Education/Training. Other services include: case management, client & volunteer contact and correspondence, mediation scheduling, volunteer recruitment and supervision, and contract monitoring including collecting and paying out restitution.  The majority of their mediation services are victim-offender mediations. In 2011, 88% of mediations successfully reached a contract and 95% of participants were satisfied with the process and results.	Continuing current services.	Funding is the most crucial resource for rural agencies like Mediation Services. Funding has been decreasing for three years and funding sources are disappearing making it more difficult to maintain these valuable services.

ORGANIZATIONS	# OF STAFF	# OF VOLUNTEERS	# OF CLIENTS SERVED	SYNOPSIS OF 2012 SERVICES	FUTURE PLANS	NEEDS/COMMENTS
<b>Mid South Mediation Services</b> Hohenwald, TN	10	20	Over 1000	They provide victim offender and community mediation to general sessions and juvenile courts in seven Middle Tennessee counties. They also provide support classes in conflict/anger management, teen substance abuse prevention, shoplifting, financial responsibility and parent mediation and education for separating parents. Most of their mediation cases involve families so that has become their specialty. All mediations are free.	They would like to get some funding to offer reduced fee parent education for parents who want to stay together and have a great need for better communication skills.	Needs: They really need more funding, so as to not run out of money about two weeks before the end of each quarter. They don't need a lot more.....about \$5,000 to \$8,000...would greatly decrease the stress.
<b>Nashville Conflict Resolution Center</b> Nashville, TN	7	60 active volunteer mediators	A minimum of 1600 & a maximum of 6400	NCRC provides mediation services and conflict resolution education and training to diverse communities in Nashville. Court-based mediations are provided free of charge, while community-based mediation services are subject to a sliding scale fee. More than 80% of all of NCRC's mediation referrals actually get mediated, and their rate of successfully completing mediations (with a full or partial written agreement) is 90%	NCRC is at capacity with their existing 7 programs (and 7 staff - 3 full-time/3 part-time). They do not plan to launch any new programs in 2013.	They need more financial resources, more recognition from the ATJC and the Tennessee Supreme Court that mediation IS resolving thousands of Tennesseans' legal issues/disputes, and more support from the legal and business world.
<b>Neighborhood Reconciliation Services</b> Johnson City, TN	1	2	20	NRS does victim-offender mediations. All of their victim-offender mediations are provided for free.		