

# SC BAR PRO BONO PROGRAM

## Frequently Asked Questions & General Facts



### What is “Pro Bono?”

Rule 6.1, Rule 407, SCACR defines pro bono legal services as:

- Providing professional services at no fee or reduced fee to persons of limited means;
- Providing professional services to public service or charitable groups or organizations;
- Engaging in activities for improving the law, the legal system or the legal profession; and
- Providing financial support for organizations that provide legal services to persons of limited means.

Under the SC Bar Pro Bono Program, “persons of limited means” are defined as those living at or below 125% of the Federal Poverty Guidelines, which are updated annually.

### If I want to take a Pro Bono case, do I have to take it through the SC Bar Pro Bono Program to have access to the Program’s benefits?

No. Simply notify the Bar that you have accepted a qualifying pro bono case at the beginning of the representation.

### Does the SC Bar Pro Bono Program screen cases to determine if they are eligible to be referred to a private pro bono attorney for placement?

Yes, we screen all of the cases that are accepted into our direct delivery program to ensure they meet the income

eligibility requirement. Due to staff and time constraints we accept what the client tells us about his/her financial situation. Volunteers may reject a case or client, especially if the client has misrepresented her financial status.

### Will the SC Bar Pro Bono Program provide training and resources to help me with my case?

Yes, the SC Bar Pro Bono Program is an attorney-centered program designed to focus on training attorneys and making pro bono easy for attorneys to perform.

We have the following links to case materials and training in our Digital Resource Center:

- consumer issues;
- landlord tenant;
- foreclosure;
- family law; and
- bankruptcy.

There is also a sample engagement letter to use with a pro bono client, a sample notice of limited appearance and the Ask-A-Lawyer handbook, which covers various common pro bono topics, questions and resources.

To view the Pro Bono Digital Resource Center, simply visit [www.scbar.org/lawyers/bar-programs/pro-bono-program](http://www.scbar.org/lawyers/bar-programs/pro-bono-program) and login to the Bar’s website to view all of the private resources.

The SC Bar Pro Bono Program will continue to expand the topics and resources covered in the Digital Resource Center.

## Does the SC Bar Pro Bono Program provide malpractice insurance?

Yes, the Program provides malpractice coverage for attorneys who participate in qualifying activities. **Eligible clients must meet the income guidelines for policy coverage (at or below 200% of the Federal Poverty Guidelines)** for the Pro Bono Program or court appointment. You must notify the SC Bar about the case to receive coverage. The coverage is effective as of the date of notice to the Pro Bono Program.

## Does the SC Bar Pro Bono Program provide litigation expense reimbursement?

Yes, the Pro Bono Program can provide limited assistance to offset litigation expenses.

Defense (SCCID) the authority to retain, on a contractual basis, the services of these attorneys. SCCID, in conjunction with the SC Bar, established and administers the Rule 608 Contract Program. This contract program provides eligible attorneys to enter into an agreement with SCCID to receive a flat fee per appointed case.

**South Carolina Legal Services (SCLS) - Private Attorney Involvement (PAI) Program:** The SCLS PAI program is a way for the private bar to assist an overlooked population that is often denied access to court. SCLS is always looking for attorneys to assist in its PAI program, especially in the rural counties and in the substantive areas of consumer, employment and housing law. Private attorneys agree to accept referrals of civil cases in designated areas with a \$65 per hour maximum fee for each case.



## Can I expect to still be appointed on a Rule 608, SCACR case?

It is unlikely that private attorneys will be appointed to a Rule 608 case due to the state funded 608 Contract Program in place to pay attorneys. The appointed cases have gone from 7000 appointments a year to less than 300, which generally consist of multiple defendant cases and sexually violent predator cases.

## What is the difference between Rule 608, South Carolina Legal Services Private Attorney Involvement and the SC Bar Pro Bono Program?

**Rule 608, SCACR:** Rule 608 provides a uniform method for appointing attorneys to represent indigent clients in the South Carolina circuit and family courts, based on statutory and constitutional mandates. The 2012-2013 General Appropriations Act granted the SC Commission on Indigent

**SC Bar Direct Delivery Program:** The SC Bar Pro Bono program is a volunteer-based program that refers cases to volunteer attorneys. The applicants are screened for income eligibility. Most requests are family law issues, bankruptcy (Ch.7), simple wills, powers of attorney, etc. To participate or learn more about the program, please contact Betsy Goodale at (803) 576-3808 or bgoodale@scbar.org.

## Can I request a law clerk to help me on a pro bono case?

Yes, the USC School of Law and Charleston School of Law have programs to assist you with your cases.

### Carolina Clerks-USC Law School

Pam Robinson, (803) 777-3405 or robinspd@law.sc.edu

### Charleston School of Law-Law Clerks

Michelle Condon, (843) 377-2457 or mcondon@charlestonlaw.edu