

# In the Supreme Court of the State of Idaho

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IN RE: ADOPTION OF RESOLUTION )  
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ORDER

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The Court having reviewed and approved the attached Resolution;  
NOW THEREFORE IT IS ORDERED that the attached RESOLUTION be, and hereby is  
adopted.

IT IS FURTHER ORDERED that this Order shall be effective September 15, 2017.

IT IS FURTHER ORDERED that notice of this Order shall be published in one issue of  
The Advocate.

Dated this 15<sup>th</sup> day of September, 2017

By Order of the Supreme Court

R. Burdick  
Roger S. Burdick, Chief Justice

ATTEST:

Karel A. Lehrman  
Karel A. Lehrman, Clerk

**STATE OF IDAHO**  
**SUPREME COURT      COURT OF APPEALS**



*Karel A. Lehrman*  
*Clerk of the Court*

*Melanie Gagnepain*  
*Chief Deputy Clerk*

*Supreme Court Building*  
*P.O. Box 83720*  
*Boise, Idaho 83720-0101*  
*(208) 334-2210*

**RESOLUTION DESIGNATING IDAHO PRO BONO WEEK – 2017**

**WHEREAS**, we are a nation dedicated to “liberty and justice for all,” and equal justice and the fair administration of justice are fundamental to our system of government; and

**WHEREAS**, the promise of equal justice under the law is not realized for individuals and families who have no meaningful access to the justice system because they are unable to pay for legal services; and

**WHEREAS**, this de facto denial of equal justice has an adverse impact on these individuals, families, and society as a whole, and works to erode public trust and confidence in our system of justice; and

**WHEREAS**, Idaho’s lawyers and judges strongly support the provision of free-of-charge legal services to those can’t afford them and have joined together in a collaborative effort to support pro bono services through the establishment of the Idaho Pro Bono Commission; and

**WHEREAS**, numerous public and private Idaho lawyers performed 14,330 hours of pro bono service in 2016 through the Idaho Volunteer Lawyers Program under the auspices of the Idaho State Bar and Idaho Law Foundation, while volunteer lawyers provided 1,134 hours of pro bono service in federal court cases; and

**WHEREAS**, Idaho Legal Aid Services is a statewide non-profit law firm dedicated to serving the civil legal needs of low income Idahoans through its seven regional offices and in 2016 its staff attorneys and attorney volunteers provided 18,994 hours of free legal services to thousands of Idahoans with legal problems such as domestic violence, wrongful evictions, illegal foreclosure, guardianships for abused or neglected children, Medicaid and Social Security problems of seniors, and unlawful discrimination; and

**WHEREAS**, the Idaho Law Foundation is sponsoring a statewide Access to Justice campaign to fund legal services for low-income residents and persons with disabilities, with the funding to be shared among the Idaho Volunteer Lawyers Program, Idaho Legal Aid Services, and Disability Rights Idaho; and

**WHEREAS**, many Idaho lawyers, acting upon their volition, generously provide many untallied hours of pro bono service to the citizens of our State without receiving recognition for their unpaid services; and

**WHEREAS**, during 2016 students at the University of Idaho College of Law performed 7,389 hours of pro bono service, under the supervision of lawyers and judges, as part of the College's distinctive pro bono program in which every student participates; and

**WHEREAS**, students and faculty at Concordia University School of Law contributed 2,303 hours of pro bono service in the 2016-17 academic year, and are committed to expanding access to justice through their pro bono service requirement, their on-site legal clinic, and providing pro bono training for Idaho lawyers; and

**WHEREAS**, October 22-28 has been designated as National Pro Bono Week; and

**WHEREAS**, the Idaho Pro Bono Commission, consisting of the state courts of Idaho, the United States Courts for the District and Bankruptcy Courts for the District of Idaho, the Idaho State Bar, the Idaho Law Foundation, and the University of Idaho College of Law, and Concordia University School of Law, recognizes the need to expand the delivery of legal services to economically disadvantaged persons and families;

**NOW, THEREFORE**, the Idaho Pro Bono Commission and its constituent members recognize Pro Bono Week, October 22-28, 2017, as a time for Idaho, along with the rest of the Nation, to honor the work of those who provide volunteer legal services, to address the need for civil legal assistance on matters of profound urgency, and to remind all attorneys of their responsibility to assist in meeting the legal profession's sacred commitment to equal justice under the law.

DATED this 15<sup>th</sup> day of September, 2017

By the IDAHO PRO BONO COMMISSION,  
and its constituent members:  
SUPREME COURT OF IDAHO, UNITED  
STATES DISTRICT AND BANKRUPTCY  
COURTS FOR THE DISTRICT OF IDAHO,  
IDAHO STATE BAR, IDAHO LAW  
FOUNDATION, UNIVERSITY OF IDAHO  
COLLEGE OF LAW, AND CONCORDIA  
UNIVERSITY COLLEGE OF LAW.



## Pro Bono--Idaho Lawyers Have Done Well, But We Can Do Better

By Jim Jones

Chief Justice Roger Burdick has declared October 22-28 as Idaho Pro Bono Week 2017. Lawyers around our fair State will participate in pro bono activities during that week, but when it is over they will continue to do what those in our profession have done since before statehood--provide free legal help to people without the resources to pay. Perhaps, this is a good time to reflect on our pro bono responsibility.

During my law school years (over 50 years ago), I can't recall any discussion by professors about performing pro bono work. The oath administered during the swearing-in ceremony in 1967 was my first recollection of hearing about a lawyer's obligation to do free legal work for low-income folks. When I started a solo practice in a small town, the opportunities for doing legal work without pay seemed to be boundless. We are only speaking here of work where you don't expect to be paid.

Giving free legal help became an integral part of my small-town practice. People would come in needing legal help and you could pretty well tell that they could not afford it. You could see relief in their eyes when you said you would not charge for the work. It is a good feeling. I experienced it again several months ago when a young man, a refugee from the Congo, teared up when I told him he would not have to pay for my work in recovering a car that had been improperly repossessed by a used car dealer. During 50 years of public and private practice, some of my most rewarding work has been in pro bono cases.

Idaho lawyers have been generous with their help. Idaho Legal Aid provided 18,994 hours of free legal services last year; Idaho lawyers performed 14,330 hours of legal service through the Idaho Volunteer Lawyers Program in 2016; and volunteer lawyers provided 1,134 hours of service in federal court cases. Idaho's law schools have done well by instilling a pro bono ethic in their students. Last year, University of Idaho law students spent 7,289 hours doing pro bono work, and Concordia students and faculty performed 2,303 hours of pro bono service in 2016-17 academic year. This does not count the many pro bono hours that lawyers in every corner of the State performed for people who did not go through a referral agency, or programs such as ITLA's street law clinics. Idaho lawyers have strongly supported the Idaho Law Foundation's statewide campaign to raise funds for IVLP, Legal Aid and Disability Rights Idaho. If you haven't already given, please don't forget to do so.

The Idaho Pro Bono Commission, which was formed in 2008, has encouraged and facilitated pro bono work. Among other things, it has caused a change to the Code of

Judicial Conduct to allow judges to work more closely with lawyers on pro bono activities; has gotten the Rules of Civil Procedure amended to allow lawyers to perform unbundled legal services (I.R.C.P 11.4); has worked with Court Assistance Offices (CAO), IVLP, Legal Aid and Bar sections to conduct training sessions for both lawyers and litigants; has coordinated pro bono activities in all of Idaho's seven judicial districts; and has worked to publicize the pro bono work of Idaho lawyers, both in the legal community and in the general public.

Incidentally, Rule 11.4 is a great way for lawyers to handle just a portion of a case. Forms for getting into a case to handle a specific task, and easily getting back out when the work is done, are on the CAO and IVLP websites. Check them out and use them.

Justice Robyn Brody has taken over as Chair of the Pro Bono Commission. She has a strong commitment to pro bono service and has Commission members to work with who are dedicated to serving low income Idahoans. I express my great thanks to those with whom I have served on the Commission and look forward to working with them in the refugee pro bono program that is getting underway to provide both hands-on legal help to refugees and seminars on how they can adjust to the Idaho legal landscape.

As we move forward, think of how you can devote more of your legal talent to helping those who need but can't afford the service. The 50-hour per year aspirational goal under I.R.P.C. 6.1 is reached by less than half of Idaho lawyers. Let's make it a floor instead of a ceiling.

There are numerous opportunities to help. Contact IVLP or Legal Aid to say you will handle cases generally or in a specific practice area—consumer law, family practice, immigration, and the like. Let your local CAO know that you are available to take referrals or conduct informational sessions for self-represented persons. Take inspiration from those like Maria Andrade, who performs hundreds of hours of pro bono each year (a phenomenal 1,112 hours since 1-1-15), or Captain Steve Stokes, who devotes his days to energetically helping service personnel and veterans through the Idaho Military Legal Alliance, or Micron's Legal Department, which contributed 461.5 pro bono hours in 2016. Step forward during Pro Bono Week 2017 and each week thereafter to serve the less fortunate for the sole reward of their gratitude.