

5.20.14 #20

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Recommendation to Amend a Resolution Regarding the Provisions of
Pro Bono Legal Services

DATE: May 20 2014

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AMEND A RESOLUTION EXPANDING THE BOARD'S AUTHORIZATION TO PROVIDE PRO BONO LEGAL SERVICES TO INCLUDE THE PROVISION OF NON-TRADITIONAL PRO BONO SERVICES.

BACKGROUND: In 2001, the Board authorized the Office of the County Attorney to participate in the provision of traditional pro bono legal services to include the reasonable utilization of supplies, equipment and services of support staff to fulfill their professional obligation. Because of existing conflicts, it is sometimes difficult to participate in traditional programs; however, there are new non-traditional opportunities that our office can participate in without implicating any conflict issues. Such opportunities include advising non-profit organizations, community groups, serving as volunteer hearing officers for agencies and authorities that provide assistance to the indigent and programs like Lawyers for Literacy and the Clearwater Bar Association's High School Speaker's Program.

Adoption of the attached resolution will expand opportunities for the provision of pro bono legal services so that members of my legal staff can fulfill both their and the Florida Bar's aspirational goals for the provision of such services. I will monitor the program making sure that conflict checks are conducted to insure that the voluntary provision of these services will not interfere with our professional obligations to the County.

JLB:sme

Attachments

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RESOLUTION NO. 14-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, REQUESTING PERMISSION OF THE BOARD ALLOWING MEMBERS OF THE COUNTY ATTORNEY'S OFFICE AND OTHER PINELLAS COUNTY STAFF TO PARTICIPATE IN VARIOUS PRO BONO SERVICES FOR INDIGENT RESIDENTS OF PINELLAS COUNTY; TO UTILIZE THE SUPPLIES, EQUIPMENT AND SERVICES OF THE OFFICE OF THE COUNTY ATTORNEY'S STAFF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, with some specific exception, "[e]ach member of the Florida Bar in good standing, as part of that member's professional responsibility, should: (1) render pro bono legal services to the poor; and (2) participate, to the extent possible, in other pro bono service activities that directly relate to the legal needs of the poor." Rule 4-6.1(a), Rules Regulating Florida Bar; and various pro bono programs, including the Clearwater Bar Foundation, the Community Law Program, Inc., and Gulfcoast Legal Services, Inc., (hereinafter referred to as "Programs") help fill the gap in the provision of free legal services in civil matters to the truly indigent; and

WHEREAS, various pro bono programs are recognized by the Florida Bar Foundation as providing direct pro bono legal services within Pinellas County and additionally provide malpractice coverage for pro bono attorneys, including but not limited to Bay Area Legal Services, Inc. (individuals and non-profit groups with limited access to legal resources), the Community Law Program, Inc. (serving low income and disadvantaged individuals), Florida's Children First, Inc. (at-risk children and young adults), and Gulfcoast Legal Services, Inc. (vulnerable and low-income)the Programs are unable to meet the overwhelming needs of the indigent without assistance from attorneys in other practices; and

WHEREAS, the Sixth Judicial Circuit Guardian Ad Litem Project does not provide malpractice insurance for volunteers, but is in need of attorneys and non-attorneys to serve as guardians ad litem advocate on behalf of Florida's abused and neglected children; the ability of the Programs to meet the need for legal representation of the indigent is dependent upon the voluntary participation of local attorneys; and

WHEREAS, there are additional opportunities within Pinellas County for pro bono attorneys to advise non-profit organizations and community groups through organizations such as Community Counsel Program, or to serve as volunteer hearing officers for agencies and authorities that provide

~~assistance to the indigent, including but not limited to local Housing Authorities; members of the Pinellas County Attorney's Office and other Pinellas County staff have expressed an interest in the Programs; and~~

~~WHEREAS, there are also various pro bono programs, including but not limited to Lawyers for Literacy and the Clearwater Bar Association's High School Speaker's Program that do not require the provision of legal services, yet are recognized to fulfill the pro bono requirement; and the establishment of funded legal aid programs to provide legal services to indigent persons in Pinellas County is a necessary facility for the proper administration of justice in civil actions in the courts of Pinellas County;~~

~~WHEREAS, these different organizations (hereinafter referred to as "Programs") are unable to meet the overwhelming needs of the indigent and at-risk populations without assistance from attorneys in other practices; and~~

~~WHEREAS, members of the Pinellas County Attorney's Office and other Pinellas County staff have expressed an interest in the Programs; and~~

~~WHEREAS, since the passage of Resolution 01-109, members of the Pinellas County Attorney's Office and other Pinellas County staff attorneys have been specifically authorized to participate in the traditional provision of pro bono legal services to indigent residents of Pinellas County through direct service Programs, while the need and desire remain for the provision of non-traditional pro bono legal services.~~

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. That the provision of traditional pro bono legal services to indigent residents of Pinellas County through the Programs will significantly expand the availability of legal services to the indigent.

SECTION 2. That the provision of non-traditional pro bono services to the indigent, non-profit organizations and at-risk community of Pinellas County serves an important public need.

SECTION 3. That participation in events organized by the Florida Bar Association, local voluntary bar associations, or the Court system serve an important public service.

SECTION 34. That members of the Pinellas County Attorney's Office and other Pinellas County staff attorneys may participate in the Programs, and may utilize the supplies, equipment and

services of the support staff for the purpose of fulfilling their obligation, to the extent that such does not interfere with the operation of Pinellas County business.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective upon adoption as provided by law and shall supersede the provisions of Resolution 01-109.

In a regular meeting duly assembled on the ____ day of _____, 2014, Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____, and upon roll call the vote was:

AYES:

NAYS:

Absent and not voting:

RESOLUTION NO. 14-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, REQUESTING PERMISSION OF THE BOARD ALLOWING MEMBERS OF THE COUNTY ATTORNEY'S OFFICE AND OTHER PINELLAS COUNTY STAFF TO PARTICIPATE IN VARIOUS PRO BONO SERVICES FOR INDIGENT RESIDENTS OF PINELLAS COUNTY; TO UTILIZE THE SUPPLIES, EQUIPMENT AND SERVICES OF THE OFFICE OF THE COUNTY ATTORNEY'S STAFF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, with some specific exception, "[e]ach member of the Florida Bar in good standing, as part of that member's professional responsibility, should: (1) render pro bono legal services to the poor; and (2) participate, to the extent possible, in other pro bono service activities that directly relate to the legal needs of the poor." Rule 4-6.1(a), Rules Regulating Florida Bar; and

WHEREAS, various pro bono programs are recognized by the Florida Bar Foundation as providing direct pro bono legal services within Pinellas County and additionally provide malpractice coverage for pro bono attorneys, including but not limited to Bay Area Legal Services, Inc. (individuals and non-profit groups with limited access to legal resources), the Community Law Program, Inc. (serving low income and disadvantaged individuals), Florida's Children First, Inc. (at-risk children and young adults), and Gulfcoast Legal Services, Inc. (vulnerable and low-income); and

WHEREAS, the Sixth Judicial Circuit Guardian Ad Litem Project does not provide malpractice insurance for volunteers, but is in need of attorneys and non-attorneys to serve as guardians ad litem advocate on behalf of Florida's abused and neglected children; and

WHEREAS, there are additional opportunities within Pinellas County for pro bono attorneys to advise non-profit organizations and community groups through organizations, or to serve as volunteer hearing officers for agencies and authorities that provide assistance to the indigent; ~~and~~

WHEREAS, there are also various pro bono programs, including but not limited to Lawyers for Literacy and the Clearwater Bar Association's High School Speaker's Program that do not require the provision of legal services, yet are recognized to fulfill the pro bono requirement; and

WHEREAS, these different organizations (hereinafter referred to as "Programs") are unable to meet the overwhelming needs of the indigent and at-risk populations without assistance from attorneys in other practices; and

WHEREAS, members of the Pinellas County Attorney's Office and other Pinellas County staff have expressed an interest in the Programs; and

WHEREAS, since the passage of Resolution 01-109, members of the Pinellas County Attorney's Office and other Pinellas County staff attorneys have been specifically authorized to

participate in the traditional provision of pro bono legal services to indigent residents of Pinellas County through direct service Programs, while the need and desire remain for the provision of non-traditional pro bono legal services.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. That the provision of traditional pro bono legal services to indigent residents of Pinellas County through the Programs will significantly expand the availability of legal services to the indigent.

SECTION 2. That the provision of non-traditional pro bono services to the indigent, non-profit organizations and at-risk community of Pinellas County serves an important public need.

SECTION 3. That participation in events organized by the Florida Bar Association, local voluntary bar associations, or the Court system serve an important public service.

SECTION 4. That members of the Pinellas County Attorney's Office and other Pinellas County staff attorneys may participate in the Programs, and may utilize the supplies, equipment and services of the support staff for the purpose of fulfilling their obligation, to the extent that such does not interfere with the operation of Pinellas County business.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective upon adoption as provided by law and shall supersede the provisions of Resolution 01-109.

In a regular meeting duly assembled on the ____ day of _____, 2014, Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____, and upon roll call the vote was:

AYES:

NAYS:

Absent and not voting:

APPROVED AS TO FORM

By: 
Office of the County Attorney