

Adoption of Principles on Private Bar Involvement

October 2, 1981

The Corporation will insure that a substantial amount of funds will be allocated to provide an opportunity for legal assistance to be provided to eligible clients by private attorneys through existing grantees. As a guideline, substantial amount shall be defined as 10 percent of funds awarded on an annual basis to basic field programs providing legal assistance to eligible clients. Native American and migrant grantees will not be required to allocate a certain percent of their funding for private attorney participation. They will, however, be expected to analyze the feasibility of involving private attorneys in their provision of legal services.

Private lawyers can be effectively used in a variety of cases (including contingent fee and statutory fee cases), through a variety of approaches (open panels, cooperating attorney arrangements, contract attorneys, judicare and organized pro bono) and in a variety of activities, including direct delivery of service; training of program staff and other private attorneys; assisting as co-counsel with staff; and similar activities. The involvement of such attorneys will be determined locally, taking into account the following factors:

- (1) the economic and efficient delivery of legal assistance;
- (2) the nature of the legal problems of clients in the service area;
- (3) the substantive expertise of private lawyers;
- (4) conflicts of interest of private lawyers with eligible clients;
- (5) language and cultural barriers to effective advocacy; and
- (6) the knowledge gained from the Delivery Systems Study and program experience.

Grantees will cooperate with organized bar associations, including minority and women's bar associations, in the service area in an effort to involve private lawyers. The Corporation, in conjunction with the American Bar Association and other professional organizations, will provide technical assistance to local programs and various bar associations in assessing available options and assisting programs in developing the most effective programs for private lawyer involvement.