

## **Frequently Asked Questions**

### **What is "Pro Bono"?**

In Latin, *pro bono publico* means "for the public good." In English, the phrase is generally shortened to *pro bono*. In the legal profession, doing *pro bono* work means providing free or significantly reduced legal assistance to those of limited means.

Rule 6.1 of the South Carolina Rules of Professional Conduct states a lawyer should render public interest legal service and may discharge this responsibility by: (1) providing professional services at no fee or reduced fee to persons of limited means or to public service or charitable groups or organizations; (2) participating in activities for improving the law, the legal system or the legal profession; and (3) providing financial support for organizations that provide legal services to persons of limited means.

Under the South Carolina 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 South Carolina Bar Pro Bono Program to have access to the Program's benefits?**

No. The Bar is aware that many of its members accept pro bono cases outside of the Program. Simply notify the Bar at the beginning of the representation in order to take advantage of the Program's benefits, such as malpractice insurance and payment of certain expenses.

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

All cases accepted into the Program have been screened 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 his/her financial status.

Cases are also referred to the Program by South Carolina Legal Services, which has screened those clients for income eligibility prior to referral.

**Will the South Carolina Bar provide training and resources to help me with my case?**

The South Carolina Bar Pro Bono Program is an attorney-centered program designed to focus on training attorneys and making pro bono easy for attorneys to perform. Case law, forms and letters, and other resources relating to a variety of topics can be found on the [Pro Bono Resources page](#).

**Does the South Carolina Bar Pro Bono Program provide malpractice insurance?**

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. You must notify the South Carolina Bar of the qualifying activity in order to receive coverage. The coverage is effective as of the date of notice to the Pro Bono Program. If you have private malpractice insurance, it will serve as the primary insurer and the Bar's coverage will serve as secondary coverage.

**When do I complete opening/closing case forms?** You should complete an Opening Case Form when you begin pro bono representation of a client and submit it to the Bar ([LINK](#)). When you have finished representing the client, you should complete a Closing Case Form and submit it to the Bar. These forms determine when and for how long the Bar's malpractice coverage is in effect for the case.

**Does the South Carolina Bar provide reimbursement for litigation expenses?**

The South Carolina Bar Pro Bono Program can provide limited assistance to offset litigation expenses.

**How do I request reimbursement for expenses related to a pro bono case?**

You may send a request for reimbursement to Rose Dean at [rdean@scbar.org](mailto:rdean@scbar.org) or by mail to the South Carolina Bar Pro Bono Program, PO Box 608, Columbia, SC 29201.

**Can I expect to still be appointed as counsel on a case pursuant to Rule 608, SCACR?**

It is unlikely that private attorneys will be appointed pursuant to Rule 608 in light of the state-funded Rule 608 Contract Program established by the South Carolina Commission on Indigent Defense (SCCID) and the South Carolina Supreme Court. The Contract Program grants SCCID the authority to retain, on a contractual basis,

eligible attorneys to provide representation in certain types of cases for a flat fee per appointed case. See <https://sccid.sc.gov/608-contract>.

### **What is the difference between South Carolina Legal Services Private Attorney Involvement (PAI) and the South Carolina Bar Pro Bono Program?**

The South Carolina Legal Services PAI program is a way for the private bar to assist an overlooked population that is often denied access to court. South Carolina Legal Services is always looking for attorneys to assist in its PAI program, especially in 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. Information on the PAI program can be found at <https://sclegal.org/pai/>.

The South Carolina Pro Bono Program is a volunteer-based program that refers cases to volunteer attorneys. The applicants are screened for income eligibility. Most requests for legal assistance involve family law issues, bankruptcy (Ch.7), simple wills, powers of attorney, etc.

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

Yes, the University of South Carolina School of Law and Charleston School of Law have programs to assist you with cases.

**Carolina Clerks – USC Law School** – Contact Pam Robinson at (803) 777-3405 or [robinspd@law.sc.edu](mailto:robinspd@law.sc.edu).

**Charleston School of Law** – Contact Michelle Condon at (843) 377-2457 or [mcondon@charlestonlaw.edu](mailto:mcondon@charlestonlaw.edu).