

MANDATORY OR VOLUNTARY REPORTING OF PRO BONO HOURS

All jurisdictions in the U.S. do not follow a universal rule regarding the procedure for attorneys to report their pro bono service. States have either made pro bono reporting mandatory, voluntary, or have not implemented any procedure. An apparent difference between mandatory and voluntary reporting is that attorneys are subject to sanctions under a mandatory reporting regime if they fail to comply with deadlines. Under a voluntary reporting jurisdiction, bar associations rely on an attorney's willingness to self-report hours for data collection. Each jurisdiction makes its own determination about which system of reporting to implement, if any, either through a court rule or their state's bar association. Typically, jurisdictions that maintain a reporting requirement, whether voluntary or mandatory, ask their attorneys to report pro bono hours during annual registration statements. The ABA has not taken a position on whether jurisdictions should implement a universal reporting rule, a split between mandatory or voluntary reporting, or no rule at all. Rather, the ABA outlines the competing arguments for mandatory or voluntary reporting.¹

A primary benefit of mandatory pro bono reporting is data collection; accurate and reliable data is integral for bookkeeping on a broader state-wide scale and a narrower individual attorney scale. Other positive considerations from mandatory reporting include increased access to justice/courts, attorney engagement in pro bono service, representation to poor communities, and compliance with an attorney's professional responsibility of pro bono contributions. Mandatory pro bono reporting has been shown to "create attorney and public awareness" as well as "narrow[] the gap between demand for free legal aid and its availability."² Countervailing arguments against mandatory pro bono reporting include possible constitutional privacy rights violations, greater burden on attorneys, decreased pro bono activity, increased administrative costs and sanctions for noncompliance, and elimination of the pure motivation behind engaging in pro bono service.

A primary benefit of voluntary reporting of pro bono service is that it similarly achieves the outcomes from mandatory reporting but bypasses potential constitutional concerns. The optional reporting feature lessens the burden on attorneys but contributes less effectively to the broader goal of capturing pro bono service statistics. Voluntary reporting can produce some data collection, but the opposing argument raises the concern of low response rates that can lead to inconclusive information from an unrepresented sample. Additionally, voluntary reporting downplays the importance of an attorney's professional obligation to pro bono service because attention towards it decreases due to its volitional nature.

At present, a majority of U.S. jurisdictions adopted a mandatory or voluntary reporting requirement. As of June 2023, of the 32 U.S. jurisdictions that have a pro bono reporting requirement (either mandatory or voluntary), 12 have implemented mandatory reporting and 20 have implemented voluntary reporting. 18 states (and the District of Columbia) have not adopted mandatory or voluntary reporting requirements. Although such jurisdictions may contain organizations within their respective states that collect pro bono information, there is no formal

¹ See American Bar Association, "Pro Bono Reporting," (2020), https://www.americanbar.org/groups/probono_public_service/policy/arguments/.

² See Leslie Boyle, *Meeting the Demands of the Indigent Population: The Choice Between Mandatory and Voluntary Pro Bono Requirements*, *Geo. J Legal Ethics*, 415, 426 (2007).

reporting mechanism in place for state bar associations to conduct research. Of the 32 jurisdictions that include a form of reporting, pro bono hours are usually reported when an attorney files their annual registration and license renewal. All jurisdiction with reporting in place offer attorneys either online or print/mail methods of recording their pro bono hours. Some states require their attorneys to certify that they have completed a certain minimum number of pro bono hours during the registration renewal.

In summary, not all jurisdictions in the U.S. have adopted a pro bono reporting requirement. Jurisdictions that have adopted a mechanism for reporting pro bono hours are able to efficiently be appraised of their state's pro bono contributions and monitor the progress of such reporting requirements. Additionally, attorneys that exceed their jurisdiction's pro bono service goals are eligible for special recognition. By reporting their pro bono hours, attorneys satisfy their ethical and professional obligation to represent those that would be unable to afford counsel and increase their contribution to those communities.

Attorneys in states that adopt a reporting requirement or none at all can remain aware of such rules and encourage colleagues to engage in pro bono service, regardless of reporting requirements.

The chart below reviews the distribution governing pro bono reporting requirements in all fifty states and the District of Columbia. The chart contains a short excerpt of the language surrounding the requirement, either from the jurisdiction's bar association or rule, including additional information specific to that state.

Summary of State Status on Voluntary or Mandatory Reporting of Pro Bono Hours

State	Mandatory or Voluntary Reporting?	State Rule	Rule Highlights ³
Alabama	Mandatory	Ala. State Bar Mandatory CLE Regul. 3.9	Regulation 3.9 indicates “[o]n October 1 of each year, the Approved Pro Bono Providers shall report the name of each attorney who meets these requirements to the MCLE Commission along with the number of credits awarded. Self-reporting shall not be permitted under this provision.”
Alaska	Neither	No rule	
Arizona	Voluntary	No rule	The State Bar of Arizona indicates that the Pro Bono portion of the annual membership fees statement is “strictly voluntary” and is “only used in the aggregate.” ⁴
Arkansas	Neither	No rule	
California	Voluntary	No rule	The State Bar of California “does not ask attorneys to report their pro bono hours.” ⁵
Colorado	Neither	No rule	The Colorado Access to Justice Commission 2022 Pro Bono Report proposed an amendment to Colorado Rules of Civil Procedure 227(A)(1)(b)(2)(a)(4) to require attorneys to annually report their pro bono hours in a confidential manner as part of their attorney registration information. ⁶ As per the rule change adopted by the Supreme Court of Colorado on May 25, 2023 effective Dec. 1, 2023, the above section remains unchanged. ⁷
Connecticut	Voluntary (last updated in 2014)	No rule	The Connecticut Public Service and Trust Commission, Pro Bono Committee’s 2014 report indicated, “as part of the annual electronic attorney registration process, the Pro Bono Committee once asked again registering Connecticut attorneys to voluntarily report their

³ Some rules include additional restrictions. See the text of the actual rules for complete information.

⁴ See State Bar of Arizona, “Frequently Asked Questions About Membership Fees,” (2023), <https://www.azbar.org/licensing-compliance/membership-fees/membership-fees-faqs/>.

⁵ See State Bar of California, “Frequently Asked Questions (FAQs) About Pro Bono,” (2016), https://www.calbar.ca.gov/portals/0/documents/accessJustice/Pro%20Bono%20FAQs%20Revised_02%2019%2016.pdf.

⁶ See Colorado Access to Justice Commission, “2022 Access to Justice Commission Pro Bono Report,” (2022), https://www.coloradoaccesstojustice.org/files/ugd/c659b2_ec0faebe44f04021a9137e58f9bf9151.pdf.

⁷ See C.R.C.P. amend. 227, [https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2023/Rule%20Change%202023\(10\).pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2023/Rule%20Change%202023(10).pdf).

State	Mandatory or Voluntary Reporting?	State Rule	Rule Highlights ³
			pro bono activities during the prior year.” ⁸ The 2014 report seems to be the most recent evidence of such reporting policies CT has in place.
Delaware	Neither	No rule	
District of Columbia	Neither	No rule	
Florida	Mandatory	Fla. R. Prof'l Conduct 4-6.1(d)	The reporting of pro bono hours must be done through the attorney’s “annual membership fees statement as developed by the Florida Bar.”
Georgia	Voluntary	No rule	On their annual attorney dues and registration statement, attorneys will respond as to whether they have completed the state’s 50-hour pro bono goal. ⁹
Hawaii	Mandatory	Haw. Sup. Ct. R. 17(d)(1)(B)	“Each member of the Hawai‘i State Bar shall file an attorney registration statement and provide such information as the Board of Directors may require” which includes “hours of pro bono service” that will remain confidential.
Idaho	Voluntary	No rule	Attorneys can submit a form to the Idaho Law Foundation and Idaho State Bar on their pro bono hours at the Idaho Legal Aid Services. ¹⁰
Illinois	Mandatory	Ill. Sup. Ct. R. 756(f)	Attorneys report their pro bono legal service made during the preceding 12 months on the annual Illinois ARDC registration form. ¹¹
Indiana	Mandatory	Ind. R. Prof'l Conduct 6.7	Attorneys must report their uncompensated and substantially reduced compensation of pro bono hours as part of their annual registration. The information collected is confidential and will not be publicly disclosed.
Iowa	Neither	No rule	
Kansas	Neither	No rule	

⁸ See State of Connecticut Judicial Branch, Public Service and Trust Commission Pro Bono Committee, “Annual Report,” (2014), <https://www.jud.ct.gov/committees/pst/probono/ProBonoAnnualReport2014.pdf>.

⁹ See American Bar Association, “Pro Bono Reporting,” (2020), https://www.americanbar.org/groups/probono_public_service/policy/arguments/.

¹⁰ The form can be accessed here: https://isb.idaho.gov/ilf/wp-content/uploads/sites/2/ilas_donated_hours_form.pdf.

¹¹ See Public Interest Law Initiative, “Illinois Supreme Court Pro Bono Reporting Rule,” (2023), [https://pili.org/resources/resources-for-individual-attorneys/illinois-supreme-court-pro-bono-reporting-rule/#:~:text=Rule%20756\(f\)%20requires%20all,during%20the%20preceding%2012%20months.](https://pili.org/resources/resources-for-individual-attorneys/illinois-supreme-court-pro-bono-reporting-rule/#:~:text=Rule%20756(f)%20requires%20all,during%20the%20preceding%2012%20months.)

State	Mandatory or Voluntary Reporting?	State Rule	Rule Highlights ³
Kentucky	Voluntary	No rule	Attorneys can report their pro bono hours on their annual dues statement. ¹²
Louisiana	Voluntary ¹³	No rule	Attorneys can submit their pro bono hours from the prior 12 months online on their LSBA Online Member Account or via mail/fax
Maine	Voluntary ¹⁴	No rule	
Maryland	Mandatory	Md. R. Prof'l Conduct 19-503	Attorneys must submit a Pro Bono Legal Service report via the Attorney Information System of their pro bono hours during the preceding fiscal year. The information collected is confidential.
Massachusetts	Neither	No rule	
Michigan	Voluntary	No rule	The Michigan State Bar's Model Pro Bono Policies encourage law firms and corporate legal departments to record the pro bono work of their attorneys. ¹⁵
Minnesota	Mandatory	Minn. Sup. Ct. Lawyer Registration R. 25	Attorneys must report their pro bono hours each year in their annual Lawyer Registration Statement.
Mississippi	Mandatory	Miss. R. Prof'l Conduct 6.1(e)	Attorneys report their pro bono hours on their annual membership fees statement.
Missouri	Voluntary	No rule	The Missouri Bar provides a link on their website for attorneys to report their pro bono hours every calendar year. Attorneys who engage in pro bono work above 40 hours in a calendar year receive special recognition. ¹⁶
Montana	Voluntary	No rule	"Pro bono reporting is conducted in conjunction with the annual Interest On Layers Trust Account (IOLTA) certification." The State Bar of Montana and the Montana

¹² See American Bar Association, "Pro Bono Reporting," (2020), https://www.americanbar.org/groups/probono_public_service/policy/arguments/.

¹³ See Louisiana State Bar Association, "Pro Bono Voluntary Reporting," (2023), <https://www.lsba.org/ProBono/ProBonoVoluntaryReporting.aspx#:~:text=Submit%20the%20number%20of%20pro,2022%20through%20June%2030%2C%202023.&text=To%20report%20your%20Pro%20Bono,your%20LSBA%20Online%20Member%20Account.&text=Every%20lawyer%20should%20aspire%20to,to%20those%20unable%20to%20pay.>

¹⁴ Maine established the Katahdin Counsel Recognition Program, a program created to recognize pro bono work in Maine. This is a voluntary program attorneys can join to report their pro bono hours and certify they have met the minimum 50-hour goal. For more information, see: <https://www.courts.maine.gov/katahdin/faqs.html>.

¹⁵ See State Bar of Michigan, "Pro Bono Manual Section 2: Model Pro Bono Policies," (last visited June 9, 2023), <https://www.michbar.org/programs/probonomanual/pbmsection2>.

¹⁶ See The Missouri Bar, "Pro Bono Resources," (2023), https://mobar.org/site/content/Lawyer-Resources/Pro_Bono_Resources.aspx.

State	Mandatory or Voluntary Reporting?	State Rule	Rule Highlights ³
			Supreme Court Office of the Court Administrator jointly manage the pro bono reporting process. ¹⁷
Nebraska	Neither	No rule	
Nevada	Mandatory	Nev. R. Prof'l Conduct 6.1(b)	Attorneys must complete an Annual Pro Bono Reporting Form, which is provided to the Nevada State Bar along with the attorney's fees statement.
New Hampshire	Neither	No rule	The New Hampshire State Bar Association is currently looking into implementing voluntary pro bono reporting by the end of the 2023-24 reporting year. ¹⁸
New Jersey	Mandatory ¹⁹		Attorneys who perform at least 25 hours of pro bono work a year are exempt from taking <i>Madden</i> cases ("pro bono work for indigent litigants in cases where the legislature has made no provision for a public defender) the following year. "All attorneys must report their compliance with pro bono requirements during the online registration process each year."
New Mexico	Mandatory	N.M. R. Prof'l Conduct 24-108	Attorneys report their pro bono hours "through a form that is made a part of the lawyer's annual membership fees statement."
New York	Mandatory	22 NYCRR § 118.1(e)(14)	Attorneys are required to submit their pro bono services and contributions on their biennial registration statements.
North Carolina	Voluntary	No rule	The North Carolina Pro Bono Resource Center provides attorneys, paralegal, and firms with an online form to report their pro bono hours each year. Attorneys who report more than 50 hours of pro bono work will be inducted in the North Carolina Attorney Pro Bono Honor Society. ²⁰
North Dakota	Voluntary	No rule	The State Bar Association of North Dakota provides attorneys with an online or printable form to record their pro bono hours and asks

¹⁷ See Montana Judicial Branch, "Pro Bono Reports," (2022), <https://courts.mt.gov/ProBono/about/Reports>.

¹⁸ See Tom Jarvis, New Hampshire Bar Association, "Continuing to Mitigate the Justice Gap: NHSC Says Voluntary Pro Bono Reporting Is in the Early Stages of Implementation," (last visited June 9, 2023), <https://www.nhbar.org/continuing-to-mitigate-the-justice-gap-nhsc-says-voluntary-pro-bono-reporting-is-in-the-early-stages-of-implementation/>.

¹⁹ With a few conditions. Please see <https://www.njcourts.gov/attorneys/pro-bono#262301> for more details.

²⁰ See North Carolina Pro Bono Resource Center, "North Carolina Voluntary Pro Bono Reporting," (2023), <https://ncprobono.org/report/>.

State	Mandatory or Voluntary Reporting?	State Rule	Rule Highlights ³
			attorneys to certify their completion of at least 50 hours of pro bono work. ²¹
Ohio	Voluntary	No rule	Ohio attorneys on active registration receive an email from The Supreme Court of Ohio to report their pro bono hours anonymously. ²²
Oklahoma	Neither	No rule	
Oregon	Voluntary	No rule	Oregon attorneys can log into their online member portal to report their pro bono hours. As of June 9 2023, the Oregon State Bar was working on a new system for reporting and will advise attorney of when same is available for use. ²³
Pennsylvania	Neither	No rule	
Rhode Island	Neither	No rule	
South Carolina	Voluntary	No rule	The South Carolina Bar provides an online form on their website to submit their pro bono hours and its respective dates. ²⁴
South Dakota	Neither	No rule	
Tennessee	Voluntary	No rule	Attorneys can report their pro bono hours from the previous calendar year when the attorney renews their legal license with the Board of Professional Responsibility. ²⁵
Texas	Voluntary	No rule	Attorneys can report their pro bono hours on the Texas State Bar website using their bar number and password, and those who report over 75 hours will be invited to join the State Bar's Pro Bono College. ²⁶
Utah	Neither	No rule	
Vermont	Neither	No rule	

²¹ Example of the 2022 Pro Bono Reporting Form that was due by May 1, 2023:

https://cdn.ymaws.com/www.sband.org/resource/resmgr/docs/resources/justice_for_all_verification.pdf.

²² See Ohio Access to Justice Foundation, "Please Report Your Pro Bono Hours," (March 9, 2010),

<https://www.ohiojusticefoundation.org/please-report-your-pro-bono-hours/>.

²³ See Oregon State Bar, "Pro Bono Reporting – The Pro Bono Roll Call," (2023),

<https://www.osbar.org/probono/reporting.html>.

²⁴ See South Carolina Bar, "Report Pro Bono/Public Service Hours," (2023), <https://www.sbar.org/lawyers/bar-programs/pro-bono-program/report-pro-bono-public-service-hours/>.

²⁵ See Tennessee State Courts, "Supreme Court Pro Bono Recognition Program," (2022),

<https://www.tncourts.gov/ProBonoRecognition>.

²⁶ See State Bar of Texas, "Report Your Pro Bono Hours," (2019),

https://www.texasbar.com/AM/PrinterTemplate.cfm?Section=Legal_Access_Division&Template=/CM/HTMLDisplay.cfm&ContentID=21431&FuseFlag=1.

State	Mandatory or Voluntary Reporting?	State Rule	Rule Highlights ³
Virginia	Voluntary	Va. Sup. Ct. R. 22	Attorneys can report their pro bono service on their annual license renewal application.
Washington	Voluntary	Wash. R. Prof'l Conduct 6.1	The Washington State Bar Association allows attorneys to report their pro bono service via the state bar website during the online license renewal process. ²⁷
West Virginia	Neither	No rule	
Wisconsin	Neither	No rule	
Wyoming	Neither	No rule	

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²⁷ See Washington State Bar Association, “Pro Bono & Public Service,” (2022), <https://www.wsba.org/connect-serve/pro-bono-public-service>.