



## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

MICHAEL DEW  
SECRETARY

### **POLICY**

Effective: June 14, 2017  
Review: April 12, 2017  
Office: General Counsel  
Topic No.: 001-225-001-i

### **PRO BONO LEGAL SERVICES**

Department attorneys may render pro bono legal services to the poor as encouraged by the Florida Bar and in accordance with ***Rule 4-6.1, Rules Regulating the Florida Bar***. Pro bono legal services are rendered to the poor without charge or expectation of a fee.

#### **1. QUALIFIED PRO BONO LEGAL SERVICES**

***Rule 4-6.1, Pro Bono Public Service, of the Rules Regulating the Florida Bar***, states that "Each 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. . . ."

Department attorneys are authorized to provide pro bono legal services to private individuals or nonprofit organizations in accordance with the ***Rules Regulating the Florida Bar***, provided that all of the following conditions are met:

- (1) The services must not involve a conflict of interest or the appearance of a conflict of interest.
- (2) The services, and any training or preparation therefor, must be performed while on personal time, or approved annual or administrative leave, as set forth in ***Section 2.3*** below.
- (3) The attorney shall inform, whenever appropriate, that he or she is not acting in any official capacity or representing the State, the General Counsel, or the Department.
- (4) The services shall not include representation before the Legislature, any state administrative tribunal, or any court where the State is a party, or the rendering of any advice or representation on criminal charges.

(5) Department **Form No. 225-000-01, Request to Provide Pro Bono Legal Services**, must be completed and approval obtained from the General Counsel before pro bono representation can be undertaken.

(6) Attorneys shall not use Department resources or supplies, or administrative or clerical personnel in rendering pro bono legal services.

## 2. MISCELLANEOUS PROVISIONS

### 2.1 Violation

Department attorneys shall be subject to appropriate discipline or other agency action consistent with the employee's position in the Selected Exempt Service category for violations of this policy. When appropriate, the matter may be referred to the Florida Bar or appropriate court for further professional disciplinary action.

### 2.2 Conduct of Department Attorneys

All Department attorneys are required to maintain the highest standards of professional and ethical conduct as legal representatives and employees of the state, including while providing pro bono legal services. Such standards include integrity, diligence, and decorum expected of state employees and members of the Florida Bar.

### 2.3 Use of Leave

In order to avoid conflict with the attorney's duties to the Department, the attorney should not provide pro bono service while on official duty or within any period of time during which the employee is expected to perform services for which compensation is received from the Department, except while on approved annual or administrative leave.

Pursuant to **Rule 60L-34.0071(3)(i)1.b, Florida Administrative Code**, Department attorneys may be granted up to one hour of administrative leave per week, not to exceed five (5) hours per calendar month, to participate in community service programs that meet child, elder, or human needs. Specific programs, including the Guardian ad Litem Program, are identified as qualifying under this **Rule**. Pursuant to the July 23, 2001, determination by the Department of Management Services, Legal Services of North Florida qualifies as such a community service program. Pro bono services in excess of a total of five (5) hours in any given month must be rendered while on personal time or approved annual leave.



---

Michael Dew  
Secretary