

PRO BONO POLICY

I. STATEMENT OF PRINCIPLES

Pro bono work is an important aspect of the history of professionalism of the practice of law and represents an admirable tradition within the legal profession. The tradition recognizes the contribution that members of the profession are able, often uniquely, to make for the benefit of those disadvantaged in our society and the organizations that serve them, for advancing issues of public interest and concern and for improving our legal system for the benefit of all in our community. McKercher LLP is committed to playing a leading role in providing these contributions.

McKercher LLP was one of the original signatories to the Pro Bono Law Saskatchewan Pledge, appended to this Policy (the "Pledge"). In furtherance of this Pledge, McKercher LLP is pleased to join other firms across the country in subscribing to the following statement of principles and pledges its best efforts to achieve the following voluntary goals:

1. In this Policy the term pro bono refers to professional legal services undertaken, normally without expectation of fee (or for a reduced fee) with prior approval under this Policy for:
 - (a) persons of limited means who demonstrate a need for legal assistance but are unable to afford legal counsel without suffering financial hardship;
 - (b) charitable, non-profit, religious, civic, community, governmental and education organizations that are designed primarily to address the needs of persons of limited means or which work for the public good of marginalized or disadvantaged individuals or groups;
 - (c) matters of public interest and broad community concern which might not otherwise be pursued; and
 - (d) the improvement of the law or legal system in a manner which benefits marginalized or disadvantaged individuals or groups.
2. Our firm encourages and supports the participation by all of its lawyers in pro bono public activities through the firm's financial and supervisory support. We agree to promulgate and maintain a clearly articulated and commonly understood firm policy which unequivocally states the firm's commitment to pro bono work.
3. In furtherance of these principles, McKercher LLP firm is also committed:
 - (a) To ensure that the firm's policies with respect to evaluation, advancement, productivity, and compensation of its lawyers are compatible with the firm's commitment to encourage and support pro bono participation by lawyers;

- (b) To monitor the progress toward the firm's pro bono goals and to report its progress annually to the members of the firm; and
- (c) To provide a range of pro bono opportunities with attendant supervision and training to lawyers and students in the firm.

II. POLICIES

In furtherance of the above principles and the firm's Pledge, the following policies apply to the provision of pro bono services by McKercher LLP lawyers.

Pro Bono Coordinator

The Pro Bono Coordinator has the responsibility and accountability for the operation of this Policy. In particular, the Pro Bono Coordinator is responsible for approving all proposed pro bono engagements and for the general supervision of pro bono files within the firm. The Pro Bono Coordinator will observe the following guidelines:

(i) Criteria

Pro bono files will be considered for their potential:

- (a) to assist those most in need of legal services;
- (b) to meet the educational goals of the firm in, *inter alia*, training young lawyers and providing them with learning opportunities; and
- (c) compatibility with the marketing goals of the firm and to specifically highlight the principled and standard-setting approach the firm takes towards the practice of law.

Pro bono files will not be approved:

- (a) where it would demand an unreasonable use of firm resources;
- (b) where it is proposed that an associate lawyer provide some or all of the pro bono services, and where it would not be in the best interests of the associate, considering, *inter alia*, the associate's workload, training, and areas of expertise or where there is inadequate assurance of appropriate supervision;
- (c) where it could conflict with the interests of existing clients of the firm.

(ii) Protocol

Pro bono files will be subject to the same rigid standards as regular files and will, at all times, be treated with the highest degree of skill and attention. This includes:

(a) ***Intake***

Potential pro bono files are to be brought to the attention of the Pro Bono Coordinator through completion of the appended intake form. Potential pro bono files will then be vetted by the Pro Bono Committee and considered on the basis of:

- (i) their potential to assist the firm in meeting the above-noted criteria for pro bono files;
- (ii) the possibility the file could create conflicts or already poses a conflict for the firm;
- (iii) the extent of potential disbursements and the arrangements for covering such expenses;
- (iv) the estimated time commitment and percentage of the firms overall pro bono targets the file will occupy; and
- (v) the availability of expertise within the firm to adequately provide supervision and assist with the entirety of the file.

If any material changes in the nature of an approved pro bono engagement occur, the Pro Bono Coordinator must be advised of the change.

(b) ***Assigning Lawyers***

If a pro bono file is approved, the lawyer(s) who have brought the matter forward will assume the carriage of pro bono file. Additional associate lawyers may also be assigned to the file with the approval of the Pro Bono Coordinator. In approving the assignment of associate lawyers to a pro bono file, the Pro Bono Coordinator will make his or her decision on the basis of the area of expertise of the associate, the educational goals for the associate, whether the associate has expressed interest, and whether the associate will receive adequate supervision on the file.

(c) ***Opening Files***

All pro bono files will be opened in the normal fashion and assigned a file number from number series: Joe ProBono - 103467.

(d) ***Recording Hours***

The time that lawyers spend on pro bono files should be fully recorded.

(e) ***Annual Report to the Firm***

The Pro Bono Coordinator will annually report to the partnership regarding the operation of this Policy and the pro bono work carried out by lawyers in the firm.

Billable Recognition

Associate lawyers will receive billable hour recognition for their first fifty (50) hours of pro bono service annually on pro bono files approved pursuant to this Policy. These first fifty (50) hours of pro bono service will be recognized as if they represented fifty (50) hours of collected fees at the associate lawyer's regular billable rate.



PRO BONO PLEDGE

Statement of Principles

RECOGNIZING that pro bono legal services play an important role in addressing the difficulty some members of society face in accessing the justice system;

RECOGNIZING that pro bono legal services are meant to complement, not replace, an adequately funded legal aid system;

RECOGNIZING that pro bono practice is part of the legal profession's service ideal and a proud tradition of the legal profession; and

RECOGNIZING that pro bono practice is a responsibility shared by the entire legal profession;

OUR FIRM is committed to providing and supports our members in providing pro bono legal services. Our firm is pleased to join with other law firms in Saskatchewan in subscribing to the Saskatchewan Law Firm Pro Bono Pledge and in pledging our best efforts to achieve the voluntary goals described.

Pro Bono Defined

Pro bono legal services are defined as providing professional legal services without expectation of fee where legal aid is not available for:

- (i) persons of limited means who demonstrate a need for legal assistance but are unable to afford legal counsel without suffering financial hardship;
- (ii) charitable, non-profit, religious, civic, community, governmental and education organizations in matters that are designed primarily to address the needs of persons of limited means or which work for the public good of marginalized or disadvantaged individuals or groups;
- (iii) matters of public interest and broad community concern which might not otherwise be pursued; and
- (iv) the improvement of the law or legal system in a manner which benefits marginalized or disadvantaged individuals or groups.

Pro Bono Commitment

Our firm is committed to providing high quality pro bono legal services according to the same standards of dedication, excellence, and professional ethics as paid legal services. To underscore our commitment to pro bono practice, all lawyers in our firm are encouraged to engage in and record fifty (50) hours of pro bono work annually through delivery programs approved by Pro Bono Law Saskatchewan Inc. (PBLs). Lawyers in our firm who engage in pro bono work through PBLs-approved programs will receive billable hour recognition for their first fifty (50) hours of pro bono service annually.

Pro bono services will be subject to the same standards and processes as paid legal services, including the identification of client conflicts and the provision of a retainer letter for matters requiring full representation. Unless agreed to in writing, pro bono clients will retain responsibility for disbursements, however, our firm will use its best efforts to minimize these costs.

In addition, our firm commitment extends to:

- (i) establishing a pro bono committee or appointing a pro bono coordinator at our firm;
- (ii) logging all pro bono work in the firm's administrative systems and opening and tracking pro bono files with the same procedures used on any other client file, with the exception of accounts receivable;
- (iii) providing training for and supervision of lawyers engaged in pro bono work;
- (iv) making available our firm's resources including, *inter alia*, the law library, electronic databases, office equipment, and staff time, as required; and
- (v) recognizing the worth of pro bono work to our lawyers, our firm and our community by valuing it favourably in the compensation process.

SIGNED at the City of Saskatoon in the Province of Saskatchewan this 12 day of June, 2008.

McKercher LLP

Name: David Stark

Title: Partner