

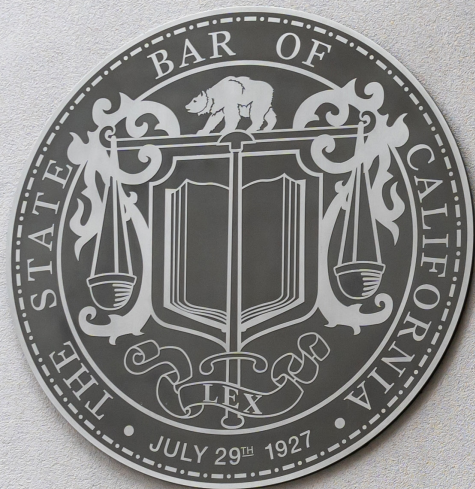
LOS ANGELES & SAN FRANCISCO

Daily Journal

www.dailyjournal.com

FRIDAY, JANUARY 3, 2025

NEW CALIFORNIA LAWS 2025



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AB 2505: New pro bono reporting requirement

By Stephen L. Raucher
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Though the State Bar of California encourages lawyers to provide at least 50 hours of pro bono services per year, until now there has been no formal mechanism to measure the percentage of attorneys meeting this goal. Assembly Bill 2505, signed into law by Gov. Newsom on Sept. 27, 2024, will add sections 6073.1 and 6073.2 to the Business and Professions Code, requiring attorneys with active licenses to annually report the number of pro bono hours they complete each year. Under this new requirement, the State Bar must collect and maintain the reported

data for at least five years, though the information will not be subject to public disclosure. Instead, the State Bar will be authorized to publish aggregated and anonymized reports based on the information provided.

Attorneys will report through the State Bar's website at the same time that they pay their annual membership dues. However, some attorneys will be exempt from the reporting requirement. AB 2505 includes exceptions for licensees employed by an organization primarily engaged in the provision of pro bono services, legal aid organizations, and nonprofit benefit corporations, as well as for full-time employees, officers, or elected officials of the State of California, a political subdivision thereof, or the federal gov-

ernment. Licensees whose employers prohibit them from performing pro bono services will also be exempt. Additionally, the State Bar may permit licensees to decline to answer or to indicate that they do not track their pro bono hours.

One important aspect of AB 2505 is its definition of "pro bono services," which appears narrower than the broader framework set forth under Business and Professions Code Section 6073, providing that "Every lawyer authorized and privileged to practice law in California is expected to make a contribution." Under the new law, pro bono services are defined as providing or enabling the direct delivery of legal services without expectation of compensation to the following:

- An indigent person;
- A charitable, religious, civic, community, governmental, or educational organization in matters that are designed primarily to address the needs of persons of limited means; or
- A charitable, religious, civic, community, governmental or educational organization in matters in furtherance of its organizational purposes.

This definition raises questions about whether certain public service activities, currently recognized as pro bono under Section 6073, will still count for the new reporting requirement.

For instance, certain volunteer work with one's local bar association may not be considered pro bono under the narrow definition of AB 2505, unless that work is tied to the organization's charitable arm. Furthermore, while Section 6073 allows for pro bono services to be measured collectively, the new reporting requirement does not appear to provide a means of capturing firm-level pro bono activities or legal contributions.

Although the new law does not mandate attorneys to complete any pro bono hours, nor is there any penalty associated with failing to

complete pro bono hours or the reporting requirement, supporters of AB 2505 hope that the reporting requirement will help increase access to legal aid for low-income Californians by motivating attorneys to complete their pro bono commitment. At the very least, the reporting requirement will provide new insight into how many pro bono hours California attorneys are actually completing.

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