

~~FEATURE ARTICLE~~

# WHY

should  
I do

# ProBono

(and Other Questions to Ask Yourself)

# WORK

By Gary Toohey



## Why should I do pro bono work?

Why should you give up your precious time to help people with legal problems who can't afford that help – especially when that time could otherwise be spent on clients who can pay their bills?

Actually, there are several very compelling reasons why all lawyers – young and old, men and women, urban and rural, corporate lawyers and solo practitioners – should devote time to providing pro bono services to those in need.

First, of course, it is your obligation as a member of the legal profession. Supreme Court Rule 4-6.1 puts it clearly:

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations; by service in activities for improving the law, the legal system, or the legal profession; and by financial support for organizations that provide legal services to persons of limited means.<sup>1</sup>

A Supreme Court order strongly suggesting that licensed attorneys take their pro bono obligation seriously should be good enough. But for those who need additional motivation, consider this: It's the right thing to do.

In fact, pro bono work can be among the most rewarding things you will ever do in this life. Using one's legal skills and knowledge to help someone solve a worrisome legal problem can be immensely satisfying

and, in some sense, reaffirm one's purpose in life. Just ask Joplin lawyer and 2005 Missouri Bar Pro Bono Award recipient Ralph Soebbing, who began volunteering with Legal Services of Eastern Missouri after retirement.

"Volunteering . . . makes it possible for me to maintain my identity as a lawyer and at the same time give something back to my profession," he said. "Knowing that my legal education and experience are still of some value gives me a great feeling of satisfaction."

St. Louis University Law Professor Christine E. Rollins put it another way: "[I]t's reminding lawyers that they have a special gift, a skill that not

"Three out of four clients of [federally-funded legal aid programs] are women – for the most part, mothers with children," concluded a 2005 report from the Legal Services Corporation, which provides partial funding for legal aid programs around the nation. "Many are elderly or have disabilities. Some are veterans. Nearly all are below 125 percent of the federal poverty threshold, an income of approximately \$25,000 a year for a family of four."<sup>3</sup> However, the LSC documents that

[n]ationwide, for every person helped by LSC-funded programs, another is turned away.

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everyone has. It's an opportunity to give back."

"The reason to do pro bono work," said Linda Singer, executive director of a non-profit network that links law firms with pro bono work, "is that it's some of the most challenging, interesting and meaningful work you will do as a lawyer. It reminds us of what made many of us choose the legal profession – it's creative, it's optimistic and it matters. Ask many lawyers about they work they enjoyed most, and you'll find that they'll talk about a pro bono project."<sup>2</sup>

And if that *still* isn't enough, there is this: Your help is needed – and needed badly. Just how crucial is the need for pro bono services by attorneys? The statistics tell the story.

Fifty percent of those actually seeking help are turned away for one primary reason: lack of resources. If anything, this finding is an understatement. Many who are eligible for help never seek it – they do not know they have a legal problem, do not know help is available, or do not know where to go for help.<sup>4</sup>

In addition, the LSC report says, recent national trends – including a huge upsurge in domestic violence and the crisis in the mortgage and housing industries – "have added a new sense of urgency to the need for civil legal assistance...."<sup>5</sup>

## **Wait a minute – aren't the legal aid offices supposed to help low-income people in need of legal help?**

Missouri's legal aid offices have a long history of providing quality representation to people with civil legal problems who meet minimum income guidelines, but they simply don't have enough money or staff to meet the demand for their services – a demand that is growing during this time of economic turmoil.

"It's not like we weren't seeing significant numbers of calls and seeing significant need prior to this, but certainly we are seeing spikes in some of these areas that seems to be more directly connected to the financial challenges that we're facing in this country right now," said Dan Glazier, executive director of Legal Services of Eastern Missouri.

In addition to foreclosures spurred by the crisis in the mortgage industry, legal aid offices have also seen a large increase in client needs related to consumer debt, bankruptcy, business and employment concerns, along with Medicaid issues. But most alarming has been a steep climb in domestic violence incidents.

"The level of violence that we're seeing in these cases is just unbelievable – every scenario imaginable," said Susan Lutton, executive director of Mid-Missouri Legal Services Corporation. "In a case conference, you might see two or three cases where a child has been raped. Abuse is abuse, but we've just seen a lot of horrific cases...."

"There are more people at home, so more of this goes on," she added. "I think there is a lot of anger and a lot of frustration, so if these people have any of these tendencies toward being physical, these things really come out."

"We are also seeing an increase in family law cases," confirmed Glazier. "We specialize in representing victims of domestic violence. Certainly, some of that increase could be related to the increased tension and pressure and frayed nerves that are coming from the economic climate and the challenges that people are facing."

In fact, the growth in the number of economy-related cases, and the corresponding challenges faced by legal aid providers, prompted one newspaper to say:

It's a perfect illustration of the vicious cycle created by the nation's financial crisis: An economic downturn means more people experience legal troubles, such as foreclosures, domestic violence and bankruptcies.

More cases involving the indigent means a higher demand for free or cheap legal services ....

With less money flowing from private and government sources similarly pinched by bad economic times, these organizations are forced to reduce resources, like staffing, just as the demand increases.

Without help, many suffer worse legal troubles, creating an even greater need for aid from sources that simply can't provide it.<sup>6</sup>

"This wouldn't be a business model that they would advocate in business school: increase the demand while reducing the resources. That's what we are facing," Glazier said.

Doug Kays, executive director of Legal Services of Southern Missouri, puts it more bluntly: "We can't possi-

bly accept all the applications we get. We're inundated."<sup>7</sup>

## **I'm about to graduate from law school and, with the economy, I'm not sure that I will be able to find a job. Why should I give away my services when I can't find someone who will pay me to practice law?**

"Pro bono is an important part of professional development, as pro bono embraces real case work and legal training, which play key roles in developing one as an attorney," said Marcia Levy, Special Counsel for Pro Bono and Professional Development at the New York-based firm of Sullivan & Cromwell. "Pro bono and public services are essential to developing professionally."<sup>8</sup> Indeed,

[f]or law students, pro bono may be the first opportunity to perform legal work, while providing services essential to legal service organizations. "Pro bono and access to justice are at the core of what it means to be a lawyer," says Susan Feathers, executive director for the Levin Center for Public Service. "Through law-related service, law students gain invaluable legal skills, participate in the practice of law, and are inspired to commit to pro bono and public service for life. Increasing collaborations among law students, public interest lawyers, and the private bar are absolutely critical in a time of increasing need and decreasing resources."

However, law students and new lawyers should remember that pro

## Pro Bono Opportunities in Missouri

### ABA Military Pro Bono Project (Missouri)

- **Projects for:** Lawyers, Senior Lawyers
- **Contact:** Jason Vail, militaryprobono@staff.abanet.org , 312-988-5783

### ABA/FEMA Disaster Legal Assistance Program - ABA Young Lawyers Division (Kansas and Missouri)

- **Area of law:** Legal needs of disaster victims
- **Contact:** Scott Hill, hill@hitefanning.com , 316-265-7741

### Interfaith Legal Services for Immigrants

- **Area of law:** Immigration & Naturalization, Nonprofit Organizations
- **Projects for:** Law Students, Lawyers
- **Contact:** Kate McDaniel, katemcdaniel@ilsilegal.org , 314-371-4640

### Legal Aid of Western Missouri - Volunteer Attorney Project (Joplin)

- **Area of law:** Consumer, Disability, Education, Employment, Health, Housing, Public Benefits, Debt/Credit/Bankruptcy, Veterans, Domestic Violence, Family Law, Public and Private Housing Disputes
- **Contact:** Janice Franklin, 417-782-1650

### Legal Aid of Western Missouri - Volunteer Attorney Project (Kansas City)

- **Area of law:** Consumer, Education, Employment, Housing, Nonprofit Organizations, Public Benefits, Debt/Credit/Bankruptcy, Taxes, Domestic Violence, Family Law, Guardianship, Housing Disputes, Probate, Real Estate
- **Contact:** Latricia Scott-Adams, 816-421-8020

### Legal Aid of Western Missouri - Volunteer Attorney Project (St. Joseph)

- **Area of law:** Consumer, Employment, Housing, Public Benefits, Debt/Credit/Bankruptcy, Domestic Violence, Family Law
- **Contact:** Tiffany Hollon, 816-364-2325

### Legal Aid of Western Missouri - Volunteer Attorney Project (Warrensburg)

- **Area of law:** Consumer, Disability, Employment, Health, Housing, Public Benefits, Elder Law, Debt/Credit/Bankruptcy, Veterans, Domestic Violence, Family Law, Public and Private Housing Disputes
- **Contact:** William Shull, 660-747-7101

### Legal Services of Eastern Missouri, Inc. Hannibal Branch Office

- **Area of law:** Consumer, Disability, Education, Family & Juvenile, Health, Housing, Public Benefits, Veterans
- **Contact:** Kevin Suffern, 573-248-1111

### Legal Services of Eastern Missouri, Inc. Saint Louis Volunteer Lawyers' Program

- **Area of law:** Civil Rights, Consumer, Disability, Education, Employment, Family & Juvenile, Health, HIV/AIDS, Homeless, Housing, Immigration & Naturalization, Life Planning, Prisoners, Public Benefits, Elder Law, Debt/Credit/Bankruptcy, Veterans
- **Contact:** James Guest, 314-534-4200

### Legal Services Of Southern Missouri (Springfield)

- **Area of law:** Civil Rights, Consumer, Disability, Employment, Family & Juvenile, Health, Homeless, Housing, Life Planning, Prisoners, Public Benefits, Elder Law, Debt/Credit/Bankruptcy, Veterans
- **Contact:** Philip Masaooy, philip@lsosm.org , 417-881-1397

### Mid-Missouri Legal Services Corporation

- **Area of law:** Consumer, Disability, Education, Employment, Family & Juvenile, Health, Housing, Public Benefits, Debt/Credit/Bankruptcy, Veterans
- **Contact:** Susan Lutton, 573-442-0116

### Professional Housing Resources (PHRI)

- **Contact:** 314-726-0098

### Samaritan Center Legal Care

- **Area of law:** Consumer, Disability, Education, Employment, Family & Juvenile, Health, Homeless, Housing, Immigration & Naturalization, Public Benefits, Elder Law, Debt/Credit/Bankruptcy, Taxes, Veterans, all areas except criminal and traffic matters
- **Projects for:** Paralegals, Law Students, Mentors, Lawyers, Senior Lawyers
- **Contact:** Lou DeFeo, legalcare@midmosamaritan.org, 573-634-7776

### St. Louis Volunteer Lawyers and Accountants For The Arts

- **Area of law:** Civil Rights, Community Development, Employment, Homeless, Housing, Immigration & Naturalization, Nonprofit Organizations, Prisoners
- **Contact:** Sue Greenberg, 314-863-6930



bono work “is not just about being a do-gooder, gaining legal skills or getting free CLE; it’s about becoming a true participant in the legal profession,” writes Troy Messina, New York program coordinator for the online pro bono resource, [probono.net](http://probono.net).<sup>9</sup> Messina writes:

Volunteering your time and legal expertise pro bono will allow you to see “as a lawyer” how the justice system works (or doesn’t), how people interact with the law in their daily lives, from starting a business to trying not to get evicted, and how lawyers make a difference every day. And since you will be becoming a “real” lawyer through your pro bono work, you will gain the kind of experience that you want to be able to present to employers.

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For those who think it is cynical or self-serving to view pro bono as a way to get a job, there is nothing cynical about the experience of connecting to a client and serving the overwhelming need for legal help for people who cannot afford an attorney. The clients you represent are real, the attorney relationships you develop in the process are real, and these experiences stay with you even after the case is over. And there is nothing cynical about being an attorney with a dream job who fulfills the proudest tradition in our profession: pro bono.<sup>10</sup>

## **OK, I’m convinced. So how can I best contribute?**

There are multiple ways in which lawyers can get involved in pro bono programs. Many lawyers, for example, choose to help their local legal aid office handle the enormous demand for their services. Others – especially those working in larger firms – find that their firm has an organized pro bono program for its lawyers. Still others take the initiative themselves and organize their own pro bono project. While there are many ways to help, and many people willing to help you get involved, you need only make the commitment.

## **Volunteering at your local legal aid office**

Representatives of all four LSC-funded legal aid programs in Missouri say their efforts would be far less effective – and leave even more poor Missourians without legal assistance – were it not for the network of private attorneys that all four state programs have developed over the years. Some of these attorneys offer their services on a pro bono basis, while others provide help through a judicare arrangement, which offers them a set fee for handling a matter. Regardless of their method of involvement, these attorneys are indispensable in helping the state’s legal aid programs serve indigent citizens whose legal needs would otherwise remain unmet.

Legal services offices screen all cases, then match volunteer lawyers with appropriate clients. No volunteer lawyer will be asked to take more than two cases per year. While working as a volunteer, lawyers receive malpractice coverage through the agency’s insurance. Paperwork is kept to an absolute minimum, and volunteer lawyers can receive assistance with their cases

from a coordinator at the legal services office. In addition, educational materials prepared by The Missouri Bar are available to assist lawyers who accept cases from their area legal services provider.

Dan Glazier, LSEM’s executive director, says volunteer involvement has brought additional benefits beyond the mere ability to handle more cases.

“Our Volunteer Lawyer Program has multiple benefits,” he said. “Number one, it has allowed more clients to be served, and that’s what it’s all about. Number two, it has allowed us to bring in some private attorneys who have skill sets that we may not automatically have there. Thirdly ... it has given us the opportunity to more directly network with the legal community, so they can see what we do and they can understand the value and quality of what we produce, because they’re part of that team.

“It has helped us in a community outreach/education way, because it has strengthened the partnership between LSEM and the eastern Missouri legal community. It has also allowed our lawyers here to work with private attorneys, because whenever private attorneys take a case, they know that our attorneys here at LSEM are here to back them up and help them in whatever way they need.”<sup>11</sup>

## **Firm Programs**

Many law firms around Missouri have built pro bono work into their firm’s operating plan, with some larger firms even utilizing a pro bono coordinator to organize and promote their pro bono efforts. A number of large firms have also become signatories of The Pro Bono Institute’s Law Firm Pro Bono Challenge, which requires an institutional, firm-wide commitment to provide pro bono legal servic-

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es to low-income and disadvantaged individuals and families and non-profit groups.

In addition to being good for the firm as a whole, a strong commitment to pro bono work will also bring benefits to the individual members.

Especially within the context of a ... law firm, pro bono work provides you with a great opportunity to build your lawyering skills (taking depositions, getting into court) and gives you greater autonomy on your cases. Building your skill set is especially important for future mobility within the legal profession. Most lawyers do change jobs throughout their careers; having worked on pro bono cases can give you the edge you need to get the next job of your dreams. It also makes you stand out within a firm and provides an opportunity for you to work with others throughout the firm you may not usually have to chance to [work with].<sup>12</sup>

Of course, the main focus of a firm’s commitment to pro bono work is the benefit to those individuals who cannot afford the legal help they need, as well as improvement of the communities in which those firms practice. Here in Missouri, for example, the organized pro bono efforts of law firms have resulted in such initiatives as:

- Representation of abused or neglected children;
- Representing juveniles charged with crimes;
- Serving as guardians ad litem and helping grandparents obtain legal guardianships of their grandchildren;
- Assisting with adoptions of foster children by their foster parents;
- Neighborhood improvement projects that help developers acquire and rehabilitate residential properties;
- Committing to help local legal aid agencies through the Volunteer Lawyers Program;
- Assisting families with children who are diagnosed with disorders on the autism spectrum;
- Helping victims of domestic violence in obtaining orders of protection against their abusers;
- Assisting Habitat for Humanity with counsel on personnel policies and procedures, as well as bankruptcy issues;
- And countless more.

As the above examples illustrate, an attention to pro bono is something that can easily be incorporated into a firm’s legal philosophy and focus – regardless of firm size. All that is required is time, talent and commitment.

### **Individual Initiatives**

Of course, one doesn’t have to have a firm-wide commitment to pro bono –

or even be a member of a firm – to get involved in pro bono activities. There are countless examples of lawyers who have taken the plunge – from something as simple as looking the other way when it comes time to bill a limited means client to involvement with legal aid agencies or other organizations in need of volunteer legal assistance.

Some lawyers have even taken matters into their own hands by starting their own pro bono project, such as establishing organizations to provide legal help to domestic violence victims, immigrants, veterans returning from military service, homeless persons, children, inmates, the elderly, handicapped individuals, and others who have legal problems but lack the resources to hire an attorney.

### **How do I get started?**

One of the easiest ways to get started is by contacting your local or state bar organization. Here in Missouri, local bar organizations in the state’s three largest metropolitan areas – St. Louis, Kansas City and Springfield - are all involved in efforts to recruit volunteers to assist their respective area legal services office.

In addition, The Missouri Bar’s website ([www.mobar.org](http://www.mobar.org)) makes it easy to volunteer by providing an online volunteer form and a variety of other resources for those who are interested in helping their less fortunate neighbors (see “Pro Bono: A Timeless Service” on page 6 for more information).

By volunteering to accept pro bono cases referred by your nearest legal aid office, you can make an important difference in the lives of low-income clients such as the elderly on fixed incomes, the working poor, the disabled, the abused, and the children of the

poor. For persons of limited means, a lawyer's help can mean that an unjust eviction is halted, that an unfair contract won't be enforced, that a child can remain safely in the custody of a caring parent rather than an abusive one.

All of which poses one last question:

**"Will you ever do anything more personally and professionally satisfying?"**

## ENDNOTES

- 1 Missouri Supreme Court Rule 4-6.1.
- 2 Linda Singer, *Why Lawyers Should Take on Pro Bono Work*, law.com (August 11, 2006), available at <http://www.law.com/jsp/llf/PubAritlceLLF.jsp?id+1155214184162>.
- 3 "Semiannual Report to the Congress of the United States," Legal Services Corporation, for the period April 1, 2007-September 30, 2007.
- 4 *Id.*
- 5 *Id.*
- 6 Denise Nix, *Clients Flood Legal Services*, CONTRA COSTA TIMES (February 16, 2009), available at [http://www.contracostatimes.com/california/ci\\_11719760](http://www.contracostatimes.com/california/ci_11719760).
- 7 Gary Toohey, *For a Few Dollars More: As Legal Aid Providers Make Do, Missourians' Legal Needs Go Unmet*, PRECEDENT (Winter 2008).

8 Tory Messina, *Pro Bono Offers Career Hope in Bleak Legal Market*, probono.netNews (December 2008).

9 *Id.*

10 *Id.*

11 *Id.*

12 "Evaluating Law Firm Pro Bono Work," Harvard Law School Pro Bono Service Program.



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## Benefits of Bar Membership

[mobar@mobar.org](mailto:mobar@mobar.org)

### Substantive Law:

- CLE Programs
- CLE Publications
- *Journal of The Missouri Bar*
- *Courts Bulletin*
- *Legislative Digest*
- *ESQ.*
- Fastcase

### Practice Management & Development

- Client Keeper
- Durable Power of Attorney
- Fee Dispute Resolution
- Law Practice Management Assistance

- Law Practice Management Lending Library
- Lawyer Referral Service
- LawyerSearch
- Lawyer Trust Fund Handbook
- Legal Links
- Legislative Activities
- MCLE
- Missouri Case Law Summaries
- MoBar Net
- Professional Liability Insurance from The Bar Plan
- Public Information Brochures
- Risk Management

- Sample Fee Agreements
- *Precedent*

### Career/Personal Development

- Bar Meetings/Conferences
- Committee Membership
- Law-Related Education
- Lawyer Placement Service
- Leadership Academy
- Mentoring Program
- Missouri Bar Foundation
- Missouri Lawyers' Assistance Program (MOLAP)
- Pro Bono Services
- Young Lawyers' Section
- Vacation and Travel