

Wisconsin Lawyer

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Pro Bono – For the Public Good

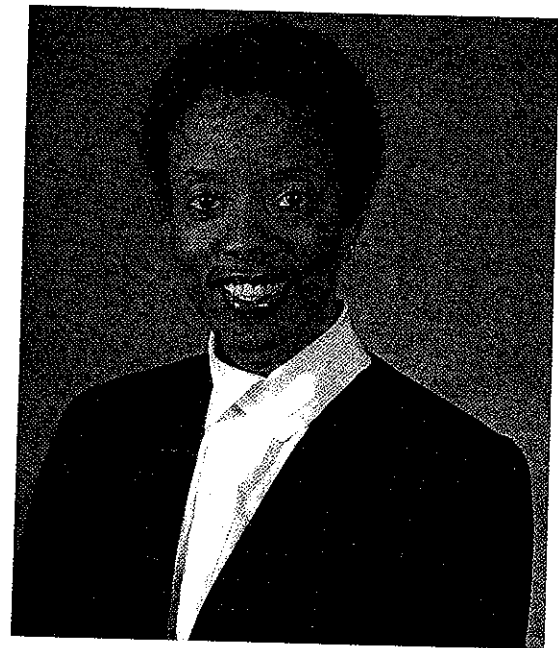
If you'd like to have a positive impact on the life of a low-income person who needs your legal expertise and service, consider taking the "Just Take Two" pro bono pledge as part of the State Bar's Pro Bono Initiative.

by Michelle A. Behnke

MUCH OF MY TIME AS State Bar president thus far has been spent visiting local bar associations and talking with members about funding for civil legal services and about lawyers' obligations with respect to pro bono legal services. "Pro bono publico," the phrase in our Rules of Professional Conduct, literally means for the good of the public. Many people have taken this phrase to mean only direct legal services to indigent persons for free. While there is clearly a need for legal services for poor people, I think it is important to keep in mind the true meaning of pro bono publico.

I believe that lawyers absolutely have an obligation to do things that are for the good of the public. Providing direct legal services is one important way that lawyers do good for the public. However, it is not the only way. Many lawyers contribute to their communities by serving as Cub Scout or Girl Scout leaders, volunteering in schools, coaching mock trial teams, speaking to the public and service clubs, mentoring disadvantaged students, serving on neighborhood association boards, or coaching youth sports teams. Other lawyers serve meals or do maintenance work at shelters for homeless people or battered women. Still others give blood or volunteer in hospitals. The list of activities is varied and rich. Each lawyer chooses for himself or herself a way to do good for the public. As wonderful as all of these activities are, there is a great need for direct legal services.

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"Just Take Two" pro bono campaign is underway, needs your participation

The State Bar, in cooperation with local bar associations, legal aid programs, and community and social service organizations, is spearheading a campaign, Just Take Two, to recruit lawyers to help address the access to justice crisis in Wisconsin. The goal is to improve effective access to the civil justice system by increasing the availability of pro bono lawyers for low-income Wisconsin residents.

Just Take Two is very simple. It's a voluntary pledge by Wisconsin lawyers to take at least two new pro bono matters for low-income individuals or for nonprofit groups that primarily serve low-income communities in the next 12 months.

To assist lawyers' pro bono work, the State Bar and other organizations have established several programs to relieve some of the costs, efforts, and risks to performing pro bono services:

- free professional liability insurance
- advisors on call
- free and low-cost training
- extensive how-to manuals
- free computerized research
- pre-screened pro bono clients

In addition to the good feeling you'll experience by helping others in need, pro bono work allows you to build or expand your practice areas, network with other attorneys, and increase your practice potential.

To learn more about the Pro Bono Initiative and to take the Just Take Two pledge, visit the Legal Assistance Committee page on WisBar, www.wisbar.org/committees/leg, or phone the State Bar pro bono coordinator at (800) 444-9404, ext. 6177.

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The State Bar's Pro Bono Initiative began before my term. The pilot efforts underway as part of the initiative focus in Judicial Districts 1 (Milwaukee County), 5 (the Dane County area), and 7 (the La Crosse County area). These programs are not a replacement for the great works that were already present but a means to increase awareness of pro bono needs and to facilitate and coordinate the delivery of expanded pro bono services to low-income Wisconsin residents. There is an overwhelming need for legal assistance. People who cannot get legal assistance will suffer, and their problems will likely compound.

If you are looking for pro bono legal service opportunities, I encourage you to take the Just Take Two pro bono pledge. It's easy, and you can do it online by going to the Legal Assistance Committee page on WisBar, www.wisbar.org/committees/leg. We need your help in serving the legal needs of poor people. The work is rewarding and often makes a substantial impact on the life of a client. Ensuring access to our legal system is vitally important, and that access can't be limited just to those people who can afford to hire a lawyer. If you're already providing legal services for free or at a reduced rate, thank you! If you haven't done so recently, please consider volunteering and taking on a case or two! We know that the need is there, and it can't be filled just by legal service agencies or legal clinics. We all need to roll up our sleeves and pump new blood into our pro bono legal services initiative.

For many lawyers, daily life is a juggling act of trying to balance work obligations, family obligations, and providing service to the public. We are constantly trying to do good for the public and our communities. Despite the juggling needed to manage our responsibilities and obligations, I see lawyers' consistent level of care and commitment to their clients, the public, and their communities. Ours is a noble and caring profession. I get to see the good works of lawyers every day.

BUSINESS LITIGATION

"LET MY EXPERTISE WORK FOR YOUR CLIENTS"

Non-Compete Agreements • Contract Disputes
 Fraud and Misrepresentation • Trade Secrets/Customer Lists
 Dealership Terminations • Injunction Hearings



CASE OF THE MONTH

Burbank Grease Services, LLC v. Sokolowski, No. 04-0468, (Ct. App. Jan. 20, 2005). Burbank collects and processes used restaurant fry, trap, and industrial grease. In April 2001, Sokolowski resigned to work for a company that soon thereafter formed United Grease as a Burbank competitor. After forming United, Sokolowski discovered materials at home that he had used for Burbank, including a 2000 hardcopy partial list of customers and 1998 computer disks that contained client identification and pricing information. Sokolowski used some of the information at United. The court upheld summary judgment for the defendants. The decision addresses when customer lists may be a trade secret, including generally the circumstances, not present in *Burbank*, when pricing information will meet the standard for being a trade secret. The court held that a claim for breach of fiduciary duty based solely on unauthorized use of allegedly confidential information that does not meet the statutory definition of a trade secret is preempted by the UTSA, sec. 134.90(6). Burbank had also alleged violations of the Wisconsin Computer Theft Statute, which the trial court dismissed. Burbank focused its appeal on sec. 943.70(2)(a)(6), arguing that "access codes or other restricted access information" included any computer data. The Court disagreed, saying that phrase in 943.70(2)(a)(6) plainly refers to codes, passwords, or other information that permits access to a computer system or to programs or data within a system, and does not refer to the system, program or data accessed. The trial court had held that sec. 943.70(2)(a)(4) had not been violated, because Sokolowski had taken possession of Burbank's data while employed by Burbank and with Burbank's authorization. Burbank did not pursue this point on appeal.

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