

# SOLO

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LAW OFFICE INFORMATION FOR SOLO & SMALL FIRM PRACTITIONERS

## Pro Bono Mythbusters

By Stephanie McLaughlin and Monte Mollere



The Discovery Channel's *Mythbusters* proves or disproves urban myths. For example, it has proven you

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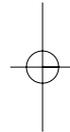
probably won't die if you mix Pop Rocks and Coca-Cola in your mouth or go swimming less than an hour after eating, and there are no giant alligators living in the sewers of New York City. It's in this vein we debunk one of the biggest myths confronting attorneys today—that doing pro bono work takes too much time.

In a recent ABA study, 69 percent of lawyers polled said the main reason they don't do pro bono is lack of time. But pro bono isn't just representing clients in long, contested court cases. There are many pro bono opportunities that help nonprofit civil legal service providers while fitting into the busiest solo or small firm attorney's schedule. Examples: brochure development, research, or educational courses.

Most civil legal services providers distribute written information to clients but keeping that information up to date can be a difficult task on top of an overflowing caseload. For the attorney whose practice covers the area of law addressed in the brochures, updating the information is a quick, self-contained pro bono task.

Small amounts of time can make a huge difference. Many programs have set up instruction for pro se litigants, utilizing lawyers who volunteer to instruct the litigants in various legal issues without actual representation. Most pro bono organizations also have clinics at locations such as a homeless shelter or domestic violence shelter. They need lawyers to vol-

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GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION AMERICAN BAR ASSOCIATION

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GP | Solo

ABA General Practice, Solo & Small Firm Division

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unteer a few hours to help clients with legal problems. This is a great way to donate pro bono work without adding to your solo caseload.

There are also opportunities to help the growing needs of low-income clients, such as the national non-profit Appleseed Project. A partner at Adams and

Reese, a large firm in New Orleans, was recruited to direct Louisiana's Appleseed as the ConocoPhillips/Adams and Reese Legal Fellow. She explains, "Appleseed asks lawyers to commit pro bono time to address problems at their root causes, producing practical, systemic solutions to effect change. For instance,

Appleseed may have a transactional attorney working to bridge the gap between low-income communities and mainstream financial institutions." A large firm's willingness to devote a full-time partner to pro bono efforts makes it that much easier for a solo or small firm practitioner to volunteer for Appleseed to

do research or assist on a preexisting project.

So, what of the myth that you haven't got the time to do pro bono? Sorry— it's busted. Pro bono doesn't have to add to your already busy caseload. It can even be a break from your everyday reality. And any time you can give — any time at all

— can change another person's reality for the better. And that's a reality you just can't ignore.

**Stephanie McLaughlin and Monte Mollere are with the Louisiana State Bar Association Access to Justice Program, online at [www.lsba.org/2007ATJ/](http://www.lsba.org/2007ATJ/).**

## Division Surveys Members on Pro Bono

By *Melanie Kushnir*

**A**lthough small firm and solo lawyers agree on the need for pro bono legal services, many say the demands of time and a lack of resources make it difficult, if not impossible, for them to contribute. As a follow-up to recent ABA resolutions urging solo and small firm lawyers to perform pro bono and community service, the ABA Standing Committee on Pro Bono and Public Service and the General Practice, Solo and Small Firm Division developed an informal survey to learn about respondents' participation, motivating factors, and challenges to participation. The survey confirmed that solo and small firms

are deeply involved in their local communities. On average, 62 percent of respondents provided pro bono legal services and 80 percent provided non-law related community service within the 12 months prior to the survey.

The primary reasons given for participation were a sense of professional responsibility, personal satisfaction, civic responsibility, the opportunity to enhance legal skills, and professional benefits such as contacts and referrals. Others indicated being motivated by an issue that impacted their life or that of a loved one. Reasons for not participating were lack of time, family obligations,

lack of skills or experience in the practice areas needed by pro bono clients, and lack of administrative support or resources.

When asked about factors that would encourage service, attorneys indicated taking on discrete legal tasks as opposed to full representation; free malpractice insurance; free training (manuals and forms) and CLE credit; a full range of opportunities; mentors and cocounsel; reliable prescreening of client financial eligibility; free use of office space and administrative support; and court-provided scheduling preferences.

Based on this information, what can the ABA, bar associations, legal service providers, and volunteers do to increase pro bono attorney involvement of solo and small firm practitioners?

**Foster pro bono ethic of service.** Survey responses indicate that internal motivation, more than external, is critical to pro bono involvement. Awards, CLE credit, and other inducements may encourage some participation, but it is even more important that the ABA, law schools, and the legal community foster a sense of professional responsibility to volunteer.

**Communicate availability of support.** Pro bono and legal service organizations commonly provide training sessions and free CLE credit for services performed. In addition, most offer malpractice coverage, reliable prescreening of client financial eligibility, mentoring and cocounseling programs, and opportunities to partner with larger firms on complex cases. Pro-

grams that offer these services must more effectively communicate the availability of these services for cases that they refer.

**Sign up!** Search the National Pro Bono Opportunities Guide at [www.volunteerforprobono.org](http://www.volunteerforprobono.org) for opportunities within your community. The guide indexes links to organizations and Web sites in each state and provides information on available support services.

The GP Division's Public Service Committee wants to hear from you. If you have suggestions or are interested in learning more, contact Chair Bruce Hopson at [bhopson@sbcglobal.net](mailto:bhopson@sbcglobal.net) or this author.

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## Public Service Why Not President?

By Chuck Driebe

Young lawyers are often advised that public service is a way to gain community recognition and, just maybe, attract clients. Some lawyers think that being politically active will do the trick. Better yet, why not run for public office? Get your picture in the newspaper, get invited to meetings (with many potential clients), get to introduce yourself and charm strangers.

Let me tell you the tale of one such lawyer, your humble author. He has always been active in the Democratic Party, so one year he was asked to serve on the Atlanta City Council. He overcame his natural reticence and agreed. When a newspaper interviewed him and asked what other office he might desire, he flippantly said, "Why not president?"

At first it was good. Then came endless council meetings, some lasting six hours, and committee meetings. The Public Works Committee was a blast, talking about sewage disposal. And there were complaints from constituents about the neighbor's barking dog or "My garbage wasn't picked up on time." (Like I was going to do this myself?) There were civic club meetings—you haven't lived until you've repeatedly heard the same routine. Sometimes, you were invited to new business receptions—at least you got beverage and some food. But you were also likely to be targeted with questions about city services.

And your law practice? Half your time was spent on public service and half on your practice. The City Council paid 10 percent of what your law practice produced—so 50 percent of your time for 10 percent of the income! Your law partners start to wonder whether you were carrying your weight.

True, occasionally you were hired to represent someone, but there was always the concern about conflict of interest: Am I taking this case because I want to please a constituent? The only real reward was a sense of contributing to the community.

There were other "rewards" after leaving office. People knew your name. (Some still do!) The city contacts you made helped you rezone some very substantial developments, which helped you finance four college educations. Later, you helped shape up the taxicab industry as head of the Atlanta Taxicab Commission.

I still keep the badge the chief of police gave me. It is in my wallet alongside my "Chuck Driebe for City Council" campaign button. These remind me of the glory I once had (the police badge) and to never do this again (the campaign button)!

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## Pro Bono Why We Do What We Do

By Marta-Ann Schnabel

Many felt that as a small firm lawyer I was foolish to think I could serve as president of the Louisiana State Bar Association and keep up with clients. Yet I emerged without resorting to bankruptcy court, and reflecting six months later on why I embarked on such a path, the answer is simple: I still believe that what we do is a special calling.

Not all law students hear that call, so in an effort to "enhance" the hearing of those entering Louisiana's law schools, I participated in the "Law School Orientation Professionalism Program" for first-year students in which the dean, a Supreme Court Justice, and a representative of the bar spoke to students, faculty, and volunteer lawyers about the awesome privilege and responsibility inherent in being a lawyer. We then dispersed into

smaller discussion groups where one big question arose: "Why do lawyers do pro bono work?"

Few discussion leaders had an answer beyond "because Rules of Professional Conduct say that we should." This was not persuasive to many and one student observed: "If I owned a hardware store, I wouldn't even consider sending one of my employees down the street to work for 50 hours on my nickel at another hardware store. Why would there be a rule telling a lawyer that he should *aspire* to do such a thing? I mean, charity is good and all, but business is business."

We small and solo practitioners know that we didn't go to law school to become purveyors of hardware, though some days it would be nice to be just about business. But the privilege of being a lawyer

encompasses a great deal more. A lawyer stands at the gate of the court system and holds the key to access it. We do pro bono work because we respect and honor the people who have put their trust in us to guard that gate. We do pro bono work as partial repayment for the opportunities made available to us. We do pro bono work to ensure that our democratic society in which we believe and upon which our livelihood depends continues to survive. We do pro bono work because we believe in justice.

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## The Purist Helping the Poor

By Joan Burda

sessions. I go to the firms and train everyone at the same time. I'll also work individually with a new volunteer. The first thing I

tell new volunteers is that there's nothing wrong in saying, "I don't know." No one expects them to be conversant in every legal issue presented to them.

If you plan to volunteer with legal aid or any other nonprofit legal services program, ask about the training. What kind of back-up does the program provide? Who pays the court costs? Is there malpractice insurance available? In my program, volunteers are covered by malpractice insurance.

Don't be afraid to call the program staff and ask for assistance. Good programs will offer without you asking. None of us intends to do a bad job, but sometimes it can get scary handling a case in an unfamiliar area. Call for help

I've been the program manager of the Cleveland Homeless Legal Assistance Program for six years. When it comes to pro bono, I'm a purist. To me, it means helping poor people with their legal problems. It means lawyers doing what lawyers are trained to do: represent clients in court and in transactional situations. I don't equate pro bono with serving on the orchestra's board or other community groups.

In my current job, I recruit and work with many volunteer lawyers, yet none of them deals in their regular practices with the types of legal issues presented by the clients in the homeless program.

I teach the volunteers the basics about the legal issues they'll face at intake

and don't try to go it alone; that's a recipe for trouble—for you and the client.

In many cases, there may be nothing you can do. The statute of limitations may have run 20 years earlier, but the client just needs someone to listen to what happened. It's important to treat these people with respect. Most poor clients don't expect to be treated well—they come prepared to be treated poorly—that's what they get on a daily basis. Some clients can be difficult; some are suffering from mental illness; and others are just worn down from the weight of poverty. But when you take a case and get a good result for the client, it's a feeling that can't be matched. The fee is your own sense of satisfaction and the look on the client's face. So, go ahead, volunteer. I guarantee you will not regret it.

**Joan Burda is program manager of the Cleveland Homeless Legal Assistance Program in Lakewood, OH. Contact her at [jmburda@mac.com](mailto:jmburda@mac.com).**



skills include:

### 1. Creative problem solving.

Engineers of social change minister to the needs of communities by using an interprofessional approach that requires working with social workers, psychologists, and other professionals to address the root cause of the community's legal issues. For example, attorneys may collaborate with social workers to ensure that social services are accessible within the community.

**2. Grassroots organizing.** Traditionally, lawyers have played an integral role in shaping public policy and effectuating systemic changes. Engineers of social change can use their legal skills to empower communities as they advocate for the protection of civil rights and equal access to justice. Engineers of social change use their legal skills to help people carry out their ideas and create a strategic plan of action to achieve their goals.

**3. Leadership development.** Engineers of social change create transformation through the utilization of their problem-solving skills, social judgment

## Engineers of Social Change

skills, and knowledge of the law. They lead the community in realizing the full potential of its power.

### 4. Bridge building.

Engineers of social change are integral to building the community by acting as a liaison between community members, policy makers, and key stakeholders.

### Getting started.

Openings are available in both your local community and the global community, whether serving on a non-profit board, volunteering for a local civil rights organization, or drafting legislation on an emerging human rights issue. Through the utilization of enthusiastic and committed legal talent, communities can become empowered, revitalized, and transformed. Now you've been hired as an engineer of social change—the job is yours and the possibilities are endless!

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