From the Chair...

I am honored to be the new chair of the ABA Standing Committee on Pro Bono and Public Service. I am indebted to prior chair Debbie Segal for the significant committee accomplishments during her term. Under Debbie’s leadership and with her vision, the Pro Bono Committee helped to develop a law firm Listserv, created a series of online CLE training seminars, authored an article on the history of pro bono in the United States, and co-hosted four successful Equal Justice Conferences. One of Debbie’s greatest achievements was the undertaking of the committee’s national pro bono survey, which was released in August.

The pro bono survey report, titled Supporting Justice: A Report on the Pro Bono Work of America’s Lawyers, is the result of a one-year study developed and supervised by the Pro Bono Committee. The committee’s main goals were (1) to produce a national survey that captured the amount of pro bono work being done by lawyers in the United States, and (2) to obtain a clearer understanding of why attorneys do or do not volunteer their time to provide legal assistance to people of limited means. The survey, conducted at the end of 2004,

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Pro Bono Profile

A Conversation with ABA President Michael S. Greco

by Marilyn Smith

ABA President Michael S. Greco has been a trial lawyer, mediator and arbitrator for 32 years and an active member of the ABA since 1974. Throughout his career, he has taken a special interest in issues of pro bono and public service.

Greco has a long and distinguished record of service to the bar. He has been a member of the ABA House of Delegates since 1985, and Massachusetts state delegate since 1993. In addition to serving as chair and member of many committees, he was appointed to the ABA Task Force on Terrorism and the Law in the wake of the terrorist attacks of September 11, 2001. That task force helped develop ABA policy on the government’s use of military tribunals and its treatment of detained persons and prisoners. In Massachusetts, Greco was president of the Massachusetts Bar Association (MBA), the New England Bar Association, and the board of trustees of Massachusetts Continuing Legal Education.

Greco’s experience extends beyond service to the bar, however, and reveals a long-standing commitment to legal services to the poor and pro bono work. As MBA president, he and then-Governor Michael Dukakis appointed a blue-ribbon Commission on the Unmet Legal Needs of Children. The report and recommendations prepared by that commission led to the enactment of new laws protecting the legal rights of children in the state. He also chaired the first-in-the-nation Massachusetts Legal Needs for the Poor Assessment and Plan for Action, and was co-founder and co-chair of Bar Leaders for Preservation of Legal Services for the Poor, a national bar leader grassroots organization that helped preserve the Legal Services Corporation in the 1980s.

Now, as Greco navigates the early months of his term as ABA president, Dialogue talks to him about his connection and commitment to pro bono and public service.

Dialogue: Why do you do pro bono work?

Greco: I do pro bono work for several reasons. First, I strongly believe that it is the professional responsibility of every lawyer to provide legal representation to people who are in need, regardless of their ability to pay. Lawyers enjoy a privileged position in society and thus have a responsibility to give back to their communities. But more fundamentally, I do pro bono work because it gives me a chance to make a difference in the lives of those who need—in some cases

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consisted of telephone conversations with 1,100 lawyers throughout the country in private practice, corporate counsel government and academic settings. The survey examines practicing attorneys’ pro bono contributions over the period from November 2003 to November 2004. The committee asked how much and what kind of volunteer legal services these lawyers provide, in what substantive areas they focus their efforts, and why they do or do not engage in pro bono. Lawyers were selected randomly to create a representative sample of full-time practicing attorneys from all 50 states in the United States. Although previous studies have looked at free legal work performed through pro bono programs, law firms, or individual states, this survey is the first attempt to empirically quantify pro bono contributions in the legal profession throughout the country. The Pro Bono Committee undertook this project to enable the ABA to better support existing pro bono efforts around the country and to expand new opportunities and pro bono infrastructure. Part of my task as the incoming chair is to focus the committee’s efforts on where to go next with the results of our survey. Some initiatives that have been discussed include (1) developing a data collection toolbox that can be shared with state and local entities hoping to learn more about pro bono activity in their area; (2) creating targeted recruit-ment materials based on key pro bono motivators and de-motivators highlighted in the survey; and (3) expansion of the survey to focus on specific demographic groups, such as retired, inactive and part-time attorneys. We hope you will take time to review the survey report at www.abaprobono.org/report.pdf.

Key Findings of Supporting Justice: A Report on the Pro Bono Work of America’s Lawyers

✦ Two-thirds of respondents (66 percent) reported doing some level of free pro bono services to people of limited means and/or to organizations serving the poor
✦ Attorneys surveyed reported providing an average of approximately 39 hours of free pro bono service to persons of limited means or organizations serving the poor
✦ Forty-six percent of the lawyers surveyed met the ABA’s aspirational goal of providing at least 50 hours of free pro bono services
✦ There was a direct correlation between age and incidence of providing pro bono, with older attorneys more likely to report doing pro bono than younger attorneys
✦ The prime motivator for attorneys who have done pro bono is the combined sense of professional duty and personal satisfaction derived from the work (as reported by 70 percent of those surveyed)
✦ The second largest motivating factor was recognizing the needs of the poor and responding to specific requests for assistance (43 percent of those surveyed)
✦ The main discouragement from doing—or doing more—pro bono, is a lack of time (69 percent), followed by employer-related issues such as billable hours expectations (15 percent) and the lack of specific expertise or skills in the required practice area (15 percent)

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desperately—legal assistance to vindicate their rights or protect their families, health, or businesses. And the satisfaction that comes from providing pro bono representation helps me remember why I became a lawyer in the first place—to serve the public, to solve problems, and to help those with limited resources and nowhere else to turn.

Dialogue: How did you first get involved in doing pro bono work?

Greco: The first pro bono case I worked on as a first-year associate demonstrated to me the power of lawyers committed to righting wrongs. It was a class action lawsuit brought against the Commonwealth of Massachusetts on behalf of hundreds of mentally retarded young people living in substandard, often inhumane, conditions in...
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state-operated institutions.
In the years I worked on that case, I came to know many of those young people and their families, and to understand their suffering. The successful conclusion, which resulted in the commonwealth expending millions of dollars to improve these institutions, and other reforms, was a great victory for the people we represented. But it was also highly satisfying for the lawyers who had worked on the case. It was as memorable and rewarding as any large verdict secured on behalf of a regular client.

Dialogue: Who or what influenced you to do this kind of work?

Greco: I knew as early as junior high school that I wanted to become a lawyer. I saw that the lawyers in our town were the problem solvers, the respected counsellors, the community’s leaders, because they took the time to be engaged in the life of the community, to serve on town boards and committees, and to help people with legal problems even if they did not have the ability to pay.

When I entered Boston College Law School, Father Robert Drinan, former member of Congress and recipient of the ABA Medal, was dean. Father Drinan viewed the law as an instrument of social justice, and he and the excellent law school faculty instilled that view, and a spirit of public service, in the students.

Dialogue: What are you most proud of accomplishing through your pro bono work?

Greco: The knowledge that I have used my legal training to relieve fellow human beings of suffering or hardship, and to see justice done.

Dialogue: What obstacles have you had to overcome to do pro bono work?

Greco: Throughout my career, I have been fortunate to work in law firms that have valued and supported pro bono work. At the late, and great, firm of Hill & Barlow in Boston, I was encouraged to jump feet first into pro bono work as a young lawyer. My mentors helped give me the tools and the time to pursue my pro bono work, which continued throughout my tenure at the firm. When I joined Kirkpatrick & Lockhart Nicholson Graham in 2003, I was pleased to discover the same kind of environment and commitment to pro bono. But even at the most pro bono-friendly law firms, lawyers face challenges in doing the amount and type of pro bono work they would like to do. The demands of the practice of law have increased exponentially over the course of my career, as the practice of law has evolved into more of a business. Reconciling billable hours demands with the desire and obligation to perform pro bono and public service work is a constant concern for me and many other lawyers.

Dialogue: How do you intend to promote pro bono and public service during your term as ABA president?

President Greco: I am calling for a “Renaissance of Idealism” in the legal profession—a re-commitment to the noblest ideals that have guided the practice of law since the founding of our nation. I want to help reinvigorate and reenergize this commitment to pro bono and public service work—and then nurture and expand it for generations of lawyers to come.

In order to realize this goal, lawyers must strike a balance in their lives and practices. The key to that balance is time—freeing up time for lawyers to perform public service and pro bono work—in law firms, in government offices, in any setting where a lawyer practices law.

I will commit the resources of the ABA to make the case with decision-makers in America’s law offices that it is in the best interest of the lawyer, the lawyers’ place of employment, the profession, and the American people, that we free up time. Time to help people in need, to participate more fully in our communities, and to give lawyers greater fulfillment in their professional lives. I believe that lawyers have no higher calling, and that our profession is ready and eager to expand its commitment to pro bono and public service work.

I have appointed the ABA Commission on the Renaissance of Idealism in the Legal Profession to help to implement this initiative. Led by honorary Co-Chairs Supreme Court Justice Ruth Bader Ginsburg and Theodore C. Sorensen, legal adviser to President John F. Kennedy, and Chair Mark D. Agrast, the commission will devise strategies for enhancing lawyers’ pro bono and public service work.

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