Luis Ochoa: Pro Bono Across Small and Large Firm Practice

In 2002, Luis Ochoa received a Pro Bono Publico Award from the ABA Standing Committee on Pro Bono and Public Service for his commitment as a small firm lawyer providing legal services to the poor. He personally assisted hundreds of clients through the Volunteer Lawyers Program in Phoenix, Arizona. Since the time of the award, Ochoa has continued to work through the Volunteer Lawyers Program and takes more cases than ever. He also serves as a large firm pro bono coordinator, and acts as a mentor to younger associates. In this issue, Ochoa speaks about his pro bono activities since the time of the award and his continued dedication to the work.

Pro Bono Connection: Why do you do pro bono work?

Ochoa: It’s one of the things I do as part of my everyday life. I’ve done it for so long and because I’ve gotten to know and respect the people at the volunteer lawyer’s program with which I’ve worked, it’s hard to say “no” when they call me. Truthfully, when I first began doing pro bono work, it was to obtain additional legal training. But, over time, it became more about representing people in need who simply can’t afford to hire a lawyer.

Pro Bono Connection: How did you first get involved in doing pro bono work?

Ochoa: I contacted the Volunteer Lawyers Program (VLP) in 1987 because I wanted to learn bankruptcy law. A fellow attorney suggested that I take a case from this organization, and this is what really sold me on doing pro bono work. The client was a retired artist. She was in poor health, had a lot of medical expenses, and was incapable of paying them. So, I helped her file for bankruptcy and we were successful in obtaining relief from the court. What really touched me was that in 1998, I received a call from a friend of hers who informed me that this client had passed away, but that she had asked the friend to get in touch with me to let me know that she never forgot what I did for her and that she appreciated all of my efforts on her behalf. I continue to take these types of cases to this day.

Pro Bono Connection: Who or what influenced you to do this kind of work?

Ochoa: My mom—she was a social worker. Growing up, my family didn’t have a lot of money so I started working at a very young age and was exposed to people I worked with who needed help. I was raised to always help people in need with whatever means I had available.

Pro Bono Connection: What accomplishments are you most proud of through your pro bono work?

Ochoa: I do both individual and clinic work for the Volunteer Lawyers Program, and I get as much satisfaction from the clinical work as I do from my individual cases. I have been able to help a wider range of clients with legal advice and pleadings in the short span of time I spend at the clinics, as well as assisting clients with more complex matters in my individual work.
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**Pro Bono Connection: How have the employers for whom you’ve worked promoted pro bono activity and why is this important?**

**Ochoa:** The two firms at which I’ve worked in my career as a lawyer have been very supportive of my pro bono work and pro bono work in the local community and they expect every lawyer to do it. Both of these firms, although very different in size and scope of practice, have policies that promote the belief that there is a moral obligation for lawyers to do pro bono work. My current firm, Quarles & Brady, has over 450 lawyers, where my previous firm, Deconcini McDonald, had 22 lawyers. As a pro bono coordinator in my current firm, I oversee the pro bono cases handled by attorneys in this office and act as a resource for them. I also keep track of all hours spent on pro bono cases and the pro bono workload of each attorney. In addition, I make it a point to have a one-on-one meeting with each newly-hired associate to promote and encourage our associates to do pro bono work. As pro bono coordinator, I spend at least 100 hours per year assisting with these activities.

My firm also provides billable hours credit to attorneys who do pro bono. In addition, the firm assists the VLP financially in many areas, such as by sponsoring its website, sponsoring its pro bono recognition event for lawyers in the community and underwriting and coordinating CLE seminars for VLP volunteers.

At my previous firm, which had a smaller number of attorneys, there was more of a focus on assisting with clinical and direct referral cases. Admirably, I think we had 100% participation in pro bono by the attorneys at that firm. The firm gave us 50 hours of billable credit per year for pro bono cases.

**Pro Bono Connection: How do you choose the pro bono projects on which you work?**

**Ochoa:** Because of my relationship with the VLP staff, they have an idea of what cases I take personally and what kinds of cases the other lawyers in the firm take on. So, they are the primary screening and referral mechanism for our pro bono cases. If a client contacts the firm directly, I refer that person to a pro bono/legal services organization so that the client can be screened for eligibility. In order for our firm to take a case, we require a referral letter from an organization indicating that the client is eligible and qualifies for free legal assistance.

**Pro Bono Connection: What advice would you give to small firm practitioners who want to get involved in pro bono? How would you address their concerns about time management, lack of revenue, etc.?**

**Ochoa:** It’s easy for me to take pro bono cases because of all of the resources I have. But, there is still a way for a firm of any size or an individual to become involved if they don’t have as many resources. Perhaps this takes the form of agreeing to one pro bono referral case a year or committing to one advice-only clinic a year. I guess the point is that one can invest as much time as one is able and willing to do. For example, one only has to invest two hours of time to assist at a clinic operated by our local volunteer lawyer program.

One important thing to keep in mind is that the younger generation of students entering law practice seems to want to do pro bono work and desires a work/life balance. One way to achieve this balance is to engage in pro bono work. It is my belief that this energizes one’s practice involving all types of clients. I would encourage young lawyers to learn more about the culture of a particular firm regarding its views of pro bono work before taking a position with that firm.

For small firm practitioners, I would say that pro bono is a life choice. I would encourage practitioners to find a firm that’s the right fit, and to seek out a place of employment where the billable hour expectation is reasonable so that it’s possible to do pro bono work on one’s own time.

For a solo practitioner, I would advocate that the desire to do pro bono work be a part of one’s value system, and that there is a way to find some balance. I would encourage solo practitioners to just “get their feet wet” and try it. I’ve personally assisted solo practitioners by connecting them to a VLP coordinator so that they can be connected with a case that fits their schedule and time constraints.

**Pro Bono Connection: How have you benefited by doing pro bono?**

**Ochoa:** I’ve received the personal satisfaction that I’ve helped people who really need it. It has also brought recognition to me as an attorney, which I appreciate, even though this isn’t the primary reason I do pro bono.

Taking on pro bono cases has also brought me more work. People in the community realize that I am a part of the community, do work in the community, and this visibility has helped to bring in paying clients. At the beginning of my career, I also benefited greatly from the training I received in order to do pro bono work. I would highly recommend that if an attorney is at a point in his legal career where he or she wants to try something new, they should take the free CLE offered by many pro bono organizations or a pro bono referral, to learn a different area of law.

**Pro Bono Connection: How do you send a message to young lawyers that doing pro bono work is important?**

**Ochoa:** My experience with young lawyers is that they are actually proactive when it comes to pro bono. In other words, it’s not that tough a sell—many attorneys at the beginning of their careers want to be employed by a firm that encourages and allows them to do pro bono work.

I find that I have more difficulty convincing older attorneys to do pro bono. I have to be honest and share a secret that with the older attorneys, I have a better chance of convincing them to do more pro bono work by appealing to their “egos” by saying that I need their help on a pro bono case because they have so much expertise in the particular area. I tend to be very successful in soliciting their participation in this way.

**Pro Bono Connection: How much pro bono is enough? How do you promote balancing time spent on pro bono activities with work for paying clients?**

**Ochoa:** It’s my belief that one can never do enough pro bono cases because the need is so great. I think the important thing to keep in mind is that an attorney has to have the time and fortitude to get the work done—in the same way that he would get the work done for a paying
2007 ABA Pro Bono Publico Awards

The Standing Committee on Pro Bono and Public Service is presenting five awards to individual lawyers and firms in the legal profession that have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. The awards will be presented at the Pro Bono Publico Awards Assembly Luncheon at the Moscone West Convention Center on Monday, August 13, 2006 at the ABA Annual Meeting in San Francisco.

A brief description of the recipients’ pro bono work follows:

Robert Borton has been a leader in the development of pro bono services to the poor for the past three decades, both through his management of his firm’s pro bono practice and his individual representation of low income clients. Working with a number of legal services organizations, Mr. Borton has paired many teams of pro bono attorneys from his firm with public interest attorneys bringing civil rights cases and class actions on behalf of immigrants, children and families, women prisoners, and other groups. He has assisted in setting up pro bono legal clinics and has himself contributed hundreds of hours of his own time to representing indigent people in class action lawsuits and individual cases.

In addition to his own handling of pro bono cases, Mr. Borton has made taking pro bono cases an integral part of his firm’s training and culture. Mr. Borton is particularly committed to encouraging pro bono involvement among newer associates and engaging his and other law firms to staff clinics and provide resources to legal services agencies. Because of his many years of pro bono service, Mr. Borton has won a number of pro bono awards, including the State Bar of California’s President’s Pro Bono Service Award, the San Francisco Bar Association Award of Merit and the San Francisco Legal Aid Society’s Roll Call for Justice Award.

Stephen H. Oleskey is a partner in the Boston, Massachusetts office of WilmerHale. He has been an integral part of the firm’s Pro Bono and Community

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client. I believe that it’s important for attorneys to do whatever it takes to find the time to do this type of work.

Pro Bono Connection: Which of your pro bono cases do you feel has done the most to improve the justice system?

Ochoa: One of my proudest accomplishments regarding my involvement in pro bono matters was assisting with the development of and participating in a bankruptcy reaffirmation clinic in the bankruptcy court. Essentially, this clinic was created to assist pro se clients in determining whether or not they should enter into reaffirmation agreements with their creditors after they have filed for bankruptcy. Because these types of agreements are usually not in the clients’ best interests, the clinic has directly assisted a number of clients in a positive way.

Pro Bono Connection: Why is it important to have established relationships with other pro bono providers in the community?

Ochoa: My relationship with VLP has been of tremendous benefit. First, it has provided a screening mechanism for my and the firm’s pro bono cases so that I can save time in having to make an eligibility determination on my own. This can be particularly valuable for small firm attorneys, who do not have the time to do these kinds of determinations. VLP can also provide primary malpractice coverage to any attorney taking its pro bono cases and administrative assistance to any attorney who does not have the administrative resources of a larger firm, such as providing translation and court-reporting services at no cost.

Pro Bono Connection: Is there anything else you would like to add?

Ochoa: I can say that at this point in my life I still am doing as much pro bono work as I ever have, and I still love doing it.
Publico Awards
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Service Committee since 1969. Mr. Oleskey is deeply concerned with the efficacy of the delivery system of legal services to the poor and committed to fostering the spirit of pro bono in future generations of attorneys.

Mr. Oleskey’s pro bono clients and their needs vary widely and illustrate the breadth of his skill. For example, he has been involved in a range of cases such as a three-year on-going New York child custody dispute to acting as lead counsel in the firm’s largest and most significant pro bono matter, Bounmediene et al. v. Bush, representing six detainees at the United States Naval Base Guantanamo Bay.

Mr. Oelskey’s dedication to access to justice has been recognized on many occasions. He has been honored with the 1992 Thurgood Marshall Award from the Boston Bar Association, and was presented with WilmerHale’s own John H. Pickering Award for Pro Bono Activities in 2005, among others.

Sidley Austin LLP, an international firm, has had a long tradition of pro bono service. The firm’s pro bono policy strongly encourages all attorneys to devote time to pro bono legal matters. Sidley places no limit on the number of pro bono hours an attorney can work and strives to ensure that the number of hours of pro bono service equals 3% of the firm’s total billable hours.

Over the past decade, Sidley attorneys have provided over 300,000 hours of pro bono legal service and in 2006 alone, provided 75,000 hours on pro bono matters—an increase of almost 50% from 2005. The pro bono legal matters that Sidley has undertaken have varied in scope—from individual cases in the areas of child custody and landlord/tenant to U.S. Supreme Court cases potentially affecting millions of people.

In 2005 Sidley initiated a firm-wide death penalty litigation project. In response to the overwhelming need for legal assistance for poor prisoners on death row in Alabama, Sidley attorneys have stepped in to represent an unprecedented 18 death row inmates. Over 112 Sidley attorneys from around the country are participating in this effort and donated more than 18,000 hours of their time in 2006. In recognition of this tremendous contribution, the ABA presented Sidley with its first ever Death Penalty Representation Volunteer Award in 2006.

Patricia Yoediche is this year’s Ann Liechty Child Custody and Adoption Pro Bono Project Award recipient. Ms. Yoedicke is an attorney with Robins, Kaplal, Miller & Ciresi in Minneapolis, Minnesota. Since 2000, Ms. Yoediche has provided close to 800 pro bono hours representing children through the Children’s Law Center of Minnesota. These children are state wards whose parents’ rights have been terminated. Under Minnesota law, these children are not entitled to representation after the point at which their parents’ rights are terminated. Ms. Yoediche’s volunteer representation fills the void for the children she represents. She has often been the most consistent person in these children’s lives, and she treats them with respect and professionalism equal to her adult clients. Ms. Yoedicke says about her pro bono work with children, “The most important message I hope to convey to my clients is that their hopes and dreams can make a difference.”

Pro Bono Policy News from Around the Country

ABA House of Delegates Adopts Pro Bono Resolutions at 2007 ABA Midyear Meeting

- A Model Court Rule on Provision of Legal Services Following Determination of Major Disaster. The model rule would allow out-of-state lawyers to provide pro bono legal services in an affected jurisdiction and lawyers in the affected jurisdiction whose legal practices had been disrupted by a major disaster to practice law on a temporary basis in an unaffected jurisdiction. The Recommendation and Report can be found at http://www.abanet.org/leadership/2007/midyear/docs/journal/tenoc.doc.
- Revisions to the Model Code of Judicial Conduct including new language making it clear that judges can engage in certain activities to support pro bono. See www.abanet.org/leadership/2007/midyear/docs/journal/twohundred.doc at page 115-116.
- Iowa: On May 14, 2007, the Supreme Court of Iowa entered an Order adopting a “Katrina Court Rule” and Iowa is the first state to adopt a rule based on the American Bar Association’s Model Court Rule on Provision of Legal Services Following Determination of Major Disaster.
- Alaska: On June 26th, 2007, the Supreme Court of Alaska adopted rule 43.2 regarding emeritus attorneys who wish to practice pro bono (effective October 15, 2007). The purpose of the rule is to encourage attorneys who would not otherwise engage in the practice of law to provide pro bono legal services to those who qualify. For more information, see http://www.state.ak.us/courts/sco/sco1641leg.pdf.
- North Carolina: On June 28th, 2007, the North Carolina General Assembly enacted HB 1487 which allows attorneys to claim inactive status, permitting them not to pay bar dues or take annual CLE credits, while being able to practice pro bono (effective July 8, 2007). For more information, see http://www.nccga.state.nc.us/Sessions/2007/Bills/House/HTML/H1487v6.html.
- Colorado: Effective July 1, 2007, the Supreme Court of Colorado adopted Rule 223 that will allow retiring or inactive lawyers to provide pro bono legal services to the indigent through a Colorado non-profit agency that serves the poor. These attorneys will not have to pay annual registration fees. For more information, see http://www.courts.state.co.us/supct/rules/2007/2007(08)%20(New).doc.