SENIOR LAWYERS ORGANIZING & VOLUNTEERING: A NATIONAL PROFILE was published in 1996. The information contained in this publication was to the best of our knowledge accurate at the time of print. Certain information may be out of date.
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DEDICATION

This book is dedicated to the senior lawyers who, having reached the ninth decade of their life, remain active in the legal profession, supporting their bar associations and sustaining their pro bono activities, and the legal services lawyers who, at great personal sacrifice to themselves and their families, devote their careers to serving low-income clients, especially William Wise, Supervising Attorney of the Senior Citizens Legal Advocacy Program of the Legal Aid Society of Orange County, California.

ACKNOWLEDGMENTS

First, I must thank the Directors of the State Bar Associations who answered my request for help in finding the appropriate senior lawyer author who would write the chapter, or part of the chapter, for their particular state. Without the assistance of these state bar directors this book would not have come into being.

I thank the authors, ninety in all, who researched and wrote the material because they believed a book of this sort should be produced. These chapters reflect the personalities of those authors, as well as the personality of that state.

I thank the ABA Center for Pro Bono Staff Counsel Steven B. Scudder for recognizing a good idea when he heard it, and his willingness to pursue the publication of this book.

I especially thank the Steering Committee for the Center for Pro Bono: Robert E. Hirshon, Chair, Shirley Abrahamson, James L. Baillie, Sara-Ann Determan, John F. McCarthy, Jr., Denis J. Murphy, John H. Pickering and Laurie D. Zelon. In a society that worships youth and devalues age, they had the ability to realize our senior lawyers are a great source of pro bono lawyers. Although many senior lawyers are deeply involved in pro bono work, as this book proves, many other senior lawyers are not. The steering committee realized this book should be published because it will act as a catalyst to rouse those inactive senior lawyers to action. The senior lawyers in this book will become role models for those senior lawyers who need that extra boost to get them started.

I thank my sons and daughters, Paul, Dana, Ellen, Charles, Danny, Leanna, Ruth and Rodney, for their steadfast, continuing support as I pursued this project over the years.

I especially thank my grandchildren Melissa, Kyle, Ryan, Jason and Bryce for their unconditional love which always sustains me and fills me with the energy to pursue my dreams.

Mary Pat Toups, Laguna Hills, California, March 1996
PREFACE

This book came into being as a result of the endless stream of communications, mostly telephone calls, from senior lawyers and various bar staffers, who wanted information on two subjects, senior lawyers organizing and senior lawyers volunteering.

I am the recipient of these inquiries for a number of reasons. A few years ago I served as the Chair of the State and Local Bar Groups Committee of the Senior Lawyers Division of the American Bar Association, and I currently serve as Chair of the Pro Bono Committee of that division. Also I write and speak on the subject of senior lawyers organizing and volunteering. Most importantly, MODERN MATURITY, the magazine published by the American Association of Retired Persons, with thirty-two million readers, published an article "Removing obstacles to altruism" in the October-November 1993 issue, which discussed senior lawyers organizing and volunteering. My name and address were published as the person to contact for more information. These inquiries indicate that a great untapped reservoir of interests exist, and that those interests can best be served by this book. I came to realize that either I would produce a book, or spend the rest of my life answering questions on the telephone.

The questions regarding senior lawyers organizing included the following. Where have senior lawyers organized? How did they get started? How many senior lawyers are necessary to start a senior lawyer group? How often do they meet? What kind of activities do they develop? Will retired senior lawyers take time away from the golf game to get active? Why do we need a senior lawyers group when the organized bar already has so many committees, sections, divisions? What about the retired snow birds who leave home to spend the winters in Florida or California? How can we persuade the local bar to let us organize a senior lawyer group? Etc.

The questions regarding senior lawyers volunteering include the following. What kinds of pro bono work do senior lawyers do? How do we persuade the young lawyers that an old, over-the-hill lawyer still has the capacity to work, although not at the speed of active practice? What about malpractice insurance? Since I retired two years ago, who would want me, and how do I catch-up with what has been going on these last two years? I tried to volunteer at the local Legal Aid, but they were not receptive, so what do I do now? How do I persuade our state bar to develop an Emeritus Program, similar to some states, which allows retired lawyers to do pro bono work while not paying state bar dues? Who would pay my expenses relating to my pro bono work? Etc.

This book may not answer every question regarding senior lawyers organizing and volunteering, but it is an effort to provide the readers with information that will allow them to develop a group, or develop pro bono activities, based on the situation that exists in that
locality.
This book can be shared with the local legal services provider director and other charitable group directors, who have not yet developed a system for utilizing senior lawyer volunteers.

The future is here. The time has come. Good luck!

Mary Pat Toups, Laguna Hills, California
INTRODUCTION

by Mary Pat Toups

This national profile gives the reader a glimpse of the activities of senior lawyers throughout the nation on a variety of subjects. Each state is unique, resulting in each chapter's uniqueness. However, senior lawyers of one state might well consider the activities of senior lawyers in other states as appropriate activities in their own state.

There is no need for each of us to keep reinventing the wheel. Feel free to borrow ideas. The synergistic effect of this book will result in many innervating developments of senior lawyer activities throughout the nation.

Several themes run throughout this book. Multiple themes occur in some individual state chapters. The state chapters have been listed alphabetically for convenience, with closing chapters devoted to the Senior Lawyers Division of the American Bar Association and the new SAVE (Senior Attorney Volunteers for the Elderly) Program. The appendix provides miscellaneous material that will help the reader develop senior lawyer pro bono activities in their own state.

The first theme of this book is the organization of senior lawyer groups at the state bar level. Connecticut, the District of Columbia, Florida, Georgia, Illinois, Kentucky, Maryland, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio and Virginia have developed such groups. Read those chapters first if your goal is a state bar senior lawyers organized group. Consider the success, and trials of these groups as they organized. Many other states are considering the possibility of organizing such a group.

The second theme is the organization of senior lawyer groups at the local bar level. Arizona's Sun City, Colorado's Denver, Illinois' Chicago, Indiana's Indianapolis and St. Joseph County, Kentucky's Louisville, Louisiana's New Orleans, Massachusetts' Boston, Michigan's Grand Rapids, New Jersey's Camden County, New York's City of New York and Erie County, Ohio's Akron, Pennsylvania's Lancaster and Philadelphia, and Tennessee's Knoxville all have an organized senior lawyers group. Read those state chapters first if your goal is a local bar senior lawyers organized group. Some of these groups were organized for social purposes. Others have more complicated agendas. What is most notable is that each group reflects the interests of its local senior lawyers.

A third theme is the development of senior lawyer pro bono projects. These projects focus on recruiting senior lawyers as a special group to serve pro bono those low income citizens whose needs for legal services are not yet being met. Senior lawyers, with the involvement of bar associations or legal services programs, have organized such programs in Colorado, the District of Columbia, Florida, Georgia, Iowa, Louisiana, New York, Ohio, Oklahoma, Tennessee, and Utah. If you are interested in developing or volunteering for such a project read these chapters first. These projects recognize the special talents of senior lawyers. They also recognize that senior lawyers, many of whom are retired or semi-retired, want flexibility incorporated into their pro bono activities.
A fourth theme, perhaps the predominant theme of this book, is individual pro bono activity. All state chapters contain information regarding an endless variety of volunteer pro bono legal services undertaken by senior lawyers. If you are looking for a new challenge in the world of pro bono, you will surely find it in one of these chapters. An excellent history of the legal profession's efforts to provide legal services for those who cannot afford to pay is included in the North Carolina chapter. Most states share this history to some degree. Many chapters include comments by senior lawyers as to why they continue their pro bono activities, when they could beg off as "too old", "too incompetent", or "having paid their dues" and "being entitled to rest on their laurels". If you fall into this latter group, you might reconsider your inactivity after reading this book.

A fifth theme is the subject of state bar Emeritus Attorney Rules. Generally speaking, these rules allow a senior, or inactive, attorney to continue to practice law limited to pro bono under the supervision of a previously approved legal services provider, with multiple restrictions, without paying state bar dues, or paying a lesser sum. Frequently emeritus attorneys may attend state bar continuing legal education seminars at no cost. These rule generally provide that the legal service provider for whom the emeritus attorney is volunteering must provide malpractice insurance.

Arizona, California, Florida, Idaho, and Texas have these rules. South Carolina has a special Limited Certificate of Admission to encourage relocated attorneys from another state to participate in pro bono. California refuses to allow such relocated attorneys from another state to participate. Unfortunately these programs are not generally publicized adequately. Some states are considering the possibility of instituting Emeritus Attorney Rules. Contact your state bar to inquire as to the possibility of developing this bar status in your state.

A sixth theme that surfaces occasionally is the waiver or reduction of bar fees available to senior lawyer state bar members. The various rules governing these fees vary from state to state. Some are based on age alone, others on inactive status. These waiver or fee reductions are frequently not advertised adequately. Write your state bar for information on your particular state. If your state bar has no such waiver or reduction of dues, ask them to implement one. It is the senior lawyers who have built the state bar into the size and strength the bar currently enjoys. Ask for this consideration.

Indeed, the American Bar Association under the provisions of Section 21.6(a) of the ABA Bylaws, waives ABA dues if the ABA member is 70 or more years old and has been an ABA member for 25 years or more. However, the ABA member must request the waiver. This dues waiver is publicized by the ABA Senior Lawyer Division to its members.

The reasons why senior lawyers organize at the national, state or local level vary from location to location and lawyer to lawyer. Many senior lawyers are seeking camaraderie with their colleagues. Many are focused on pro bono. Many, bored with retirement, are looking for "something else". Many, depression born or bred, consider the work ethic as their guiding light. Many still feel the strong sense of allegiance to the law, although the younger generations have taken over the bar and the legal world in general. Most are discouraged with the reputation of the legal profession which has suffered so much in recent years, and want to do something to elevate the low opinion society
holds of our justice system.

The reasons why senior lawyers remain involved in pro bono volunteer activities are reflected in this book. Many attorneys, having benefited financially from the practice of law, want to "give something back" to the community that was so good to them. Some are aware of the tremendous legal needs of our low income population, and the fact that a small effort on the part of a senior lawyer can frequently eliminate the fear of homelessness, hunger, lack of medical care, lack of personal safety, or loss of income. The legal knowledge accumulated through decades of the practice of law leaves senior lawyers uniquely prepared to help resolve the legal problems of the less fortunate. Although there are many volunteer jobs available for senior citizens who are not trained in the law, some matters can only be resolved by a lawyer. Those involved in pro bono realize the impact their work has on the life of one human being, and that alone is reward enough to keep the lawyer volunteering.

My view of this country's lawyers and system of justice has been enhanced from the experience of reading about the varied interests, commitments, creativity and involvement of senior lawyers who volunteer and develop organizational activities. I hope you enjoy reading this book as much as I did when I received the material from the various authors.
The Alabama State Bar Committee on Access to Legal Services, which monitors the Volunteer Lawyers Program of the Alabama State Bar considered the idea of forming a separate Senior Lawyers pro bono project. The Committee did not feel that we should form a separate group for the purpose of providing these services. Rather, we will continue to recruit all attorneys, regardless of age, to participate in the Volunteer Lawyers Program itself. As can be seen from the remainder of this article, we offer many avenues for service other than direct representation. The Committee believed that we already have senior lawyers on our panels and working in the pro bono effort as presently organized. Additionally, we use only an income-based means test to determine eligibility for free services through the program.

During the past several years, the provision of quality legal services in non-fee-generating civil matters to Alabama's indigent citizens has been a high priority issue for the Alabama State Bar. In 1989, the Board of Bar Commissioners, in cooperation with the Alabama Law Foundation and Legal Services Corporation of Alabama, commissioned a survey of the civil legal needs of the poor in Alabama. This survey revealed that, although federally funded Legal Services programs do much to help, the need for basic civil legal services still exists among our low income citizens.

In response to the survey results, the Board of Bar Commissioners created the Alabama State Bar Volunteer Lawyers Program in 1991 during the state bar presidency of Judge W. Harold Albritton, III. This statewide, state-bar level program has three main purposes: to assist and encourage local bar associations throughout Alabama in establishing pro bono projects through which attorneys may volunteer their professional services to meet the needs of less fortunate Alabamans for civil legal services; to determine with some degree of accuracy the level of pro bono activity in our state; and to encourage volunteerism generally throughout the private bar.

In June 1991 the Board of Bar Commissioners unanimously passed a resolution encouraging each regular member of the Alabama State Bar to voluntarily accept no fewer than two civil case referrals, or 20 hours of legal work, whichever comes first, from an organized pro bono project annually. In keeping with Rule 6.1 of the Alabama Rules of Professional Conduct, under this resolution, qualifying legal work includes not only direct representation of indigent clients, but also serving on the governing or managing board or committee of an organization whose main purpose is assisting the poor, recruiting for a pro bono project, serving as an instructor at a poverty law seminar, mentoring another volunteer attorney, performing intake at a Legal Services office, or assisting with legal clinics for the poor.
There are now over 1,600 members of the Alabama State Bar participating in pro bono efforts in Alabama. This network of private attorneys covers close to 50 counties and continues to grow as new pro bono projects are established by local bar associations. All attorneys of whatever age or specialty are recruited for participation. Through the resources of the Alabama State Bar and an IOLTA grant from the Alabama Law Foundation, Melinda M. Waters, an attorney, serves as the full-time director of the program. As director, she is responsible for recruitment and enrollment of volunteers, case referrals and monitoring, awards and other recognition for volunteers, and publicity. The office of the Volunteer Lawyer Program is in the Alabama State Bar headquarters building in Montgomery. The program can be reached by telephone at (205) 269-1515 or by mail to: P. O. Box 671, Montgomery, Alabama 36101.
ALASKA

By Seth Garrison Eames of Anchorage, Alaska

There are currently only 95 senior attorneys who practice law in Alaska. Actually, a number are enjoying retirement, and a handful of judges have recently retired from the bench. Hence a more accurate number of senior attorneys actually practicing law actively in Alaska is closer to fourscore.

For purposes of this article on the pro bono activities of Alaska's senior attorneys, we have taken the liberty of defining senior attorneys as those whom the Alaska Bar Association lists as either being 60 years of age or older, or those who have been licensed to practice law in Alaska since 1964.

The year 1964 was an auspicious one for Alaska. There was not only the earthquake, but the Alaska Bar Association's instate membership also reached 300! Now, thirty years later, there are more than 2,200 attorneys in Alaska, 1,650 of whom are in private practice. Of these, 960, or approximately 60 percent are members of the Alaska Pro Bono Program. Out of the 960 Pro Bono volunteer attorneys, 36 are senior attorneys.

Alaska has grown indeed during these past 30 years; nevertheless, the nature of the state has remained that of a small town. The majority of the senior attorneys are sole practitioners; only a few are members of what in Alaska constitutes a big law firm with 10 or more attorneys.

Although senior attorneys comprise 5% of our state's bar association, and only 4% of the Alaska Pro Bono Program's roster, they have been the mainstays of pro bono activity in Alaska. This small handful of attorneys recently donated 3,866 hours of their time in closing 151 cases in one year for the Alaska Pro Bono Program. They have been active in fundraising for Alaska Legal Services Corporation. Their ranks include an attorney who is a trustee of the foundation that has provided IOLTA Funding for the Alaska Pro Bono Program, and an attorney who can be credited with singlehandedly insuring continued state funding for Alaska Legal Services. In this small group of volunteers, there are three of the six past recipients of the Alaska Pro Bono Award, as well as the recipient of the Legal Services Corporation's first Rural Pro Bono Attorney of the Year Award in 1992.

While these numbers alone are impressive enough, they become even more so when Alaska is taken into account. Alaska is huge! In fact, to say that Alaska is huge is like saying that Ted Williams was a good hitter. Alaska is hugeness itself. It inspires a lore which becomes liturgical for its residents. All of us in Alaska know by rote that Alaska is twice as big as Texas with a total population less than half that of Dallas. It has more mountains, coastline, rivers and fewer roads. If superimposed over the Lower 48, it
stretches from Florida to California, and from Montana to Oklahoma. Its capital is more
then 500 miles away from its largest city and is accessible only by plane or boat.

Remember that it is not unusual for an attorney in Alaska to be representing a client who
lives 1,000 miles away, in a town with only one telephone, which is accessible only by
small plane, and where English may still be a second language. Consider the
undeveloped nature of Alaska as it was when many of our senior attorneys began
practicing law here more than 30 years ago. The stories told of the intrepid attorney
delivering legal assistance to an Eskimo village via snowmachine at 30 degrees below
zero are more than myth, more than hyperbole, and not even ancient history.

The oral tradition of stories, fables, and legends is part of the fabric of Alaska culture.
Even my young son can relate how he ran into a moose in the park, how they had to shoot
a grizzly bear near his school, and the number and size (a trifle exaggerated of course) of
the fish he has caught. To illustrate the pro bono activities of our senior attorneys, I need
only relate a half-dozen examples from the last two years. The 1994 Alaska Pro Bono
Award for pro bono contributions by a sole practitioner went to a senior attorney. In
keeping with his trademark of modesty, he has asked that I not use his name. During the
years as an Alaska Pro Bono Program volunteer, the gentleman has readily accepted a
dozen SSI/ Social Security Disability cases -- and not the easy ones, mind you! He has
quietly, efficiently, and emphatically won them all. When I called his office to let them
know of this award, their reaction was decidedly muted. Sure, I'm not surprised, said his
secretary. Big deal. What took us so long?In a nutshell, this says all there is to say about
this volunteer. Born and raised in Alaska, the son of true pioneers, he has a long history
of pro bono publico service, only part of which is recorded through the Alaska Pro Bono
Program. Among his accomplishments, he served two terms in the state's first legislature
as a representative, and he literally helped to write the book on Alaska's worker's
compensation laws. Volunteers like him present a challenge to volunteer coordinators
like me; I know he's always there and always willing to help, but I fear taking too much
advantage of such a soft mark. His contributions are mirrors of his dedication to the ideal
of equal access to justice.

Silvia Short -- Mrs. Short was an early advocate for victims of AIDS. She was also a
founding member of the Alaska AIDS Awareness Association for whom she donated
literally hundreds of hours of pro bono work. In addition, she has been a reliable
volunteer for the Alaska Pro Bono Program, assisting dozens of the low-income elderly
and terminally ill with their wills. In 1993, Mrs. Short helped us with six such cases. A
few required home visits and one required her to drop everything and dash to the
emergency room of a local hospital.

Don Craddick -- Don is one of the seven attorneys in private practice in the small town
of Sitka, Alaska. Early in 1993, I called Don to ask him to take yet another pro bono
family law case. I was shocked to learn that Don had just arrived home and was
recuperating from heart bypass surgery. Nevertheless, Don accepted the case (as he always has) graciously saying that he was just lying around without much else to do. This illustrates the core of what there is to say about Don. Since he first joined the Pro Bono Program in 1983, Don has accepted 18 highly contested and difficult pro bono family law cases and has donated well over 350 hours to Pro Bono Program clients. Quite apart from my program, I am told that there are dozens more who receive his help on a pro bono basis. Although he is always ready to help when asked, he is a firm, fair and constructive critic of the method by which we deliver legal assistance to the poor. He has been quick to call me when he sees a deficit in Alaska Legal Services Corporation. However, he is equally quick to recommend solutions and to offer his time and assistance toward implementing the solution.

**Warren Christianson** -- When asked to describe himself, Warren likes to say that he lives on an island and likes to walk the beaches in Mexico. There is, of course, more to him than that. It was under his presidency that the Alaska Bar Association reached the impressive milestone of having 300 active members. Before Legal Services Corporation, before private attorney involvement, Warren (and thousands like him) did pro bono work on their own and through legal aid societies. He has long been a supporter of legal services, and he was one of the very first attorneys in Alaska to join the Alaska Pro Bono Program in 1982. In addition to accepting the occasional referral, he most recently came to the assistance of Alaska Legal Services Corporation when it faced a drastic funding crisis. He took the lead in raising hundreds of dollars through his local Sitka Bar Association -- enough money to help ensure a continued level of staffing at the Juneau regional office and hence the continuation of access to free legal assistance for the low-income residents of Sitka. In 1993, he became a member of the Alaska Legal Services Corporation Board of Directors.

**Edmund Burke** -- A former Chief Justice of Alaska's Supreme Court, Justice Burke retired from the bench in 1993 and entered private practice as a partner with the law firm of Bogle & Gates. During his tenure on the bench, Justice Burke was a staunch supporter of the Alaska Pro Bono Program. Twice he wrote letters to the members of the Alaska Bar Association urging the members to greater pro bono involvement. He stated in his second letter:

> The goodwill that is generated by such activities is incalculable, doing much to dispel the notion that lawyers are a selfish lot, interested only in a fee. If you have not already done so, I hope that you can see your way clear to pledge a modest amount of your time to this worthwhile program.

The Alaska Supreme Court has continued this tradition of overt support of pro bono activities and the Alaska Pro Bono Program for the past decade and through two succeeding Chief Justices.
In Justice Burke's first year off the bench and in private practice, his law firm of Bogle & Gates, received the Alaska Pro Bono Award for outstanding pro bono service by an Alaska law firm.

**John Rader** -- Here, quoted in its entirely, is a letter I received from Mr. Rader. It is representative of the pro bono participation of many senior attorneys in Alaska.

> Dear Mr. Eames,
> I do Pro Bono work in personal situations that come to my attention. In addition, enclosed is a documentation of three checks for a total of $800.00. I haven't bothered going back before 1991 to check my contributions. Does not this $800.00 in cash make me a current member? I will be interested in reading your chapter.

> Please give my best personal regards to Jamie Fisher - a friend of several decades.

Sincerely,
John Rader

**James Fisher** -- Finally, and in a category unto himself, we come to our final example of pro bono work being performed by a senior attorney, James E. Fisher. When the Alaska Pro Bono Program was first established in 1983, Mr. Fisher was employed with the Criminal Division of the Department of Law, and in that capacity was one of the first public sector attorneys to volunteer his time to the program. Because he was an employee of the state, he could only work on his pro bono case during weekends or in the evenings. He did not have access to support staff and had to type all of his own pleadings. In spite of this, Mr. Fisher was willing to take the most difficult family law cases involving domestic violence, abuse, and contested custody issues, and then successfully litigate them.

When Mr. Fisher retired from that position a few years ago, he contacted me with a stunning proposal: he wanted to become a full time pro bono volunteer. He now spends five days a week working as a volunteer legal services attorney in the Juneau office of Alaska Legal Services Corporation, performing intake, accepting cases, and being an invaluable resource. He has accepted the responsibility of assisting the Alaska Pro Bono Program by acting as the local administrator for our Tuesday Night Bar advice-only clinics and Pro Se Divorce Clinic. He regularly makes sure that the local Juneau media publicizes the clinics, distributes materials needed for the clinics in a timely manner, takes accurate head-counts of those people attending the clinics, and properly thanks and recognizes other volunteers for their efforts. As our full-time pro bono volunteer, Mr. Fisher has accepted numerous cases, and he has contributed almost 2,000 hours of this time to the Alaska Pro Bono Program.
Mr. Fisher has also been successful in working on behalf of Alaska Legal Services Corporation with our state's legislature. In addition to his regular work as a pro bono volunteer in our Juneau Legal Services office, he monitors legislation pending before the Alaska Legislature and assists the executive director as an advocate on behalf of Alaska Legal Services Corporation clients and their budget matters. In 1992 and 1993, he worked to stop unfavorable amendments to the Landlord/Tenant Act and to prevent passage of legislation which would deny the aged, blind and disabled a cost of living increase.

A few years ago, when the price of oil collapsed, state revenues were particularly tight, and Alaska Legal Services Corporation was in dire need for additional funds. Mr. Fisher was largely responsible for the Governor's Office granting an additional $78,000 for Alaska Legal Services Corporation in 1992. He repeated this feat in 1993. In 1994 he outdid himself by singlehandedly insuring State Funding for Alaska Legal Services Corporation to the tune of $375,000.

We have no way of guessing how many hundreds of additional hours Mr. Fisher spends working on issues in the legislature, but it is clear that in this capacity, he is a vital link for Alaska Legal Services Corporation.

Finally, Mr. Fisher's history of community services is a long one, spanning more than three decades. He was the Director of Operation Statehood in 1956-57, then a state representative in 1959-60 with the first state legislature. He is a past-president of the Kenai Chamber of Commerce and the Kenai Peninsula Redevelopment Committee, the City of Kenai Planning Commission, the Turnigan Methodist Church and the Paralegal Committee of the Alaska Bar Association. He holds the honor of being the only male member of the Anchorage Association of Women Lawyers, as well as holding membership in the Juneau Association of Women Lawyers. He has served on the Council on Domestic Violence and Sexual Assault in our State.

In recognition of all of these accomplishments, Mr. Fisher was awarded both the Alaska Pro Bono Award and the Legal Services Corporation Rural Pro Bono Attorney for the Year Award in 1992.

In conclusion, Mrs. Short, Misters Craddick, Christianson, Rader, Burke and Fisher are just a few examples of how senior attorneys do pro bono work in Alaska. In keeping with our tradition of individualism, our attorneys are iconoclasts. While shunning formality, and in their own unique way, each does what they can to help their community. They each have a long history of rendering pro bono services, whether on their own initiative or through the Alaska Pro Bono Program. They do this without any fanfare, without notice, and (in some cases) without much support. I have said that Sitka, Alaska is a small town -- indeed, with only 500,000 people in the entire state, all of Alaska is a small town. Like many in small towns everywhere, Alaskans recognize the need to help one-another.
The Lawyers Club of the Sun Cities was founded under the name of the Lawyers Club of Sun City in 1973. Unbeknown to us, we were organizing the first ever Senior Lawyers group. The meetings were informal under the direction of Wayne Parkinson, a retired lawyer from Michigan. The Club was formally formed and its first meeting was held on January 29, 1974. At that time Sidney Schweitzer, a retired New York lawyer, was elected President. The Club has been in continuous existence since that time. Regular meetings have been held monthly, with the exception of June, July and August. All of the founding members and most of the members joining since its formation are retired and they head for cooler climes during the summer.

At the time of the formation of the Club most of the members were of the Sun City retirement community. As the area Northwest of Phoenix increased in population, other retirement communities were founded. To service the residents, active attorneys established their offices there. At the present time there are several active practitioners who are also active in the Club, including Robert Sislock, who was President in 1986. The current President is the manager of a trust company.

After awhile the retirement community of Sun City West came into being. So on May 17, 1983 the name of the club was formally changed to the Lawyers Club of the Sun Cities. There are, however, several members who do not live in the communities of Sun City or Sun City West. Incorporation took place on March 19, 1986 under the designation Lawyers Club of the Sun Cities, Inc. It is an Arizona non-profit corporation. The purposes for which the Club was formed were to conduct programs of interest to active and retired members of the legal profession and to members of the public.

Activities of the Club vary. From its inception the Club has sponsored social activities for the members and regular luncheon meetings. Speakers are engaged on topics of interest to the legal profession. Speakers have been comprised of prominent lawyers, judges, (including the Chief Justice of the Arizona Supreme Court), the Attorney General of the State of Arizona, (including the Attorney General Bruce Babbitt now Secretary of the Interior who spoke in February 1976), as well as elected and appointed officials, the Dean of the Arizona State College of Law, and other prominent citizens who were not members of the legal profession.

The Club has provided to the Sun City Library current copies of the Arizona Revised Statutes. It has sponsored public seminars on legal matters such as wills, trusts, probate and taxes. The Club has sponsored essay contests for students at local high schools. Among the topics has been Whatever Happened to Responsibility?.
In 1994 the membership numbered 99. The members come from 23 states and one from the Philippine Islands. It is anticipated that membership will increase as the population within the geographical area served by the Club grows.
There are many private attorneys in Arkansas of senior status who provide pro bono legal representation to low-income clients of all ages. In Arkansas, participation in pro bono activities is a voluntary act; it is not mandated by the state. There are approximately 5,000 attorneys who are licensed to practice in the State of Arkansas, 2,400 of whom practice in its Capital of Little Rock. The remaining 2,600 attorneys practice in a 74 county area throughout the state.

Arkansas houses several organized pro bono programs. Several legal service programs in the state chair their own volunteer attorney projects. Four such examples include Central Arkansas Legal Services (CALS), Legal Services of Northeast Arkansas (LSNEA), Ozark Legal Services (OLS) and Western Arkansas Legal Services (WALS).

The Volunteers' Organization for Central Arkansas Legal Services (VOCALS) is a pro bono panel which serves the greater Little Rock metropolitan area and surrounding seven counties. VOCALS is a joint project of the Pulaski County Bar Association and Central Arkansas Legal Services, Inc. VOCALS was established in 1981 to respond to the unmet legal needs of low-income Arkansans. VOCALS enjoys the participation from 805 attorney volunteers. Of these volunteers, 540 actually handle the pro bono caseload. The remaining 265 participants are contributing members who pay a $300.00 annual contribution which is utilized to further legal assistance to the poor in VOCALS' service area.

Legal Services of Northeast Arkansas (LSNEA) hosts a Conflict Panel. This panel was established in 1987 and is currently served by 50 members from the ten county area served by LSNEA in Northeast Arkansas.

The Ozark Legal Services (OLS) Pro Bono Panel was established in 1982 and is currently served by 418 attorney volunteers. This OLS project is a joint venture between Ozark Legal Services and the local bar associations of Baxter, Benton, Boone-Newton, Carroll, Cleburne, Fulton-Izard-Sharp, Marion, Madison, Searcy-Van Buren, and Washington counties. OLS also utilizes retired attorneys in their area to assist in-house staff with cases and general office work.

The Twelfth Judicial District Volunteer Attorney Project (VAP) is a joint project of Western Arkansas Legal Services (WALS) and the Sebastian and Crawford County Bar associations. Approximately 123 attorneys serve on the VAP pro bono panel which was founded in 1989.
There is a unique pro bono organization with serves only low-income elderly clients. This organization, Arkansas Volunteer Lawyers for the Elderly (AVLE) was formed in 1983 by the Young Lawyer's Section of the Arkansas Bar Association for the purpose of providing pro bono legal services to a target population of rural, low-income, elderly (age 55+) Arkansans in 67 of the 75 Arkansan counties. AVLE's service area excludes the greater Little Rock metropolitan area and the seven surrounding central Arkansas counties, which are served by the VOCALS program. AVLE is sponsored by the Arkansas Bar Association and funded by six legal services programs in the state and the Arkansas Department of Human Services, Division of Aging and Adult Services. In AVLE's 67 county area, there are approximately 2,500 practicing attorneys. Of these 2,500 attorneys, 625 are members of the AVLE program, which represents a 25% participation rate.

A considerable number of volunteers are over the age of sixty, still providing legal assistance for their fellow human beings in need. The collective resource that makes these pro bono panels a reality is the private bar.

A statewide survey was conducted by the authors of this chapter, targeting a select group of attorneys of senior status (for these purposes, sixty years or older) who were members of an organized pro bono program. The response was good. The following information will provide the answers received from the survey questions asked of our respondents.

In response to the first question, how many years have you been participating in pro bono work and how did you become involved, the answers varied. Of those responding, the following information was gathered in regard to the number of years attorneys had been involved in pro bono activities:

1-10 years: 22%; 11-20 years: 8%; 21-30 years: 22%; 31-40 years: 17%; 41-50 years: 22% and 51-60 years: 8%.

Respondents often provided parallel answers to the second and third questions. These questions included what were your incentives, reasons and philosophies in volunteering your time and efforts for pro bono work and please tell us why you continue today in pro bono work and do you foresee yourself continuing to be involved after retirement. In most cases, an attorney's incentives for providing pro bono work and the incentives for continuing these activities were the same. The following quotes summarize feelings of some Arkansas senior lawyers in relation to pro bono.

C. B. Nance, Jr., an attorney in West Memphis who participated in the AVLE program, states I have always performed some pro bono work, but this (AVLE) appeared to be a good channel for my efforts. I believe every attorney owes it to the profession to assist those who cannot actually pay for the help they need.
The **Honorable Charles Yeargan**, Municipal Judge from Murfreesboro firmly believes that he was taught in law school you should give back something to community or to help someone ... every person is entitled to representation and should not be denied help because of finances.

Attorney **Robert Irwin** of Russellville affirms no one who ever needed a lawyer left my office without one -- even if unable to pay. That is and was my way of showing gratitude for the good fortune that let me be a lawyer.

Forrest City attorney **Knox Kinney** states that it is his profound belief that law is a service profession, dedicated to helping others, applying the special skills possessed by a lawyer to assist impecunious older people with their legal problems.

**Ernest Lawrence**, an attorney from Bentonville says of pro bono that he believes he has a duty to provide this assurance not only because of the ethics of my profession but also because of my Christian beliefs.

Attorney **Ed Dillon** from Little Rock declares, my participation in pro bono work came about from parental and church training and professional pride. I was raised to believe in the value of using your time, talents and moneys for other persons in need.

Most responding attorneys stated that they did not plan to retire due to advancing age, but when they do retire they will not accept any case of any type. Of those responding, only 17% believe they will continue to be involved with pro bono activities following complete retirement.

Surveyed attorneys were also asked to share their accomplishments that they (or their colleagues) have achieved through their pro bono efforts and services of senior attorneys through the volunteer programs. A vast majority of respondents stated they were unable to speak on behalf of their colleagues. Others stated that they did not have specific circumstances in mind; however, several respondents listed the types of cases in which they had assisted individuals on a pro bono basis. Examples include the following:

- The sense of satisfaction received by helping others who need the help and cannot afford it, is sufficient reward.
- The real accomplishment would be knowing that a person in need had been helped.
- I have received great joy in the pride clients seemingly have had in having a will, a durable power of attorney, a living will, dismissal of a lawsuit without cost, forcing a manufacturer to make good on a warranty, collecting an inheritance, having a garnishment dismissed, seeking Medicaid coverage for a spouse in a nursing home, documenting
a complaint with the Attorney General's office for consumer fraud and other matters as well.

♦ The recognition of service to others not capable of providing such services through their own resources.
♦ I get a lot of self-satisfaction out of knowing I am able to help those who need my help.
♦ I have gotten clients credit for thousands of dollars of child support, defended boundary line disputes, handled guardianships, adoptions, etc. Our county has a lot of AVLE work and I do not believe anyone worthy is turned away.
♦ Simply helped someone who needed help, with a special skill that I am blessed to have.

These quotes exemplify the magnificent volunteer effort which is ever present among members of the legal profession in Arkansas.

In replying to question number six, do you believe an adequate number of your colleagues discharge their ethical responsibility in providing pro bono legal services the answers differed. While 43% of attorneys responding stated they believed an adequate number of their colleagues did discharge their ethical responsibility, 30% of respondents stated they did not believe an adequate number participate actively in pro bono efforts. However, 27% of respondents expressed their inability to discern this information, or did not know.

Most respondents desire to accept pro bono cases that fall within their area of legal expertise developed for their private retainer clients. A goodly number of respondents expressed their dislike in handling criminal cases and stated they would not accept criminal pro bono cases referred through a program. In this case, however, the pro bono programs in Arkansas only refer civil matters. Interestingly enough, 39% of responding attorneys expressed that they do not have a preference in relation to handling specific legal matters and will accept almost any type of civil pro bono matter referred to them. Other responding attorneys stated there were legal areas they preferred not to handle pro bono. These include: bankruptcy, domestic matters, guardianship, social security, worker's compensation claims, and administration of estates. Legal areas other responding attorneys listed as preferences to handle pro bono include: estate planning, preparation of wills and trusts, probate, contracts, real estate, and general counsel and advice.

The eighth and final question asked of the senior attorneys was have your experiences with pro bono work been primarily positive. Approximately 70% of responding attorneys stated that their pro bono experiences were positive, while 9% stated such experiences were negative. The remaining 21% supplied varying answers.
There is a standing Senior Task Force Committee of the Arkansas Bar Association which is comprised of twenty senior attorneys representing different segments of the state. Upon the request of the President, Executive Council, or the House of Delegates, the Senior Task Force provides assistance in the development, implementation, and evaluation of programs or projects undertaken by the Association. The task force stands ready to serve when called upon for assistance.

In many states, there exists Emeritus Attorney Pro Bono Programs, which offer retired attorneys the opportunity to contribute their valuable skills to legal assistance programs, thus increasing the availability of services to low-income clients. There is not an organized statewide Emeritus Attorney Program in Arkansas; however, as our survey in formation revealed, many senior attorneys in the state do not retire, yet in their senior years of practice they greatly contribute to the pro bono effort.

Figures show that approximately 36% of private attorneys in Arkansas contribute their time and talent to organized pro bono programs. The State of Arkansas can be proud of its voluntary pro bono efforts through the private bar in reaching low-income citizens of our state who otherwise would not have access to justice.
CALIFORNIA

This chapter is divided into eight sections: First, California, The Sleeping Giant. Second, Los Angeles, Public Counsel. Third, Norwalk, Community Legal Services. Fourth, Oxnard, California Rural Legal Assistance Migrant Unit. Fifth, Pacific Grove, Legal Services for Seniors. Sixth, San Diego, San Diego Volunteer Lawyer Program. Seventh, Santa Ana, Senior Citizens Legal Advocacy Program. Eighth, Santa Monica, Westside Legal Services.

California, The Sleeping Giant
by Mary Pat Toups of Laguna Hills, California

The State Bar of California (SBC) in December of 1994 reported a total membership of 142,033, with 115,924 active members, 26,109 inactive members, and 1,768 judges. Yet the SBC has no senior lawyers organized group. However, the SBC is gathering information on the subject.

The only local bar effort to organize a Senior Lawyers Committee, that I know of, is taking place in the Orange County Bar Association (OCBA). In April of 1996 the group will meet for the first time to determine how the OCBA can best meet the needs of the OCBA senior lawyers, and how the OCBA senior lawyers can best serve the bar and the community. For information, contact the Chair, Mary Pat Toups.

However the SBC does have an Emeritus Attorney Pro Bono Participation Program which was adopted in June of 1987, to encourage retired lawyers to represent low-income Californians through existing certified pro bono programs that must provide malpractice insurance. This Emeritus Attorney Program allows the State Bar membership fees to be waived for California lawyers who actively practice law solely for the purpose of providing pro bono legal representation, through legal services programs that are State Bar Legal Services Trust Fund Program Recipients.

However there are many requirements for eligibility. For instance, the lawyer must have practiced law at least five out of the last ten years in California, which means lawyers from other jurisdictions may not participate. This deprives the indigents of California, a major retirement state, of the services of a large number of highly qualified, previously successful retired lawyers! Until just recently, the retired California judges were not allowed to participate. A change as to lawyers from other jurisdictions is under study.

The biggest problem with the Emeritus Attorney Program is that fact that no one seems to be aware of it. I could not find one word on our last dues statement, that included several thousand words on multiple subjects, to alert California lawyers that such a dues waiver is available. Our SBC annual dues are almost $500. A senior lawyer planning retirement
on a reduced income would think twice before parting with that sum of money for the purpose of continuing to practice part time serving our low income residents. With very little publicity on the subject it appears that the SBC assumes the legal services providers will spread the word, somehow. But our legal services providers are underfunded, with funding shrinking, understaffed, and overworked. The legal needs of the indigent people walking through the door take priority over any plan to advertise the existence of the SBC Emeritus Attorney Program. Even though the red tape is a burden, there are many benefits received by the Emeritus Attorney.

First, there is the inner satisfaction of knowing that a client's needs have been met that would have gone unmet because there is only one paid legal services staff attorney to assist approximately 10,000 poor Californians.

Second, there is the intellectual stimulation and enjoyable camaraderie provided by the paid staff and other volunteers.

Third, the Emeritus Attorney receives a free membership to the State Bar's Legal Services Section (LSS) and can attend educational programs sponsored by LSS free-of-charge.

Fourth, the Emeritus Attorney is included in the Continuing Education of the Bar (CEB) scholarship program. This permits every Emeritus Attorney to obtain a complimentary ticket to any live CEB program and attend the programs free-of-charge. It may also be possible for Emeritus Attorneys to attend CEB video network showings of particular programs, depending upon space and availability.

Fifth, many legal services providers offer excellent training opportunities with Minimum Continuing Legal Education (MCLE) accreditation, free-of-charge to their volunteer Emeritus Attorneys.

These free educational programs are important because most indigent clients in California need legal assistance with public benefits, housing, family law, seniors law, immigration law and AIDS law, areas of the law that might be new to the Emeritus Attorney. Also the Emeritus Attorneys must meet their (MCLE) requirements.

Although SBC has a list of 120 legal service providers who are eligible to become qualified to utilize Emeritus Attorneys, only 31 have waded through the red tape to qualify and remain qualified. Perhaps this is a result of the lack of advertising, or perhaps the red tape is too much. In addition many senior lawyers volunteer without going the Emeritus route, either paying the bar dues, or working as a legal assistant, which relieves the attorney from paying bar dues.
The following are the 31 Legal Services Providers who currently participate in the Emeritus Attorney Pro Bono Participation Program:

- Fresno, Central California Legal Services.
- Los Angeles, Barristers Domestic Violence Counseling Project.
- Los Angeles, Bet Tzedk Legal Services.
- Los Angeles, El Rescate Legal Services.
- Los Angeles, Harriet Buhai Center for Family Law.
- Los Angeles, Homeless Project, Los Angeles County Bar Association.
- Los Angeles, Mental Health Advocacy Services.
- Los Angeles, Public Counsel.
- Napa, Napa County Legal Assistance.
- Norwalk, Community Legal Services.
- Oakland, Alameda County Bar Association Volunteer Legal Services Corporation.
- Oakland, Legal Assistance for Seniors.
- Oxnard, California Rural Legal Assistance Migrant Unit.
- Oxnard, Channel Counties Legal Services Association.
- Pacific Grove, Legal Services for Seniors.
- Pacoima, San Fernando Valley Neighborhood Legal Services.
- Redwood City, Legal Aid Society of San Mateo County.
- Richmond, Contra Costa Legal Assistance for the Elderly.
- Sacramento, Legal Center for the Elderly and Disabled.
- Sacramento, Voluntary Legal Services Program.
- San Bernardino, Legal Aid Society of San Bernardino.
- San Diego, San Diego Volunteer Lawyer Program.
- San Diego, Legal Aid Society of San Diego.
- San Francisco, Bar Association of San Francisco, Volunteer Legal Services Program.
- San Francisco, La Raza Centro Legal.
- San Jose, Public Interest Law Firm.
- San Jose, Senior Adults Legal Assistance.
- Santa Ana, Legal Aid Society of Orange County.
- Santa Barbara, Legal Aid Foundation of Santa Barbara County.
- Santa Monica, Westside Legal Services.
- Visalia, Tulare/Kings Counties Legal Services, Inc.

Although the Emeritus Attorney Program is an important development in pro bono, I am well aware that most senior lawyers participate in pro bono in many other ways, sometimes outside any organized program. Given the complexities of the subject and the size of the state I realized it would require a whole book, not a short chapter, to adequately report on the pro bono activities of California senior lawyers. For example, Paul Hufflund of San Diego reports that the pro bono work he undertakes for his church
is more than enough pro bono for one lawyer. In addition to that, he serves on the Pro
Bono Committee of the Senior Lawyers Division of the American Bar Association, due
to his interests in pro bono on a national scale.

I chose to focus on the Emeritus Attorney Program because of its vast potential which is
not yet activated. This sleeping giant must be awakened.

In preparing to write this, I wrote the Director of each of the above 31 legal services
providers to request that they write something about their Emeritus Attorneys. Some
indicated they were too overwhelmed with the workload to comply with my request.
Some directors wrote the information themselves. Others turned the task over to the
Emeritus Attorney. Their writings follow:

Los Angeles, Public Counsel
by Lionel Richman of Toluca Lake, California

Public Counsel, one of the largest public service organizations in the United States, relies,
in part, on the expertise of its volunteer attorneys in the California State Bar Emeritus
Attorney Program.

George J. Rembaum, a graduate of the University of Michigan Law School in 1950,
commenced his volunteer activities representing Central American refugees seeking
asylum in the United States. Since his clients are the poor and uneducated, the battle to
prevent deportation and obtain asylum is the usual uphill battle against a system that
presumes that all such refugees are economic refugees and not eligible for asylum. The
occasional victory is even the sweeter after a career of trying to gain money or property
for clients.

Following the Los Angeles riots, Rembaum joined the Public Counsel Urban Renewal
Legal Assistance Program where he handled claims as diverse as the loss of six pairs of
pants left in a burnt-out uninsured dry cleaner to assistance to Korean grocers who were
insured by off-shore and uncollectible insurers and whose family business has been
burned. Compounding the problem of these victims was not only the destruction of their
businesses and their lives, but the community and city hostility to their reopening their
businesses in communities which did not welcome them back. After forty years of
practice as an attorney, he fondly remembers a Korean dinner as one of the best fees I
ever earned.

The immigrants kept coming in and two years after the riots the battle with insurance
carriers and the city hierarchy still goes on and Rembaum continues to fight the good
fight.
Lionel Richman, a graduate of Southwestern University in 1950, left a career dedicated to labor and employment law and representation of employee benefit funds to bring his expertise to Public Counsel where he regularly represents former participants in pension plans, severance plans, and health plans, with an occasional Social Security trial thrown in.

Richman finds the volume of employee benefit plans which fail to carry through on the promise made to the plan participants is stunning. However, in addition to the outlaw-plans, are the problems requiring sophisticated lawyering. These range from probing the effect of the merger of two major computer software manufacturing firms on the accrued severance pay rights of the employees of the merged employer to challenging a break in service rule of a major multi-employer pension fund where two years of labor disputes virtually wiped out work opportunities for all employees within the industry. Richman describes the difference in becoming a pro bono lawyer as a variation on an old Sophie Tucker standard, I'm Giving Away What I Used To Sell.

Norwalk, Community Legal Services
by Shirley A. Donoho of Lakewood, California

It's corny, but true! Being an Emeritus Attorney under the California State Bar Program helps you as much as (if not more than) those you are aiding. Were it not for the program, this retired Los Angeles County Deputy District Attorney was facing the choice of paying enormous annual active attorney dues and malpractice insurance premiums or going on the inactive roll, in spite of a desire to keep a hand in practice without accepting a fee.

Following a year of playing catch-up (doing all the things around the house I missed while a journalist, legal secretary, law student, Deputy Commissioner of Corporations, Corporations Law Professor, and felony prosecutor for nearly 33 years), in January 1994 I signed onto the program. I promised to dedicate my pro bono practice exclusively to the Community Legal Services (CLS) facility located in Norwalk. (It is affiliated with the Legal Aid Society of Orange County.) In return, the State Bar waived my 1994 active bar dues, and made me eligible for a number of training programs which will assist me in maintaining my minimum continuing legal education requirements without having to pay for them. Additionally, I am covered by CLS' Errors and Omissions policy, CLS does not do criminal defense. So, it was up to me to decide which of its programs I could best ease into, with a minimum of initial preparation. Luckily I had attended a seminar for, and assisted in, the first phase of a divorce clinic for Spunk in Long Beach, shortly after I retired. For my last two years with the D. A., I regularly handled an average case load of 150 active civil lawsuits arising out of narcotics crimes, under the Health and Safety Code for forfeiture laws. I had to learn civil procedure, discovery, fast track and the like for that assignment. (That had been one of the roughest tasks of my career; and to think, I volunteered for it, at age 60!) So, when I learned that CLS was seeking pro bono help
to continue and improve its monthly do-it-yourself dissolution program for persons who meet the financial qualifications to receive free legal counseling, I offered to run a phase one monthly clinic at their offices. And I had lots of help in getting started.

Way back when I was just learning how to become a legal secretary, Mary Parker was teaching a certification course on the subject, while working as a very capable probate legal secretary. I took her course, and got a pay raise. When I became a lawyer, she entered my law school, and became a lawyer too; then, she became an administrative law judge. After Mary retired and became an Emeritus Attorney, our paths crossed again. When I signed up for the program, she told me of texts and manuals that would help me get a grip on what I was about to enter upon. Then, too, all the staff at CLS rallied behind me.

Next thing I knew, I was conducting my very first divorce clinic. Fortunately, although ten signed up for this session, only five persons showed up that first time. It was an exhausting, but fulfilling experience, assisting women and men in becoming pro per dissolution petitioners and in getting the court to waive their filing fees. Although Family Law, and especially dissolution law, was the last kind of practice I had ever wanted to conduct, in a short time, and with a few more clinics (with more attendees) under my belt, I came to see how much my volunteer efforts have meant and do mean to the recipients and to the CLS staff. I lose patience with all the paper hoops the law and the court require these people to jump through, while they have so little or virtually nothing for the court to divide. They are so used to being pushed around by the system, that they get my nerves back on track. When they leave for the day, they are so grateful for the help. And, each time I stick my head into the office, I am regarded like a sacred cow, with lots of attention, help and praise.

CLS enjoys a lot of camaraderie among its staff and volunteers. No occasion is too small an excuse to have a barbecue or picnic. I am always invited. It is becoming like the family I left behind at the D.A.'s office. I have even become brave enough to personally represent a paraplegic client of CLS in obtaining a dissolution -- going into court for him, and becoming his champion -- just like in the movies.

I think being a pro bono lawyer can be a lot of fun. It makes only mild demands on your golden years -- when you would rather be out on a bicycle ride, camping with the grandkids, or tripping the light fantastic on the dance floor at the local senior center. Yet, it delivers a hugh reward. I encourage any retired attorney to try it -- you'll like it!

Oxnard, California Rural Legal Assistance Migrant Unit
by Marion (Jack) Malone of Thousand Oaks, California

After 40 years of being an attorney, Marion (Jack) Malone finally gets to practice law at the grass roots level.
Jack attended the University of Chicago during the Hutchins era, graduating from the University in 1950, and the Law School in 1953. His first 30 years were spent as a tax attorney for the Internal Revenue Service, followed by years of retirement. He came out of retirement to join the emeritus attorney pro bono program to work with the California Rural Legal Assistance office in Oxnard, to help with the migrant farm worker program.

The poor have many legal problems with housing and employment and are often taken advantage of. Although many of the cases are too small to interest private practitioners, they are large and important to the client. Assisting them is very rewarding and brings Jack into a new field of practice that he never engaged in. After 40 years as an attorney one would think he had pretty well covered the field? Wrong! Everyday brings a new challenge, interesting and exciting. The fun part is that he does not have to worry about fees as his pension provides for his monetary needs.

Pacific Grove, Legal Services for Seniors
by Frank Hespe of Pacific Grove, California

After graduating from Harvard Law School, being an Assistant United States Attorney, serving as an Associate Director of a division of the Securities and Exchange Commission and acting as a partner with the San Francisco law firm of Heller, Ehrman, White & McAuliffe for 26 years, George Blackstone finally retired to Carmel, California. George is one of a group of attorneys who have become an Emeritus Attorney for his outstanding Pro Bono commitment.

George's presence at the weekly case review of Legal Services for Seniors (LSS) is greatly appreciated. He provides assistance to seniors at a local foundation and shares his insight and vast experience with the staff at LSS. Working as a volunteer attorney with LSS, George assists the senior community of Monterey County in a myriad of ways. He does everything from providing simple legal advice to completing complex probates to litigating property rights cases. One notable case George undertook for a needy senior entailed an elderly gentleman who was living in a trailer near the Big Sur coast. First, the owner of the adjoining ranch tore down the fence in front of the trailer and filed an evicting lawsuit against the elderly man. After a long jury trial, not only was George able to stop the eviction, but through establishing adverse possession rights, the court ruled that his client was an owner of the disputed land.

George Blackstone is truly a credit to his profession and Legal Services for Seniors is fortunate to have an attorney of his caliber and commitment volunteering with them.

San Diego, San Diego Volunteer Lawyer Program
by Carl R. Poirot of San Diego, California
The following senior attorneys participate in our program under the SBC Emeritus Attorney Pro Bono Participation Program: Albert C. Boyer of Chula Vista; John Mcguane of Chula Vista; Joseph F. Oberle of San Diego; DuWayne A. Philo.

This Emeritus Attorney Program enables retired attorneys to activate their membership or active members to remain on active status for the sole purpose of providing pro bono legal advice and representation, with the SBC dues waived.

Please note that virtually all of the attorneys named above each contribute in excess of 200 hours each year on behalf of our program.

**Santa Ana, Senior Citizens Legal Advocacy Program**

by William Wise and Harry Simon of Santa Ana, California

The Senior Citizens Legal Advocacy Program (SCLAP) provides free legal services to the elderly of Orange County, California. Funded under the Older Americans Act, the Program is part of the Legal Aid Society of Orange County.

SCLAP has a staff of two attorneys, one paralegals and a secretary. Approximately 350,000 seniors live in Orange County. SCLAP provides direct legal services to over 2,500 of these seniors each year, interviewing over fifty seniors per week. Although eligibility is not based on income, services to low-income and minority seniors are emphasized.

To help with the overwhelming demand for services, SCLAP uses a number of volunteers, some of whom are seniors themselves. These volunteers work closely with the staff attorneys to deliver services. In addition, with the growth of the field of Elder Law, a number of reference materials are now available, including the two volume California Elder Law: An Advocate's Guide, published by the Continuing Education of the Bar, in Berkeley, California. By creating a role that matches the needs of our clients and program with the expertise and expectations of our senior volunteer attorneys, we have been able to expand services.

Recently we organized a Senior Attorney Volunteers for the Elderly (SAVE) Program to attract more senior lawyers to SCLAP. We utilized the information provided by the national SAVE Program, which is co-sponsored by the AARP's Legal Counsel for the Elderly, the ABA Senior Lawyers Division, the ABA Center for Pro Bono and the ABA Commission on Legal Problems of the Elderly. (see Chapter 53)

A very brief profile of three of our volunteers illustrates the variety of expertise senior lawyers bring to the clients we serve.
Hugh Swanson has worked with our program since 1992 under the Emeritus Attorney Pro Bono Program of the State Bar of California. Mr. Swanson practiced primarily criminal law in private practice for over 20 years. He subsequently left the practice of law, entering the real estate business. After assisting some elderly friends and relatives with various legal issues, Mr. Swanson began volunteering at SCLAP. He handles primarily property issues for SCLAP, and his background has been very helpful in resolving problems for seniors confronting these issues.

In returning to California from Washington, DC, Mary Pat Toups began volunteering her services at SCLAP in 1992. Ms. Toups has worked as a solo practitioner throughout her career. In Washington, DC, where she represented abused children, she also volunteered as a hotline attorney with Legal Counsel for the Elderly. Ms. Toups works two days a week at SCLAP, serves as an officer of the ABA Senior Lawyers Division, and teaches and writes about elder law and senior lawyer issues.

After his retirement and relocation from New York, Max Miller began volunteering with our program in 1988. Licensed to practice in New York, Mr. Miller had a general practice for several years but spent most of his career in business. Prior to his work at SCLAP, Mr. Miller worked for many years with the Nassau County Consumer Affairs Office. Mr. Miller has assisted many elderly clients in successfully negotiating their consumer complaints, accounting for tens of thousands of dollars in savings for clients.

Santa Monica, Westside Legal Services
by J. P. Rems of Santa Monica, California

I am an Emeritus Attorney, and as such have been working here since early 1993. I can only give you a worms-eye view of the Emeritus Attorney Program in California, as it exists here, since my only experience is here in Santa Monica.

Westside Legal Services is the primary civil legal aid office serving the poor of Santa Monica and Westside of Los Angeles. Westside served approximately 3,000 clients in 1993 through two basic programs. The Community Legal Services Program Provides civil legal aid in landlord-tenant, government benefits, and other areas. The Domestic Violence Project is a walk-in clinic open mornings in the Santa Monica Courthouse which helps victims of domestic violence with immediate protective orders, support and custody orders and referrals to shelters, police, social, and other services.

Westside was formed in 1981 through the combining of the Santa Monica Legal Aid Society and El Centro Legal, the latter being an organization of University of California at Los Angeles (UCLA) law students. From the beginning, the Santa Monica Bar Association played an important role in providing legal services to the poor of this
community. UCLA students still use Westside as a clinical education site to gain practical legal experience during law school while making a habit of pro bono service.

Westside uses volunteer attorneys and paralegals in many ways: at the domestic violence clinic; at the office during the day and evening; and through handling Westside cases pro bono from their own offices. One important way that volunteers get involved is by supervising UCLA law students at the evening clinics at the Westside office. Volunteers are also used as mentors to other volunteers as well as to students. Westside can, and does, sponsor retired attorneys through the Emeritus Attorney Program of the State Bar of California.
It was 1991, late spring in Denver, and a perfect night to roast Tony Zarlengo, who was about 90 years old and had been, many said, the best litigator in town. A room at the paneled and cozy University Club soon filled with the sounds of ice tinkling and war stories, told by 75 senior lawyers who hadn't seen each other in a long time. Nobody knew it at the time but Tony had been in an auto accident the day before and had some broken ribs -- but he wouldn't have missed this night for the world. This was the first official gathering of the Denver Bar Association Senior Section. And it was about time.

“It's so wonderful to walk in a room and not need name tags”, said one attorney. Another agreed: “It's like the TV show Cheers. Everybody knows your name.” No spouses or guests were invited so that old lawyers can spin yarns about the practice of law that nonlawyers might find boring.

The idea for the group came from Robert D. Inman. At the age of 71, he was beginning to cut back on his law practice and sensed that he might begin to feel isolated and separated from his comrades. He had seen it happen to others and thought something should be done.

He had met with Diane Hartman, director of communications for the Denver Bar Association, and they both came away from that meeting thinking a Senior Section was a wonderful idea that could meet many needs. Bob's vision was that the group would be social, but could also be a vehicle for the seniors to give something back to the community.

They formed a steering committee and jumped through the usual hoops to get officially designated a committee of the Denver Bar Association with some funding for mailings, etc. The strict membership requirement was that attorneys be fortunate to be over 65.

The first roast of Tony Zarlengo was a huge success, with stories of courtroom triumphs and good deeds re-enacted. (Tony passed away a few years later, and they were especially glad they had chosen him first to be honored.) Many remembered a time when the practice of law seemed less complicated and more fun. The seniors immediately began to plan a golf tournament for the summer and another roast for the fall.

Later in the year they began working on their other chosen mission: helping the elderly understand and execute Advance Medical Directives. The Section called a seminar to discuss the need for assistance to the elderly. The probate judge, the senator sponsoring a bill relating to the subject and an expert in elder law spoke on the need and the kind of
program the Seniors could undertake. The committee then determined that the seniors in the section would be asked to volunteer to accept assignment to Senior Centers to give seminars on the use of the simplified form of Directive which a committee of the Section prepared. The seminars were to be limited to the specific simplified forms only and not to the more complex needs of specific individuals, who would be referred to the bar for referral to lawyers specializing in elder law.

After doing a needs survey among senior centers, they decided to assign members to each senior center that had indicated an interest in response to the following letter:

June 8, 1992
Re: Living Wills and Advance Medical Directives

Dear Director:

The Senior Section of the Denver Bar Association is developing a program in which senior lawyers will volunteer to offer their services to senior citizens who desire assistance in understanding and executing Living Wills and Advance Medical Directives (formerly known as Durable Powers of Attorney for Health Care).

The Section proposes to assign volunteer lawyers to senior facilities. They will conduct discussion periods in which the instruments will be explained and more important, make arrangements for the execution of the instruments.

The time, place and manner of carrying out the activities will be arranged by the volunteer lawyer and the Director of the center involved. The suggested forms to be executed will be supplied by the Denver Bar Association. If the standard forms do not meet the wishes of a particular senior, the volunteer lawyer will recommend a referral service or a lawyer who can address the senior's special wishes.

Before assigning a senior lawyer to serve your center, we wish to be assured that your center is interested in this service to your senior citizens. If you wish to have your center included in the program please reply in writing to the Denver Bar Association at the above address, Attention Senior Section. Please state the number of seniors in your center and the name and phone number of the person to contact.

Very truly yours,

Robert D. Inman
Chairman, Senior Section

Now, senior lawyers are giving seminars at the Senior Centers on the use of the simplified form of directive which a committee of the Senior Section prepared. Groups of two or three lawyers have been assigned to each of the fifteen Senior Centers in the Denver area. Also a committee studied the possibility of helping Legal Aid by reviewing nursing home contracts to recommend action to be taken if the contracts violate regulations or are otherwise unconscionable.

Since this energetic beginning, the roasts continue to be a welcome social event two or three times a year. They begin with drinks at 6 pm, dinner served at 7, followed by the
program and the rule is that they're out at 9 pm. Most recently, former Colorado Bar President and much-beloved Denver attorney Leonard Campbell was roasted. They continue with golf tournaments. A traveling trophy has been purchased and will be presented at the following roast. Educational programs are sometimes scheduled for the membership. A seminar was held on retirement investing last year.

Seniors have volunteered to take calls at the Denver Bar Association's weekly call-a-lawyer night on Channel 9, a local TV station. During this three hour stint, lawyers answer questions off the air, helping the public with legal questions and referring them to various community agencies, as appropriate. Seniors are also working at the bar office and in their homes, taking calls that the bar office receives from the public, but is often unable to handle.

Notifying all the senior lawyers in the area who want to participate is still somewhat of a problem. Every time a mailing is done, the names are taken from the Denver Bar computer list of attorneys over age 65. We are also compiling a list of retired attorneys and those in the outlying suburbs of the metro area who may not belong to the Denver Bar. All activities are promoted through The Docket, the Denver Bar Newsletter. Jay Tracey has now assumed the leadership of the group, with plenty of help from Inman and others.

At last year's Colorado Bar Association convention, held in Colorado Springs, seniors from around the state were invited to meet and discuss the possibility of forming a statewide group. While everyone enjoyed the meeting, the idea fell by the wayside because of the difficulty in trying to get seniors from across the state together when one city is the main population center of a state. The possibility of having a reception at the statewide convention is still open.
The Senior Lawyers Section of the Connecticut Bar Association (CBA) was created in 1992, with leadership by the first Chair Frederick U. Conard, Jr., Vice Chair Jack H. Evans, and Secretary-Treasurer George H. Cain.

The purpose of the Senior Lawyers Section follows: To serve as a forum for fellowship of lawyers over 60 years of age and the exchange of information among them relating to retirement, semi-retirement, part-time practice, termination of practice, relationships with present or former law firms, possibilities of a networking system for part-time seniors and financial considerations generally. To develop plans and proposals for dealing with such matters. To serve as an advocate on behalf of Senior Lawyers in connection with proposals for changes in rules of court and legislation. To explore and implement ways in which the experience of Senior Lawyers can be used (1) to assist the Federal and State courts in the processing of civil litigation, (2) to assist in the provision of legal services for the elderly and for non-profit organizations, (3) to furnish much needed mentoring services for law students and new admittees of the bar. To participate in section programs and publications dealing with areas in which the experience of Senior Lawyers could be of assistance to other members of the bar.

In order to implement these purposes the following committees have been created: Insurance, Pro Bono, Mentor Program, Judicial Assistance, Professional Dues Study, Legislative, and Program. Also Liaisons have been appointed to the CBA Gender Bias Committee and the CBA Membership Services Committee.

The Executive Committee holds six meetings during the year, some of which are open to the full Section membership. The Section has co-sponsored programs at the CBA Midyear Meeting, and sponsored Section programs from time to time.

At the final Section meeting in 1993, The Honorable Anthony V. DeMayo described the Law Works for People Program and discussed the various ways that Senior Lawyers might assist the regional Legal Services Corporations and render pro bono services in both litigated and non-litigated matters. Attorney Timothy R. Lyman, founding Director of the Legal Center for Non-Profit Organizations, Inc., described the activities of that organization and suggested that Senior Lawyers could serve as a panel of experts to advise law students and young lawyers who were providing professional services for the Center.
The CBA is one in which pro bono is solely designed and intentionally carried out as a voluntary activity of its attorneys, and not on a mandatory basis. This is also the case with respect to the Senior Lawyer Section.

Senior lawyers know it is a very satisfying feeling to be able to help someone in need of legal training and skills developed over the years. One must have that sincere inner feeling of wanting to help someone.

**Jack H. Evans** comments, “I started taking pro bono cases in the 1970's. My pro bono clients come to me through word-of-mouth, and from the New Haven Legal Assistance Association. Over the years, I have seen the legal profession become more supportive of pro bono, but I still emphasize the importance of community service to my colleagues. I feel that every attorney has a responsibility to continue learning, to become involved in bar activities, and to use our expertise to help those less fortunate than ourselves.”

**Frederick U. Conard, Jr.** states “We are very proud of the Early Intervention Program at the Hartford Superior Court. Since this program's inception in 1992, volunteer attorneys from the Hartford County Bar Association have helped reduce the backlog of approximately 6,000 cases in the Hartford court system. The program is conducted three days per week, with each volunteer donating at least one day each month to meet with attorneys and clients involved in pending lawsuits. The goal is to help them resolve their conflicts in an out-of-court settlement, which enables the courts to give expedient attention to the more complicated cases. I am happy to say that our efforts have been quite successful -- 40% of the cases we review lead to out-of-court settlements.”

The section has undertaken to initiate a “Thurgood Marshall Summer Law Internship Program” designed after a program of the Senior Lawyers Committee of the Association of the Bar of the City of New York. The aim of this program is to provide an inner city high school student an opportunity to perform summer work in a law firm. A pilot program to be operated in conjunction with the New Haven County Bar Association is under consideration. If successful, similar programs could be offered in the other urban areas.

The Section continues to study various proposals for dues and occupational tax reduction for Senior Lawyers and to explore the availability of malpractice insurance coverage for Seniors engaged in part-time practice. In order to encourage attendance at Section meetings by Section members, the scheduling of luncheon meetings at central locations within the state has been undertaken; so far with good results. A Section Newsletter is under consideration. Members comments are welcome.

Additionally, the Section members have met the need by responsible attention and collateral membership in various other sections of the CBA such as: (1) Legal Problems of the Elderly (now called the Elder Law Section), (2) Veterans Benefits, (3) Social
Security Disability, (4) Housing Problems, and (5) direct assistance in litigation and non-litigation services including being on call to several legal services locations throughout the state, in Hartford, Middletown, and New Haven.

Senior Lawyer Section underscores one main objective - The Law Works for the People, and recognition is given to every individual Pro Bono participant
DELAWARE

by Bernard C. Dempsey of Wilmington, Delaware

I have been an active volunteer senior attorney at Delaware Volunteer Legal Services, Inc., for the past three years. Due to this involvement, I was asked to prepare this report as there is no facility for senior lawyers performing pro bono services in Delaware.

I called upon my fellow retired attorneys to discuss their pro bono activities. I quickly found that the appellation retired attorneys, in Delaware at least, is a relative term. Almost all attorneys polled, including former solo practitioners, shifted gears after retirement into Of Counsel status, which allowed them to be as active as they desired in practice and in pro bono work. The most interesting aspect of my informal poll was the discovery that all retired attorneys continue to provide some type of pro bono services. I would like to share some of my discoveries with you.

Following Clinton F. Miller's retirement as Patent Counsel for Hercules, Inc., he went into solo private practice and continued his membership on the Governor's Council in the Division of Aging of the Department of Health and Social Services as well as actively participating in the Delaware State Bar Association's Committee on The Law and The Elderly. After withdrawing from private practice, Clinton picked up the slack by joining the Delaware Department of Insurance's volunteer corps to advise the elderly on health insurance matters. He related that he enjoys the dual opportunity of delivering pro bono services to the elderly and keeping his hand in the law.

In 1945 William Poole was a young associate attorney with a firm now known as Potter Anderson & Corroon. Returning from an American Bar Association convention featuring Harrison Tweed on the necessity of providing legal assistance to the poor, he discussed establishing some type of legal aid in Delaware with another then young Delaware lawyer by the name of Collins J. Seitz, who would become the Chief Judge of the Third Circuit Court of Appeals. Shortly thereafter, a new Delaware State Bar Association committee chaired by William Poole's senior partner, Clarence Southerland, gave the project its imprimatur.

Bill Poole, Collins J. Seitz, and Family Court Judge J. Caleb Boggs established the Legal Aid Society of Delaware in 1946. Bill has continued his activities with its successor, Community Legal Aid Society, Inc. Bill later became a senior partner in his firm, President of the Delaware State Bar Association, and a Governor of the American Bar Association. Since his retirement Bill continues his commitment to pro bono. He is currently helping two Delaware Volunteer Legal Services clients, one with an estate matter and the other a foreign national seeking child support.
Edmund N. Carpenter, III, an outstanding corporate litigator at Richards, Layton & Finger, always found time to assure that the Delaware Bar and judiciary were of the highest caliber. As Chairman of a special committee which developed the Code of Conduct for the Delaware Supreme Court and Chairman of the Governor's Committee to select judicial candidates, he expected only qualified candidates for the bar to be presented for membership; only the best qualified candidates for the bench to be nominated, and pressed the bar to expand its responsibility to monitor its members. He served as chair of many bar association committees and was president of the bar in 1971. He continues his quest for excellence in the legal community by serving as Counsel to the Delaware Supreme Court on the Judiciary in addition to his many other volunteer activities.

Delaware's answer to the energizer bunny is Bill (William G.) Gordon, currently a marathon runner and triathlon athlete. While Senior Counsel with Hercules, Inc., he was appointed the first Chief Judge of the Family Court of the State of Delaware in 1971. In this capacity he developed and significantly expanded the court's jurisdiction. He resigned from the court in 1975 and rejoined Hercules as Assistant General Counsel, and then moved to a subsidiary corporation, Hinmont, Inc., as Executive Director. Since retiring, he continues as Chairperson of the Delaware Council of Corrections. In addition to his commitment to pro bono activities on a consultation basis, he currently serves as a board member to the Boys and Girls Clubs of Delaware and the Delaware Center for Wellness. Bill, Delaware's Renaissance Man, is an outstanding example of a retired attorney.

The author, Bernard S. Dempsey, retired as Vice President, Secretary and General Counsel of Continental American Life Insurance Company in Wilmington, Delaware in 1991. Wishing to remain active in the law and to participate in pro bono work, I contacted Delaware Volunteer Legal Services, Inc., which is located on the Widener University School of Law's Wilmington campus. An agreement was reached whereby I am provided office space and secretarial support in return for taking pro bono cases and assisting clinic students.

The Delaware Volunteer Legal Services, Inc. reports: The author's present relationship with us is unique in Delaware. Articles in various bar journals indicate that this type of symbiotic relationship is crucial to the success of a senior lawyer's pro bono work. To date Bernie has handled 56 pro bono cases ranging from guardianships to bankruptcies and consulted and advised innumerable students. Also, as an active member of the community, he has been involved with nature education and conservation for over 20 years, and is President of the Delaware Nature Society.

A small bar with a tight operating budget makes a more formal senior attorney organization impractical at this time. However, the author is a member of a new bar
association Special Committee to Explore The Delivery of Legal Services to the Poor and Moderate Income Families and Individuals which will address the use of senior attorneys.

My conversations with fellow senior attorneys led me to conclude that most if not all of us continue to perform pro bono services. We have representatives from the private sector, the bench, large firms and solo practitioners. The common thread which binds us to pro bono work is our devotion to the law and our personal commitment to serve in our communities.
DISTRICT OF COLUMBIA

This chapter is divided into two sections: First, The Senior Lawyers Committee of the D.C. Bar. Second, Senior Lawyers Pro Bono in the District of Columbia.

The Senior Lawyers Committee of the D.C. Bar
by Alice K. Helm of Bethesda Maryland

In 1986, as a result of requests from various senior lawyers the District of Columbia Bar Association did a survey of interest in a Senior Lawyers Section by printing the survey form on a page toward the back of their monthly magazine. Few people saw the survey form, and fewer completed the form to mail it. However the bar leadership did decide to form a Senior Lawyers Committee and recruited the Law Office Management and Economic Section (LOME) to host the new committee. Although the main focus of LOME was marketing, practice development, use of computers and automation, because their membership needed a boost, they agreed to accept the new committee, and advertised the creation of the committee.

In 1987 Mary Pat Toups joined the LOME section because of her interest in elder law and senior lawyers. At the end of the year she was dismayed to realize that no committee meetings were ever announced, because, she discovered upon inquiry, none were held. So she complained. She, an energetic lawyer, set about trying to convince the young LOME leadership that the senior lawyer committee should be activated. She believed the experienced, older, senior lawyers needed a group which would address their concerns and which could serve as their outreach to the rest of the Bar and the community at large. In the summer of 1988, although filled with doubt, the LOME leadership appointed her chair of the nonexistent committee.

She consulted the Staff Director Frederick R. Franklin, and his Assistant Elizabeth D. Rielly, of the Senior Lawyers Division of the American Bar Association. They gave her encouragement, lots of ideas, and most importantly the mailing list of the members of that Division who lived within the metropolitan DC area. Senior lawyers on that list were mailed invitations to the first committee meeting. There were some general issues to be resolved including how you define a senior lawyer and how many there were. Was a senior lawyer in an age category 55, 60 or over 60? Or would it be based on a requisite number of years of practice or whether someone was retired? The Women's Bar Association categorized senior lawyers based on years of practice, but theirs being 10 years was a much lower number than ordinarily might be thought of as a senior lawyer. Also should the meetings be held at night or daytime? Should meetings be a luncheon meeting or a cup of coffee meeting? If luncheons, where, and at what cost? Should meetings offer speakers, and if so, on what subjects?
The definition of senior lawyer was worked out to be a self-assessment by each member as to whether they considered themselves senior lawyers. Most were over 60, but not all.

Utilizing primarily the LOME newsletter, and the mailing list of the Senior Lawyers Division of the American Bar Association, the first meeting, a luncheon at the National Lawyers Club was held in October of 1988. About forty senior lawyers attended. They wanted to meet monthly for a speaker luncheon at the National Lawyers Club. The only unhappiness expressed was regarding the fact that most attendees wanted a Senior Lawyers Section, rather than a committee within LOME. No one understood why the Senior Lawyers Committee was within LOME. The DC Bar had encouraged the Young Lawyers Section for years. Mary Pat explained that the DC Bar requires 500 committed members before the Bar will allow the formation of a Section. A committee was the only development acceptable to the DC Bar. So there we were.

Early on the Committee met monthly at speaker luncheons in the dining room of the National Lawyers Club, with meetings announced under the aegis of the LOME Section. The speakers and topics were varied and interesting including Martin Feinstein, General Director of the Washington Opera talking about lawyers in opera, The Honorable Fred B. Ugast, Chief Judge of the Superior Court of the District of Columbia, and various Capitol Hill staffers discussing legislation affecting seniors.

At the first Committee meeting attendees had expressed interest in a job fair. Mary Pat and Robert Hirshberg, as co-chairs, worked very hard in the development of what was probably the first ever Senior Lawyer Job Fair, in June of 1989. It was very successful in attracting over 200 senior lawyer attendees, but less successful in bringing in employers. Twenty two employers and four local law schools attended or signed up to review resumes. Each employer received a book with all resumes. A booklet listing pro bono opportunities in Washington, DC was sold for $2.00, but no pro bono groups were invited to attend because this effort was focused on reimbursed employment. The booklet sold out, and others were mailed out. Because of the interest in the participants, Mary Pat extended the Job Fair until the end of 1989, receiving updates and more resumes, and more employers requesting the resume book.

We have no record of how many participants eventually found a match for their talents. We suspect few, but these few made a connection they probably would not have made otherwise. Those we know about are most appreciative of the job fair. It is certainly not unique to Washington, DC that the Bar will solicit and court the young lawyer, but seem not to have a clue as to what to do with the expertise and potential of its senior members who want to remain in the profession albeit perhaps in a less aggressive mode.

In 1990 the Committee was a participant in the DC Bar Association's annual meeting with a program of distinguished senior lawyer speakers, L. Clair Nelson, John H.
Pickering and Sidney S. Sachs, discussing issues of interest not only to seniors, but also of concern to the bar membership, since everyone is getting older!

Mary Pat started a tradition of having a December holiday party for the that practice was continued by Alice Helm and Robert Hirshberg, who followed her tenure as Chair.

Under the leadership of Alan Herman, the Chair for 1993-94, the Committee's name was changed to Elder Law and Senior Lawyers and meetings were held in the facility owned by the American Association of Retired Persons (AARP). Al is an attorney with Legal Counsel for the Elderly / AARP, and that relationship provided the Committee with a wide array of speakers who addressed elder law matters, such as reverse mortgages. Indeed, each chair has been very dedicated and the monthly programs over the years have been of note with prominent speakers. Although a small Committee, speakers were always interested in speaking to an audience with such a vast accumulation of knowledge and experience.

For the membership year 1994-95, the Committee no longer will be a part of LOME. It is merged with the Guardianship and Disability Planning Committee of the Estates, Trusts and Probate Law Section and will be known as the Elder Law and Disability Planning Committee.

Senior Lawyers Pro Bono in the District of Columbia
by Jan Allen May and Stephanie Edelstein of Washington, DC

The following are excerpts from the Resource Manual SENIOR ATTORNEY VOLUNTEER PROJECTS published in 1994 by Legal Counsel for the Elderly, Inc.

First we will report on the activities of Legal Counsel for the Elderly (LCE), a Department of the American Association of Retired Persons (AARP).

LCE operates, among its other programs, a legal services program consisting of staff attorneys and a staff paralegal, who are assisted by a cadre of about 50 volunteers, including 10 senior attorneys.

Since its inception in 1975, LCE has been a testing site for new methods of delivery of legal services. The program began as an Administration of Aging funded project to explore the use of senior citizen volunteers as paralegals to assist staff attorneys on cases. From the beginning, LCE also recruited and utilized senior attorneys in a similar role. Early recruitment efforts utilized AARP membership lists, which were soon augmented to recruit retired and semi-retired attorneys.

Recruitment: Unlike other earlier attempts elsewhere, LCE was successful and its program is thriving. The senior attorneys now are recruited largely by their peers, and
enjoy an average tenure at the organization approaching 10 years. Volunteers include senior partners in prestigious law firms, retired administrative law judges, high ranking State Department personnel, as well as senior counsels to various government agencies (e.g. Interior, Postal Rate Commission).

Since the volunteer program is in an integral part of the delivery process and has been for almost 17 years, and since the attorneys operate largely as case assistants, it is difficult to extract in a precise statistical manner the senior attorneys' contribution. A rough estimate, however, is that the additional help of the senior attorneys is the equivalent of one full-time staff attorney for the program.

Operation: The program at LCE is set up to accommodate volunteers who work side by side with staff attorneys. Each staff attorney is assigned as attorney-of-the-day one day a week. That day remains constant throughout the year. Volunteers, be they paralegals or attorneys, who come to LCE on that particular day work with that staff attorney. The volunteer typically works one day a week from roughly 9:30 A.M. to 3:30 P.M.

At 10:00 A.M. each day, the attorney-of-the-day convenes a meeting with the volunteers. At that meeting, the attorney reviews progress on volunteers' cases, discusses new cases for clients coming in for an appointment, and new developments in the law or in the program that are relevant to the volunteers. Non-lawyer volunteers do intake interviews, conduct fact investigation, document drafting, telephone advocacy, and related casework tasks.

While the senior attorneys generally perform similar tasks, they often undertake more complex work such as legal research, memoranda drafting, or case strategy analysis with the staff attorney.

Transition: When transitioning from practice to volunteer, some retired attorneys prefer to start gradually, beginning with basic legal tasks. Many senior attorneys in the metropolitan Washington area practiced law in a government agency or a large law firm. Since the process of working on a Social Security or landlord/tenant problem for an indigent client involves a significant transition, many prefer to make the transition slowly. (Note: A senior attorney who spent his entire career in a government agency remarked, “I practiced more law, in the traditional sense, in one month at LCE than I did in my whole career working for the government.”)

The attorney-of-the-day remains available to the volunteers throughout the day. Typically, the staff attorney will hold informal conferences with the volunteers after client interviews, over lunch, in the hall or at the close of the day. The ongoing supervision and ready accessibility of expert staff attorneys is key to both work quality and volunteer satisfaction.
Hotline Attorneys: LCE's local program uses a hotline system for intake. Contract attorneys equipped with telephone headsets sit at a computer terminal. When the client telephones, the hotline attorney types into the computer all the basic demographic information about the caller as well as a detailed description of the legal problem. Where possible, the hotline attorney resolves the problem over the phone through advice, brief services, referral or information. A caller whose problems cannot be resolved over the phone is scheduled for an appointment with a staff attorney.

Experience has shown that hotline attorneys are able to resolve the problems of 2 out of every 3 callers. Not surprisingly, the main obstacle to enhancing this service is that few programs have an endless supply of hotline attorneys or the resources to hire them. However, senior attorney volunteers can supplement the work of the paid hotline attorneys.

LCE has been successful in recruiting senior attorneys to volunteer as hotline attorneys. However, since an effective hotline attorney within a legal services program requires a solid general knowledge of poverty law, extra training and support is necessary. To this end, LCE has produced videotapes on poverty law subjects and provides hotline attorneys with a wide variety of written materials, including a substantive law manual. At required bi-weekly meetings, volunteers (and contract attorneys) discuss troublesome cases, learn about changes in the law, or hear from a guest speaker/expert on a particular area.

Integrating volunteers: LCE has found two specially effective techniques for integrating volunteers into the hotline system:

First, the senior volunteer is paired with an experienced hotline attorney to whom the volunteer can regularly turn for questions.

Second, the volunteer starts out in a discreet area of the law (e.g. wills) and gradually broadens the scope of issues (e.g. from wills to probate to conservatorship to general civil).

These techniques, coupled with the resources listed above, enable senior volunteer attorneys to make a genuine contribution to the hotline intake system, including expanding its capacity to serve people while lowering its cost.

The following LCE senior attorneys have volunteered literally hundreds of hours in representing the interests of the elderly and the poor: Robert Ackerly, Betty Battle, Frances Beck, Irving Bryan, G. Nathan Calkins, Howard Cayton, Edwin Clapp, Hampton Davis, Anastasia Dunau, Arthur Flemming, Mary Flax, Elsie Frost, Robert Greenburg, C. Allen Harpine, Ann La Porta, Ned Minor, Patrick Murray, C. Roger Nelson, Daniel Ohlbaum, John Pickering, Arthur Present, Herbert Raskin, Mary Pat Toups, James Verner, Phillip Welch, Ralph Wiser and Harold Zaret. For that alone we are very grateful. But their contributions to senior attorney volunteer
projects as a model for service delivery will serve generations of clients in the future, and make legal services truly an intergenerational endeavor.

Now we will turn to the activities of the Legal Aid Society (LAS) of the District of Columbia. LAS has expanded its full-time professional staff through the volunteer services of four retired attorneys, one of whom has been with the program for 15 years, and another for 10 years. The volunteers, retired from the federal government and large law firms, come into the office between one and four days a week, and handle their own cases, the majority of which are administrative hearings.

**Alex Abraham**, whose tenure is the longest, is responsible for five or six cases at a given time. Abraham notes that growing up during the depression, union activity and interest in consumer issues has led him naturally into public interest work in his retirement.

**Harry Heller**, who until his recent retirement had volunteered at LAS for 10 years, came from a major law firm, which continued to allow him the use of its support services and resources for his pro bono activities.

All the volunteers are members of the District of Columbia Bar, and receive malpractice coverage through the LAS's group policy. And for pro bono attorneys, the Bar waives the fees required for continuing legal education.

Supervision: LAS senior attorney volunteers appear to have a less structured supervision than in other projects. They maintain their own calendars, and since those who have been with the program for several years are considered the office experts on Social Security Disability issues, they receive guidance only when they request it. Managing attorney Chris Herrling likens this system of informal mentoring, with advice and assistance provided by regular staff, other senior volunteers, and himself. He maintains a master calendar, on which he notes all dates and deadlines, and covers for the volunteers when necessary.

Recruitment: Help Harry. Unlike many other programs, the LAS has consciously recruited senior attorney volunteers. On the premise that recruitment by one's peers is often the most effective method, Heller engaged in a media campaign entitle Help Harry. He was featured in local newspapers and on television, and visited private law firms to discuss his work and to inform senior and retiring counsel about similar pro bono opportunities.

Cultural Differences: The LAS staff has noted some of the age-related and gender-related cultural differences that were reported earlier in other projects. While well-meaning, some older, male volunteers have at times incorrectly assumed that the younger women in the office were secretaries. They also are less familiar with the practice, common to all legal services attorneys, of doing your own xeroxing, etc. Unless addressed at the outset,
preferably as a part of a thorough orientation, these misunderstandings can be a source of friction.

In addition to Harry Heller and Alex Abraham, LAS also appreciates the volunteer efforts of senior attorneys Henry Switkay and Douglas Martin.

These four are real pioneers in this promising legal services delivery methodology.
Unfortunately at this time Florida has no organized programs for retired attorneys helping their fellow senior citizens. In October 1985 the Florida Supreme Court released an emeritus attorney ruling which provided the conceptual genesis for Florida's Emeritus Attorney Pro Bono pilot projects. Abby Waters who was at that time in the department of Health and Rehabilitative Services, the Office of Aging and Adult Services applied for a grant to provide legal services through a peers serving peers approach and utilizing the recent Florida Supreme Court ruling. Two pilot programs were funded by an Administration on Aging Grant. It was administered by Florida's Department of Health and Rehabilitation, Office of Aging and Adult Services. One of the pilot programs was established in the South-Central Florida County of Sarasota. The other project was in a tri-county of North Florida which included Leon County where Tallahassee, the capital of Florida, is located.

The Supreme Court ruling allowed attorneys who had practiced law in Florida or other states within ten of the last fifteen years to be certified by the Florida Supreme Court to provide volunteer legal services under the supervision of a legal service or legal aid provider. Florida's Emeritus Attorney Pro Bono Projects incorporated the definition created by the Florida Supreme Court's 1985 ruling and broadened the concept of emeritus attorneys to include older volunteer attorneys. Furthermore the grant added the requirement that the legal services and assistance being provided benefit senior citizens.

The two pilot programs which were funded were in two widely differing areas. The Sarasota County area had the fastest growing population of citizens ages 60 plus in the United States. The North Florida project which encompassed Tallahassee and the neighboring rural counties had demographics similar to those of the rest of the country. These programs were first established in 1987. The Sarasota program depended for its volunteers almost entirely on retired attorneys who had practiced out of state. It was never successful and did not survive the end of the grant program. On the other hand John Fenno, the pro bono coordinator for Legal Services of North Florida, Inc. recruited active members of the Florida Bar to staff a legal clinic.

In the early days of the Tallahassee program a number of lawyers participated. Some were retired but most were practicing attorneys who, as time went on, found their work load too time consuming. Some of the lawyers who participated in the first days were David Kearns, Frank King, Ted Harrison, and Dorene Barker.

As the program became more established the permanent site became the Tallahassee Senior center. On every Wednesday of the month a legal clinic is held from 11:00 am
until all clients with appointments have been seen. Today three of the attorneys who participate in the clinic are retired attorneys although active members of the bar. The fourth member of the team is a part time attorney for the Florida Department of Elder Affairs. The program is alive and well and as a member of the legal clinic staff, this is the program with which the author is most familiar.

The program really got off the ground in 1987. Dean of the clinic staff is Lt. Col. Richard Smith (retired). He was born in Arcadia, Florida 71 years ago. He attended law school at the University of Florida receiving an LLB in 1948. He has practiced law for 46 years. He began with a general practice in 1948 in Bronson, Orlando and Everglades City, Florida. In 1950 he became a member of the Airforce Judge Advocate's Office and remained with that office until his retirement in 1974. While in the Airforce he was involved in the administration of military justice, contracts, claims, and labor management. At one time he was president of the Foreign Claims Commission in Thailand. He participated in Bar pro bono programs as early as 1981 but at that time his services were not limited to seniors. When asked why he agreed to participate in the pro bono program for seniors, he replied that he realized a great segment of the senior population could not afford a lawyer and he wanted to provide them with this service. Since he first joined the program in 1987 he has served over 1200 seniors. One case which he won and which stands out in his mind is the defense of an old man's pet husky who was charged with killing a neighborhood cat. But he says that the cases which give him the most satisfaction are those in which the bureaucracy has denied Medicaid to some elderly deserving individual because of some unusual circumstance.

Another regular on the legal clinic team is Fred Anton. Born in 1922 he received his law degree from George Washington University in Washington, DC in 1949. He practiced law as a sole practitioner for 35 years mostly in the Miami area. He had a general practice and feels that he must have done things right because his son is a very successful attorney in Tallahassee. He also joined the pro bono program for seniors in 1987 and has served approximately 500 clients since then. He says that most of the work he does is routine such as preparing wills, durable powers of attorney and advanced health care directives, but even with routine matters he gets satisfaction out of doing something productive and constructive for seniors who need help.

The newest member of the clinic team is Alex Littlefield who is only 69. He received his law degree from the University of Florida and went into private practice in Daytona Beach from 1950 until 1966. In 1966 he joined the Florida Department of Labor and Employment Security where he handled Workman's Compensation, Unemployment Compensation and Industrial Safety cases until his retirement in 1985. For the next two years he worked with a private firm in Gainesville, Florida. Upon his return to Tallahassee he worked on pro bono cases for Legal Services of North Florida, Inc. until the coordinator of the pro bono program asked him to become a regular in the legal clinic at the Senior Center in October of 1993. In the short time that he has been with the
program he has served over 70 clients. He feels that his most rewarding cases are those which involve Medicaid admissions. Asked why he agreed to participate in the pro bono program, he responded that he felt that he should put something back.

The fourth member of this pro bono legal clinic, Charlotte E. Brayer, is the author of this article. At 72 she is also the oldest member of the panel but the most recent law school graduate. She did not enter law school until her retirement as Superintendent of Schools in Attica, New York. She received her JD from Florida State University in 1987 and joined the pro bono panel the following year. She has served approximately 700 clients. Asked about the career change at retirement age she said, “I have spent twenty nine and one half years trying to help the younger generation, now I would like to concentrate on the senior generation (my own), those who have worked hard all their lives and could use some help to smooth the way.”

What is the present status of peers helping peers in Florida? With the exception of the program sponsored by Legal services of North Florida, Inc., there is no organized program. But that does not mean Senior Citizens are not served in Florida. The state has a very strong ombudsman program which protects the rights of patients in nursing homes and adult congregate living facilities. There is a State Ombudsman Council and regional councils. Each council must have an attorney member. The chair of the State Ombudsman Council is John Ryan, a criminal lawyer, from Naples, Florida who is also a member of the Elder Law Section of the Florida Bar. He has been very active in seeking legislation to prevent the victimization of seniors. Other attorney members of the local ombudsman councils and active members of the Elder Law Section are Jerome Solkoff of Deerfield Beach who also devotes about two fifths of his practice to pro bono work for the elderly; and Michael Blaher who until recently handled the problems of the elderly for the Legal Aid Society of the Orange County Bar Association, Inc.

Since the establishment of the Department of Elder Affairs in 1991, the Department has received funds under Title III of the Older Americans Act. The funds dedicated to the provision of Legal Services to senior citizens are distributed to the Area Agencies on Aging. Twelve of the legal services organizations in Florida receive Title III funds. These organizations provide legal services for senior citizens in forty seven of the sixty seven counties in Florida. Some of the larger legal services organizations have coordinators for elder services, but all of these organizations which receive Title III funds are required to provide legal services to seniors who are sixty and over, giving highest priority to those who are socially and economically deprived. The services provided vary according to the legal services organization. They run the gamut from civil litigation, to divorce, wills, advanced health care directives, bankruptcy, as well as advice and counseling, and presentations to groups of senior citizens in areas of the law of special concern to seniors. A few of the legal service organizations have volunteer retired lawyers doing pro bono work but the number probably does not exceed 10 in the entire state.
An interesting program not limited to seniors is the Dade County Put Something Back (PSB) program. All attorneys in Florida are expected to participate in their local pro bono project and are required to report their pro bono activities annually. PSB volunteers contribute twenty hours of pro bono service annually or buy in for $350.00 per year. To be eligible for free services, the client's income must not exceed 125% of the Federal Poverty Guidelines. In its first two years PSB handled 12,000 cases and recruited nearly 6,000 volunteers. There is no breakdown on the number of elderly clients served but the type of cases handled indicates that many of them deal with the concerns of senior citizens.

A most valuable asset for senior citizens is the Older Americans Handbook. It was first published by Florida Justice Institute, Inc. in 1980. A second edition was published in 1988. Funding for a third edition was sought by the Florida Bar's Commission on the Elderly, a predecessor of the Florida Bar's Elder Law Section. Funding was provided by the Florida Bar Foundation, the Department of Health and Rehabilitative Services, and the Department of Elder affairs in 1992. The third edition printing was rapidly exhausted and a reissuance of the third edition was arranged by Russell Carlisle, head of the Florida Chapter of the National Academy of Elder Law Attorneys, and an active member of the Elder Law Section of the Florida Bar. The concept of the Handbook is one borrowed from the Legal Aid Society of the City and County of St. Louis and the Young Lawyers Section of the Bar Association of Metropolitan St. Louis. Several new chapters were adapted with permission from the State Bar of California's handbook. This handbook is of particular value to seniors because it lists agencies to which seniors can turn for help. A number of these agencies provide pro bono legal help for elders.

It would seem that Florida, with its large population of retirees, would have a reservoir of retired lawyers anxious to provide services to their peers. Unfortunately this is not the case. There are a number of reasons why this is not true. Probably the most obvious reason is that many of the retired attorneys are what we term snowbirds, someone who comes to Florida to escape the rigors of northern winters. Lawyers in this category cannot undertake a case because they would probably be heading home before the completion of their services. Also, although the Emeritus Rules permit a retired lawyer to practice pro bono law without paying state bar dues, the restrictive terms of the Emeritus Rules are objectionable. Then there is the fact that the Emeritus Rules and Programs, and the staggering need of legal services required by the poor, are not adequately publicized.

Because there has been little participation of retired lawyers in the service of senior citizens, the Senior Division of the Elder Law Section of the Florida Bar is trying to generate enthusiasm among the 60 and over crowd to participate in a pro bono program. Michael Trombley, the Vice Chair of the Senior Division is in charge of developing such a program. Any Florida lawyer who is sixty or over, and who would like to help senior citizens in Florida may contact Michael Trombley of Trombley, Lobozzo, Schommer,
Disler & Accorsi at 329 South Commerce Avenue, Sebring, Florida 33870. This is a project of the Senior Division of the Elder Law Section that we would like to see fly.
GEORGIA

by A. Gus Cleveland and M. Ayers Gardner of Atlanta, Georgia
and William K. Broker of Savannah, Georgia

1. **The Senior Lawyer Section**

The creation of a section for older lawyers within the State Bar of Georgia (SBG) came about in 1991 because of the energy and hard work of Joseph F. Haas, an old partner in Atlanta's Arnall, Golden & Gregory. At that time, Joe was already at least 80 years old, but he was still the most energetic and enthusiastic person anywhere around. This graduate of Harvard Law School's class of 1933 had been the 1980-81 president of the Federal Defender Program in the Northern District of Georgia, and chairperson of the Antitrust Law Section of the SBG in 1986.

Joe says that he got his inspiration for this project from two sources - recommendations and suggestions by Harry Anestos, a former resident of Savannah and a member of the SBG, now residing in Bethesda, Maryland, and from stimulation provided by the leadership of his friend Charles Eichenbaum of Little Rock, Arkansas, who was chairperson of the Senior Lawyers Division of the American Bar Association in 1991.

Joe began soliciting the approval of a number of his peers among Georgia's most respected older lawyers. When Joe reported their favorable response, State Bar President Charles T. Lester, Jr. appointed temporary officers of the new Senior Section. These first officers were Joe Haas, chairperson, E. Roy Lambert, vice-chairperson, and Charlie Hyatt, secretary. Joe Haas then named Holcombe Perry of Albany, Georgia, and Gus Cleveland of Atlanta as members-at-large of the executive committee of the new section.

The Senior Section (sometimes called the Senior Law Section) of the SBG was officially organized when the State Bar's Board of Governors gave its approval. After publication in the Georgia Bar News of notice of the proposed section and a letter writing campaign in December 1991, the new section was able to start up the new year with 337 dues-paying members. Thirty-five of these members attended the section's first meeting in January 1992, during the annual Mid-Year Meeting of the State Bar.

Joe Haas had conceived of the section as an active one, able to pursue many projects which would serve the interests of the public and the bar. He appointed a number of committee chairpersons during the months following the first meeting. One of these was Paul Cadenhead, Atlanta, who served as chairperson of the section's pro bono committee.

In April, Paul gathered together section members Joe Haas and Harry Cooper, representatives of the Younger Lawyers Section (YLS), and the State Bar's pro bono director to discuss the possibilities for a joint pro bono project, involving members of
both sections. The group decided to put together a mentoring project, in which senior lawyers would make their expertise available to younger lawyers handling pro bono cases and legal services staff attorneys.

Joe Haas and Paul Cadenhead selected members for this committee, including long-time legal aid supporter H. Sol Clark of Savannah, and then solicited participation from the general membership. Volunteers were asked to complete a questionnaire, which asked for their substantive areas of knowledge, the number of cases they would handle or hours they were willing to give each year, and the form of help they would provide (from telephone advice to co-counseling at trial).

While a number of section members did volunteer, very few were willing or able to commit to anything more than telephone advice and many had expertise only in areas not touched in most pro bono cases. The younger lawyers who did use the service were profoundly grateful for the help they received, but very few were actually able to take advantage of the mentoring program.

Much to Joe Haas' disappointment, none of the committees (not even the pro bono committee) met during 1992, except for the nominating committee. Other than the pro bono mentoring project, the only other major project that year was the co-sponsorship of a town hall meeting on professionalism, which was held in Atlanta that Fall. Members of the section worked with the Georgia Chief Justice's Commission on Professionalism to produce this provocative and highly successful session. Its success led them to join in co-sponsoring the 1994 Atlanta Town Hall meeting as well.

At a well-attended meeting of the section's executive committee on July 30, 1992, Steven Gottlieb, Executive Director of the Atlanta Legal Aid Society, asked the section to promote a volunteer program in which senior lawyers would provide free legal assistance to senior citizens. Unfortunately, the Committee did not recommend adoption of the program.

By February 1993, after over a year of operation of the new Senior Section, despite the outstanding enthusiasm and hard work of the first chairperson Joe Haas, some of the leadership had come to believe that most older lawyers in this state were not interested in concentrated standing committee work for the new section.

When Joe Haas asked for ideas on the direction the section should take, one of the members of the executive committee suggested that the nature of the section should be changed. The section had been created as an elective, dues-paying organization, like the substantive law sections. The suggestion was to seek changes in the by-laws of the State Bar to make all Georgia lawyers of a certain age automatically members of something to be called the Senior Lawyers Section, just as all members of the State Bar under the age of thirty-six are automatically members of the YLS. And, as is true for YLS
membership, there would be no dues for membership. The idea generated a great deal of discussion over the next few months.

In June 1993, Albert Reichert, Sr., of Macon Georgia, was elected the new chairperson, and a new executive committee was named. At about this time, some members of the section began to think that it would be better for the section to change direction, focusing generally on promoting camaraderie among its members, and other members of the bar, concentrating on supporting the regular programs and activities of the State Bar, and trying to increase the interest of Georgia lawyers in the State Bar programs and activities (including increasing attendance at State Bar meetings). This would still allow the section's membership to undertake special projects such as professionalism and continuing legal and judicial education.

As these ideas about a change in direction started to take hold, the idea first raised in the Spring about section structure came to the fore. The leadership decided to seek the change in status, limiting membership to those lawyers who were 65 or older.

During August 1993, Gus Cleveland reported to the chairperson on the steps necessary to effect the change in status. In September, the executive committee decided to proceed. They decided to change the name of the section to Senior Lawyers Section, make membership automatic for all lawyers sixty-five and older (with a grandfather clause to include those persons between sixty and sixty-five who were members in good standing of the existing Senior Section at the time of the change), and to have no section dues.

The Executive Committee of the SBG raised questions about the economic expense to the SBG resulting from this new section with no dues. To try to eliminate the concern of the SBG Executive Committee regarding the financial expense, language was then added to the proposal to provide that the SBG would only be liable for reasonable postage and mailing expense and staff liaison assistance. All section expenses would be the responsibility of the section unless specifically authorized and approved by both the Executive Committee, and the Board of Governors of the SBG as a separate budget item. The section was authorized to accept voluntary contributions and it was able to retain dues revenue from the previous Senior Section.

With these changes, the Board of Governors of the SBG unanimously approved the proposal, it was subsequently approved by the bar's membership, and a rule change was ordered by the Supreme Court of Georgia on July 13, 1994.

The by-laws of the new Senior Lawyers Section provide that the purposes of the section shall be:

a. To foster discussion and interchange of ideas relating to the duties, responsibilities and problems of older members of the SBG;

b. To aid and assist the older members of the SBG;
c. To aid and promote aims, purposes, ideals, and activities of the SBG;
d. To encourage the interest and participation of the older members of the SBG in the activities of the SBG;
e. To promote professionalism among members of the Section and also among other members of the Bar;
f. To promote camaraderie and mutual respect and trust among members of the Section and also among other members of the Bar;
g. To promote CLE, CJE and other activities of the SBG as shall be determined by the Section officers, Executive Committee and members.

These bylaws provide a better opportunity for the section to support local pro bono efforts and to foster an atmosphere of commitment to public service, without creating independent programs.

2. Pro Bono Work by Individual Senior Lawyers
While many senior lawyers are slowing down and narrowing their list of commitments, there are individuals in Georgia who continue to represent low income clients as part of their practice. Four in particular have a special place in the hearts of pro bono coordinators in their communities for their willingness to take on tough cases without complaint. These four are as diverse as the Georgia bar itself in many ways. They come from metropolitan Atlanta and the small town of Jackson. They range in age from 67 to 93.

Ross Goddard, 67 who practices in Decatur, Georgia, just outside Atlanta, is a retired military officer. He handles complex (and often nasty) domestic relations cases for the Dekalb Volunteer Lawyers Project. The project's director, Sheila Ogletree, sends more cases annually to some other lawyers, but that is because she saves Colonel Goddard for the tough ones.

Scott Walters, Jr., 70 practices in metropolitan Atlanta, with an office in the suburban town of East Point. Like Colonel Goddard, Mr. Walters is the lawyer to turn to if a domestic relations case is legally complex or factually difficult. Mickey Williams, coordinator of one of the several pro bono programs through which he volunteers, says that he has never turned her down and never complained that a pro bono case took too much of his time. In addition to his busy practice of paying clients and a steady stream of pro bono clients, Mr. Walters has maintained a very active role in the South Bar Association, editing the bar's award-winning newsletter year after year after year.

Richard Watkins, 74, practices in the small town of Jackson, located in a rural area in middle Georgia. A sole practitioner, he has taken pro bono and Judicare cases referred to him by the Macon, Georgia legal services program since 1985. In 1990, his local pro bono coordinator, Judy Davenport, conspired with the Superior Court to honor him in a
special award ceremony held in open court in Jackson. Judy says that Mr. Watkins, too, is a volunteer who never says he is too busy or the case too difficult.

Finally, there is **Harry Cooper**, an energetic Georgia lawyer who, at 93, still practices law and still volunteers through Atlanta's pro bono programs. Mr. Cooper came to Atlanta in the 1960's as in-house counsel for AT&T. When he retired from the corporate legal world, he found retirement too boring, so he took the Georgia bar examination and started a new career as a Georgia lawyer. Since then, he has been a fixture in Atlanta's volunteer legal community.

Each of these senior lawyers participates in his local pro bono program, serving with other volunteer lawyers of diverse ages. Georgia does have one thriving volunteer program, however, which is staffed entirely by retired lawyers.

### 3. Savannah's Retired Lawyer Volunteer Program

Shortly after Bill Broker became managing attorney of the Savannah Regional Office of Georgia Legal Services in 1984, an interesting thing happened: a retired attorney contacted the office and asked if he might be of some assistance. Mr. Broker was quite surprised to learn that a retired attorney would want to work with the office, but he was intrigued at the prospect. When he asked the staff if anyone knew about the prospective volunteer, they said that he had called before but no one knew what to do with him. Relations between the Georgia Legal Services and the Savannah bar had never been particularly warm. New bar leadership, however, had indicated strong interest in expanding pro bono services and Georgia Legal Services was eager to help. The bar stood to gain by providing pro bono activity for its membership and Georgia Legal Services would receive help in handling its heavy caseload.

The idea of a retired attorney doing volunteer work was not, somehow, in the formula. **Jim Lindsay** had practiced in New York for many years, primarily as in-house counsel for a large chemical corporation. After retiring, he left New York City and moved to Torrington, Connecticut. While there, he volunteered with the Torrington legal services office. The winters proved harsh, however, and Jim and his wife Shirley decided to move south. They purchased a home on Skidaway Island, just outside Savannah, and began to be very active in community affairs. Jim was extremely interested in working with legal services, having enjoyed his experience in Torrington.

When Jim first came to the office, the managing attorney was not quite sure what Jim could do. He might be familiar with a little bit of probate work, and possible real estate. It was doubtful that he knew anything about Georgia landlord-tenant law, consumer statutes that affect low-income people, or, especially, public benefits. Mr. Broker was right. Mr. Lindsay knew little about these topics. The knowledge he did possess, however, proved to be much more valuable to the staff and clients of the Savannah office of Georgia Legal Services than anyone anticipated.
The greatest asset that Jim Lindsay brought to the legal services office was simply the fact that he came. The relationship with the local bar was not as cordial as many of the staff would have liked, and the idea that a private attorney would come in from the outside and volunteer to work with them was a real boost. The fact that someone thought the work of these legal services lawyers was important enough to spend volunteer time on amazed them and lifted staff morale in a very big way. Not all the benefits the office experienced were psychological. Jim had an agenda and he got with it immediately.

One of the first things Jim did was to become involved in the formation of the initial board of what later came to be Savannah's mediation center. A few individuals thought that a mediation center in Savannah might be a good idea, and various modes of alternate dispute resolution were explored. The initial group included Jim Lindsay and the managing attorney of the Savannah legal services office. Both men were excited about the prospect of mediation and worked hard to lend the group their support and to provide technical assistance. Jim and Bill worked to prepare the articles of incorporation, the bylaws, and the application for recognition as tax exempt for the group. Once the organization was off and running, Jim and Bill worked together to attract good board members and both served on the board together. Bill eventually served as president of the board and Jim continued to work hard as a board member and a volunteer mediator.

Jim Lindsay was very effective in lending his personal reputation to the efforts of the mediation center and worked hard to see it get off the ground. Many of those at the legal services office thought mediation was important and recognized its coming role in the settlements of disputes. The staff knew that a legal services presence was necessary as the program got off the ground to ensure that the mechanism was set up so that low-income people could participate in mediation fairly. Jim was keenly aware of this and carefully worked with the mediation center to insure that this was the case and to develop a successful program.

Jim did not limit his efforts to mediation. Once that initiative was off and running, he turned his sights to domestic violence. He joined the board of the battered women's shelter and became a powerful voice in the community for those suffering from domestic violence. Jim worked with the local legal services staff, especially Wanda Andrews, a family law attorney with legal services, to strategize about how domestic violence could best be dealt with in the community. Jim served, along with Wanda, on the Savannah-Chatham County Domestic Violence Task Force and worked hard to put together a domestic violence response protocol for the local police. He was also a strong backer of the work of the battered women's shelter and provided a steady hand to the fledgling organization, as it developed greater stability. As a result of Jim's hard work, the shelter is operating quite capably. The current president of the board is his colleague, Wanda Andrews. Jim has contributed tremendously to her success in that position.
Jim continues to work with the Savannah office and is a favorite of all members of the staff. He often sits as one of three persons on panels that decide housing cases. He attends weekly case acceptance meetings and offers valuable and thoughtful insight into the issues on the table. His removal from day to day casework allows Jim to view the bigger picture. His doing so is a great help to the members of the staff.

The Savannah Bar Association has not failed to notice Jim Lindsay's contributions to their community. The bar gave him its Liberty Bell Award in 1988.

Andrew Marsh, a retired insurance defense attorney from Cook County, Illinois, came into the office four years ago and asked how he might help. He was not all that interested in strategizing about solving big picture problems. He wanted to sit down with individual clients and help them deal with their problems. He worked with one of the members of the staff, assisting her with clients intake. Andy's responsibility was to see clients as they came in or attempt to answer their questions over the telephone. He did so with real style and grace. As soon as he discerned what the problem was, Andy got to the bottom of it and straightened the problem out.

His personal demeanor was challenging to the staff as he was constantly bumping heads with his co-workers about their philosophical outlook on the problems of low-income people. Andy, an unrepentant conservative Republican, tremendously enjoyed the opportunity to joust with even less repentant liberals hell-bent on social justice and the very best legal advocacy for the poor. Though Andy would disagree with the politics of his co-workers, he had a deep sense of compassion and commitment that was just as strongly and deeply held as that of his younger colleagues.

After working with the office for three years, Andy decided that he might better serve his community in a literacy program at a local residential facility for boys. Bethesda Home, the oldest such facility in the state of Georgia, founded in the 1730's, is now the focus of Andy's work and dedication.

Albert Mazo came into the office in 1990 looking for something to do. Albert, a Savannah native admitted to practice law during the administration of Franklin Roosevelt, left the practice with the beginning of World War II. He began to work for a relative in the paint manufacturing business in North Carolina and later left to return home to Savannah. Once he got back to his hometown, he went about setting up his own paint business. Savannah Paint became a thriving enterprise and Albert toiled with his partners for years to make the endeavor successful. He retired from the business in 1990 and was looking for a way to use his skills.

A friend suggested that he consider doing volunteer work at Georgia Legal Services. He came to the office and met with managing attorney Bill Broker. The discussion ended with a commitment on Albert's part that he would work one half day each week. Bill
assigned him an office and he began to work the promised half day. That half day quickly grew into a full day. Before long, Albert was working five days a week, as well as many Saturdays and Sundays. Like other staff attorneys, he had one day of intake, seeing all of the prospective clients who came in or called on a particular day. He was responsible for responding to a full range of legal services type inquiries and handled them all with amazing ability. As a member of the SBG, Albert could make court appearances, unlike the previous volunteers.

Albert had no qualms about attending New Lawyer Training, a week-long session offered annually by Georgia Legal Services and the Atlanta Legal Aid Society. This educational opportunity gave all the new legal services lawyers in Georgia a chance to meet one another and have a quick review of the substantive areas in which legal services attorneys work. Albert attended with great enthusiasm and came back ready and raring to go.

Over the past several years, Albert has maintained an incredible pace, challenging all of the younger lawyers who work with him. He has maintained his own caseload. He also has been very willing to take on difficult cases from other attorneys, or to provide them with advice, research support, even proofreading. He has litigated complex cases in the areas of public benefits, adoptions, and consumer transactions. His work in the adoption area is legendary, and, after volunteering to assist a local non-profit child placement agency, he has become a respected expert in this area for other practitioners, who contact him frequently.

A favorite memory of the staff at the Savannah office is of the time that everyone was sitting around, puzzled by a particular legal problem. Albert's response to the problem was very simple: “Why don't I just call the judge?” Everyone got a big kick out of that, realizing that Albert, being older than anyone on the bench, could certainly command the judge's respect.

It never failed that any time anyone would go to court with Albert, the judge would make quite a to-do over his being there on a volunteer basis and the fine work that he was doing with Georgia Legal Services. In 1993, the SBG presented the H. Sol Clark Award to Albert. That honor, named for Albert's longtime friend, a former Judge of the Georgia Court of Appeals, is presented each year to a Georgia attorney who has provided exemplary pro bono service to low income people.

Donald C. McKinlay came into the office four years ago with a real challenge. He reported that he would be on Hilton Head Island for one month and, though he volunteered for long periods of time in the offices of Denver legal services, he would like to be of some assistance to the Savannah office during his short time on Hilton Head Island. The office immediately went to work and found a place for Don to work. He was very helpful in proofreading briefs and pleadings for individual attorneys. He also assisted by offering insight and direction in difficult cases. His encouragement and
willingness to work, albeit for a short period of time, was a genuine testament to his commitment and concern for the work of legal services. Although Don was only able to spend a short period of time with the office over two winters, his help and encouragement lasted long beyond his time in Savannah.

**Leonard M. Trosten** remains of counsel to the Washington law firm of LeBoeuf, Lamb, Greene & McRae. Leonard offered his services as a volunteer with the Savannah legal services office, and Bill Broker immediately asked him to come on board. Bill's good experience with senior volunteers had taught him not to pass up an opportunity like this. At his first meeting with the staff, Leonard was asked to give the group a summary of his past experience. The staff, eager to get help with the representation of battered women, individuals close to eviction, and others desperately situated, were somewhat dismayed when Leonard said that most of his experience had been in administrative proceedings before the Nuclear Regulatory Commission. Leonard and Bill, however, were determined to come up with a way to put Leonard to work on the legal problems of poor people. When Bill came up with a plan, Leonard jumped right in.

His corporate experience has been very beneficial in working directly with Bill, who works with small, non-profit groups working for social change in and around Savannah. Leonard has also devoted considerable attention to difficulties clients have had in the area of public benefits, restoration of drivers' licenses, collection of judgments, and other issues.

Of all the senior attorneys who have come to work at the Savannah legal services offices, Leonard is the most computer literate. He continues to communicate with his own Washington law firm from his home computer, and he is currently working with the administrative secretary in the Savannah office to accomplish the same locally.

One attorney on staff, Murphy Cooper, had pushed the managing attorney hard about the purchase of a CD-ROM for the office for a particular project of his. The money just was not there. Bill discussed the dilemma with Albert, who simply said, “I'll talk to Leonard and see what we can do.” Two weeks later, Leonard Trosten and Albert Mazo presented the office with the funds to purchase both the equipment and the necessary software.

The Senior Volunteer Program has also been helpful in other ways. It has been touted in the Savannah bar's newsletter Pro Bono Publico, so all of Savannah's attorneys know of the work of senior volunteers. The American Bar Association invited Bill Broker to its annual pro bono meeting in 1994 to talk about the experiences he has had with senior volunteer attorneys. The United Way of the Coastal Empire saw the value of the program and assisted with program funding in 1994. Help for 1995 was requested.

The Savannah office has been extremely fortunate in having all of the help and support of its senior volunteer attorneys over the past ten years. They have handled individual
cases, working to resolve the clients' urgent legal problems. They have also served as
role models, mentors, boosters and good friends of the younger staff, with whom they
work so closely. Their contributions go far beyond the resolution of problems, and their
commitment is an inspiration to all members of the staff at the Savannah legal services
office, to clients, and to the community as a whole.

4. Conclusion
Many of Georgia's senior lawyers continue to contribute in very meaningful ways to their
communities. The Senior Lawyers Section of the SBG has served best to focus on purely
group activities, such as sponsoring meetings on lawyer professionalism, rather than on
organizing statewide pro bono efforts. That focus makes sense in Georgia, the largest
state east of the Mississippi, but it does not mean that senior lawyers in Georgia do not
continue to make pro bono contributions. Those who work with them find that the senior
lawyers' contribution is worth far more than just the number of hours spent on cases.
Those who continue to volunteer to serve the poor not only help their individual clients,
they serve as mentors and inspiration to other, younger lawyers.
HAWAII

by Paul J. Durbin of Honolulu, Hawaii

By way of introduction to the activities of Senior and retired members of the Bar of the State of Hawaii, it must be noted that the State of Hawaii is one of America's most beautiful states, and a magnet to over five million visitors each year. Each island vies with the other for accolades as to beauty and climate, all of this combining to guarantee that the practice of law in Hawaii is a rare privilege which has been limited to a total of approximately eight thousand practitioners in the entire history of the state. Consequently the active practitioner, who has had little opportunity to actually enjoy all of this beauty and climate because of the demands of the practice, does just that upon retiring from the active practice of law.

The foregoing may perhaps explain the apparent reluctance of senior attorneys who have retired from active practice to volunteer or to even be enthusiastic concerning participation in Pro Bono activity in Hawaii. Hawaii Lawyers Care is the operating arm of the Hawaii State Bar Association in providing Pro Bono legal assistance. Available information indicates that very few of the Retired attorneys in Hawaii have volunteered for or accepted the opportunity to provide Pro Bono applicants the benefit of their expertise, knowledge and experience before the Bar.

Hawaii Lawyers Care indicates that there has been little unsolicited participation by retired members of the Bar in their activities. Although no active program of solicitation of senior lawyers of the Bar has been attempted, the volunteer participation of retired personnel has been welcome.

Upon reading this summary, no doubt some senior lawyers will say that I was not asked, but the opportunity to volunteer their services has been publicized and available to senior members of the bar for many years. It just appears that senior members of the Bar desire to spend any leisure time with their family and take the opportunity to enjoy the Hawaii which attracted them in the first place. The opportunity for Pro Bono is available and participation by seniors and retired lawyers is appreciated by Hawaii Lawyers Care. Although at the present time very few senior lawyers are participating in this activity, those who are participating find the work enjoyable, producing a unique reward for the volunteer senior lawyer.

It appears to be readily apparent that the attorney who finally elects to retire from practice hopes he may at last have the opportunity to enjoy life in Hawaii with its oceans and mountains, the sun shining 95% of the time, and a climate where a 60 degree day is deemed too cold. The general opinion of senior lawyers interviewed with regard to Pro Bono participation is that lawyers practicing in Hawaii tend to practice into their
advanced years and when they finally elect to retire they are at an age when they just want to enjoy the remaining years with their families and at last enjoy the beauty and climate of Hawaii.

The Hawaii State Bar Association has recognized the contribution of its senior lawyers by waiving annual dues for those attorneys over seventy years of age.
In Idaho, old lawyers have a choice. They can either follow the old soldier and just fade away or contribute their experience, knowledge and skill to the aid of indigent citizens of the state of Idaho by working for free with a pro bono, legal aid or other legal assistance program under the Emeritus Attorney Licensing Rule 223 of the Idaho State Bar. Some might view this as Hobson's choice.

Concern among the lawyers that indigent, minority, disadvantaged, poor people were unable to afford legal assistance in solving their problems gave rise to a resolution in 1988 from the Bar members that Idaho follow the exemplary lead of the Florida, Texas and Arizona Bars by creating an Emeritus licensing status that would permit retired or inactive attorneys to contribute their services, without compensation, through recognized pro bono, legal aid or legal assistance programs without the necessity of meeting all of the requirements and expense of licensing regular attorneys.

Recognizing the nomadic tendencies of old lawyers, the new rule extended Emeritus privileges to old lawyers in private practice and also house counsel, public employment, academic employment, and not only Idaho Bar members, but also lawyers from all other states, territories, or the District of Columbia. The volunteer submits to the jurisdiction of The Idaho Supreme Court and the State Bar Commission and must have practiced ten of the last fifteen years immediately preceding application.

So, how are Emeritus lawyers doing in Idaho? There are twelve names on this Honor Role. Frankly, the demand for their services is not overwhelming but viewed from the standpoint of the indigent poor, the wealth of experience and knowledge possessed by these old lawyers must certainly be welcome aid and comfort that would otherwise be beyond the reach of a significant part of our population. Although it appears that Idaho does not yet have a serious problem regarding legal assistance to the poor, when we do, the old lawyers will rise to the challenge and provide a solution. This could only happen in the United States of America.
Set Your Sights on Senior Rights: A Fact Book for Older Illinoians is the culmination of a year-long special project of a select committee of the Illinois State Bar Association Senior Lawyers Section Council. It is the 120-page first edition of a compendium of the various programs, services, benefits, rights, entitlements, protections and assistance to senior citizens -- age 60 and over -- that are available in Illinois through federal, state and private agencies.

A section of this factbook encourages planning for the future. Even though some of this planning might be more effective if undertaken earlier in life, it is never too late to start. We soon will enter a new century, during which the average age of our national population will continue to increase dramatically. In fact, our 85-plus age group is expected by some experts to increase four-fold as a percentage of the total population.

Along with this growth will come a growing need for information of the type provided in this book. As we grow older personally and as a society, our needs generally will increase. Too many of us will become vulnerable to abuses, victimization and intrusions on legal rights. We hope -- and this is our goal -- that the information we provide here will prove to be a valuable resource to enhance the quality of life of Illinois seniors and help ensure happier, more productive elder years.

The book is crafted primarily in language directed to consumers and persons engaged in assisting the elderly with a variety of problems and issues. Our mission is to alert them to the existence of many resources available in Illinois. Anyone who needs help with a specific matter that this factbook does not address should seek advice from an appropriate agency or legal services professional. One such resource is the Illinois Pro Bono Center.

The concept of a statewide pro bono coordinating body was adopted by the Illinois State Bar Association (ISBA) Board of Governors in May 1992, and its bylaws were approved in December 1992 by the ISBA Assembly. The goals of the Pro Bono Center are:

* To increase the number of low-income clients represented annually in civil cases by volunteer attorneys.
* To increase the number of volunteer attorneys participating in organized pro bono projects on behalf of low-income clients.

The Pro Bono Center works to meet the directives of an ISBA resolution to increase pro bono representation. An Illinois Legal Needs Study revealed a significant gap between the legal needs of low-income residents and the availability to meet those needs.
Attorney William D. McGrath is executive director of the Illinois Pro Bono Center. He can be reached by calling (217) 359-6811.

At the initiative and behest of the author the ISBA Senior Lawyers Section Council, with the endorsement of the ISBA Board of Governors, drafted a Senior Citizens Bill of Rights Resolution which was sponsored by Representative Ralph C. Capparelli, deputy majority leader. This Joint Resolution No. 73 was adopted by the General Assembly on November 4, 1993, as follows:

WHEREAS, Senior Citizens represent a growing segment of the population of our society; and
WHEREAS, After a lifetime of hard work and contribution to this society, Senior Citizens deserve to have the utmost dignity and respect shown toward them; and
WHEREAS, Senior citizens have special needs and concerns that require immediate attention and resolution; and
WHEREAS, Senior citizens are frequently the victims of financial exploitation and physical abuse; therefore be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that Senior Citizens shall have the following rights:

1. To have equal access to all the resources our society has to offer, including but not limited to the legal system, social services, credit, health care, police protection, and consumer advocacy;
2. To have age and physical condition taken into consideration for scheduling of court dates and accessibility to the legal forum;
3. To have effective court supervision and oversight of proceedings affecting Seniors in their physical and financial affairs;
4. To have the fact that Seniors usually live on a fixed income taken into consideration in determining transportation fares, taxes, and utility rates;
5. To have thorough and prompt investigations into allegations of physical abuse and financial exploitation against Seniors;
6. To obtain and maintain suitable housing, independently selected, designed and located with reference to special needs and available at costs which Seniors can afford, and;
7. To access a comprehensive array of community based, long-term care services adequate to approximately sustain Seniors in their communities and in their homes; and be it further

RESOLVED, That the purpose of this resolution is to make Members of the General Assembly aware of the fact that Senior
Citizens are greatly affected by all legislation submitted before the Assembly and that we hope this resolution will keep Seniors in the minds of Members in considering the merits of all legislation.

The ISBA Senior Lawyer Section Council, in drafting and supporting this resolution, were assisted by the Ad Hoc Committee on Agency / Court Related Senior Citizens Issues, a coalition of federal, state, county, city and private agencies. This coalition was created in Cook County, Illinois in 1987, in a pioneer effort in linking the court with various federal, state, county, city and private agencies that serve senior citizens legal and social needs, in an attempt to enhance access to the legal and justice system.

The American Bar Association Commission on Legal problems of the Elderly, in a 1988 newsletter, characterized the court Ad Hoc Committee as a Model, challenging other states and localities to forge similar judicial/aging network linkages to encourage equal opportunities for justice for the elderly. For perhaps the first time, representatives from the court system, the aging network, legal services, protection and advocacy agencies and attorneys are meeting together on a regular basis to discuss issues of common concerns.

Additionally the Senior Lawyer Section Council was instrumental in assisting the Elderly Service Officers coalition of law enforcement agencies in having the General Assembly of Illinois enact House Joint Resolution No. 87, which supports the need for proactive senior citizens crime prevention initiatives, including training and sensitizing law enforcement agencies regarding vulnerability of elderly citizens to become crime victims.

This Joint Resolution No. 87, also sponsored by Representative Ralph C. Capparelli, was adopted by the General Assembly on November 4, 1993, as follows:

WHEREAS, Law enforcement agencies and senior citizens must work together to combat crime; and
WHEREAS, Community oriented policing needs a strong citizen partnership; and,
WHEREAS, The Police Training Board has formed an Illinois Coalition of the Illinois Attorney General's Office, Illinois Department on Aging, Illinois TRIAD, Illinois State Police, Sangamon State University and the Southwestern Illinois Law Enforcement Commission is proffer proactive senior citizens crime prevention initiatives in this State; and
WHEREAS, The coalition created and launched a 40 hour training curriculum that is called Elderly Service Officers; therefore, be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE
STATE OF ILLINOIS, THE SENATE CONCURRING
HEREIN, that the Illinois' Elderly Service Officers have and
shall take their place with the vanguard that is implementing
community oriented policing and shall:

(1) Become advanced generalists as competent and dedicated to
    senior citizens crime prevention initiatives as Illinois police
    juvenile officers are to our youth;
(2) Become sensitized to elderly public safety issues;
(3) Become local co-architects with the elderly that will stress
citizen cooperation and citizen empowerment relative to
problem oriented policing;
(4) Become the champion and protectors of all vulnerable and
venerable citizens; and be it further
RESOLVED, That a suitable copy of this preamble and
resolution be presented to the Southwestern Illinois Law
Enforcement Commission in recognition of the work done by
Illinois' elderly service officers.

The ISBA established its Senior Lawyers Section and Council in 1989 and published the
first issue of the Of Counsel newsletter which is now circulated to more than 1,500
Section members. Of Counsel newsletter contains a mix of articles on elder law issues
and matters of general interest to senior practitioners. The newsletter is published on a
quarterly basis.

Recently, the Mayor of Chicago, Richard M. Daley, gave recognition to the activities of
the senior lawyers of ISBA by citing the Association in the text of his Proclamation
regarding its efforts in having the Illinois General Assembly enact the Senior Citizen Bill
of Rights, by proclaiming the week of May 15-21, 1994 as Senior Citizen Bill of Rights
Week in Chicago, in conjunction with the national annual observance of Older
Americans Month.

The Chicago Bar Association also has an active Senior Lawyers Committee which meets
at 12:00 noon on a Thursday to enjoy a speaker meeting, at the offices of The Chicago
Bar Association, 321 South Plymouth Court, meeting room posted in the lobby. Speakers
vary, and have included a financial planner, a Domestic Relations Judge, an Extended
Home Living Services Planner, a tax and estate planner, a Public Guardian, an expert on
reverse mortgages, a second careers speaker, an appellate judge, a U. S. District judge,
and an Executive Service Corps representative. Everyone is welcome.
Although the Indiana State Bar Association (ISBA) currently does not have a Senior Lawyers Section or Division, the Bar's leadership has this matter under consideration. No planning or start-up committee has been established. However, the incoming President of the ISBA has been advised by a number of senior lawyers of their willingness to assist in assembling material to determine whether such a section or division is needed or will be well received in Indiana.

Senior Lawyers are a separate section of the Indianapolis Bar Association (IBA). This section was formed by Lester M. Ponder and Karl Stouffer in approximately 1986. Lawyers over 60 years of age are eligible for membership with a yearly dues of $13.00. The Section has four luncheons a year where the guest speaker is encouraged to pick his or her topic. The current chair of the Senior Lawyer Section of the IBA, Charles W. Sizemore, reports while several senior lawyers are in pro bono work through the IBA, we have no separate senior project. Les Ponder and I feel that there is no need for the Senior Lawyers Section to set up a separate pro bono plan.

The section leadership realizes that senior lawyers volunteer on their own, one by one. One example of this is Robert L. Wolen, a 1991 graduate of the Indiana University School of Law who currently serves the elderly as part of the Senior Law Project of Legal Services Organization of Indiana, Inc. under the supervision of the Director Claire E. Lewis. Robert had completed a sterling career as a biochemist, researcher, professor and naval aviator before he retired and enrolled in law school. He is spending his retirement years working about 30 hours a week as a volunteer on cases involving landlord-tenant law, probate issues, and consumer problems where an older person has been taken advantage of by the seller. Robert recently received the Governor's Voluntary Action Program Community Award. Several years ago, the Section began a series of interviews by videotape with lawyers and judges who were felt to have made significant contributions in the legal field. This has not been done, however, for the last three or four years, although those who were involved in the project considered it to be worthwhile to preserve a small segment of history.

The Chairman of the St. Joseph County Bar Association's Senior Lawyers Section is Richard D. Bonewitz. He reports that the section is purely social in nature. All lawyers 62 years of age or more are invited to join in a monthly luncheon. Average attendance is 10 to 18 lawyers including retired lawyers, retired judges, and some lawyers who have continued to remain active in practice or on the bench.
The Legal Services Corporation of Iowa (LSCI) has established a project of enlisting the services of senior attorneys to undertake a variety of responsibilities. The project, conducted under a grant from the National Legal Services Corporation, was formulated by Patrick McClintock, a LSCI Deputy Director. In addition to this formal Iowa Senior Lawyers Project of LSCI, the Iowa State Bar Association (ISBA) promotes the pro bono participation of senior attorneys in many ways.

The LSCI Senior Lawyers Project offers volunteer opportunities for experienced lawyers around the state to lend their skills in providing quality legal assistance to eligible clients. The range of activities by senior attorneys participating in the project is substantial. The variance is based primarily on the amount of time an attorney may have available for the project.

Recruitment of attorneys for the Iowa Senior Lawyer Project has been through publicity in the ISBA magazine The Iowa Lawyer, general mailings to members of the bar, direct mailings to specific individuals who expressed an interest in the project or whose names were suggested to the project. Presentations have been made at county and state bar meetings explaining the project and promoting the value to participants as well as the community of clients to be served. Activities of current participants in the Iowa Senior Lawyers Project include the following:

**Charles Beard**, a 1941 graduate of the University of Iowa Law School, served as a Trust Officer with a Waterloo, Iowa bank following his distinguished service in the United States Army during World War II which included participating in the June 7, 1944 D Day invasion at Omaha Beach. After he retired he moved to Cedar Rapids and now serves as counsel for the law firm of Hines, Pence, Day and Powers, handling the probate duties of the firm. He joined the Iowa Senior Lawyers Project at its Cedar Rapids Regional Office but provides services throughout the state in conducting seminars and publishing materials concerning living wills, durable powers of attorney, estate and probate laws and living trusts. He is available for consultation with LSCI staff attorneys on the subjects listed and attends gatherings of senior citizens to discuss these subjects. He is also editing the LSCI book on wills and living wills for distribution to eligible clients.

**Bert Gionet** has practiced law in Iowa since his graduation from the Drake Law School in 1960. His experience included a career as the owner or executive officer of extensive businesses. He also served as a corporate general counsel. These responsibilities have given him considerable experience in the areas of consumer law, employment law and commercial law. This experience has allowed him to participate in several practice court
sessions with LSCI staff attorneys preparing to present oral arguments to the Iowa Supreme Court.

**Thomas Gilloon** is a 1942 graduate of the University of Iowa Law School who practiced law in northeast Iowa. His office was located in the town of Dyersville, Iowa where the movie Field of Dreams was filmed. He is active in the local efforts to preserve the baseball field as it appeared in the movie. He is now active in the Iowa Senior Lawyers Project at its Dubuque Iowa Regional Office. While in private practice he did a variety of legal work and that experience is now being shared with the Dubuque LSCI staff attorneys and the regional clients at least two days per week. He is handling cases and mentoring younger staff attorneys by guiding them through encounters with the administrative law process and the art of negotiating with adverse parties.

**Naomi Mercer** is a 1968 graduate of the Drake Law School. Following her graduation she served as counsel to the Iowa Civil Rights Commission, then as staff attorney at the Legal Aid Society of Polk County, Iowa. She also was one of the founding members of the LSCI. She maintained her own private practice in Iowa for several years and is active in the Polk County Iowa Juvenile Court. She is now a regular in the LSCI South Central Regional Office where she works at least two days per week. She interviews potential clients to obtain their background information and develops a synopsis of their legal problems. This information is then reviewed with a staff attorney who provides the legal advice or representation required by the client. She also provides considerable assistance for staff attorneys in formulating resolutions in child custody, divorce and discrimination cases. Her experience and insight as to the proper methods of dealing with these difficult cases have been of considerable benefit to LSCI and its clients.

**Addison Parker** is a 1940 graduate of the Harvard Law School and a founding partner of one of Des Moines most venerable law firms. Taking a position as a senior attorney with his law firm has allowed him to join the Iowa Senior Lawyer Project to provide some unique legal services in special projects. He has appeared at seminars conducted by LSCI to discuss the proper, preferred way for lawyers interacting in the practice of law. His reputation for dealing with adversaries in an absolutely fair and professional manner while still vigorously representing his clients provides LSCI staff attorneys with a firm basis to conduct their activities in a similar mode. The special projects being handled by him allow him to work when he wants to at the place he finds most convenient. These special projects involve unique questions of law. The work product produced by him in these special projects has been extremely helpful in moving a case forward and providing resource materials of the highest standards of legal research for subsequent use in other similar and difficult cases.

**Carol Sentry** is both a registered nurse and an attorney. This combination of qualifications has been utilized by LSCI in reviewing the medical reports and medical
standards applicable to cases such as social security disability applications, Medicaid and Medicare matters, and representing clients who have physical and/or mental challenges.

The Honorable Louis Schultz graduated in 1949 from Drake University Law School, served in the United States Navy during World War II, was an Iowa County Attorney from 1960 to 1969 and served as District Court Judge from 1971 to 1980. In 1980 he was appointed a Justice on the Iowa Supreme Court. He has now taken senior status and has agreed to share some of his valuable time with the Iowa Senior Lawyers Project. He has participated in a practice oral argument session assisting a staff attorney in fine tuning the presentation of an appeal to the Iowa Supreme Court. He has agreed to conduct a seminar for LSCI attorneys on appeals to the Iowa Supreme Court.

Krista Van Englen has served as a judicial magistrate and maintained a private law practice. She was active in the Iowa City Regional Office conducting client intake interviews and handling case assignments. She is away from the project at the time but it is hoped she will return to the project and continue to help staff attorneys with their cases and once again provide valuable assistance to eligible clients.

Recruitment continues for additional members of the Iowa Senior Lawyers Project. There are many members of the ISBA in private practice today who are regularly serving pro bono clients without receiving the appropriate credit they deserve. They choose to do the work knowing that it is proper for an attorney to provide legal assistance even when the client is unable to pay the necessary fees. They choose to do the work without fanfare or recognition. They are the attorneys who will be part of the project when they choose to reduce their private practice, or retire. The project will gradually expand its distinguished role of qualified senior lawyers as its tradition is increasingly recognized. The service of senior attorneys is and will be recognized as a vital part of providing legal assistance to eligible clients. Only when all persons have access to the legal system will that system faithfully serve the needs of all of the people. The work of the Iowa senior lawyers in this project is intended to insure that access.

LSCI's professional liability insurance plan covers volunteer activities. For more information about the Iowa Senior Lawyers Project please contact Tom Leahy, Senior Staff Attorney, Legal Services Corporation of Iowa, 312 Eighth Street, Suite 300, Des Moines, IA 50309-3828; telephone (515) 280-3636 or (800) 532-1503.

The ISBA sponsors a program, which is funded by the Interest on Lawyers Trust Account (IOLTA), to encourage members of the private bar to join the Volunteer Lawyers Project and handle cases pro bono. This program has been successful in expanding the number of attorneys in Iowa who are part of the organized volunteer effort. Cases are referred to the Volunteer Lawyers Project by LSCI and the Polk County Legal Aid Society. They attorneys working in the program indicate the type of legal cases they will be accepting and the number of cases they will take. In the first ten months of 1994 the Volunteer
Lawyers Project has been responsible for closing approximately 1,300 cases from LSCI referrals. These are cases which may have gone without legal assistance if this referral project did not exist. The value of this effort will continue to be a matter of high priority with ISBA and LSCI.

Malpractice coverage is provided to volunteer attorneys for all cases accepted. For further information contact Volunteers Lawyers Project, 312 Eighth Street, Suite 300, Des Moines, Iowa 50309-3828, telephone (515) 243-0311 or (800) 798-0311.
KANSAS

by Jack E. Dalton of Dodge City, Kansas

Kansas senior lawyers lives have covered the past six to eight decades, a unique time in American History. Events that will probably never be repeated occurred. Out of World War I came a period of recovery halted abruptly by events leading to the Depression of the 1930's. A recovery from this economic disaster was assured by the global conflict of World War II. The close of that conflict brought amazing technological advancements--the world changed rapidly, and so did the practice of law.

World War II either interrupted careers or stalled the educational process for many seeking a career in law. Some, with only a few hours of credit left before receiving their law degree, were summoned to serve their country in the European and Pacific theaters. Their return, sometimes 3 to 4 years later, made resumption of studies difficult.

They were returning to sweethearts they had left behind. They got married. Their wives went to work as waitresses, phone operators, secretaries, teachers, and any other task that would supplement the G.I. Bill. Economic times were difficult and inevitably, for most, additions to the family increased the need to get out of school and on to making a living.

Service to their country generated in some, whose aspirations were not definite before, a love for our system of government. With many, this feeling developed into an idealistic desire to make our country, and the world a better place to live. Kansas was no different than any other state in the type of young men these decades produced, but its rural influence and ambiance along with the influences of its history made it unique. And so, their approach to the practice of law was unique.

With this background, the practice of law commenced for many of today's senior lawyers. Establishing a law practice was not easy. Larger firms were not as numerous as today. There were few openings. The practice of law was getting started again. And advertising was strictly taboo--unethical--and could subject a violator to disbarment.

Most of the new lawyers sought to establish a practice in one of the many small towns in Kansas, preferably one of the 105 County seat towns in the state. Locating in a county seat meant they could run for County Attorney, and if successful, have an immediate income. If unsuccessful, at least the campaign would bring some same recognition and a place on the $10.00 per day indigent defense panel that resulted in good in court experience.

The beginning years were tough, which adds to the uniqueness of this generation of senior lawyers. The foundation of this experience, the struggle to establish a successful
practice, is one reason why so many Kansas senior lawyers cannot leave the practice for more leisurely pastures. Perhaps they feel a need to hold on to this jealous mistress, for it is with her they have lived so long.

The struggle to establish a viable practice also provided today's senior lawyers with their introduction to pro bono work. Again, without advertising, the lawyer had to become known. Recognition, credibility and a desire to serve their community led many to become involved with pro bono work for the underprivileged while also volunteering to support church and community projects utilizing their legal training. Entering community service early in their careers, gave these lawyers a broad recognition of the need for their services.

For most successful lawyers, their practices eventually became established and the name recognition provided by pro bono work was no longer needed. Despite this, most continued this service throughout their careers because, as one lawyer put it, Service is the rent you pay for the space you occupy.

Specific examples of exemplary pro bono service by senior lawyers are as numerous as the number of senior lawyers in the state. The anecdotal reports given here are illustrative only, since there would be many, many more just like them.

**Gene**, who is a senior partner in a large Kansas City firm has, as have many other Kansas senior lawyers, concerned himself with the needs of children, particularly those in foster homes. Along with his wife, Gene has hosted as many as four foster children at a time. He has provided pro bono legal services to the foster home support group. He even adopted one of his foster children and successfully defended his actions through the trial and appellate courts. He was one of the primary litigants in a suit brought against the Social Rehabilitation Services to improve the plight of children in the foster home system. He has defended suits brought by former foster children against their foster parents. In addition he is involved with Earth Angels Center which locates adoptive parents for children of terminally ill single parents. All pro bono!

**Chuck**, a victim of leukemia currently in remission, provides legal services for the Hunter Health Clinic. One of four such clinics in Kansas, it serves those who are medically indigent, uninsured or underinsured. It serves about 1,500 patients per year. In need of restructuring of its operation, Chuck is providing the legal work for that endeavor. In addition, he is a hard worker in his church's Episcopal Social Services. It serves the homeless, the unemployed and dysfunctional families. It emphasizes education and teaching of job related skills to the unemployed so they can become functioning members of society. All this, pro bono!

Although the ratio of women lawyers to their male counterparts was low during these times, the profession was not completely dominated by men. In fact, today's senior
women lawyers have occupied a unique position in the practice of law, as well as in exemplary pro bono work.

Marian married her high school sweetheart while he was in the military. They were married in Danforth Chapel, on the University of Kansas campus where they both attended. His education was interrupted by military service but Marian completed her law degree and set up practice in the county seat of Osage County, Lyndon. She eventually was elected County Attorney and expanded her practice to include her husband upon his return from the service. Despite a heavy work load, Marian raised two children, including a daughter who ultimately joined the couple's firm. Marian quietly dedicates part of her busy schedule to many pro bono activities, including helping the indigent and rendering award winning community service. Her activities include many years as president of the local Pride Committee, a citizen's group formed to build hometown pride in rural towns, which resulted in statewide recognition of the city's efforts. She has also served the Osage County Economic Development Committee and the Kansas Calvary, another economic development group. Marian has served her profession with distinction and contributed invaluable service to her community.

Jim, a 50 year practitioner in Western Kansas, received the boy scout council's highest award. He was given the Silver Beaver Award for his pro bono legal services in assisting in the acquisition of the Spanish Peaks Scout camp in southern Colorado. His pro bono work included the acquisition documents and water rights. He also worked on the disbursement of a trust fund established so needy young men could attend the camp in the future. With the same dedication, he has served his church, including its incorporation, acquisition of a refuge home for the poor and has been the Church's pro bono lawyer for more than 20 years. His hometown community (Dodge City) envisioned becoming one of the leading rodeo sponsors on the circuit. Jim helped see that dream realized. The city's committee received the highest award for all national rodeo committees for seven consecutive years. Jim was a leader in the movement accomplishing the event and his city now ranks among the top rodeos in the nation. Again, pro bono, he incorporated the group, obtained their 501 (c) (3) exemption from the IRS, and joined in the successful movement to finance and construct one of the finest rodeo facilities in the nation. He also negotiated with a promoter to bring to Dodge City the first Bull Fight held in the United States for more than 100 years (all without any condemnation from the Society for Prevention of Cruelty to Animals-since the bulls only had fun, and were not harmed). In addition, Jim has been devoted to his bar association and was one of the banner workers in a recent fund raising program.

Cliff, son of a 30 year congressman, practiced in Garden City. A dedicated historian, he has donated many hours of service to the Kansas Historical Society. An author in his own right, he is presently working on a biography of his father. The work will be a significant contribution to the record of the history of dedicated and highly respected members of Congress. Even with this current endeavor, he is still involved with his
church and other charitable fund raising efforts. He works on the library board in areas that demand his experience and expertise. Shortly after becoming a senior lawyer, he completed and published his first book, Growing Up in the Wartime Army: A GI in the 1940s (ISBN 0-89745-113-9). Taken from his own diary and wartime correspondence with his parents and friends, it recounts his tour with the 16th Field Artillery Observation Battalion.

**Herb** has been recognized by the legal aid society in his home town, the capital city, for the numerous hours he has donated working cases assigned to him by the society. He has also been recognized by his law school for the hours of volunteer effort he has given to their endowment association.

**George**, who lost his right arm in Italy via a German surgeon's scalpel while a prisoner of war, involved himself in foster parenting. Through pro bono guardian ad litem work, George learned the joys of foster parenting and eventually adopted a foster child. And like many combat veterans, he worked hard for the Veterans of Foreign Wars organization, donating countless hours to their many worthwhile projects.

These examples could go on and on. The point is, Kansas has a very unique group of senior lawyers with a wealth of experience that only some of the hardest knocks in life can provide. They have not only endured, they have contributed significantly to their profession and the lives and well being of the world around them. The nation is better because of them. And they want to continue to serve without the rough and tumble routine of daily practice. They still want those times to smell the roses.

Gene, Chuck, Marian, Jim, Cliff, Herb and George have neither expected nor sought recognition for their contributions to society. The author knew of their deeds through his acquaintance with them over the years. With the same modesty, they have sought no special recognition through this article. Thus, I have used only their first names. Others who know them will recognize them through their accomplishments.

This background is essential to an understanding of today's senior lawyers, his or her place in our legal system and the tremendous pool of talent available from retired senior lawyers. For years they have given to their communities through considerable sacrifice. This sacrifice has been assumed, but not recognized, by the public a majority of the time. Once retired, a lawyer can continue to serve his community and church, or other areas of worthwhile endeavor. Many become frustrated by the desire to practice a little law, pro bono, but not on a full time basis. Some want to help, when I'm not busy with my retirement. There is apparently an abundance of this type of legal resource available, but, in Kansas at least, these resources have not been fully developed. Those who need assistance and the resource pool to provide legal aid are seldom brought together.
One obstacle involves the current licensing rules, which would have to be modified to allow a retired attorney to provide limited pro bono work without the necessary costs of annual fees and continuing education. Under such a program, senior lawyers would not be practicing law, but helping in areas where experience, not necessarily expertise, would be applied. Registration, licensing, and malpractice insurance premium costs also serve as a source of great discouragement to lawyers who are willing to work for nothing.

Presently, there is no Senior Lawyers Division or like organization within the Kansas Bar Association. And, there does not appear to be any real enthusiasm among senior lawyers to form such an organization. Most do not want a formally structured organization, but many would enjoy participating in a process where needs are identified and met without getting back in the practice again with the attending fees, dues, and insurance premiums. There is a need for a clearinghouse that correlated the available areas in which senior lawyers could effectively serve.

There are some areas where these types of opportunities exist, free of the burden of registration fees and insurance costs. For example, Alternative Dispute Resolution (ADR) has gained popularity among litigants as well as lawyers. Courts encourage and even mandate it—or at the minimum, an attempt at it. It is more prevalent in federal courts than state courts and some state courts are utilizing settlement conferences with varying degrees of success. Perhaps an availability of senior lawyers to serve as referees at settlement conferences would encourage greater use in state courts. Mediation in domestic cases involving clients unable to pay, presents another opportunity for meaningful contributions by senior lawyers.

However, both ADR and mediation will require some umbrella of protection from the storm of registration and malpractice costs.

It has been suggested that senior lawyers working in these areas could have judicial immunity from malpractice claims if they were appointed by the court. Again, this is something that would have to be carefully researched and fine tuned. If the umbrella is provided, most senior lawyers would welcome the opportunities offered in these areas.

In many cities, legal aid societies provide low cost legal services to the poor. Again, the use of senior lawyer's assistance would necessitate an umbrella of protection from undue expenses. Some insurance companies place a limit on the number of lawyers covered. The corollary in the rural areas is the Kansas Rural Legal Service. These types of agencies have gravely overworked staffs which research indicates would welcome assistance from senior lawyers. Possibly senior lawyers could perform services that utilize their training and experience, but the work would not rise to the level of practicing law, obviating the need for registration, continuing legal education and insurance expenses. They could do intake work, which would classify the type of service needed or be assigned research projects.
Another program needing volunteers is CASA (Court Appointed Special Advocates). This group stands beside children involved in litigation (custody disputes, juvenile proceedings, etc.). Lay persons advocate what is best for the child after completing training. Volunteers are always needed, and the cause is worthy. The bottom line is that a clearinghouse is needed with appropriate dissemination of the existence of opportunity to senior lawyers with reciprocal information from those senior lawyers that they are willing to serve and to what extent.

Kansas has a tremendous source of talent just waiting to be tapped. But that talent needs the clearinghouse so the talent can be efficiently utilized. A vehicle in Kansas to serve this purpose perhaps could be the Kansas Bar Foundation, which claims as one of its primary goals the providing of legal services to the poor. Kansas senior lawyers are ready. Just tell us when and where!
The Kentucky Bar Association has had for a number of years a Senior Lawyers Section. A meeting of that section is held each year during the convention of the Kentucky Bar Association (KBA). The Robert F. Houlihan served as chair of the section during the June 1994 convention which was held in Lexington. An important part of the meeting is an annual memorial service to honor senior lawyers who passed during the prior year.

In addition to the activities of the Senior Lawyers Section, individual senior lawyers play an important role in the development and support of Pro Bono services throughout Kentucky. A principal activity has been mentoring and training for new attorneys on the panels. Other areas of assistance include fundraising, legislative advocacy, publicity, advice, recruitment and administration.

Notable senior attorneys who have made significant contributions to the Pro Bono programs of Kentucky include Marshall Davidson from Floyd County; James Clarkson of Rowan County; Gerald Kervin of Jefferson County; and Jay O'Hara of Kenton County.

One key individual has been Robert F. Ruberg of Northern Kentucky. During his legal career, which approaches half a century, Mr. Ruberg has given unselfishly of his time and efforts toward the delivery of legal services to the poor. A major part of his commitment has been making sure that others in the legal profession realize that delivery of legal services to the poor is part of their responsibility. Mr. Ruberg has worked tirelessly on a local as well as a state level in promoting the delivery of legal services to the poor.

On a local level, Robert Ruberg has been a strong advocate and active recruiter for the Northern Kentucky Pro Bono Panel which began in 1978. Mr. Ruberg has served on the Board of Directors of the Northern Kentucky Legal Aid society, Inc. Since 1984, and has been its president since 1987.

Robert Ruberg was instrumental in getting the Kentucky Supreme Court to begin an IOLTA program in Kentucky. He was one of the founding members of Kentucky Lawyers for Legal Services to the Poor, a group of attorneys, from across the state. In part due to the input it has received from this impressive group, Kentucky's IOLTA Board of Trustees has allocated most IOLTA funds to Legal Services and bar sponsored pro bono programs.

Kentucky Lawyers for legal service to the Poor raised enough money to fund a legal needs study performed by the University of Louisville. It concluded that the civil legal
needs of low income Kentuckians were only met some 15% of the time. Armed with this new data, Bob Ruberg lobbied again for a file fee add on, which became known as the “Access to Justice Bill”. Without Robert Ruberg's legislative and judicial advocacy on behalf of the initiative, it is certain that the filing fee legislation would not have passed.

The “Access to Justice Bill” will garner more than one million dollars per year in Kentucky to expand low income persons access to civil justice.

In conclusion, Robert Ruberg, more than any single individual, is responsible for targeting IOLTA dollars to Kentucky Legal Services programs, which involve the private bar in the provision of legal services to the poor; passing a statewide file fee add on “Access to Justice Bill” which will generate a million dollars per year with at least $125,000 dedicated to expanding pro bono; funding a legal needs study of low income Kentuckians; and establishing a new pro bono program, Northern Kentucky Lawyers for the Poor, which resulted in doubling delivery of civil legal services to the poor of his own community.
This chapter is divided into two sections: First, a report on the activities of senior lawyers in the New Orleans Bar Association (NOBA) Senior Lawyer Committee. Second, a statewide study of senior lawyers.

New Orleans Bar Association Senior Lawyer Committee
by Louis M. Jones of New Orleans, Louisiana

I was asked to determine how the Senior Lawyers Committee came into being. In checking with the Director of the NOBA, I discovered, as I had suspicioned, that I was asked to chair the Senior Lawyers Committee. The background for that request is vague. I asked for a roster of members 65 years of age or over and the Senior Lawyer Committee began functioning.

As chair of the committee, I accepted the request of the Louisiana Supreme Court to have our committee provide pro bono services to inventory the files of attorneys who have been transferred to inactive status as a result of having been suspended, disbarred, disappeared, died, or become disabled as required by Supreme Court Rule 19, Section 27, and no partner, executor or other responsible party capable of taking over is known to exist. The appointed attorney was to take such action as necessary to protect the respondent and his clients.

The purpose of the rule is to see that the public is properly protected. The Supreme Court becomes aware of the need when the circumstances indicate that the subject attorney fails to provide the court with satisfactory evidence that his legal work is, or has been transferred to capable counsel as provided by Rule 19, Section 26. The inventory work is carried out under the supervision of the district court in the parish in which the subject attorney has his principal office.

Having accepted the request of the court, a committee meeting was held to handle two cases that had been delivered for appropriate action. The consensus of the committee membership, after carefully reviewing the court rules, was that it exposed, without proper protection, the inventorying lawyer to probable malpractice claims. It was noted by the committee that the chief disciplinary counsel of the bar association, his staff and employees, were granted immunity.

Having obligated the committee to carry out the rules requirement of the Supreme Court, I accepted responsibility for one case and another member also agreed to inventory the second case. The necessary action, in these two cases, to carry out the requirement of the Supreme Court to protect the public, was routinely accomplished.
I then called the attention of the Supreme Court to the fact that immunity was not granted to the inventorying attorney who agreed, on a pro bono basis, to take any action necessary to protect the respondent and the public. The court readily agreed with the senior committee and amended the rules to grant immunity to the inventorying attorney.

There is one other interesting development which may entirely eliminate the necessity of the Senior Lawyers Committee providing this pro bono service to the Supreme Court.

The Louisiana State Bar Association (LSBA) is an integrated Bar and all attorneys are required to be a member and, annually, to file a current qualification form, other appropriate information and pay dues. The office of the chief disciplinary counsel, along with the Senior Lawyers Committee, recommended that the qualification form require each attorney to provide the name of an attorney who would take over the practice in the event of the member becoming disabled, suspended, disbarred, retired, deceased, etc. The annual requirement, in the future, should eliminate the necessity of our committee providing this pro bono service to the Louisiana State Supreme Court.

In addition, our committee continues to provide, when asked, a speaker to address the applicants for U. S. citizenship at the swearing-in ceremonies that are held by the Immigration and Naturalization Service in the United States District Court in New Orleans. Some of these addresses are quite moving and have an affirmative effect on the applicants.

Our committee members are always available and quite reliable to perform other services for the NOBA when called upon to do so when younger members, due to a busy schedule, are unable to keep prior commitments.

Survey of Louisiana Senior Lawyers
by Wilma Salmon of Baton Rouge, Louisiana
and Bettie Redler of New Orleans, Louisiana

The Louisiana State Bar Association does not have a Senior Lawyer Section. The New Orleans Bar Association has the only senior lawyer organized group which could be identified in this state.

In an effort to try to identify those senior lawyers involved in pro bono work at the state or local level the authors wrote to the ten local pro bono projects in the state explaining the American Bar Association was planning to publish a book about senior lawyers. We asked them for names and addresses of senior lawyers in their area whom we then would contact directly to secure written permission for the inclusion of their names and activities in the proposed book.

Only one pro bono project coordinator replied to our request. Several coordinators called to raise the confidentiality issue in providing the names to us.
The Orleans and Jefferson parish pro bono project (our largest Metropolitan area) did respond with 14 names. We wrote to these 14 persons enclosing a consent form to be signed consenting to be listed in the proposed book with a request that they list their pro bono activities. We received a written consent and the information requested from those persons listed, as follows:

**Robert Ahrens**, 117 Focis Street, Suite 205, Metairie, LA 70005, runs a clinic for the Metairie Center for the Aged and assists the New Orleans Pro Bono Project.


**Millard Collins**, 1015 North Broad Street, New Orleans, LA 70119 participates in various pro bono activities.

**Joseph Corte**, 5864 Memphis Street, New Orleans, LA 70124 also participates in various pro bono activities.

**George Domas**, One Shell Square, 50th Floor, New Orleans, LA 70139 represents veterans attempting to get claims approved by the Veterans Administration, restricting his pro bono work to Veterans Administration matters only.

**William Dunne**, 3301 Esplanade, #18285A, Metairie, LA 70002, works with the New Orleans Pro Bono Project.

**Elsie Halford**, 1526 Choctaw Avenue, Metairie, LA 70005 serves the Louisiana State Pro Bono Foundation and the Law Center First English Lutheran Church in New Orleans.

**Carol Hart**, 123 Walnut Street #303, New Orleans, LA 70118, participates in the New Orleans Bar Pro Bono Project.

**Charles Imbornone**, 1627 St. Charles Avenue, New Orleans, LA 770130 handles domestic matters and family law through the Pro Bono Project of New Orleans and St. Bernard Parish.

**The Honorable Thomas Malik** (retired) PO Box 2, LaPlace, LA 70069 volunteers at the Louisiana State Bar Association.

**Bluma F. Wolfson**, 326 South Broad Street, New Orleans, LA 70119 participates in various pro bono activities.
These listed senior lawyers and their activities give a partial picture of the enormous contributions senior lawyer volunteers are making throughout the state of Louisiana. One of the authors of this section, Wilma Salmon, serves as Legal Services Developer in the Governor's Office of Elderly Affairs, for the state of Louisiana. As a result of this research, Salmon has become intrigued by the idea of church based legal services for the poor, a concept she found new to her experiences. She intends to do some follow up work on this concept. If you would like to join her in this research please contact her at P. O. Box 80374, Baron Rouge, LA 70898-0374, telephone (504) 925-3990, or (800) 259-4990.
Significant contributions to Maine's public interest legal community have been made by several retired attorneys who generously gave their services to Maine's statewide elderly legal service provider, Legal Services for the Elderly, (LSE) Inc.

In 1985 Albert H. Winchell, a founding partner of Rudman and Winchell, one of Bangor's most prominent firms, devoted many hours to a litigation effort aimed at reversing the economic exploitation of a ninety year old client in northern Maine. The client had been unduly influenced, while in the hospital for surgery, to sign away his home and other real estate. Upon leaving the hospital the client returned home to find an estate sale being held on his front lawn. Al's litigation skills were immediately apparent as he essentially taught the program's staff attorney the elements of trial preparation. All of the client's property was transferred back on the eve of trial thanks in large part to Al's thorough preparation.

In 1989 John O. Henry casually appeared at LSE's store-front office in Brewer and offered to volunteer. John had recently retired from a senior partner position in a large Ohio law firm and had relocated to a home in Somesville on Mount Desert Island. LSE had no inkling of the energy and dedication that John would bring to the organization. John took the Maine bar exam and although he easily passed he felt at a disadvantage due to physical limitations which impaired his ability to actually write. This prompted him to write an article for the Maine Bar Journal on the need for reciprocity in admitting experienced attorneys.

Upon volunteering for LSE John immediately entered his appearance to defend an elderly widow who was being sued for $40,000 by a hospital for services provided to her recently deceased husband. John quickly ascertained that there was no settled law in Maine regarding spousal liability for medical claims. He put together the most vigorous defense ever mounted at LSE with imaginative affirmative defenses and an aggressive discovery schedule. Several months after some important depositions the plaintiff's dismissed the case. Other medical providers who were prepared to assert additional claims totaling another $40,000 never moved forward with their claims and the client was spared the ordeal of filing for bankruptcy.

John continued to work for LSE and particularly enjoyed case meetings with the staff as well as providing outreach services on Mount Desert Island. He traveled to senior centers with a handwritten LSE sign and a manual typewriter to do client intake. It soon became apparent that John had a natural rapport with his peers, the senior members of the Bar in Maine, and he was soon elected to serve on the Board of LSE. In 1992 John died.
of cancer after a very short illness. LSE's only annual award was named after John as his spirit and dedication really embodied the spirit of Legal Services for the Elderly, Inc.

John and Al both brought extraordinary skills and dedication to one small legal services provider in Maine. They each made a very substantial difference in the lives of elderly clients. There are volunteers who need training and volunteers who are essentially trainers. Al and John were the latter and they served as mentors for younger staff attorneys in the real sense of the word.
MARYLAND

by Arthur W. Machen, Jr. of Baltimore, Maryland

In 1988 the Maryland State Bar Association (MSBA) created a Senior Lawyers Section with autonomy to elect its own council and officers, to collect its own dues, and to function as it deemed best suited to fulfill its undefined mission. For the next three years it devoted most of its efforts to the ascertainment of the reason for its existence.

In 1991 it finally adopted a set of bylaws and, under the leadership of its energetic president, Alexander Stark (now sadly deceased), began to do something.

Its first project was to sponsor a symposium in the spring of 1992 at a Baltimore hotel featuring a panel discussion of a subject of interest to elder lawyers, followed by a tea dance. This event was well received and has been repeated in 1993 and 1994. Among the topics of discussion at these affairs have been investments for older persons, legal problems incident to retirement, and a variety of questions relating to Medicare, Medicaid and other issues in the health field.

In 1992 the Section sponsored a panel at the annual meeting of the MSBA in Ocean City featuring a discussion of the Of Counsel status, using as a basis the American Bar Association publication The Of Counsel Agreement. In 1993 the program featured an address by Mark S. Ellis, Executive Director of Central and East European Law Institute (CEELI) the organization that provides assistance to former Communist countries in eastern Europe that are seeking to establish a legal system compatible with free enterprise.

In October of 1992 and 1993 the Maryland Senior Lawyers Section also arranged an outing, primarily of a social nature, to afford its members an opportunity to meet at some picturesque spot within the state to enjoy its scenery and reflect on matters of local historical interest. The first one was held in St. Michael's on the Eastern shore, and the second at Solomon's Island in Southern Maryland. The third such outing is planned for Deep Creek Lake in Western Maryland.

Maryland senior lawyers have also volunteered their services as judges of moot courts at the University of Maryland and University of Baltimore schools of law.

The Maryland experience in organizing senior lawyers has not measured up in scope or in number of activities to similar programs in other jurisdictions. This experience illustrates the vital importance of dedicated leadership in the person of the chairman. Before Mr. Stark took over as president of the council very little was accomplished, and after his untimely death, the Maryland group suffered for want of a leader who had either the time...
or the inclination to give the job the attention it deserves. This observation is intended as no reflection on our acting chair, Theodore A. Miller, but he is a lawyer still in active practice, serving as a caretaker until a permanent replacement can be located. The council is also polling all of the 140 members of the Section to elicit their interest in a variety of programs that might prove of use to the community and to the administration of justice.

The MSBA also has a Section on Elder Law comprised of active practitioners who are concentrating on fields of special interest to elderly persons -- Medicare, Medicaid and other health insurance matters, social security, retirement programs, and the like. While the Senior Lawyer Section limits its membership to lawyers over the age of 60, no such age limitation applies to the Section on Elder Law. One of the long range goals of both sections is to cooperate in the sponsorship of programs that may be helpful to that growing segment of the population, both lawyers and lay persons, who may be classified as senior citizens.
The Boston Bar Association (BBA) is the oldest organized bar association in the United States. It was founded well over 200 years ago. At the present time it is a large metropolitan bar association with approximately 8500 members. It engages in a wide variety of activities of a social, professional and pro bono nature. The BBA is well known throughout the country for its numerous and innovative pro bono programs, particularly in the area of providing legal services to the disadvantaged.

The BBA is organized into a large number of different sections. In 1992 the governing board of the BBA, known as the Council, was approached by the president of the organization, Sandra Lynch, who was responding to suggestions made to her by one of the past presidents. The council was asked whether it would be interested in authorizing the organization of a Senior Lawyers Section. William F. Looney, Jr., a past President, was appointed to conduct this task. In August, 1992, it was formally proposed that a Senior Lawyers Section of the BBA be organized for the purpose of pursuing three major missions:

A. To provide advice and information for senior lawyers about subjects of concern to that particular age group. Such subjects could include (but were not necessarily limited to) the following:
   1. Retirement programs;
   2. Insurance benefits, including health insurance and nursing home insurance;
   3. Withdrawal from a law firm with the least amount of disruption;
   4. Goals to be expected of senior lawyers still active in law firms.

B. To provide a group of senior lawyers concerned with issues involving the entire membership of the bar, including but not limited to the following:
   1. Mentoring of young lawyers;
   2. Issues of Professionalism;
   3. Issues of personal conduct in the practice of law;
   4. Addressing the ongoing ethical issues in the practice of law.

C. To serve as a group of organized Senior lawyers to be resources of information and experience for other sections and committees for the BBA with respect to issues that may be of interest to those sections and committees.

At the request of the council, a letter was sent to approximately 100 senior lawyers who were members of the BBA, including members of the judiciary, past presidents, past
officers and the like. There was a very high rate of response to these letters. Virtually everyone who responded commented favorably on the development of such a section. Accordingly, in September, 1992, the BBA Council formally organized the BBA Senior Lawyer Section. Membership was limited to those lawyers who were members of the Association and who had reached the age of 60. William F. Looney, Jr. was named Chair of the Section.

The BBA activity year begins on September 1 and ends at the end of August of each year. In 1992-1993 the Senior Lawyer Section began to function first by appointing eight lawyers to be members of the Steering Committee. It was then decided that the Section would conduct formal meetings with speakers and programs once a month except for the months of July and August when the monthly meetings would be informal in nature.

During the first year of its existence, the Section had nine formal meetings, one reception and two informal meetings in July and August of 1993. The attendance at the meetings ranged anywhere from about twenty to nearly one hundred depending on the subject matter. The formal meetings included speakers on the following topics: accounting issues in the practice of law, continuing professional liability, of counsel arrangements, asset protection, qualified plan distributions, opportunities to participate in Alternate Dispute Resolution programs, and changing careers. In the spring of 1993 the Section held a reception and cocktail party honoring those members of the BBA who had been members for fifty years or more. It was very well attended and everyone had a fine time.

During the course of the first year it became apparent that the members of the Section were interested not only in matters effecting themselves and their profession but were also interested in social activities. In the fall of 1993, the Section ran a charity golf tournament for the benefit of the Boston Bar Foundation. Later in the fall the Section sponsored a mock trial held at Faneuil Hall. The trial raised the question as to the true authorship of the Shakespearian body of work. A jury of well known local personalities, some lawyers, some not, was convened and the case was tried before an audience of approximately 1000 people. The mock trial included expert witnesses, arguments by counsel and a magnificent set of instructions to the jury by federal Judge Edward F. Harrington, Jr. who prepared his remarks to the jury in iambic pentameter. There was so much interest in the subject, the trial was taped by public television for a later showing.

In September, 1994, Mr. Looney's tenure as Chair of the Senior Lawyers Section ended. He was replaced by George E. Page, Jr. The first meeting of the year consisted of a discussion of the various health care legislation proposals pending in the Congress and their likely economic impact. The meeting was very well attended, not only by members of the Senior Lawyer Section, but by members of the BBA, especially the Young Lawyers Section and the Health Care Section. In October, the Second Annual
Golf Tournament was held for the benefit of the Boston Bar Foundation. It included a full field of golfers. There is some discussion concerning a best-ball tournament to be held in the spring of 1995.

Although the history of the BBA Senior Lawyer Section has been a short one, it has had a notable successful beginning. It has attracted quite a bit of local publicity. The membership of the Section continues to increase.

To the best of our knowledge senior lawyers have organized no other groups, either at the state or local level, in Massachusetts.

When our Senior Lawyer Section was organized, a great deal of the early organization and early programming was planned by relying on the excellent materials that had been prepared and made available by the American Bar Association Senior Lawyers Division. Anyone who is interested in issues that may be effecting senior lawyers would get a lot of good information from the American Bar Association Senior Lawyers Division.
A new Senior Lawyers Section of the State Bar of Michigan (SBM) was established at the annual meeting of the SBM held September 22, 1994 in Detroit. This section was formed after a number of Michigan senior lawyers requested that steps be taken to establish a section devoted to the interests of older legal practitioners in this state.

The first step to be taken in forming the new section was the naming of an organizational group. This group consisted of three former presidents of the SBM, all in their sixties. The organizational group formulated proposed by-laws which were submitted to the Board of Commissioners, the governing body of the SBM. The proposed by-laws were approved by the Board of Commissioners subject to adoption by the new section.

The response from Michigan senior lawyers to join the new section was substantial. More than 400 lawyers promptly advised the SBM that they wished to join the new section. Dues for the new section were set at $25.00 annually. The budget for the new section is composed of the dues received from the section members.

At the organizational meeting of the section, a nominating committee submitted a slate of officers and members of the first Council for the new section. The slate was elected as submitted. In addition, the proposed by-laws were reviewed and adopted.

Included in the review of the by-laws was a possible change of name of the section so that it did not conflict with the name of an existing section, the Senior Justice Section. That section is devoted to the interests of senior citizens generally.

The first chair of the section selected at the organizational meeting was Stephen C. Bransdorfer, a past President of the SBM. He appointed a by-laws review committee to study possible other names for the section as well as other amendments to the by-laws as adopted at the organizational meeting.

Standing committees to be established are the following: Nominating, Education, Liaison, Volunteer Service, Legislative, and Career Changes. In addition it is expected that a Publications Committee will be appointed to establish a publication to be sent to all members of the new Senior Lawyers Section.
The first year of this new section's activities will be dedicated to organizational purposes. The new Council and Officers will meet regularly to accomplish start-up goals.

A dual objective exists for the new Officers and Council members of the SBM Senior Lawyers Section: to be of service to senior colleague members of the bar -- and to have fun in providing the initial leadership for the section. We are achieving these goals, and will continue to do so in the future.

**Grand Rapids Bar Association Senior Bar Section**  
by Charles T. Zimmerman of Grand Rapids, Michigan

The following is a synopsis of the organization and development of the Grand Rapids Bar Association (GRBA) Senior Bar Section.

In September of 1992, President Steve Drew of the GRBA on behalf of the Executive Committee and Trustees having in mind the wealth of resources presented by the senior members of the Association and with knowledge, experience and wisdom of the senior members in maintaining the local exceptional legal community and also wishing to serve the needs of senior members appointed an Ad Hoc Committee to explore the interest of approximately 147 members of the Association in forming a senior section. The criterion for being a senior lawyer was arbitrarily established by being thirty years out of law school.

The Ad Hoc Committee met in February of 1993 and a questionnaire was prepared and sent out to explore the interest of the approximately 147 persons deemed eligible for membership in forming a seniors section as to what would be its mission. The questionnaire identified nine possible areas of interest as follows:

1. Assist lawyers in becoming of counsel or otherwise winding down their practice.
2. Assist elderly and needy citizens in obtaining proper legal representation for their legal problems.
3. Assist in retiring or rehabilitating incompetent lawyers who become incompetent lawyers because of old age, alcohol, drugs, etc.
4. Help senior lawyers plan for retirement through seminars, counseling, etc.
5. Help enhance the quality of life of senior lawyers who are retired.
6. Act as a clearinghouse for senior volunteer activities.
7. Counsel young lawyers beginning their law practice in avoiding pitfalls and other advice concerning starting up a practice, particularly those who are not affiliated with any firm.
8. Act as a liaison with the young lawyers section.
9. Perhaps have a periodic newsletter with items of interest to senior lawyers.
Based on the responses of approximately one-third of those eligible for membership, the committee selected three areas of activities to focus on:

1. Help senior lawyers plan for retirement through seminars and/or counseling, which could include assisting lawyers in becoming of counsel or otherwise winding down their law practice.
2. Help enhance the quality of life of senior lawyers who have retired, which may include visitation and/or occasional telephone calls.
3. Social programs, such as meeting periodically for lunches and occasional dinners with spouses, golf, etc.

The first meeting of the section was held in September of 1993 as an organizational meeting, along with a senior member of the GRBA speaking on a topic of local interest. A dinner with spouses was held in January, a purely social occasion with no speakers and/or recognitions. Another meeting was held in April of 1994 with another senior member speaking on a legal topic. A golf outing was planned for July.

Our plan is to have quarterly meetings with speakers on topics of general interest and to emphasize a social purpose. After a hard core of regular attendees has been identified and established, the section will then go on to the development of programs of service to the GRBA and to the community.
A number of senior attorneys in Minnesota, who have retired from or are scaling back other legal work, continue to do pro bono work. Some are continuing through structured programs. The attorneys may receive free continuing legal education credits, malpractice insurance coverage for pro bono work, and other benefits. The attorneys work in a variety of settings. The following two examples indicate some of the types of work being done.

Charlton Dietz had a history of pro bono work with organizations long before he retired as head legal counsel at Minnesota Mining & Manufacturing (3M) in 1993. Today 3M provides Dietz with an office from which he continues to do volunteer work for Southern Minnesota Regional Legal Services (SMRLS), the Minnesota State Bar Association (MSBA), and numerous other organizations. In 1992 the MSBA awarded him its highest honor, the Professional Excellence Award.

Dietz says We need to have more people who take an interest in people, help them. He leads by example. His advice and professional contacts have helped SMRLS and other Minnesota legal services programs build a strong and respected legal assistance network for low income persons.

Llewellyn (Lew) Linde retired in 1991 from the Minnesota Corrections Department. His original idea was to volunteer with a private law firm near his home. However, he connected with SMRLS which serves his area. Soon he was representing low-income clients in a nearby non-metro county. Today Linde works out of the main office of SMRLS in St. Paul.

Linde volunteers two days a week. In 1993 he handled eighteen divorces for SMRLS. He characterizes his work as giving dead marriage a decent burial. He has met many interesting people in his volunteer work. Although he got one client a divorce, he could not erase the tattoo of the marriage date she had on her arm. Clients have been appreciative of his work, and Linde finds satisfaction in using his skills and sharing some of the experience he has gained.

SMRLS provides an office, secretarial help, malpractice insurance, and professional colleagues. Linde can take a tax deduction for his volunteer expenses including mileage, license fees, and bar association membership. He has SMRLS associates who can handle cases if he is gone or if additional specialization is needed. Linda also provides
consultation and contacts for SMRLS staff. For example, he arranged a staff visit to Stillwater prison.

His volunteer work allows SMRLS to provide legal service to additional clients, provides staff enrichment, and gives an opportunity for Linde to pass on the helping hand he has often received from others in his own life. In 1994 Linde received the Minnesota Legal Services Coalition Pro Bono Publico Award.

Minnesota has 1,402 attorneys who have official retired status with the Supreme Court of Minnesota. Plans are underway to survey these attorneys. The MSBA, the Minnesota legal services programs, and the Minnesota Board of Aging are in the early stages of investigating how to link unmet legal needs with the interests of these retired attorneys and other attorneys who retain active licenses but have cut back on their practices. Considerations will include the attorneys' needs for malpractice coverage and the 45 credits of continuing legal education which Minnesota attorneys must complete every three years to maintain their licenses.

For an update on the survey, and related developments contact Betty A. Berger, Esq., Legal Assistance Developer, Minnesota Board on Aging, 444 Lafayette Road, St. Paul, Minnesota 55155-3843, telephone (612) 296-2770, or (800) 882-6262.
MISSISSIPPI

by Abe A. Rotwein of Jackson, Mississippi

In 1993 our Mississippi State Bar (MSB) President at that time, the Honorable David R. Smith, initiated a new committee for our MSB entitled Seniors in the Profession appointing me as chair, with the Honorable Sherwood Wise as Vice-Chair. We were reappointed the following year by the Honorable W. Scott Welch III, then MSB President.

Our committee is comprised of eighteen members, who are located throughout the State. We keep in close contact with Ms. Phyllis Thornton, Pro Bono Director of the MSB. Our committee has also worked very closely with Larry Houchins, Executive Director of the MSB and his staff.

There are presently four hundred sixty-six members of the MSB who are seventy years of age or older. The objectives and purposes of our Committee are as follows:

(A) To exchange ideas between the senior members of the profession, toward advising and consulting with members of the Bar, regarding the very necessary ingredient of the practice of law, viz.: Experience.
(B) To assist the public, with particular emphasis relating to older persons, in the handling of retirement, including conduct, investments, travel, taxation, governmental interests, health, legal problems and other matters touching on and relating to the evening shadows of life.
(C) To assist each other in maintaining a genuine interest, relating to devotion to our profession and our dedication to the practice of law.
(D) To assist our brethren in the profession in manifesting and achieving success, with a deep sense of respect to the practice, historically and toward public trust.

Our committee meets throughout the year and sponsored a seminar early on with prominent speakers including a member of the Mississippi Attorney General's Office, a senior investment counselor and stock broker, a psychologist, and an attorney who specializes in wills and estates.

Further, as to pro bono, through Ms. Phyllis Thornton of the Mississippi Pro Bono Project, senior lawyers throughout the state handle sundry pro bono cases voluntarily. That phase of our activities has met with complete success and cooperation of the senior bar members.
As we are all aware, the exploitation of the elderly is growing by leaps and bounds, with senior citizens designated as prime targets encompassing scams and frauds, which are aimed at the elderly. We attempt to combat such and advise our senior citizens as to how to deal with such.

It is known that at least two million abuse cases of the elderly are reported annually throughout the United States, involving exploitation, scams and various devices, and that there are many acts which remain unreported for fear of embarrassment.

It was reported to the United States House of Representatives that the elderly make up twelve percent of the population but account for more than thirty percent of the victims of crime, including white collar crime and violence, with fraud having the most significance.

We realize that loss of hearing, being very important to the elderly, is very significant in crimes perpetrated upon senior citizens. We understand that at least eight million people over sixty-five years of age have loss of hearing. With hearing aids and accessories being very expensive, this leaves the door open for the elderly to be taken advantage of by swindlers, door to door opportunists, boiler room operations involving investment schemes, work and home related schemes, securities fraud, and phony franchises and distributorships.

We, as senior members of our great profession, endowed with experience, strive to continue in our supportive efforts, with emphasis toward assisting citizens in our age category. We continue to appreciate the opportunity to assist our bar association and our senior citizens in every way.
MISSOURI

by Melton M. Lewis and John R. Essner of St. Louis, Missouri

In search of information regarding senior lawyer pro bono activities throughout the state, inquiries were forwarded to most of the bar association within the state of Missouri. Our program, the St. Louis Volunteer Lawyers Program, appears to be the only one involved in offering senior lawyers opportunities to volunteer.

This Program is a joint undertaking of the Legal Services of Eastern Missouri, Inc. and the organized bar. The following is a review of current senior lawyer participants in our in-house Program:

The most senior in terms of seniority of our senior lawyers is **Charles Lippert**. He has been volunteering up to twenty five hours a week at our office as part of the Catholic Legal Assistance Ministries (CLAM) Program for the last several years. Charlie has tried domestic and other cases to assist Marie Kenyon and has supervised a number of other non-senior in-house volunteers, typically new law graduates. Before coming to CLAM Charlie was the lead trial counsel for the Missouri Railroad for more than thirty years.

**The Honorable Robert Saitz** also came to us as an in-house volunteer through the recruitment efforts of the Honorable (Retired) Ann Neiderlander, a board member of CLAM. Judge Saitz volunteers one morning per week and primarily does new intakes of potential clients. He has drawn upon his general legal experience and his many years on the St. Louis County Circuit Bench to help us make an objective evaluation up front about the merits and winnability of miscellaneous cases.

**Mort Hartz** serendipitously appeared on our doorstep at just about the time that our building search was heating up. Since Mort's professional career had been primarily in the area of commercial real estate, his expertise has been invaluable to us. In addition, Mort has assisted with intakes of potential clients with a variety of legal problems and has provided direct representation with excellent results for a number of Supplemental Security Income (SSI) claimants at administrative law hearings. Mort volunteers three mornings a week.

**Don Sher** works with DeAnna Rowden and the Family Law Department, doing uncontested divorce hearings.

**The Honorable Robert Kingsland**, a retired U. S. Magistrate Judge, has been volunteering two mornings per week doing intake of potential new clients. In addition,
his prior experience in ruling on SSI appeals is most beneficial to us in evaluating the viability of requests for assistance with SSI claims.

For additional information regarding this program please contact John R. Essner, Program Director, St. Louis Volunteer Lawyers Program, P. O. Box 4999A Field Station, St. Louis, Missouri 63108, telephone (314) 454-6940.
People who live in Montana frequently refer to their state as the last best place. This expression reflects the deep love Montanans have for their part of the Northern Rocky Mountains. It also helps explain why many older people have remained in the state and many others have come here to retire.

The population of Montana is older than average. While the average age is high, many rural communities greatly exceed the state average. For instance, the town of Big Timber, Montana, population 1,557, has 508 people over the age of 60.

The range of issues facing older Montanans is as diverse and complex as anywhere in the nation. These issues include public benefits matters, including Medicaid, property and estate matters, consumer protection, landlord/tenant disputes and elderly abuse and exploitation situations. To successfully address this wide range of issues with the limited resources available it is necessary to utilize every resource, including administrative, volunteer, attorney and self-help.

In 1985, Hank Hudson was hired to serve as the state's Legal Services Developer, as provided for under Title III of the Older Americans Act. The program was housed within a larger advocacy organization, and he was part of a three-person team which included the state's nursing home ombudsman and semi-retired attorney Herbert H. George. The purpose of this writing is to provide insights into the work of older attorneys serving older citizens in a rural setting.

Every organization needs a clear mission to instruct its work. This may perhaps be more essential when working with retired volunteer professionals. Unlike paid staff, retirees are donating their time. Thus they need clarity of purpose in order to derive non-monetary job satisfaction.

Our mission: To ensure that each of their 140,813 Montana seniors had access to the legal resources they needed. We adopted several strategies to accomplish this mission. First, we provide education and information to our clients, other attorneys and the aging services network. Second, we provide immediate access for advice and referral through a toll-free telephone link with the elderly legal services program. Third, we promote community based legal assistance through the development of local agreements with private attorneys and the Legal Services Association.

While these represent traditional approaches, what made our experience notable was the strategic use of our older attorney resource.
Before proceeding, it is important to consider the nature of our clients. Their characteristics and needs represent the single greatest factor in the development of our program. Montana's older population is not materially different than that of other states. These individuals frequently have had little or no contact with the legal system and have never utilized the services of an attorney. The legal system is often viewed as complex and not user friendly.

We found it necessary to spend a great deal of time discussing with a client whether an issue was a legal issue and whether employing an attorney represented the best strategy. If legal assistance was indicated, then discussions were held regarding how to locate and select an attorney and what to expect within the client/attorney relationship.

The challenge of understanding and accessing the legal system is one that the Older Americans Act and the senior citizen attorney are both well-situated to address. The Older Americans Act has resulted in the meaningful principle of ensuring dignity and independence for older Americans. The service network it has produced -- consisting of senior centers, volunteer programs, social and nutritional services and information, referral and advocacy -- provides a highly visible, user-friendly, community-based vehicle to access services. In addition, the Older Americans Act allows for the clients' financial participation, which appeals to many older citizens' sense of fairness.

Likewise, an older attorney provides an experienced perspective on individual issues. Clients are able to identify with, and trust a person their own age. In addition, older attorneys frequently have the personal knowledge and individual acquaintances within their state or community to more effectively refer their clients for additional assistance.

Together, the aging service network's community-based programs and age, rather than income eligibility, and the retired attorneys, with their age identity and status, provide effective access for elderly Montanans unfamiliar with the legal system.

Having gained access to the state's legal system, clients frequently need additional private legal assistance. To accomplish this, a network of knowledgeable and willing attorneys must be developed. It is important to note that the Montana legal community has a commendable history of meeting their obligation to ensure all citizens have legal representation regardless of age, income, or issue. Throughout Hudson's tenure with this program, he was impressed with the willingness and skill with which the Montana attorneys accepted this challenge.

Through our work in developing a network of rural attorneys - some volunteer and some with very small Title III contracts -- we established some basic guidelines to assist in these efforts.
First, we coordinated our efforts with the state and local bar associations and the Montana Legal Services Association. This is important because many communities have only a few attorneys and having several organizations competing for volunteer time can discourage participation. Further, many of the cases referred by senior citizen projects are more attractive and manageable than other cases referred by low-income advocates. For example, it is often easier to find an attorney to prepare a simple will than to litigate a child custody case. Through coordination of efforts the workload can be equitably distributed.

Second, in rural areas, attorneys frequently have dealings with both parties, and consideration must be given to conflicts of interest.

Third, to successfully utilize volunteer attorneys or the limited Title III resources, referrals must be made carefully. Here the expertise of the older retired attorney is especially valuable. Clients must truly need attorney involvement. They must have realistic expectations of what the legal system can accomplish, and they must understand their obligations in the process. The older attorney, through identification with the client and fine-tuned communication skills, can ensure that when the client utilizes the attorney, this valuable resource is used appropriately.

Finally, recognition should be extended to those attorneys who give of their time. The legal profession receives a great deal of public criticism. Their voluntary contributions receive little notice. While formal awards and recognition are valuable, simply sharing this appreciation informally with colleagues, community leaders and the senior citizen community is effective in the rural setting. There is no more effective communicator of this appreciation than a respected, elder member of their own profession.

Our own senior attorney advisor, in his role as both licensed practitioner and volunteer, provided the credibility and expertise we needed to make decisions about how to utilize our resources. Landlord/tenant cases were sometimes resolved in small claims court after a one-hour coaching session from him. Aging network personnel gained confidence in their abilities to handle Medicaid and Medicare administrative hearings after attending workshops designed by an experienced attorney. Simple wills for low-income elderly were quickly provided by volunteer attorneys after their situations were screened for appropriateness by our senior advisor. Cases of abuse or exploitation, in and out of nursing homes, were more effectively resolved by the long-term care ombudsman when accompanied by our silver-haired attorneys. To ensure our strategies were consistent with the best practices and expectations of our colleagues and clients, he maintained frequent contact with both the Aging Network and the State Bar of Montana (SBM). This contact was enhanced by our participation with the Elderly Assistance Committee of the SBM and a specially created Legal and Ombudsman Subcommittee of the Governor's Council on Aging.
Among the most important contributions made by our senior advisor were his demonstrations of basic care, values and style. To an older client, these qualities are as crucial as legal expertise and strategy. Perhaps this is where the experience of the older attorney is most valuable.

The values and techniques which framed our relationships with clients were of paramount interest to Herbert H. George. A summary of those values includes:

1. Every client receives the full efforts of our office without regard to their financial ability to participate. There is never mention of the pro bono nature of our work after a case is accepted.

2. Clients are not showered with unfamiliar or technical jargon. However, they are expected to be active participants in the resolution of their issues, in accordance with their abilities.

3. Communication with the client is emphasized. This includes regular telephone updates on their cases, with patience and sensitivity to hearing or visual impairment.

4. Honesty and clarity, two qualities of great importance to the elderly, are of paramount importance.

These values are one of the great potential benefits of linking programs with attorneys who have learned these lessons over the years.

During Mr. George's tenure with our program, we made efforts to involve other retired attorneys. We were not as successful as we had wished. We identified a number of reasons why retired attorneys are reluctant to become involved. It is important to keep these factors in mind and address them in developing programs intending to use this resource.

First, many areas of elder law, specifically Medicaid and estate planning, are rapidly changing and complex fields. Many retired attorneys did not feel they could competently represent people in these fields. Second, maintaining licensure with the continuing education requirements was a dis-incentive to participation. Insurance and liability issues were often raised.

Additionally, many older attorneys, perhaps reflecting on the stress of their earlier practices, are concerned that they would not be able to control the demands on their time made by a volunteer program. They know that a client who requests two hours for a simple will might actually need two months of assistance on a number of yet undetected legal issues. These constitute real barriers to retired attorney involvement.
The final word on this Montana experience might best be spoken through a short case story. One day an elderly, rather frail gentleman came to our office with a complaint against an audiologist and hearing aid dispenser. He claimed that the hearing aid dispenser had supplied him with a device which failed to provide the promised improvements. We were puzzled because this particular hearing aid merchant had an excellent reputation. We contacted him on behalf of our client. He explained that our client had damage to his ears that could only be addressed by external amplification devices that our client found stigmatizing and cumbersome. Our client wanted a small, behind-the-ear device that would probably fail; and he had ordered such a device through a mail order company. Finding these devices unsatisfactory, he wanted us to recoup his money from both businesses.

There were several approaches we might have taken to this case. However, our senior attorney had the patience and experience to discover the best one. The client was a man with a background in higher education. Mr. George arranged for him to travel by bus to the university in Montana that trains audiologists. He agreed that the assessment done by students and faculty, in a not-for-profit setting, would form the basis in developing our legal strategy.

Upon his return from a very stimulating experience with faculty and students, our client accepted the need for the device sold by the local audiologist. We proceeded to recover what we could from the mail order outlet.

The creative solution to this situation was the result of the accumulated experience -- professional and personal -- of our senior attorney advisor. A younger professional might have overlooked the requirement of self-esteem and dignity present in this scenario. Such an example demonstrates the value inherent in the use of senior attorney assistance.

Herbert H. George is a partner in the Washington, D.C. firm, George and George, P.C., which is devoted to the legal aspects of international charitable giving. Together with his daughter, he advises individuals and corporations on their worldwide giving strategies. He also assists foreign governments in the development of legislation to encourage charitable giving.
NEBRASKA

by Charles A. Nye of Omaha, Nebraska

There is no independent organization of senior lawyers in Nebraska designed to provide pro bono legal activities. Nebraska does have a Legal Services/Lawyer Referral (LS/LR) program applicable to all active lawyers.

Senior Active lawyers in Nebraska are defined as those 75 years of age or older on or before January first of the dues year being billed. Lawyers 75 or older, who have practiced for 50 years and are retired are classified as Emeritus attorneys.

The LS/LR program refers cases to attorneys for pro bono assistance. Many older lawyers accept such cases effecting older persons in instances such as estates, wills, retirement benefits and related matters. The program includes older lawyers as well as younger lawyers, but they must be in active practice.

Charles R. H. Kluver, a former member of the LS/LR Advisory Committee and a volunteer with the program, has been recruiting from a small group of attorneys to see if they might be interested in assisting the LS/LR program by providing volunteer services in that they would make referrals from the program. (Rather than take cases themselves, they would take a group of case files and refer them to other volunteer lawyers in the Omaha area. The idea is that this sort of assistance would not only help the LS/LR program greatly in placing cases, but it would also enable lawyers to participate who do not in their normal practice handle the sorts of cases volunteer lawyers normally receive.) Many of these lawyers are older lawyers in the sense that they may have limited their practices to one or two types of matters or may be semi-retired, etc., but they may or may not be Senior Active status.

The Omaha Bar Association sponsors a Public Services Committee, the chair of which is Robert Sivick. This committee provides legal aid for the impecunious strata of society. The members of the bar participating include older lawyers as well as others.
NEVADA

by Pauline Bevill of Carson City, Nevada

The concept of elderly attorneys helping elderly citizens is a natural one, and the theme of this chapter. In Nevada, how many attorneys over 60 do pro bono work primarily helping senior citizens? Finding the answer is attempted here.

There are relatively few attorneys, about 4,000, in the huge state of Nevada (the seventh largest of the 50 states), mostly sole practitioners or small firms, concentrated to the south in Las Vegas, and to the north in Reno, Lake Tahoe, and the capital city, Carson City. About 300 of the attorneys are over 60, divided between Las Vegas (141), Reno (96), Carson City (19) and the rest scattered throughout the rest of the state.

Nevada is an underdeveloped state, with desert and mountains and wide open spaces, Indian reservations, large areas set aside for military training and use, and environmental areas for wildlife preservation. Main industries are tourist and gaming-related, plus mining, cattle-raising, small businesses.

Statistically, it is the fastest growing of all the states, with new population, new construction, new small industries dotting the land, and growing cities beset with overcrowding, smog, heavy traffic, shortages and unmet needs. Nevada is not a wasteland seems to be the main sticker on vehicles, as Nevada struggles to catch up with the rest of the country.

Nevada is attractive to retiring senior citizens, who come from neighboring states in large numbers, and from faraway states, drawn by low housing costs, low taxes, old-fashioned conservative values, space, and pleasant things to do. However many have limited means and limited access to legal help. Therefore there is a real need for pro bono assistance to senior citizens. One problem is that many senior citizens are located in small towns with empty miles between them.

To write this chapter on Nevada elderly attorneys helping senior citizens, we sent questionnaires to attorneys over 60 years of age. The State Bar of Nevada (SBN) supplied a list of some 300 such attorneys, about 10% being out-of-state attorneys in association with local attorneys. The Carson City branch of Retired Senior Volunteer Program (RSVP) serving 15 rural counties, helped with mailing costs and labor. We got interesting answers which we supplemented with telephone calls, interviews, and some independent research. The results of our efforts follow:

1. Why Do Elderly Attorneys Do Pro Bono Work?
Probably elderly attorneys have a greater need and attraction for pro bono activities than younger attorneys. They identify with senior citizens, feel the need to express their increased wisdom and creative abilities, and feel the need to remain in the mainstream of life. It is true statistically, that those who do volunteer work live longer than those who do not.

Any pro bono program - any program where human beings help other human beings without expectation of any financial return - depends ultimately on people caring for people, a feeling that we are all members of humanity, with a desiring to share what we have learned. So it was no surprise in working on this project, to find that senior attorneys in Nevada do indeed help elders in need of legal assistance. The practice is more common than one would expect - but mostly it is done without fanfare or publicity, just because, as one attorney said, “It is the right thing to do, the need is great, and besides, it keeps me alive and young.”

Another attorney, after over 40 years of law practice in California, retired to Nevada to be with daughter and grandchildren, all set to be a Grandma and forget the stressful life of an attorney. That was when she learned the retirement is not all it is cracked up to be. She eliminated some stress all right, but substituted boredom, feeling old and unneeded. The final blow came when her daughter in a panic called the sheriff’s office to report her little gray-haired mother was missing, less than one hour after she went shopping without telling anyone she was going out. That was when she, at age 72, decided to do volunteer work, help seniors with legal problems, and get back into the mainstream of life.

So for one or all of the above given reasons, Nevada attorneys over sixty are spending some time on pro bono work.

2. Most Senior Attorneys Do Pro Bono Work as Part of Their Private Practice of Law.

The first thing we learned from replies to our questionnaire was that most elder attorneys in the private sector who do pro bono work do it as part of their usual work in their office, privately, without publicity or fanfare, without joining any pro bono organization, and much is for senior citizens.

They do additional work for clients outside the pending case, with advice and minor letters or forms. They provide services at a substantially reduced fee, or no fee to persons of limited means. They help friends and acquaintances, in or outside their office or by telephone with simple legal advice and documents. They do many first interviews without charge or obligation. They incorporate nonprofit corporations serving the elderly. They belong to service organizations and do free legal services in connection with elderly problems. They often, without charge, do living wills, durable powers of attorney, homesteads, and sometimes simple wills.
One attorney's explanation, “I do my pro bono work among my present clients; no need for me to formalize the practice.” Another attorney said, “our firm continues to maintain a strong commitment to serving the senior population.” Pro bono is part of the lives of attorneys, their service to the community and persons with limited incomes.

The above is outside what we usually think of as pro bono. However it really is a part of the picture. Attorneys do more pro bono work than they are given credit for.

3. Some Senior Attorneys Do Pro Bono Work at Legal Services Offices.
In Nevada, the Nevada Legal Services (part of the federally funded national legal services corporation) has its main office in Las Vegas, but also has branch offices at Sparks (serving Reno and Washoe County) and Carson City (serving most of northern Nevada, including Indian reservations). Each of these offices has a staff attorney working on senior citizen problems, but because government funding is insufficient, it solicits volunteers, often retired attorneys or attorneys in private practice, who assist on particular cases, or in particular legal fields, or who donate so many hours a week or month.

In general, younger and older attorneys both participate in pro bono, but as attorneys get older and wiser, and more involved in the community, more and more are drawn to the needs of senior citizens.

Nevada Legal Services has recently started the Rural County Pro Bono Program, one at Las Vegas serving Clark county, and one at Carson City, serving the counties of Carson City, Douglas, Lyon, Starr and Churchill. Private attorneys are asked to donate services for specific needy clients. A separate branch of this program at Carson City is for senior citizens only, with different eligibility requirements where attorneys over 60 are donating services.

4. Some Do Pro Bono At Senior Centers.
Private sector attorneys frequently volunteer pro bono assistance at senior citizens centers, which could consist of serving on boards of directors or advisory councils, speaking at seminars, writing legal opinions for newsletters, or counseling senior citizens. Many are elderly attorneys. The center at Carson City supplies office, materials, and volunteers to an elder attorney under the CARELaw Program discussed below.

5. Some Do Pro Bono For Other Community Agencies.
There are many community agencies, hospitals, service agencies, chambers of commerce, nonprofit charitable organizations, United Way, etc., where some legal assistance fits our category of elder attorneys helping elder citizens, and our questionnaire brought in comments from these older attorneys helping senior citizens. One was from an attorney in Zephyr Cove who is a trustee of the Hospital Foundation, is
on the faculty at no fee, who takes arbitration and mediations at less than the market rate. He also writes for the Nevada Lawyer Magazine. Also, he ended his questionnaire by offering to be on call to serve senior citizens in his field of expertise.

Other busy attorneys offered to see senior citizens for a first interview without charge in their area of expertise. In most cases this is not just to drum up business, but a good faith pro bono endeavor. It seems that many elderly attorneys are amenable to doing pro bono work for senior citizens because they feel good about doing it.

The SBN itself sprouts pro bono activities, soliciting and encouraging pro bono works. SBN has issued a booklet helpful to senior citizens.

Sometimes attorneys over 60 in governmental offices do legal work beyond the call of duty or salary, which should qualify as pro bono assistance to seniors. My letters and questionnaire sent only to attorneys over 60 elicited some replies from attorneys in legislative offices, attorney general's offices, government agencies, even those running for office! These attorneys do pro bono work, sometimes as part of their job, but often for extra hours without thought of monetary reward. For example, one attorney in Las Vegas reported that in addition to his regular duties, he averaged 7 to 8 hours per month on pro bono for seniors. He was particularly interested in state sponsored improved home health care, and federal responsibility for long term care. When asked if his pro bono help is increasing as he grows older, he replied “Yes, and I do not work as quickly as I once did.”

Another reply from a legislator, who is a senior citizen, said he was unable to do any formal pro bono work, but he serves extra hours. He said “I might indicate, however, that in the course of a day I handle a great many constituent complaints. A great portion of these emanate from senior citizens. Most of these deal with coordinating claims which have been filed with various state agencies and particularly in the area of health and welfare and worker's compensation”.

Does work by elder attorneys in government offices qualify as pro bono work, if it is part of their paid job? Often, some elder attorneys work beyond the requirements of their job to help senior citizens. Several government job holders expressed sympathy with senior citizens and their legal problems. They have been instrumental in introduction and passage of laws addressing senior citizen legal problems. It might be well to recognize this extra work done, and encourage the expansion of this type of pro bono activity.

7. Some Do Pro Bono Writing, Lectures, Outside Activities.
Attorneys over 60 gravitate towards outside service to seniors. The Reno Senior Citizen Center has a yearly Law College” where seniors hear lectures on various fields of law,
from many senior judges and senior attorneys, followed by a question and answer period. Seminars are held on frauds and schemes elders should be aware of, and also on the pros and cons of revocable living trusts.

Senior attorneys write articles on these and many other topics that are published in newspapers and magazines.

The Carson City Senior Citizen Center has sponsored quarterly programs headed by a senior attorney moderator, on Trusts, Wills, and other Things. Their newsletter has a column Warm Line of legal questions and answers, written by an attorney over 60. Wise writing and lectures on legal problems seems to be a natural for senior attorneys.

8. Retired Attorneys Do Pro Bono In Their Own Way.
In Nevada, attorneys over 70 years of age retain their license to practice without the required payment of Bar fees. Often they do pro bono work in their own way, as part of their practice, or as part of their retirement.

One lawyer living in Reno says, “I am 83 and more than semi-retired”. He guesses that he devotes about 8 hours per month to pro bono work for senior citizens. He says that he gives advice on sundry legal matters, answering questions when he feels competent to do so. He added that he felt the private Bar was doing a good job on pro bono work.

Another retired attorney has helped serve lunch at the Gardnerville Senior Service Center, which she believes is a great way to keep in touch with her peers, and help them when legal problems arise.

One attorney lamented that his pro bono help was reduced when his heart condition kept him home. Another stated that pro bono help given to other seniors is a sure way to keep his mind youthful. Use it or lose it applies to one's legal education.

Retired elderly attorneys may work at their own pace, with time out for other needs, may write and telephone and do research from their homes, may work at odd hours and weekends, but it adds up to much pro bono service to other senior citizens.

9. The CARELaw Program, A Special Report
Finally, this is a special report on The CARELaw Program, which started in Carson City eight years ago, combining the talents of attorneys over 60 and community organizations funding the expenses.

C.A.R.E. is an acronym of Carson and Rural Elders, which led to The CARELaw Program in 1986, with a dream of developing local attorney volunteers in rural Nevada to assist senior citizens with simple legal forms and problems.
The CARELaw Program has been a struggling, changing, growing, pioneering program, with constant changes in sponsorships, funding, office locations, cities helped, projects and programs. The first senior attorney, now 78, is still in the program, with a pro bono commitment of at least 10 hours a week, which is sometimes much more. Another attorney joined the program at age 85 and continued for three years in the Gardnerville office. Many other elder attorneys have helped for shorter periods.

The CARELaw Program has survived through thick and thin, combining the talents of many people and organizations to keep it going. The main ingredient has been volunteer elder attorneys, the key to its survival. They do the interviewing of senior citizens, help with wills and other documents, and help with simple legal problems. They also train and supervise volunteer paralegals and helpers.

The other necessary ingredients are: finding non-attorney volunteers to help with appointments, records, and preparation of documents, as well as finding sponsors to furnish space, supplies, financial help, and insurance coverage.

Nevada Legal Services (NLS) and Carson City Senior Citizen Center (CCSCC) have been the main sponsors. The first consultation room was at the old senior center in Carson, in a cluttered storage room, the only space available at first. For a long time NLS supplied office, back-up secretarial assistance and supplies. The division on Aging Services funded a two-year grant which studied priorities of rural homebound. For a time in 1990 the program involved 25 private attorneys who reached rural senior homebound. Now CCSCC is furnishing office space, copy machine, office supplies, and helpers, since NLS no longer could. The RSVP organization has been helpful from the beginning in supplying volunteers. Also, there have been special grants and donations from service organizations.

Outreach offices were established for several years at Fallon, Yerington and Gardnerville, but were later closed. The goal of serving all rural counties in northern Nevada was never fully reached, but CARE has consistently served 300 or more senior citizens annually.

Workshops were developed. One experimental plan pioneered by CARE was to have two-hour workshops every Friday, one on homesteads, one on living wills/durable powers of attorney, one on wills for married couples, one on wills for individuals. Each workshop had eight senior citizens in a group setting, supervised by an elder attorney, plus a trained paralegal and assistant. The senior citizens prepared their own documents from forms created by the attorney, and then executed them with witnesses and a notary as required. The wills and homestead workshops worked well for a long time, but have been discontinued because of a shortage of adequate assistance. However the living wills/durable power of attorney monthly workshop still continues.
A Silver Spring outreach was recently developed. The experimental outreach CARE Law Program at the Silver Spring Senior Center, serving Lyon County, was co-sponsored by RSVP, which supplied $1,000.00 seed money and volunteers. A unique aspect of this outreach has been the fact that trained paralegals do almost everything. They keep records, make appointments, interview for the facts, analyze the problems, and prepare simple documents. They use the telephone and fax to keep in contact with the supervising elderly attorney who stays in Carson City, 30 miles away. With the advent of Fax and the newer computer capabilities, this new program seems feasible, and is working.

But the program is running into administrative problems of record keeping and red tape. And, most discouraging, the necessary professional insurance coverage is making rules and regulations that slow things down by limiting the attorney's areas and methods of service.

Insurance coverage can be a limiting factor in all pro bono work. It has put a temporary stop on pro bono attorney lists, information flyers on legal problems, and seminars on seniors problems. However negotiations are proceeding.

Future CARE spinoffs are needed. CARE is considering ways of expanding the program to other rural counties. The use of fax, computer, and telephone can connect distant communities. One ambitious plan still in the dream stage calls for a circuit-riding van equipped with computer, fax, forms, law books, and a voluntary traveling attorney or paralegal covering a different community each business day.

A pro bono list of attorneys who give free first interviews in their specialities, possibly by telephone or fax, is in the works, but insurance may be a stumbling block. A directory listing pro bono programs and other resources of legal help available is already a reality. Under consideration are the following: newsletters distributed by attorneys, regular seminars, information sheets, videos, newspaper and magazine articles on legal topics, warnings of scams and schemes. The dreams are endless.

The CARE Law Program is being done with volunteer elder attorneys, sponsorship of community organizations, and very little cash. This should be an inspiration to other Nevada counties, and even other similar states with similar needs. Attorneys over 60 can, and do, make a difference.
NEW HAMPSHIRE

by Steven B. Scudder of Concord, New Hampshire

New Hampshire's motto, Live Free or Die, has been both criticized and complimented for its emphasis on the Yankee independent spirit. Depending on one's viewpoint, either because of or despite this guiding principle, the level of volunteer support in the state is quite strong. One place this is reflected is in the high level of attorney participation -- including senior attorney volunteers -- in pro bono activities. Through both formal and informal efforts, involving direct representation and counsel and advice, attorneys throughout the state contribute countless hours each year to serving the legal needs of those in need in their communities.

The vehicle used by over 40% of the attorneys in the state to fulfill their personal and professional need to do pro bono work is the New Hampshire Pro Bono Referral System. This statewide program, sponsored by the New Hampshire Bar Association, provides direct representation using attorney volunteers to almost 1,000 low income citizens each year. From the program's point of view, any attorney who is licensed to practice law in the state who is in good standing with the New Hampshire Supreme Court is welcome to participate in the program. Among this group are dozens of senior attorneys who are in the later stages of their careers but who want to continue to provide a meaningful service to those in need who live in their cities, towns and neighborhoods.

The Pro Bono Referral System actively recruits attorneys on a regular basis, without regard for the attorney's age. Attorneys who have been in practice for 30, 40, 50 years or more are invited to participate and utilize their years of experience for the benefit of the program's clients. These attorneys have historically represented the largest firms in the state as well as small firms and sole practitioners. Attorneys who do not want to represent clients are encouraged to serve as mentors for other attorneys or to assist the program in other ways. Currently a senior attorney conducts a weekly case review session with the program's paralegals as part of the Pro Bono Referral System's case screening process.

While there are no other formal pro bono opportunities for attorneys in the state, senior or otherwise, there are considerable opportunities for senior attorneys to provide informal, unrecognized volunteer services for people and organizations in their community. These activities range from providing simple counsel and advice to clients of the office, providing extensive litigation experience for a client, or assisting a not-for-profit organization become incorporated. Regardless, senior attorneys in New Hampshire are active and involved in the provision of pro bono legal services in the state.
The New Hampshire Legal Assistance (NHLA) Senior Citizen's Law Project has utilized the full time pro bono services of a senior attorney for a number of years. Having the equivalent of another staff advocate for the program has proved invaluable in helping to meet the education, advice, negotiation and other needs of New Hampshire's elderly population.

A recently created legal services organization in the state also plans on using the volunteer services of senior attorneys. The Legal Advice and Referral Center (LARC) plans on involving attorney volunteers, including senior attorneys, in such activities as intake, telephone counsel and advice and other one-on-one services for clients.
NEW JERSEY

by Stephen N. Maskaleris of Morristown, New Jersey

In September of 1991, Stephen N. Maskaleris, as chair of the Senior Lawyers Committee (SLC) of the New Jersey State Bar Association (NJSBA), asked the President of the NJSBA to expand the SLC to include all members of the NJSBA who are 60 or older. Maskaleris reasoned that those 1,600 senior lawyers could create a potent force for the many programs of particular interest to this demographic group within the bar, as well as to instantly form an association to deal with the problems and concerns of senior lawyers as a group.

A request was made for the NJSBA to appoint its senior lawyers to this committee in recognition of their past and future expected service to the bar. No dues would be paid as a result of this appointment. Upon appointment, the senior lawyers would be asked to select a committee, from which a chair and vice-chair could be appointed, and the group would be off and running.

The original SLC also planned and presented two major programs for the NJSBA Annual Meeting in May of 1992. Everything You Wanted, Should and Need to Know About the Of Counsel Relationship Today was presented by Harold Wren, then the chair of the ABA Senior Lawyers Division (SLD), and John W. Storrer, Jr., a past chair of the ABA SLD. The Lawyer's Guide to Retirement, Strategies and Considerations was presented by Wren; Frederick R. Franklin, then the ABA SLD staff director; Thomas C. Farnam of St. Louis, Missouri, and Corinne P. Maskalaris of Morristown, New Jersey.

At the NJSBA 1992 annual meeting, the association trustees approved the proposed plan to expand the SLC to include all senior bar members 55 years of age or older, a group totaling 2,424 members. Lowering the age to 55 was wonderful.

The NJSBA, and the New Jersey Department of Community Affairs Division on Aging, have published a 33 page booklet titled Law Points, Answers to law-related questions of special interest to senior citizens, which is based on the laws in effect in New Jersey. At the local level, the Camden County Bar Association has a Senior Attorney Committee appointed to develop programs and activities to address the special needs of senior or retired lawyers in Camden County, and to utilize this wealth of legal talent in meaningful programs directed to the community and legal profession.

The Chair of the Committee is James A. Mullen of Cherry Hill. The committee members are: The Honorable A. Donald Bigley; The Honorable Warren C. Douglas; Charles W. Heuisler; The Honorable Anthony M. Lario; Ann S. Salsberg; The Honorable Albert J. Scarduzio; and Saul Teitelman. The committee meets about once a
year. They find that the Camden County Bar is meeting the needs of the senior lawyers, and that their wealth of talent is being properly utilized by the bar as a whole. However, should the need arise for action the committee is organized, and will address the challenge.

Ann S. Salsberg, age 95, is the oldest member of the bar. However, she remains one of the most active members, especially supporting the bar in attending bar functions in order to offer her counsel and assistance to the bar.
NEW MEXICO

by J. R. Crouch of Las Cruces, New Mexico

On March 19, 1992 the President of the State Bar of New Mexico (SBNM) appointed a Task force to study the need, if any, for a Senior Lawyers Group and whether such a group could best serve as a Standing Committee or Division. The Task Force consisted of twelve senior lawyers from all areas of practice. The Task Force met on two occasions and concluded the senior members of the bar could assist in the work of the bar by sharing their experience with other members and the public. It was concluded that the group should be organized as a division.

The Task Force submitted its report to the Board of Bar Commissioners at the annual meeting of the SBNM in September of 1992. The Task Force included in its report proposed by-laws and an amendment to Supreme Court Rule 24-101 which would provide for the creation of a Division for members of the SBNM over the age of 60. The Board of Bar Commissioners accepted the report, but changed the age limit to 55.

For reasons unknown to the author no action was taken on the rule change by the Court for over a year. When the Court acted on the request they changed the rule to state all members of the State Bar of New Mexico who are 55 years of age or older And Who Have Practiced Law for 25 Years or More.

Following the creation of the Division by the Supreme Court the President of the bar appointed the first Board of Directors, consisting of 17 members with the officers to be elected by the Board of Directors. The Board of Directors of the division after the first two meetings were still seeking ways in which they can best share their experience with other members of the bar to better serve the profession and the public.

One area in which the Division is already very active is participating in the Bill Kitts Society, a program in which more experienced lawyers are paired with new practitioners as they begin their legal careers. The mentorship may be informal or may include a more formal course consisting of a course of study from the fundamental lawyering skills of Continuing Legal Education, Inc. The program is designed for the first six months after admission to the bar.

The Division is now assisting other committees, such as Dispute Resolution, Bench and Bar Relations, Delivery of Legal Services to People with Disabilities, Lawyer Referral for the Elderly, Professional Development, and Pro Bono.

Our first year has been one of planning and seeking ways in which we can assist. We hope our future will be one of action in the above areas, as well as others.
NEW YORK

This chapter is divided into five sections: First, the New York State Bar Association (NYSBA) Pro Bono Report. Second, the NYSBA Elder Law Section's Committee on Senior Lawyers and Judges. Third, the Association of the Bar of the City of New York's Senior Lawyers Committee. Fourth, the Bar Association of Erie County, Inc.'s Senior Lawyer Committee. Fifth, the Senior Attorney Pro Bono Program of the Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc.

New York State Bar Association Pro Bono Report
by Thomas M. Roberts

From the very public to the very private, senior lawyers across the country and in New York do the public good through pro bono and other work which helps address the legal needs of the indigent.

Alexander Forger, former managing partner at Milbank Tweed in Manhattan and NYSBA President, now walks the halls of Congress as part of his new job as president of the Legal Services Corporation. Mr. Forger was president of The Legal Aid Society, led his firm's pro bono efforts and was instrumental in the firm's establishment of a fellowship program at The Legal Aid Society that will allow the hiring of a summer fellow and training opportunities for Society attorneys.

But senior lawyers involvement with providing legal services to the poor need not be so public. (The American Bar Association's Senior Lawyer Division defines a senior lawyer as any attorney 55 years of age or older.) Each year, thousands of senior lawyers across the country perform pro bono service in their own private way. For instance, John M. Roberts, 70, who has reduced his practice to three or four days a week, makes himself available to a homeless advocacy project to evaluate pension issues that arise among the clients. He serves as a mentor for younger attorneys who handle the totality of the client's case. He does this with little fanfare and his efforts would be unknown to this author but for his status as my father. Although he practices in San Francisco, his quiet work is representative of the many attorneys performing pro bono work in their communities.

This portion of the New York State chapter will focus on the pro bono and public service activities (focused on legal services for the poor) of senior lawyers -- those over 60, whether retired or actively practicing -- in New York. The work of these individuals, whether large or small serve as examples of the types of activities an attorney can engage in. Many of these individual stories were culled from nominations for the NYSBA President's Pro Bono Service Award over the last four years. The
awards have no special category for retired or senior lawyers, yet as these descriptions indicate, we have never lacked for nominations or winners from among their ranks.

New York State Rule
In 1990, the New York State Office of Court Administration made an elegant court rule change to encourage retired attorneys to perform pro bono service. The Rules of the Chief Administrator of the Courts had previously provided that attorneys need not pay the biennial registration fee if they are retired from the practice of law. The rules were amended to define the term retired not to include the performance of legal services without compensation. 22 NYCRR 118.1(g). Hence attorneys otherwise retired from active practice may perform pro bono service without need of paying the biennial registration fee.

Need
Are the pro bono services of senior lawyers needed? Absolutely. The legal needs of the poor are there and senior lawyers can become a vital part of meeting those needs, as the many senior lawyers presently doing work demonstrate. But are they not different from me? Probably not. I cannot think of a type of attorney, regardless of type of practice, size of firm, part of the state, or any other characteristic, who, if they are interested and persistent, cannot find a meaningful volunteer experience.

Adjustments
It may require the acquisition of new skills, or more likely, the transfer of old skills into slightly new areas, e.g. those with copyright experience mastering a different set of federal regulations to help clients procure their Social Security benefits; those who may have primarily represented landlords making the emotional leap to zealously defending the rights of tenants facing homelessness; or a business lawyer developing an expertise in not-for-profit or consumer law.

It may require getting used to different practice conditions. Seniors familiar with support services available at the snap of their fingers must adjust to preparing their own papers on the computer or making other arrangements where they are simply one more burden on an already overwhelmed secretarial pool. Some programs simply cannot allow their secretarial services to be used by volunteers, due to the restraint on resources. One solution to this predicament would be for a senior lawyer to organize and develop a program to address these needs. Working out of a legal service program office may require sharing an office and sharing administrative duties: photocopying, reception duties, screening of cases.

Where Do Senior Lawyers Volunteer?
Where would a senior lawyer in New York who may have had little or no experience with pro bono service go to enlist? The answers are as varied as the practice of attorneys in the state. There are pro bono opportunities available through the nearly one hundred
different programs throughout the state that utilizes pro bono attorneys. Every community in upstate New York has a local pro bono program that can match an attorney with clients. The name of the program in any given community is available from the Department of Pro Bono Affairs at the NYSBA (518) 487-5641.

In 1994 The New York Bar Foundation made a grant to Legal Services for the Elderly, Disabled or Disadvantaged, in Buffalo, to use retired attorneys for pro bono. The results of this grant are included at the end of this chapter.

In New York City there are over 70 different options for volunteering, from working on a case at one of the branch offices of the two large legal services providers, Legal Services of New York or The Legal Aid Society, to the many smaller free standing or bar association sponsored programs, which focus on particular substantive issues or geographical area covered. A comprehensive list of programs working with volunteers is available. Pro Bono Opportunities: A Guide for Lawyers in New York City is published by Volunteers of Legal Services and the Association of the Bar of the City of New York. A copy is available from the NYSBA Department of Pro Bono Affairs.

These programs provide training and supervision as well as matching a case. Involvement can vary from simply being assigned a case of any type of complexity to staffing a clinic where brief advice and short follow up are involved, providing intake, or handling a variety of in-court matters on a given day. The following two attorneys volunteer through pro bono programs:

Robert E. Friou, of Tarrytown, NY, won the NYSBA President's Pro Bono Service Award for the Ninth Judicial district in 1991, after his nomination by Westchester/Putnam Legal Services. Mr. Friou's volunteer service on behalf of indigent tenants in Westchester and Putnam Counties has been outstanding.

The year 1990 marked the 50th anniversary of Mr. Friou's admission to the Bar, which included a career as head of the tax department of Chadbourne Parke, work in the law departments of Bethlehem Steel and the Hoover Company, and heading up his own firm specialized in matters of credit and bankruptcy.

Working out of his home, Mr. Friou became intensely involved with Westchester/Putnam Legal Services in 1990, when he represented 12 clients, logging 225 volunteer hours. He represented one client in three different proceedings and another in two proceedings, one of which is now on appeal.

One case required three evening court appearances in Putnam County, which involved a 50 mile round trip, with midnight returns, during a prolonged trial. In their nomination form, Westchester/Putnam Legal Services reports Bob is exhaustive in his assistance to his clients, often visiting them at home, inspecting the building and accompanying them
to the Department of Social Services. In one case, Bob has even gone to great length to obtain a Hungarian interpreter for a tenant in a building where Bob and Legal Services provided legal assistance to the entire building to prevent the eviction of low income tenants. They further noted that his dedication to the program led him to decline the offer of a judgeship in North Tarrytown because he felt that would limit his pro bono efforts. Indeed, his allegiance to the poor is further evidenced by the fact that one of his cats is named Pro Bono.

In 1993 Mr. Friou wrote the NYSBA to provide an update of his activity. The letter provides a moving testimony to seniors' performing pro bono service. “Since I received the Presidential Pro Bono Service Award in 1991 I continue to engage in pro bono work, and I do no other legal work. I specialize in working for poor tenants, and I work as part of a team with a legal services firm.” He then chronicled some of his extensive recent work, including settlement negotiations concerning proposed rehabilitation of two neglected buildings at a cost estimated at $500,000; settling ten eviction proceedings and five additional potential summary proceedings with many benefits to tenants including extensive repairs; and settling a summary eviction proceeding to remove a family from an illegal fire trap with an agreement by owner to forgo three months rent.

His letter went on to graciously acknowledge the leadership, support, and assistance he receives from Westchester/Putnam Legal Services. A few of his words stand out as a testament for other senior lawyers who might be similarly inspired, “I always enjoy my legal work, given another chance to choose, I would be a lawyer again. What I do now gives me the most pleasure of all the work I have done since my admission in 1940, and is the most immediately effective on peoples' lives.”

For information regarding Mr. Friou's pro bono efforts on a national level, turn to Chapter 53 SAVE (Senior Attorney Volunteers for the Elderly) Program.

Francis X. Maloney's efforts were described in an article for the American Bar Association Senior Lawyers Division publication Experience by Margaret M. Flint, Director of the elderly project at Volunteers of Legal Service (VOLS) as follows:

After retiring from a career in public finance, Francis X. ‘Joe’ Maloney was looking for an opportunity to do something in his community. He hoped to be able to help people who couldn't afford to hire lawyers. He also wanted to learn something about areas of law in which he hadn't practiced.

A letter from VOLS Executive Director William J. Dean came at the right moment. It asked Joe and other lawyers living on Manhattan's East Side to put their legal skills to work helping their elderly neighbors.
Joe grew up on Long Island. A 1957 graduate of St. John's Law School in Jamaica, New York, he moved to Manhattan in 1968. He spent most of his career at the firm that is now Mudge Rose Guthrie Alexander & Ferdon, specializing in public finance. He retired as a partner in 1990.

A resident of the Upper East Side, Joe now spends several afternoons a month at two sites, Lenox Hill Senior Center and Stanley Isaacs Senior Center. As a VOLS Elderly Project volunteer, Joe meets with seniors who want legal help on a wide range of issues. Many clients listen to Joe's advice and then take action on their own. Some need continuing representation and are referred to other VOLS volunteers.

After several months of clinic duty, Joe says he has gotten great satisfaction out of providing solutions to the everyday problems of clients at the two centers and that he has enormous respect for VOLS's professional staffing.

*Where Do Senior Lawyers Volunteer? In-House at Legal Services*

For seniors who would like to volunteer substantial periods of time, working in house, both the legal services and pro bono programs have opportunities.

Arthur Mendelson, recipient of the NYSBA President's Pro Bono Service Award for the Second Judicial District in 1994, worked three days a week in The Legal Aid Society's Civil Division, Brooklyn Office assisting with unemployment benefit cases for 19 years!

While such a time commitment is not required, Mr. Mendelson's example shows the valuable service that seniors can render. A retired administrative law judge in the area of unemployment insurance, Mr. Mendelson, age 89, represents unemployment claimants at both the hearing and the appeal stages of the administrative process. In his 19 years of pro bono service, he has represented over one hundred clients a year, working three days a week until just recently. He has shared his wisdom and experience with younger attorneys and paralegals working in the unemployment insurance area.

James Harrison retired from private practice in 1991. He then began volunteering at Mid-Hudson Legal Services one day a week, performing client intake. He employed his skills gathered in his past work as vice president and legal counsel at a trust company and as an arbitrator in small claims court, conducting in-depth interviews with potential Mid-Hudson clients, providing legal advice, brief service, or referral to a staff or pro
bono attorney. Some of those cases he would then handle himself. His work allowed
the program staff to concentrate on those cases within their area of expertise.

Where Do Senior Lawyers Volunteer?
Retired attorneys can also work through entities with which they have a history: law
firms, corporations, or bar associations. If a retired attorney is interested in helping to
administer a large pro bono program within a law firm or corporate counsel office from
which they came, pro bono programs that refer cases would be delighted to have a
liaison person at the entity.

Myra Schubin is a retired corporate counsel from IBM. Working with other retired and
active IBM counsel as well as Westchester/Putnam Legal Services, she developed a pro
bono project for IBM corporate counsel to work on elder law matters.

Another way to organize pro bono efforts is through a local bar association. The
Honorable Robert J. Sise, former Deputy Chief Administrative Judge for the Courts
outside of the City of New York, retired and went back into private practice with his
sons in his hometown, Amsterdam, New York. There the custom of the county is that
the eldest active private practitioner in the bar (who has not yet had the honor) serves as
president of the Montgomery County Bar Association.

As his term was beginning, Judge Sise was inspired, by a NYSBA meeting for local bar
presidents, to set up pro bono clinics in Montgomery County. Working with the Legal
Aid Society of Mid-New York, they developed an evening clinic program where private
attorneys and Legal Aid staff met with clients to provide legal advice and if necessary,
take on the case. Judge Sise's many contacts from over the years made it very easy to
attract sufficient numbers of local attorneys to staff the clinics. This model was so
successful that Legal Aid and Judge Sise worked together to convince other nearby local
bar associations to set up similar panels. In 1994 these clinics flourished in five nearby
counties.

Other Ways to Assist Efforts to Address Legal Needs of the Poor
Senior lawyers can assist efforts to address the legal needs of the poor in a variety of
ways: by serving on the board of a legal services or pro bono program, or on a local bar
association's pro bono or legal aid committee. They help these programs to raise funds,
and also make financial contributions themselves. They serve as board members on
local or state bar foundations, such as The New York Bar Foundation. (The past two
years, due to IOLTA revenue declines, The New York Bar Foundation has responded by
raising the percentage of its grants that go to legal services, up to well over 60% of its
total funding.)

Senior lawyers can serve as speakers at training for volunteers. They can serve as
mentors, as John Roberts does, infra, or as Donald Sukloff has for over a decade at Legal
Aid for Broome and Chenango in Binghamton. In addition to handling on average three matrimonial cases each year, Mr. Sukloff has served as a mentor on complicated matrimonial matters for other volunteers and program staff.

The expanding field of alternative dispute resolution (ADR) also offers a potential for retired attorneys to provide pro bono assistance. In Rochester, the Honorable Robert H. Wagner, retired, is an arbitrator and a judicial hearing officer. He also chairs the Committee on Senior Lawyers and Judges for the NYSBA's Elder Law Section. His role as a judicial officer makes it difficult for him to accept regular litigation referrals from the Volunteer Legal Services Project of Monroe County. But when the program had a matter that was ripe for settlement on the eve of trial, Judge Wagner volunteered his services as a mediator for a day and helped resolve the matter in a way satisfactory to both sides. The Judicial Arbitration and Mediation Services (JAMS), a national organization of ADR practitioners has offered its services pro bono for the legal services and pro bono community. Many retired attorneys are working in this field.

Additionally, seniors can take part in other activities, such as the Senior Lawyers Mentor Program of the Association of the Bar of the City of New York, addressed in a later section in this chapter.

Working for the Poor While Being Compensated
In addition to serving the poor by volunteering, Alexander Forger's work at the Legal Services Corporation shows it is possible for senior lawyers to provide great service to address the needs of the poor while being compensated. There are many other examples of those who retired from their first profession and have taken up a second career in legal services, whether or not they are over 60.

In Buffalo, a retired state government attorney Douglas L. Winokur, served as assistant director of the Erie County Bar Association Volunteer Legal Services Program. Ivan Werner, director of the Queens Volunteer Lawyers Project at the Queens County Bar Association is a retired school principal who graduated from law school in 1991.

In 1985, at age 68, Robert S. Blanc retired from law firm practice and worked at The Legal Aid Society's Chelsea office, which has now moved to Brooklyn. There he uses his expertise in administrative law developed in part as an admiralty lawyer to work on Social Security benefits, unemployment insurance benefits, and rent-increase exemption for senior citizens and AIDS victims and consumers issues.

Finally, it is possible to be both senior and young at the same time. Ree Adler of Buffalo had the distinction of simultaneously being a senior lawyer and receiving the 1991 Outstanding Young Lawyer Award from the NYSBA's Young Lawyer Section for her work at Neighborhood Legal Services. Young lawyers in practice less than ten years
are eligible for the award. While she worked at Neighborhood Legal Services, she negotiated a salary of $1.00 per year.

**Conclusion**

There is no one way for senior attorneys in New York to perform pro bono work. The choices are as large as the imagination of the attorneys themselves. Senior lawyers work in high profile settings, or low, full-time or part-time. For some it is pro bono service throughout a career which may be expanded as retirement approaches, for others legal services may be a second career. Senior lawyers may provide their services through existing organizations or by creating their own mechanisms to provide service in their community. There is no end to the variety of ways that senior lawyers can provide access in justice for those in need.

For further information regarding additional activities of the New York State Bar, please contact Tony Cassino, Department of Pro Bono Affairs, One Elk Street, Albany, NY 12207.

**NYSBA Elder Law Section Committee on Senior Lawyers and Judges**

by L. Beth Krueger of Albany, New York

The NYSBA's initiatives to address issues of concern to older New Yorkers and senior members of the Bar have grown from an idea shared at a House of Delegates meeting to development of a Section involving almost 2,000 attorneys and judges throughout the state.

Acting on a suggestion from New York City attorney Seymour Miller, the Association created a Special Committee on Seniors in 1986 to serve the needs of the profession and public in a rapidly growing field of elder law. Work began with Mr. Miller as Chair and a dozen senior lawyers, including a retired judge of the Court of Appeals, a Legal Aid attorney and private practitioner, setting the stage for one of the association's fastest growing groups.

Given the plethora of issues and evolutionary nature of elder law, the Special Committee was expanded to include practitioners of all ages and firm sizes, as well as jurists, government and legal services attorneys. Based on a proposal from New York City practitioner Muriel S. Kessler and through the leadership of Committee Chair Mortimer J. Goodstein, also of New York, the Committee received approval from the House of Delegates in 1991 to convert from a committee, necessarily limited in size, to a Section open to all Association Members. In just three years, Elder Law has become the eleventh largest of the Association's 22 Sections and is still growing in membership and activities. Mr. Goodstein was succeeded as Chair by Mrs. Kessler in 1993-94 and by Robert Abrams of Lake Success in 1994-95.
Concerns of older members of the Bar continue to be a major area addressed by the Section through educational publications and programs, examination of issues, and action. The Section's Committee on Senior Lawyers and Judges, chaired initially by Dean S. Bress of White Plains and currently by the Honorable Robert S. Wagner of Rochester, has undertaken projects ranging from analysis of legislation relating to the continued service of older judges on the bench, to the involvement of senior attorneys in performing pro bono service, to guidance on retirement planning. Hundreds of attorneys have benefited from the Section's programs and coursebook, What Every Lawyer Should Know About Retirement Planning, which explored needs and perspectives of the attorney and the firm. The Section also works with local entities to develop programs tailored to the needs of the community. For example, as part of its pro bono initiatives, the Section assisted in the implementation of a pilot project to provide the opportunity for retired attorneys to counsel elderly crime victims.

The Section continues to be fertile ground of ideas and initiatives. Additional projects that enable older attorneys to share their experience and knowledge and address the needs of senior members of the bench and bar are being developed by the Committee.

For further information regarding the New York State Bar Association Elder Law Section or their Committee on Senior Lawyers and Judges, please contact the author, L. Beth Krueger, Director of Administrative Services, One Elk Street, Albany, NY 12207.

The Association of the Bar of the City of New York's Senior Lawyers Committee by Victor Futter of Port Washington, New York

For several years now the Association of the Bar of the City of New York, through its Senior Lawyers Committee, has sponsored a vital, exciting and much needed Mentor Program with the Law & Justice Institute of the Martin Luther King, Jr. High School in New York City (located right behind Lincoln Center). The program is now divided into 2 parts: 1. A fall, winter, spring one-on-one session (the fall/spring session); 2. A summer internship program.

To begin with, the Law & Justice Institute was founded in 1987 as a result of the recommendation of a Mayoral Blue Ribbon Commission Report. The Commission, working with the teachers of Martin Luther King, Jr. High School, designed a program for students interested in law-related professions. Students enter in the 9th grade and continue with the program for four years. Each year the Law and Justice Institute received 3,000 applications for the 250 openings at Martin Luther King, Jr. High School. Students take required courses in which legal subjects are infused into their content. Thus, in their English courses, they might read To Kill A Mockingbird or an account of the Scopes trial. In addition, electives offered include Constitutional Law, Women and the Law, Minorities and the Law and the Criminal Justice System.
It is expected and hoped that some students in the Institute will ultimately undertake careers as lawyers, judges, probation officers or advocates for the rights of the disadvantaged, but the primary objective of this program is to challenge students to think, learn and discover their potential as individuals.

The Fall/Spring Session
In the fall/spring session the Association provides mentors, i.e. adult role models who are paired with 9th graders (14 or 15 years old) enrolled in the Law & Justice Institute. A mentor (or a mentor team of two lawyers who interchange with each other when schedules conflict) provides a student with a better understanding not only of how various aspects of law-related activities operate, but serves to encourage bright youngsters to strive to continue their education with a view toward accepting roles as responsible citizens.

Mentors and mentees meet for 50 minute sessions which take place at the school during the student's lunch hour, and discuss any questions of interest to the particular student. These may range from the Giants' or Jets' latest win or loss, news events, grades, social problems, reading, to how to apply to college or how to apply for financial aid. The point is that the mentor is trying to act as a role model and to provide guidelines in many areas where the student may have little, if any, experience. Beyond this, the mentor is trying to open the minds of these youngsters and expose them to areas and subjects which they might not otherwise encounter.

All of this requires very little effort or time from the mentor. If the mentor meets once per month with his (her) mentee, this in most cases would require less than 2 hours (including travel time). No preparation is necessary for the session, though mentors will often bring news clippings for discussion, paperbound books etc. In addition, mentors may invite their mentees to their offices to see what a real office is like or invite the mentee to spend a Saturday afternoon with the mentor at the American Museum of Natural History, at a ball game or some other suitable place.

The mentor-mentee relationship continues in the three succeeding years of the student's high school program provided that the mentor and mentees are satisfied with each other and that both continue in the program. Usually and typically both events occur.

The students are for the most part inner-city students whose families face the problems of inner-city families, including, among others, landlord-tenant questions, domestic relations problems, jobs, etc. There is a tremendous difference in their background and experience from that of lawyers who have had the benefit of a college and law school experience and education. It is that void we are trying to fill. Some mentees have never been to midtown, others need sympathetic guidance and understanding. This is a wonderful opportunity for lawyers to render an important social and educational pro bono service with little effort and very little impingement on their time.
There are 800 students enrolled in the Institute most of whom would like to be assigned a mentor. To date we have recruited some 122 lawyers as mentors. The experience of our mentors over the past several years has resulted in rave reviews for the Program. As noted above, the obligations are minimal.

On behalf of those of us who are and have been mentors, we can assure you that not only is it fun, but that the experience is one that will make you feel good about being a participant and will be emotionally rewarding.

The Summer Internship Program
The summer internship session has been modelled on the program of the Bar Association of Metropolitan St. Louis. Its objective is to provide paying jobs in a legal environment during the summer for inner city high school students. The students selected are designated as Thurgood Marshall interns, and are given a short training program in office dress and procedure. In addition to their jobs, they are exposed to several lectures on legal subjects during the summer (e.g. one summer's program included a lecture on legal career opportunities, a field trip to New York City Police Headquarters and a Town Hall meeting for youth at the ABA Annual Meeting). The students are also presented with a certificate of accomplishment at the end of the summer.

Though the program was undertaken at a very late date in the spring, in this its first year, over 70 students were provided employment by law firms, corporate law departments and law schools.

Compensation paid to the students ranged from a minimum of $5 per hour to a maximum of $11 per hour. The assignments varied depending on an employer's needs, but included serving as messengers, answering phones, filing, photocopying and performing mail room and other duties. In some instances, employers created jobs for the students, e.g. permitting them to shadow practicing lawyers throughout the day.

Mrs. Thurgood Marshall attended the final session of the first summer's program. When asked why she had come from Washington D.C. for a mere reception, she replied that the future of children was the cornerstone of her husband's life. The Association of the Bar's program was just the type of activity which the Justice would have desired. In light of this, how could she not come and support the program by adding her voice to those of others encouraging children?

I would say to those of our readers not yet participating in our program, how can you not support it? If...you want to participate in this program, call: Elizabeth Edds Kougiasian (212) 382-6687, John Feerick's Special Assistant at the Association of the Bar. The Bar
Association and its leaders have demonstrated enthusiasm, energy and vision. It's up to you to put even more muscle in these programs. Go to it!

The Erie County Bar Association Senior Lawyer Committee
by Sanford C. Kulick of Buffalo, New York

Erie County, New York is headquartered in Buffalo. The county population is slightly in excess of one million and there are about 3,500 attorneys, most of whom belong to the Erie County Bar Association (ECBA).

The Senior Lawyers Committee was started about six years ago at the urging of the president of the ECBA. The purpose of the committee was to provide a resource pool of volunteer lawyers to do pro bono work. The committee currently consists of twenty five members. Six or seven members show up regularly at the monthly or semi-monthly meetings, which are held at Bar Headquarters at 12:15 p.m. usually on Mondays. The ECBA lists us in the monthly bar bulletin, advising of the next meeting. The ECBA also mails a notice to our members about two weeks in advance of the meeting, which usually includes our agenda for the upcoming meeting.

When I became the third chair of the committee I appointed a co-chair, Thomas M. Rizzo, who probably will succeed me after my term of one or two years. We have not established terms of office yet, nor do we have a stated purpose or eligibility requirements for membership on the committee.

We have, however, put on a seminar for pre-retirement planning which we called New Beginnings. We had thirty attendees on Saturday morning, November 5, 1994. The seminar was held at the Buffalo Law School in a classroom. We had doughnuts, coffee and tea. One of the presenters showed an eight minute video tape. We had a backup tape available on Social Security, in case one of the presenters could not get there. Everybody showed up, and the program went off without a hitch, or glitch.

The subjects covered in the seminar were: Estate Planning; Elder Law Issues; Ethical Considerations for a Retiring Attorney; Retirement Realities; and Volunteer Opportunities. We received favorable comments from most of the attendees, and a complimentary letter from our ECBA President Raymond Fink.

We have a meeting scheduled with officers of SCORE (Service Corp. of Retired Executives) of the U. S. Small Business Administration, Region II, to see if and how we can assist them in counseling new, small business people. One of our committee members is investigating a possible relationship with VISTA (Volunteers in Service to America). We are also investigating malpractice insurance for retired part-time practitioners and the State Bar Emeritus Programs available in some states.
We hope to be able to recruit more volunteer lawyers to join the Senior Attorney Pro Bono Program recently developed by the Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc., which is addressed in the following section in this chapter.

We have made contact with members of the Outreach Program Committee, who assist elderly or disabled attorneys in attending Bar functions and related events. This committee also provides video tapes to those unable to attend outside events.

The ECBA has established a Mentor Program to provide seasoned lawyers to new admits who request guidance and assistance. Some of our committee members have signed up for this program. At a coming meeting we will have two attorneys from the Lawyers Helping Lawyers Committee who will discuss the problems of alcoholism and drug addiction among our profession.

We also assist the ECBA Volunteer Lawyers Project, Inc. in their efforts to obtain volunteer lawyers to handle pro bono cases. I am an in-house volunteer to this program on Tuesdays and Thursdays, an activity that I find most interesting and rewarding. The project coordinates pro bono representation for Erie County's low-income residents and not-for-profit organizations.

Our Senior Lawyer Committee members, although many are struggling with various illnesses, continue to display great gratitude to our profession through our pro bono activities.

**The Senior Attorney Pro Bono Program of the Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc.**

by Cornelia Farley of Buffalo, New York

Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc. inaugurated its Senior Attorney Pro Bono Program in June 1994. As of December 1994, the program had two senior attorneys committed to working a total of 20 hours per week and three other lawyers interested in participating.

The Program was begun with a $5,000 grant from the New York State Bar Foundation. Legal Services for the Elderly (LSED) provides free legal assistance to persons over 60, focussing its efforts in the areas of Medicare, Medicaid, Social Security retirement, housing, nursing home and independent living issues, private insurance and protective services matters.

LSED was receiving an increasing number of inquiries in the area of substituted decision making (such as powers of attorney, do-not-resuscitate orders, living wills and health care proxies). Our agency did not have the staff to handle these matters, which are of
particular concern to many elderly persons. Therefore, the initial emphasis for the Senior Attorney Program has been in giving advice and drafting documents in this area. We also ask the volunteers to screen for other problems (such as Medicare and Medicaid) that often come up for elderly clients.

The major attraction of the program to many senior attorneys was the provision of office space and secretarial assistance to the volunteers. Many attorneys who are completely retired no longer have an office. Although they might have been interested in doing pro bono work, the logistics of meeting clients, getting typing and photocopying done and having convenient access to a law library discouraged them from taking on cases. LSED provides all these services to the volunteers.

LSED worked closely with the Erie County Bar Association and its Senior Attorney Committee in setting the program up. We recruited through articles in the ECBA's monthly bar bulletin and through the Senior Attorney Committee. We received much practical advice from the Senior Attorney Volunteer Programs operating in other parts of the country.

LSED has tried to make the program as flexible and pleasant for the volunteers as possible. All clients are screened in advance by LSED staff. Our staff attorneys developed materials on substituted decision making, including forms, for the volunteers and a staff attorney acts as consultant to the volunteers, keeps track of the cases and handles contacts from the clients when the volunteer is not in the office.

Senior attorneys are encouraged to handle as many or as few cases as they wish, so long as we know in advance when and for how long they will be in the office. We have also offered our volunteer attorneys the option of working on cases outside the area of substituted decision making, if they are interested. We have also invited our volunteers to make presentations to community groups and to attend various community meetings on our agency's behalf.

Although at this writing, our Senior Attorney Program is in its beginning stages, everyone involved sees its great potential. It provides services to low income clients who would not otherwise have them; it seems to provide a source of great satisfaction to the senior attorneys; it provides younger attorneys in our program with mentors who have years of experience and knowledge to share.

Publicity about the program in the local press and the very positive experiences of its clients have raised the public's consciousness about the good work done by the private bar and thereby enhanced the image of our profession in the Western New York community.
This chapter is divided into two sections: First, The History of the Senior Lawyers Division of The North Carolina Bar Association. Second Senior Lawyer Volunteerism in North Carolina.

The History of the Senior Lawyers Division of the North Carolina Bar Association
by D. Wescott Moser of Asheboro, North Carolina

In a small city in Central North Carolina, in 1988, two senior members of the bar got into a conversation while attending the District Court calendar call one morning. Both of them were approaching retirement age and they were talking about where they might get guidance on retirement planning for lawyers - particularly lawyers in small firms. This conversation led to a contact with the North Carolina Bar Association (NCBA) which informed them that the current President of the NCBA had listed the establishment of a Senior Lawyers Division among his top priorities for the year. A subsequent call to the President in the resort city of Asheville, North Carolina, got the ball rolling.

Within a few months, a sub-committee of the NCBA was organized and a meeting convened for the purpose of determining the feasibility of a Senior Lawyers Division, the philosophy of such an organization, what it should be called and the age at which attorneys would be eligible for membership in the division. A full report of this committee was submitted to the NCBA Board of Governors in the Spring of 1990 recommending that such an organization be formed as a division of the NCBA. The Board of Governors adopted the recommendation and scheduled a meeting of all interested attorneys at the annual meeting of the membership of the NCBA to be held in June of 1990.

At the June meeting there was much interest and enthusiasm and there was considerable discussion as to the objectives of the new Senior's Division. The general consensus seemed to be that the Division should focus on providing retirement information and assistance to attorneys, offer CLE Programs which would relate to their retirement planning and their areas of interest, and should provide social and sporting activities directed towards the pace and abilities of the more senior members of the bar. It was determined at this meeting that an entry age for the Senior's Division would be 55 and that membership in the division should be on a voluntary basis as opposed to being automatically given a membership upon reaching entry age. The Chairman of the Organizational Committee was directed to proceed with appointing committees for drafting by-laws, publicizing the division and soliciting memberships and carrying out the various other tasks which might be required in order to bring the new Division into full operation. The NCBA agreed to provide staff for the organization at its Raleigh offices.
A final organizational meeting was scheduled to convene at the offices of the NCBA in Raleigh in September of 1990. In the meantime, committees drafted the bylaws and developed plans for soliciting memberships. At the September Organizational Meeting bylaws were discussed and adopted. General objectives and philosophy of the Senior's Division were thoroughly discussed and reviewed by those in attendance, officers and members of the council of the Division were elected. With this all completed, the NCBA's Senior's Division was off and running.

Committee Chairs were appointed and committees went to work almost immediately to plan the CLE Programs, social and sporting functions and other activities for 1991. The first meeting of the council of the division convened in Winston-Salem in January of 1991 for the purpose of planning the first annual meeting of the membership of the division which had been scheduled for April, 1991, in Durham at the new Washington Duke Hotel and Resort. The sites selected for meetings of the membership were to be resort type facilities where the members could play golf and tennis, have ample facilities for social activities and also ample facilities for CLE (Continuing Legal Education) Programs.

The first meeting of the membership at Durham, in April was a huge success with many members and their spouses in attendance. The CLE program was designed to familiarize those in attendance with the various medicare/medicaid programs, social security in general, financial planning and estate planning. The members enjoyed a cocktail party, dinner dance as well as very competitive tennis and golf. It was discovered at this meeting, however, that the members don't stay up as late as they used to. The dinner dance had dwindled down to a precious few by 10:00 p.m. Subsequent social events were scheduled to start and end earlier.

The Division sponsored a CLE Program on medicare and medicaid for all attorneys over 55 years of age attending the annual meeting of the NCBA at the Grove Park Inn in Asheville in June of 1991. The attendance of this CLE Program was so large that it overflowed the meeting room and many had to find seating space in the hallway. All in attendance received CLE credit.

By this time, the membership of the Division had grown to over 350. This figure represented only 25% of the eligible senior members of the NCBA at that time. Membership had continued to grow even though a $25.00 annual membership fee is charged.

One of the objectives of the NCBA's Senior's Division is to keep the older attorneys interested and active in the NCBA. Most bar associations, North Carolina included, are governed by the attorneys in the 40 to 55 age group. These attorneys came from the rock-n-roll era and their taste in music, dancing and other types of entertainment...
sometimes are different from the taste of the older members of the bar from the 40's and 30's era. Consequently, not as many of the older members attended the annual membership meeting of the NCBA as in the past. With this in mind, the Senior's Division provided programs and activities for these older lawyers which will bring them back into the fold. One of the activities sponsored at the annual meeting of the NCBA is a 5 to 7 p.m. tea dance, with music from the golden era of the 40's and 50's. This has met with great success and now many of the older attorneys attend the Annual Meeting of the NCBA in order to participate in the Senior Division Programs (both social and CLE), renew old friendships, make new friends and share common interests for the good old days.

To implement the policy of the Senior's Division to assist attorneys in retirement planning, a standing committee on Retirement Planning has been appointed to establish a form bank and otherwise offer assistance to attorneys who are contemplating retirement. This assistance would involve referral to attorneys who have already retired and could relate their experiences, suggesting forms or clauses to be used in retirement agreements for both the large, small and medium sized firms, materials on financial planning and in many other ways sharing the experiences, both good and bad, of attorneys who have retired from active practice.

The Division also publishes a quarterly newspaper containing articles of interest to the senior attorney whether still in practice, semi-retirement or full retirement. These include articles about health issues, health practices, social security, tax planning, general financial planning and other subjects which pertain to retirement planning. In addition, the members of the division are encouraged to contribute articles about any particular traveling they have done and recommendations as to points of destination, travel agencies and general travel advice.

The NCBA's Senior Division has adopted the philosophy from the outset that it should present to its members both social and informative programs particularly helpful to the attorneys reaching retirement age within the next 10 years or who have already reached that age, whether retired or not.

Pro Bono work has not been a special emphasis because the NCBA maintains an outstanding Pro Bono program in which many senior attorneys participate.

The Senior division is alive and well in North Carolina. It has served its members well and has kept them interested and active in our Bar Association.

**Senior Lawyer Volunteerism in North Carolina**

by William F. Womble
North Carolina's senior lawyers have traditionally been in the mainstream of bar-related pro bono activities, participating and providing leadership. The term senior lawyer means different things to different people. To be eligible for member in the Senior Lawyers Division (SLD) of the North Carolina Bar Association (NCBA), one must be at least 55 years of age. That standard has been adopted for this article, although 55 seems mighty young to this writer.

When the NCBA/SLD was organized in 1990, just four years ago, an item of consideration was whether it should create its own SLD pro bono program. The SLD Council decided that it would be best for SLD members to continue their involvement in and support of existing legal services organizations and activities in their home communities, and that a new, separate SLD pro bono program was not needed. So far the NCBA/SLD has been comfortable with that decision; of course, it can be changed any time a change is deemed appropriate. In the meantime, the story of Senior Lawyer Pro Bono Volunteerism in North Carolina continues to be an integral part of the pro bono story of the total bar of North Carolina.

Certainly for the fifty-five years as to which this writer can attest, and probably since the founding of our nation, responsible lawyers have assisted, without charge, indigent persons who have come to them with a legal problem. In most cases, representation has been undertaken knowing that it would be pro bono; in others, it has just turned out that way! Under that historic, happenstance approach there is no doubt that many have been served well; while others have slipped through the cracks and have been served inadequately or not at all. Except for the Legal Aid Society of New York City, that was operating at least as early as 1906 when this writer's father was a law student at Columbia University, and possibly a few other legal aid societies in our larger cities, the historic happenstance approach to legal aid was probably about all there was until fifty or so years ago.

Duke Law School, where this writer went, developed a legal aid program in the early 1930's to serve indigent persons in Durham, North Carolina and environs. The big change has been a remarkable growth of financial and programmatic commitment to pro bono through the American Bar Association and state and local bars, and through the appropriation of public and private funds at the national, state and local levels. The commencement of federal funding about 1966 and the development of IOLTA (Interest On Lawyers Trust Accounts) programs, which were initiated a few years later in Florida and rather quickly adopted by other states, have doubtlessly given this change its greatest impetus, with the result that during the past twenty-five or so years lawyers and the public, on an organized basis, have become more determined and committed than ever before in our history to the idea of achieving Justice For All - - Equal Justice Under Law.
North Carolina Senior Lawyers in both the NCBA, our voluntary association founded in 1899, and The North Carolina State Bar (NCSB), our statutory bar established in 1931, have been among the leaders in these developments in our State. Basic to these efforts have been:

1. Establishment of a single legal services in North Carolina to receive, manage and distribute funds for use by local and regional legal aid organizations.
2. Expansion of legal aid organizations to cover all of North Carolina.

To review each of these briefly:

1. Establishment of Legal Services Of North Carolina, Inc.
   In 1974 NCBA (as a project of its NCBA Foundation) appointed a Special Committee on Indigent Legal Services Delivery Systems to make a state-wide study of the delivery of legal services to the poor of North Carolina.

   Senior Lawyers were among those who initiated the project and also among those who served on the Special Committee. The Committee found that only three counties (Forsyth, Mecklenburg and Wake) of North Carolina's 100 counties were receiving federal grants for legal aid. Federal funding for legal aid was by then becoming quite substantial and providing an opportunity for meaningful expansion of legal assistance throughout the nation. As a result of that study, the NCBA, in 1976, established Legal Services of North Carolina, Inc. (LSNC), a non-profit, tax exempt corporation to serve as a vehicle for the receipt, handling and distribution, throughout the state, of federal legal aid grants to North Carolina.

2. Expansion of Legal Aid Organizations to Cover the State.
   With the establishment of LSNC, it was necessary to have responsible legal aid organizations across the state to receive LSNC funds granted to LSNC for North Carolina. To accomplish that objective, over a period of time fifteen (15) legal services organizations, each autonomous and locally run, were organized in the geographic regions of the state not already being served by the three existing local legal aid organizations in Forsyth, Mecklenburg and Wake counties. LSNC devised an equitable program for the distribution of its grant funds to the three existing local organizations and the fifteen newly organized regional organizations. The result has been a highly successful mechanism for expanding legal services to the indigent persons state-wide. Senior lawyers remain active in the governance and operation of these service delivery organizations today.

3. Enhancement of Funds for Legal Aid.
   In 1983 the NCSB launched an IOLTA program that has added significantly to funds available for legal aid across the state. In an apparent effort to place the fledgling
IOLTA program in the laps of lawyers with unquestioned seniority, the NCSB Council, in appointing the nine original members of the IOLTA Board, called upon four (4) who were over 65 years of age: Clifton W. Everett, Beverly C. Moore, C. Woodrow Teague and William F. Womble; and of the remaining five, four (4) had achieved 55 year of age or do so during their service on the IOLTA Board: Jeff D. Batts, James P. Crews, Robinson O. Everett and Naomi E. Morris.

Of the $13,500,000 grants made during the first eleven years of the North Carolina IOLTA program, approximately $8,500,000 (63 1/2%) went to LSNC for distribution statewide, approximately $1,600,000 (12%) to specific, established Pro Bono and Volunteer Lawyer programs across the State and approximately $855,000 (6 1/3%) to the NCBA for its Pro Bono Project/Volunteer Lawyers Program.

Even with very substantial federal funding, with IOLTA funds, and with monies obtained from other sources, there was still a tremendous unmet need. LSNC estimated that there were 1,000 or more potential clients for each attorney that legal service organizations across the state could employ with their available funds. The answer to this unmet need could only be through additional funds and volunteer lawyers.

To help address the need for additional funds the Board of LSNC appointed a Blue Ribbon Committee (both the Board and the Committee included senior lawyers interested in pro bono activities) to initiate an annual Access to Justice Campaign to solicit contributions among the lawyers of North Carolina. Contributions to the first three campaigns (1991, '92, '93) have totaled over $400,000. Those contributions not only help toward satisfying the unmet need for funds to provide legal services to the poor, but they also demonstrate that lawyers are sold on the need sufficiently to give of their own money to support this cause. This, in turn, lends credibility to requests by lawyers for continuing support from the banks that cooperate with the IOLTA program, from United Way organizations that contribute funds to legal aid organizations, from the State and others.

As already indicated, volunteer lawyers are an important source for serving the thousands of potential legal aid clients who cannot be served by lawyers employed in legal aid organizations across the state.

In 1983 the NCBA established a Pro Bono Project/Volunteer Lawyers Program (a) to work with local bar organizations and the local and regional legal aid organizations in recruiting volunteer lawyers and developing Volunteer Lawyer Programs (VLPs) and (b) to give recognition to lawyers, law firms and the legal aid organizations for the important pro bono services rendered by them. This program has been very successful; and its success has been enhanced in recent years by a plan devised by Jeff D. Batts (a senior lawyer on the IOLTA Board) to provide a financial incentive through IOLTA, for
the creation and operation of VLPs. This plan has been particularly helpful in encouraging the creation of VLPs in counties not having one.

Through this program and the NCBA office of Public Service Activities, nominees are solicited to receive (a) the annual Pro Bono Award and (b) the annual Outstanding Legal Services Attorney Award. All nominees are recognized through the Volunteer Lawyers Program, published by the NCBA and mailed to lawyers, legal aid organizations, bar associations, news media and others across the state. Its articles include the names, photographs and an account of volunteer services rendered by each of the Nominees. Volunteer Lawyers Program, which is published several times a year, also gives special attention to services rendered by individual lawyers, by law firms, by local bar associations and by the local and regional legal aid organizations throughout the state.

The persons selected to receive the two annual awards (the Pro Bono Service Award and the Outstanding Legal Services Attorney Award) are formally recognized at the NCBA Annual Meeting banquet. This is followed by special coverage recognizing the recipient of each of these awards in the first issue of Volunteer Lawyers Program published after the NCBA Annual Meeting.

The NCBA Pro Bono Project/Volunteer Lawyers Program and its Volunteer Lawyers Program publication go far to assure a constant awareness of the need for legal aid services and what is being done to meet that need by the providers of financial assistance, by legal aid organizations, by volunteer lawyers and by law firms.

The following are but a few examples of the senior lawyers whose services have been recognized. For each of these there are many others who have rendered significant pro bono services, either through a VLP or simply because an indigent person came to them for help:

**Thomas F. Adams**, of Raleigh, is very active and has helped the Wake County VLP on home ownership and consumer matters. In one of his VLP cases, Mr. Adams persuaded a lady in her early sixties to try her luck at going back to work after receiving vocational rehabilitation. This lady, who was suffering from Tardive dyskensia, did apply for and get a job in an office as a result of his encouragement.

**Gleason Allen**, of the New Hanover County Bar, recently, along with a member of the NCBA staff, attended a meeting of the Onslow County Bar Association to promote the VLP there. Mr. Allen has been very active in the New Hanover County VLP and is more than willing to help persuade others to either get involved in pro bono efforts and/or adopt pro bono programs.

The poor are still with us. They always will be. Many of their problems will continue to be those that cannot be solved by conventionally trained lawyers in private practice.
Legal Services for the poor remain a pressing need - vital to the survival of our system of justice. Those are the words of Edwin Osborne Ayscue, Jr., who strongly believes in the objectives of the legal services programs. Mr. Ayscue has a long history of service with LSNC, serving on its Board of Directors for at least two terms and as Chair of the LSNC Access to Justice Campaign. Recently, when his term on the LSNC Board expired, he was recognized for his continuous and outstanding contributions.

William A. Bason, of the Wake County Bar, is a long-standing supporter of the Wake County VLP and is always willing to accept pro bono cases. As a member of the NCBA Pro Bono Planning Committee, he is an advisor to the Pro Bono Project.

Jefferson Davidson Batts, of Rocky Mount, devised a plan during his tenure on the IOLTA Board (1983-92) to set aside funds as an incentive for the development of statewide VLPs. Several existing bar-sponsored programs were already receiving grants from the IOLTA program; his plan has been instrumental in hastening the spread of VLP state-wide; twelve VLPs were organized in 1992 alone.

Richard G. Bell, of Winston-Salem, is a Professor of Law at Wake Forest University Law School. He finds time to accept pro bono wills and estate case referrals from the Forsyth County Bar Association VLP. The Pro Bono Coordinator with the Legal Aid Society in Winston-Salem says that Bell is prompt, energetic and very good at working with the program's low-income clients. She credits his respect for the pride and dignity of the clients and good communications skills as positive factors.

William Christoph Blossom, of Wallace, went beyond the call of duty representing a client in a very complicated custody case, according to the pro bono coordinator at Legal Services of the Lower Cape Fear in Wilmington. She has found that pro bono volunteers rarely accept custody cases and when one does so, it is a major contribution in and of itself.

John Ray Boger, Jr., a member of the Cabarrus County Bar VLP, has consistently accepted pro bono referrals in the areas of wills and estates; powers of attorney; and real estate matters.

Major O. Brunner, a retiree since 1988, served as general counsel for 30 years at The Williams Company. Although not a member of the North Carolina Bar, he has done pro bono work through the Mountain Area Volunteers Lawyers' Lawyer-for-the-Day Program (LFD) which utilizes private attorneys to interview applicants for legal services. While the LFD volunteers are asked to serve twice a year, Mr. Brunner has participated often, donating over 100 hours of service. A trained volunteer for mediation services, he also has served as a guardian ad litem volunteer. He was one of the nominees for the 1994 NCBA Pro Bono Service Award.
Thomas Bunn, of Raleigh, has accepted and handled every request to prepare a will for a legal aid client and all have reported a high degree of satisfaction with his services.

Leo D. Burrell, a member of the Moore County VLP, has participated in local legal aid clinics and accepted referrals in the areas of wills and estates.

The Honorable James G. Exum, Jr., Chief Justice, North Carolina Supreme Court, has consistently encouraged attorneys in North Carolina to engage in pro bono work. He has been very supportive of the NCBA pro bono efforts, attending pro bono programs, presenting pro bono awards, etc., providing leadership and giving emphasis to the importance of pro bono legal services to the indigent.

Charles Fulton, of Raleigh, is one of the aces of the Wake County VLP according to the coordinator of that program. He has done dozens of cases involving wills and estates, real estate ownership, and guardianships. He has been a mainstay for over nine years, despite his continuing, active law practice.

Elizabeth F. Gervais-Gruen and Joseph Albert Broderick are comrades who donate lots of time protecting the rights of immigrants. North Carolina has a substantial immigrant population, but very few attorneys who practice in this area of law. In providing pro bono service in immigration law, Mr. Broderick and Ms. Gervais-Gruen have helped many of those immigrants who would not be able to afford services otherwise.

Charles D. Gray, III has made a commitment to accept one domestic referral per year and also donates services in other areas such as wills and estates. He is a member of the Gaston County Bar VLP, which has made a special effort to represent clients with domestic problems.

William E. Greene, of Asheville, has donated his pro bono service through the Mountain Area VLP. He has represented low-income clients in very time-consuming and complex foreclosures and real property disputes, providing outstanding service to his clients.

The VLP Coordinator says Richard Hatch, of Raleigh, claims to be retired, but that this is a huge joke. He has taken five consumer cases in the last two years and has done a superior job on all of them.

B. T. Henderson, II of Raleigh, has been diligent in encouraging Wake County attorneys to contribute funds to the Legal Services of North Carolina's Access to Justice Campaign, assuring the success of the Wake County Bar in achieving its campaign goal.
Addison Hewlett, Jr., of Wilmington, was a local attorney who was personally committed to providing legal assistance to all individuals who could not afford it regardless of income, race, age or disability. Following his death in 1989, in his late seventies, the New Hanover County Bar and Legal Services of the Lower Cape Fear program in Wilmington, jointly created the Addison Hewlett, Jr. Award to honor those attorneys who continue Mr. Hewlett's legacy.

Helen Kelly Hinn, a senior attorney, was the first recipient of the Addison Hewlett, Jr. Award.

W. Clary Holt, a member of the Alamance County VLP, has been consistent over the years in his acceptance of referrals to prepare powers of attorney and wills.

Robert L. Huffman, a member of the Union County VLP, has accepted pro bono family law cases on a regular basis.

John Huggard, of Raleigh, takes cases involving wills and powers of attorney on the proverbial moment's notice. His willingness to do so has proven invaluable for Wake County VLP clients who have been diagnosed with terminal illnesses. Over the years during which he has volunteered his services, Mr. Huggard has prepared innumerable wills and powers of attorney. The VLP Coordinator says she would be at a loss without him.

James O. Icenhour, has been called a knight in shining armour by the pro bono coordinator at Catawba Valley Legal Services in Morganton, for the simple reason that he accepts domestic referrals, an area of law in which most pro bono attorneys, whether senior or otherwise, are not interested. Thus he is not only a knight in shining armour to the pro bono coordinator, but more so to the clients he serves. Without his assistance in domestic violence cases, for example, these clients might well be unable to get the help they need.

Harvey A. Jonas, Jr., a long-time supporter of the Catawba Valley Legal Services Program, was one of the initiators of the Lincoln County Bar VLP. He has accepted pro bono referrals through the program and has participated in the pro bono intake option. Through this option, volunteer attorneys travel to the legal service office and conduct client interviews, provide advice to clients and make recommendations concerning certain cases to staff attorneys.

Allene Coats Keith, a member of the New Hanover County Bar VLP, has exemplified her commitment to access to justice through her pro bono work, particularly domestic matters. In March 1992 she was recognized by the New Hanover County Bar Association for her strong commitment in providing equal access to justice for indigents.
Justice Harry Martin, a recent retiree from the North Carolina Supreme Court, served on several committees for the North State Legal Services program in Hillsborough. Also, he served as Chair of LSNC's Access to Justice Campaign for that program's service area.

The George B. Mast Pro Bono Attorney of the Year Award was established in the name of George B. Mast, of Smithfield, in recognition of his great interest in and service to the indigent person.

Brad Schulz, of Smithfield, was named by East Center Community Legal Services as the first recipient of the George B. Mast Pro Bono Attorney of the Year Award for his volunteer work with indigent clients. Mr. Schulz helped form Harbor, Inc., a local shelter for battered women, and was one of the first to sign up for the Partners in Education Program sponsored by the Johnson County School System.

Hollis B. May, Jr., of Wendell, is the recipient of the 1994 North Carolina Bar Association Pro Bono Service Award. After serving 24 years in the United States Air Force, he returned to North Carolina and attended law school at North Carolina Central University, receiving his J. D. degree in December of 1987. Mr. May began working as a volunteer attorney in the Smithfield office of East Central Community Legal Services in July 1992. Since that time he has worked regularly 35-40 hours per week providing free legal advice and representation in the area of consumer, employment and real property law to low-income residents of Johnston, Harnett and Sampson Counties.

The late John H. McMurray, of Morganton, was one of the founders of Catawba Valley Legal Services (CVLS) in the 1970s. He was very supportive of the program and served on its Board of Directors. Mr. McMurray was beloved by fellow bar members and clients. He was never known to turn away clients because of their inability to pay, exemplifying the highest traditions of the legal profession. Following his death several years ago, CVLS created the John H. McMurray Pro Bono Award in honor of his contributions to the program, client community and the profession.

Wallace C. Murchison, initiated and was actively involved in the creation of a pro bono program in New Hanover County. Since the program's creation, he has willingly accepted and handled all matters referred to him.

Julian B. Rosenthal, of Durham, is a retired lawyer, formerly with the New York law firm of Javits and Javits. During his active practice his clients included Joe DiMaggio and other professional baseball players, also stars of stage and screen. Since moving to Durham he has volunteered his services to the North Carolina Central Legal Assistance Program (NCLAP) in Durham where he donates a minimum of six hours a week, interviewing applicants for wills, powers of attorneys, living wills and deeds.
Dalbert Uhrig Shefte, of Charlotte, practices in the area of intellectual property law. As chair of the NCBA Intellectual Property Law Section nearly two years ago, he realized that the group would have to go outside of its specialized area to do pro bono work. Mr. Shefte encouraged Section members to receive training in poverty law areas (housing, benefits, etc.) in order to provide legal assistance to low-income individuals. Mr. Shefte attended training sessions in Social Security disability benefits and assisted clients with their claims.

John Schuber, Jr., of Charlotte, became a tireless volunteer for the Legal Services for the Elderly Program sponsored by the Mecklenburg County Bar, following his retirement from Wachovia Bank, preparing numerous wills and powers of attorney for elderly clients. On many occasions Mr. Schuber travels to the homes and hospital rooms of elderly clients for whom travel is difficult or impossible. His desire and ability to help, his willingness to go the extra mile, epitomizes the very best characteristics of a volunteer.

Elizabeth Weis, a member of the New Hanover County Bar VLP, is the 1994 recipient of the 1994 Addison Hewlett, Jr. Award, in recognition of her demonstrated commitment to promoting equal justice for indigents in New Hanover County. Ms. Weis accepts pro bono Social Security cases.

J. A. West, Jr. and Charles A. Horn, of Shelby, have been longstanding supporters of the Catawba Valley Service Program. Cleveland County is one of several counties in the state with a high poverty population. Mr. West and Mr. Horn have been providing general pro bono service to poor and low-income clients for many years.

These are but a few examples of the many senior lawyers whose volunteer services to clients and community have been recognized through the Volunteer Lawyers Program publication, enhancing their sense of appreciation and encouraging others to render similar services. North Carolina has ample reason to be proud of the volunteer pro bono services of its senior lawyers.

Old North Carolina lawyers never die, they just go pro bono!

The author expresses special thanks for the invaluable assistance of Mary L. Wilson, NCBA Director of Public Service Activities, who provided material on the NCBA Pro Bono Project/Volunteer Lawyers Program; to Richard M. Taylor, Jr., Executive Director, Legal Services of North Carolina, Inc. and his staff who provided material on LSNC and drafting suggestions; and to Martha W. Lowrance, Executive Director, NCSB/IOLTA and her staff who provided material on IOLTA.
North Dakota grants no authority to retired lawyers and judges to practice pro bono law, per se. To practice law for any purpose or in any degree one must be a licensed lawyer.

Our state, in 1913, was the innovator and the first employer of the "integrated bar", that system which mandates all lawyers be a member of the state bar association, and prohibits those persons not fully licensed by the state to practice law, hence one not having full membership in the state bar association may not practice law.

At the urging of many who wanted to be affiliated with the state bar association but were retired from the active practice of law, and those members who moved to another jurisdiction but wanted to keep a connection with the state bar for sentimental reasons or to continue on the bar's mailing list without paying the full license fee, a special category was created in 1987 permitting a "social" membership. These special members "are entitled to all the rights and privileges of the association, except that they are not entitled to vote at the meetings or to serve as an officer of the association." Section 27-12-03 NDCC.

A person must pay the full license fee and comply with all the rules, regulations and laws governing lawyers to engage in the practice of law, even for the laudable purpose of offering pro bono representation in North Dakota. The laws would have to be changed to accomplish this and there does not seem to be a present mood to do this.
Recognizing a need to interest senior lawyers to contribute their experience and expertise to the affairs of the Akron Bar Association, senior lawyer Bernard Rosen first met with a small group September 7, 1989 to discuss the formation of a Senior Lawyers Committee. Mr. Rosen's concept was based upon a fraternity of older lawyers who maintained long and loyal friendships and whose professional contacts were respectful and civil.

The initial committee consisted of Bernard Rosen, Jerome Holub, Judge Harold White, Oscar Hunsicker, Jr., John Schott and Sue Lengal. The concern of this group was to interest former active members of the bar, who, by reason of their active professional life, had drifted away from taking an active role in the affairs of the Association. It was decided that a Senior Lawyers Committee would act as a catalyst to rejuvenate the interest of older lawyers who had once served the Bar Association in many capacities.

After a slow beginning, the real boost came when Jerome Holub hosted a fall outing in 1991 late one weekday afternoon -- free beer, soft drinks, hot dogs and potato chips -- and seventy-five lawyers and judges enjoyed a few hours reminiscing about "old times" and determined that they would continue the spirit of the outing and form a permanent Senior Lawyers Committee. From that time to the present, the Senior Lawyers Committee of the Akron Bar Association has been involved in various programs as outlined below.

Individuals have rejoined existing Bar Committees and have made significant contributions to the work of the Association. Younger lawyers have felt the influence of the older lawyers in their professional life through association and working together on Bar-related activities. But most important, the senior lawyers themselves have benefited from the experience of making a contribution to the work of the Bar Association -- and have had a good time doing so!

A Senior Lawyer is defined as an attorney who has been in practice of law thirty or more years. Our Committee activities involve three (3) basic goals -- educational, pro bono and social, as follows:

1. Each year the Committee has sponsored a Seminar for Senior Lawyers which qualify for C.L.E. credit. Two of the most recent programs were:
   A. "Successful Aging" - A seminar dealing with medical problems,
nutrition and substance abuse affecting men and women over 50 years of age.

B. "Computer Systems" - Employed at all local court offices: Clerk, Recorder, Probate, Law Library, Court of Appeals, etc. to acquaint Senior Lawyers in the hands-on use of the computer services in use at each office.

2. Pro Bono service includes the sponsoring of Senior Citizens Seminars conducted by Committee members, discussing and providing senior citizens of the community basic documents such as a Will, Power of Attorney, Living Will, etc. In addition, the committee co-sponsored with a regional health care provider a seminar entitled "Senior Independent Living," dealing with such subjects as Social Security/Medicare; Better Business Bureau tips; nutrition, exercise, and area agencies and services.

3. Socially, the Committee sponsors an annual fall outing for all senior lawyers and judges and in the spring, an annual dinner during Law Week, for senior lawyers, spouses and friends.

Other projects undertaken by our Senior Lawyer's Committee include a mentoring program for newly admitted lawyers; a review of long-term health care insurance programs; recognition of deceased lawyers through memorials, and family support and liaison with the Senior Lawyers Committee of the Ohio State Bar Association.

The monthly meetings of the Senior Lawyer Committee is a lively session among old friends committed to make a difference to the bar and community.

The Cleveland Bar Association Senior Lawyer Activities
by Robert E. Bingham of Cleveland, Ohio

Although the Cleveland Bar Association (CBA) does not have an organized senior committee, section or division as such, its senior members are engaged in various pro bono programs where they volunteer their time to perform legal services for low income people. Cleveland lawyers who are older and perhaps partially retired have found several methods of keeping active and making a use of their legal knowledge.

Some of the senior lawyers are members of the Golden Age Committee which the CBA established several years ago. The members of this committee volunteer to prepare wills and to answer various legal questions for low income people who live in the thirteen government subsidized Golden Age Centers. Among the older lawyers who volunteer their time in this way are Ivan Miller, who was chair of the Golden Age Committee when this program originated, and Robert E. Bingham. This committee is also performing similar services for Medicaid patients in several nursing homes.
Cleveland has a volunteer guardianship program. Some of the senior attorneys are volunteering their time to prepare the legal papers to have a volunteer guardian appointed for the elderly people who cannot attend to their affairs.

Quite a few of the senior attorneys are participating in a CBA program to reduce the Common Pleas Court dockets through arbitration of cases. A number of cases have been referred by the Common Pleas Court to panels of three lawyers for arbitration. Although the arbitrators receive $50.00 for each case arbitrated, the amount is much less than they would normally charge for their time.

There are also senior lawyers volunteering time to the Legal Aid Society now that they are not getting enough government funding to hire the necessary staff lawyers.

During the past two years the CBA has sponsored a series of noon luncheon meetings with speakers on subjects of interest to senior lawyers, including appropriate investments for retirement years, Medicare and Medigap insurance, long term care insurance, prostate problems, Alzheimer's disease, the healthy heart, the aging eye, coping with the loss of hearing, etc. A number of bar association members had expressed interest in attending such a series of luncheon meetings following the publication of an article "Planning to Enjoy your Golden Years" in the CBA JOURNAL. The CBA Membership and Benefits Committee sponsors these events, which are held at the Cleveland Bar Education Center, 113 St. Clair Avenue at noon.

A series of articles have been published in the CBA JOURNAL, including articles on long term care insurance, Medicare and Medigap insurance, assembly of papers and information needed by an executor, tax record keeping and anatomical gifts.

All in all the Cleveland senior lawyers, although not formally organized are busy, happy, thriving, enjoying the "Golden Age".

**Pro Seniors' Senior Attorney Volunteer Efforts Make a Difference**
by Gregory S. French of Cincinnati, Ohio

Senior Ohio lawyers can take advantage of pro bono opportunities through Pro Seniors. Based in Cincinnati, Pro Seniors is a nonprofit organization that provides free legal and long-term care help by toll-free telephone to all Ohio residents age 60 or older, as well as staff attorney and long-term care ombudsman services in southern Ohio. Each year, more than 8,000 older persons call the Hotline. Many organizations also contact the Hotline for speakers on elder law and long-term care issues.

In an effort to recruit senior attorneys who are interested in helping the elderly, Project
SAVE (Senior Attorney Volunteer Effort) was launched in 1993. The project began as a joint undertaking by the Senior Lawyers Committee of the Ohio State Bar Association (OSBA), the OSBA's Elder Law Committee and the American Bar Association's Commission on Legal Problems of the Elderly. So that as many senior attorneys as possible can participate, Project SAVE gives them three different ways to use their time and talents and to prevent and resolve legal and nursing home problems for older Ohioans.

First, senior attorneys throughout Ohio can be community education speakers. Pro Seniors receives more requests for attorneys who can speak on elder law topics than it can possibly fill. To bridge the gap, Pro Seniors recruits senior attorney speakers statewide. These attorneys agree to receive referrals from Pro Seniors to speak to senior citizen organizations or agencies that serve older persons. Attorney volunteers can choose the issues they wish to speak about. Presentation topics vary widely, from Medicare and Medicaid to living wills and powers of attorney.

Pro Seniors also recruits senior attorneys to become volunteer nursing home ombudsmen. Despite Pro Seniors' active volunteer ombudsman program, more than half of southwest Ohio's 164 nursing facilities are not visited on a regular basis by an advocate. Volunteer ombudsman spend three to four hours a week visiting nursing homes near where they live or work. They provide a critically needed presence in the homes and establish a personal connection with nursing home residents and their families. Ombudsmen give residents and their families information about their rights and the care nursing homes should provide. They perform intake and assist with handling complaints, and submit to Pro Seniors written observations of the homes they visit.

Pro Seniors' Long-Term Care Ombudsman staff supports the volunteer ombudsmen by providing initial training plus monthly training sessions. Volunteers are introduced to their assigned nursing homes, and can contact Pro Seniors' staff at any time for additional help or information. Volunteers are trained to pass an exam to become a state-certified ombudsman. They can choose to become certified at different levels of expertise, depending on their own interest and the number of training hours completed.

Last, senior attorneys who are able to come to the Pro Seniors' office in Cincinnati at least one morning or afternoon a month can volunteer at the Legal Hotline. The hotline helps all older residents of Ohio by answering legal and long-term care questions. Volunteer Hotline attorneys must agree to volunteer at the Hotline for four hours each month for one year. They must also participate in Hotline volunteer training before they begin their volunteer work. Pro seniors' staff provides on-the-job support and ongoing monthly training. With the help of volunteer Hotline attorneys, the Hotline quickly and efficiently helps a growing number of elderly callers at a lower cost per call.
Senior attorney response to Pro Seniors' Project SAVE has been favorable. To date, the most successful effort has been the speaker referral program, 25 senior attorneys have signed up to speak as needed to senior groups and social agencies, and the number continues to grow. Volunteer recruitment in other areas has become more sharply focused in recent months, and Pro Seniors expects to see a continued increase in numbers.

For additional information regarding any of these volunteer opportunities please write: Project SAVE, PRO Seniors, Inc., 105 East Fourth Street, Suite 1715, Cincinnati, OH 45202-4008.
The Oklahoma Bar Association does not have an organized program for providing pro bono lawyers to assist low income seniors with legal problems.

Upon realizing this to be the case, Jim West, seniors division staff attorney of the Legal Aid of Western Oklahoma (LAWO), decided to contact his law school classmates to determine if they were involved in organized efforts to help the local low income seniors with their legal problems. They indicated they were not involved, but that they would be happy to assist the local low income seniors.

Whereupon, Jim West initiated a program of enlisting senior attorneys around the state of Oklahoma to provide these needed services pro bono. If you would like to participate in this activity, please contact him at LAWO, 112 Cameron Building, 2901 Classen Boulevard, Oklahoma City, OK 73106, telephone number (405) 557-0014, FAX number (405) 557-0023.

The following is a list of senior attorneys who may be contacted directly for assistance in furnishing legal services for low income seniors:

1. G. W. BILL ARMOR, PO Box 267, Laverne, OK 73848, tel. (405) 921-3335 FAX (405) 921-5720, General Practice.
2. JOHN ARNEY, PO Box 190, Weatherford, OK 73096, tel. (405) 772-7721, General Practice, no criminal or bankruptcy.
3. JOSEPH M. (JOE) BEST, 100 W. 5th St., Suite 808 Oneok Plaza, Tulsa, OK 74103-4225, tel. (918) 582-1234 FAX (918) 585-9447, General Practice.
4. ABE COHEN, 101 Coury Center, 2525 NW Expressway, Oklahoma City, OK 73112, tel. (405) 232-1040, General Practice.
5. ROBERT S. GEE, PO Box 1168, Miami, OK 74355, tel. (918) 542-5501, FAX (918) 542-5400, General Practice.
6. EARL GOERKE, PO Box 170, Watonga OK 73772, tel. (405) 623-8500, General Practice.
7. J. DUKE LOGAN, PO Box 558, Vinita, OK 74301-0058, tel. (918) 256-7511 FAX (918) 256-3187, General Practice.
8. ROBERT D. LOONEY, SR., PO Box 468, Oklahoma City, OK 73101 tel. (405) 235-7641, FAX (405) 239-2050, General Practice.
9. JOHN D. MONTGOMERY, PO Box 901, Hobart, OK 73651, tel. (405) 726-2680, General Practice.
10. ROMAIN S. MOSSMAN, PO Box 645, Woodward, OK 73802, tel. (405) 256-3321, General Practice.
11. RALPH NEWCOMBE, 513 C Avenue, Lawton, OK 73501, tel. (405) 355-8000, General Practice.
12. RON WESNER, PO Box 467, Cordell, OK 73632, tel. (405) 832-3818, General Practice.

When the LAWO's seniors division receives inquiries regarding seniors needing services in these various parts of the state, a referral can be made. LAWO has a group of attorneys, many of whom are senior attorneys, who will accept pro bono referrals for that area. In house senior attorney volunteers are also welcome.
OREGON
by George D. Rives of Newburg, Oregon, Edward Branchfield of Newport, Oregon and Kay Pulju of Lake Oswego, Oregon

To encourage pro bono practice by senior and retired lawyers, the Oregon State Bar (OSB) created an Active Emeritus membership classification in 1989. The designation is available to attorneys in good standing who were admitted to practice law in any jurisdiction for the preceding forty years who do not engage in the practice of law except for the provision of pro bono services through OSB certified programs.

Active Emeritus attorneys pay greatly reduced membership fees and, because they work only through certified pro bono programs that offer malpractice coverage, they are exempt from participation in the Bar's mandatory liability insurance fund. Beginning in 1995, the forty-year admission requirement will be reduced to fifteen years, greatly increasing the number of eligible attorneys.

George D. Rives and Edward Branchfield are distinguished senior attorneys who practice in the active emeritus model. Both are past recipients of the OSB President's Public Service Award in recognition of their ongoing commitment to legal and community services.

George D. Rives is currently of counsel to the Portland firm of Stoel, Rives, Boley, Jones & Gray, Oregon's largest law office. Rives graduated from Yale Law School and began his practice with a private firm in Washington, DC. He then practiced with the San Francisco firm of Brobeck, Phleger and Harrison for 18 years, specializing in public utility, transportation and securities law. His more than 20 years private practice in Oregon focused on general corporate, utilities and securities law.

Edward Branchfield serves as a senior judge in Lincoln County in addition to his work with Oregon Legal Services. After receiving his law degree from the University of Michigan, Branchfield served in the Army overseas in Africa, Italy and France during World War II. In 1962, he was elected to the Oregon House of Representatives, from which he resigned after being elected for a third term, to work with then Governor-Elect Tom McCall as county chairman and legal counsel. In 1969, Branchfield was appointed one of the first members of the Oregon Court of Appeals. Soon after he became Oregon's first state court administrator, and later was appointed assistant attorney general.

George D. Rives
My work as an Active Emeritus (AE) member of the OSB began in January 1991. In accordance with the requirements that AE members provide pro bono legal services to indigent clients referred by Pro Bono Programs certified by the Bar, I volunteered my
services to Oregon Legal Services (OLS), a certified Pro Bono Program. It maintains offices in various localities throughout the state outside of major cities, one of which is McMinnville, the county seat of the county in which I have lived since my retirement from active practice. My practice is conducted through that office.

I spend each Thursday afternoon in the McMinnville office, and every second and fourth Wednesday afternoon at the Senior Citizens Center in Newberg. My practice is almost entirely with senior citizens, my contribution to the work of OLS being to relieve the staff of most of the senior citizen matters that come to the office.

The OLS office schedules 30-minute appointments for me in both places, and I usually see four to six clients each time. Some of the matters can be taken care of with advice or brief service during the 30-minute appointment period. Others require a second appointment, with research or drafting in the interim, and occasionally somewhat more extensive work is required. I do not handle litigation.

While a wide variety of matters is presented, the most common concern health and wills or other provisions for devolution of assets. The assets involved are small, but the desire to govern what happens to them is no less than in much larger estates. In this area, seniors often seem to get erroneous advice from well-meaning friends and other sources. Health matters include Medicaid problems and provision for health care decisions in the event of incapacity.

One interesting aspect of the practice is that it is about as far removed as it could be from what my practice was for nearly fifty years. This carries some risk, but Continuing Legal Education programs and resource staff attorneys who specialize in many areas involved, minimize the exposure.

The rewards are considerable, the principal one being the satisfaction derived from providing a service no less needed because the recipient cannot afford to pay for it.

Edward Branchfield
When I retired and moved to Lincoln County, I learned of a new organization, Lincoln County Legal Services. That organization employed one attorney to provide legal services to poor people in this county. The attorney told me he did not have a set of ORS available except in the county law library. So I gave him my set. Later, I was elected to the Board of that organization. There I learned of the great need for legal aid to low-income people. Lincoln County Legal Services later merged with Oregon Legal Services.

About the time of the merger, the one staff attorney resigned and another was engaged. I helped her from time to time, in ways which did not conflict with my services as a pro
tem judge. When that attorney resigned, I went into the office every day to provide assistance to those needing it. I helped in the selection of another attorney, who fortunately is still there.

A number of years ago, I agreed to start handling cases of persons seeking Social Security or Supplemental Security Income (SSI) disability. That is a way I could help without conflicting with my pro tem services. I was given five cases to start, and all five were heard by the Administrative Law Judge in one week. I learned quickly how such cases were handled. Since then I have continued to do that work. I generally start on a claim after it has been denied both initially and on reconsideration. In keeping with the Federal requirements, an attorney in private practice is contacted to see if the attorney will take the case. If a private attorney will not take it, I will. The cases I receive are usually difficult, because of the history. Sometimes we win, sometimes we lose. If I think the person is really deserving, I will appeal to the Appeals Council, sometimes successfully. Sometimes not.

I have enjoyed doing legal aid work. It keeps me in touch with the law, and I meet many interesting people. When we are successful, I feel as any attorney does who wins a case. Perhaps more so, since I know my client is in great need, and will now receive assistance.
This chapter is divided into three sections: First, Pennsylvania, the big picture. Second, The Philadelphia Bar Association. Third, the Lancaster Bar Association.

Pennsylvania, the Big Picture
by William H. G. Warner of Mt. Gretna, Pennsylvania

In order to prepare this section of the chapter on Pennsylvania, with regard to Senior Lawyers' Pro Bono activities, I researched most of our counties and legal services programs. I did this by telephone and by letter. Pennsylvania has 65 counties and 20 legal services programs.

In addition to the research, I called upon all of my past knowledge which has been obtained by my work as vice-chair and co-chair of the Pennsylvania Bar Association (PBA), Legal Services to the Public Committee, and also as a Director since 1978 with Central Pennsylvania Legal Services (CPLS) which covers six Pennsylvania counties: Lebanon, Lancaster, York, Dauphin, Berks and Perry. Central Pennsylvania Pro Bono activities have made it a leader in the state in cooperating with the County Bar Associations with Pro Bono Programs. For example, about 75% of the above named counties' lawyers do active Pro Bono cases. In Dauphin, Berks and York counties there are "opt-out" programs where the attorneys pay for the privilege of not taking Pro Bono cases. These funds are payable by the Bar Association to CPLS.

I site the above sources of information so that it is understood that my survey of senior lawyers was not scientific, but was done on a random hit or miss basis with a complete coverage of the Central Pennsylvania region. The main conclusion drawn from my work was that there are very few senior lawyers actually engaged in Pro Bono activities. This conclusion was disappointing, but it now gives me an understanding of the problems lawyers have as they reach the normal retirement age. Many attorneys continue right on working well into their 80's. They like what they are doing, they are well qualified, and their lives are generally well balanced with work being pleasant for them. Lots of these lawyers do Pro Bono work and participate in their own local programs without anybody realizing that they are aging, until they reach their late 70's and 80's. What the percentage might be, is impossible to say. I can at least say that it is probably modest.

Most Pennsylvania lawyers who are reaching "retirement" age are not interested in doing any Pro Bono work. There are a few who lost their spouses and psychologically do some volunteer work in order to fill the void. There are also quite a few others who start coasting from their regular work and do some volunteer interviewing with legal services programs. This is also a modest number.
There are quite a few lawyers who are tired of the type of work they do and they retire. Most have no wish to do Pro Bono work because it requires the study of a different type of law and they are psychologically not interested. There are a few attorneys who have retired from business who decide to volunteer, and some actually take cases in the field in which they worked with their companies. This is particularly true of one attorney who got an award from the PBA who takes Worker's Compensation and Unemployment Compensation cases.

Individual instances have happened in a number of counties where the legal services program was able to enlist the services of attorneys who were slowly retiring from their regular work. This is particularly true in the larger counties where there are 1,000 or more lawyers. In some of the smaller counties, legal services personnel were successful in cooperating with local Bar Associations so that older attorneys participated in Pro Bono programs. Most of these were also successful in enlisting younger attorneys.

One small county that is well known to me is my own, Lebanon County. In 1986, when I helped organize our Pro Bono Program, I decided to eliminate all lawyers over 70, and my reasoning was that most of them would not want to take Pro Bono cases. At that time I was 68 and I knew from the number of Pro Bono cases which I personally had taken, that it was difficult to move into types of cases involved in legal services when my experience had been with estates and corporate valuations and mergers. At that time, in order to understand Pro Bono work, I took 25 cases in a period of five weeks. These involved family law, landlord/tenant, bankruptcy, and other matters which were entirely new to me. It was interesting, but difficult.

In the last eight years, having lived closely with our Lebanon County Program, I have found that my original impression was correct and that the lawyers over 70 did not want to do what I did. I have since found that I personally would prefer to no longer take cases. At this particular stage of my career I am active on a statewide basis, and spend many hours in attempting to help organize programs throughout the state. This work is personally very satisfying, and is Pro Bono. The only actual cases I still do are "holdovers" from the past or "problem cases" in Lebanon County which no one wants.

Pennsylvania's Pro Bono activity is growing fast, and one of the most compelling reasons for its success has been the Model Plan for County Bar Associations which was developed by the Legal Services to the Public Committee of our PBA. Also helpful has been the committee's own work in its different member's counties along with the recent addition to the staff of the PBA of a statewide coordinator. In the next three or four years Pennsylvania's many counties will be more and more increasing Pro Bono activity, and all those counties who have had programs will be getting better organized with larger numbers, and with training.
In addition to my own CPLS, there are 19 other legal services programs in Pennsylvania located in Gettysburg, Chester, Bristol, Greensburg, Johnstown, Lancaster, Philadelphia, Pittsburgh, Scranton, State College, Washington, West Chester, Wilkes-Barre, Williamsport, Erie, Altoona, Easton, Norristown, Pottsville, and Harrisburg.

Senior lawyers will probably not play a great part in the fast moving enlargement of Pennsylvania's Pro Bono Programs. Here and there they will play a role. Here and there they will be a part of a county program. The problem lies in the fact that our society has programed itself so that when we reach 65 we are supposed to be old and looking for retirement. All of our health programs are such that older people perceive themselves to be old, and therefore become old. Any new and different work is not welcome. My conclusion, therefore, is that it might be helpful for all senior lawyers to become active in Pro Bono work, but unless there is a change in society's philosophy, there never will be great numbers of senior lawyers involved.

The Philadelphia Bar Association
by Mary A. Scherf of Philadelphia, Pennsylvania

Senior attorneys in Philadelphia have been active in public interest for years in partnership with the Philadelphia Bar Association's (PBA) Senior Citizen Judicare Project. Judicare was founded in 1978 by the PBA to address the unmet needs of Philadelphia residents over 60. Today, Judicare is charged with the mission of protecting the legal rights and interests of older Philadelphians in the practice areas of housing/homeowner protection, personal planning, prevention of elder abuse and grandparent custody cases.

Judicare recently redefined its mission as part of a strategic plan developed under the guidance of a retired tax attorney working as a consultant with the Executive Service Corps of the Delaware Valley - yet another way in which senior lawyers can put their skills to use.

Through Judicare, community education and legal services are provided by a small staff, with the assistance of 175 attorneys in private practice who accept case referrals on both a pro bono and a reduced fee basis. Although Judicare does not request information about a volunteer attorney's age as part of its application process, we have determined, based on their membership in the PBA's Senior Lawyers Committee, that at least 13 of Judicare's volunteer are over 65 (seven are in their 70's and three are in their 80's). Most have been representing Judicare clients for over a decade.

The PBA's Senior Lawyer Committee was formed in 1990 by then-Chancellor Arthur G. Raynes in response to a call for senior attorney involvement from the American Bar Association. Since then, the committee has been exploring possible roles it can plan in
service to its members, the association and the larger community.

While exploring these roles, Senior Lawyers Committee members have continued to respond to Judicare's requests for assistance in meeting the legal needs of their peers. The first chair of the committee, Edward Marcantonia, served for a time as a member of Judicare's Board of Directors. In 1993 Mary Bell Hammerman, a Judicare volunteer since 1980, used her position as committee chair to assist Judicare in recruiting senior lawyers to represent kinship caregivers in custody matters involving their grandchildren and great-grandchildren.

In December, 1994, Abraham C. Reich assumed the leadership of the PBA as its 68th Chancellor with a focus on "Facing the Future!" Chancellor Reich has included among his goals stimulating increased participation in the Senior Lawyers Committee at a time when some attorneys may be reluctant to assume the title "senior lawyer" with all its attendant characterizations. The committee's co-chairs Paul Wolken, who is continuing his committee leadership, and Joseph Foster, who served as Chancellor of the PBA in 1981, will work to overcome this reluctance.

As envisioned by Chancellor Reich, the Senior Lawyers Committee members will be charged with four purposes: (1) to act as a support group for attorneys who are experiencing the economic and emotional upheaval of retirement; (2) to assume the role of mentors for young lawyers, particularly those who are not affiliated with firms; (3) to assist in the disposition of cases at both the local and federal levels by increasing the number of senior attorneys who act as Judges Pro Tem in the Philadelphia Court of Common Pleas and by encouraging senior attorneys to participate as Settlement Masters in a new Federal Court Mediation Project; and (4) to increase the number of senior lawyers who accept pro bono referrals from Judicare, Philadelphia VIP (Volunteers for the Indigent Program), and other legal services programs in Philadelphia.

With the experience developed during the long and successful partnership between senior attorneys and Judicare, the PBA's Senior Lawyers Committee is poised to usher in a "golden age" for Philadelphia lawyers in their "golden years."

THE LANCASTER BAR ASSOCIATION
by Joseph J. Lombardo of Lancaster, Pennsylvania

Since 1987, a monthly senior lawyers luncheon has been held in Lancaster at a private downtown club. Attendees need not be members of the club. The majority of those attending are over 60 years of age, but some attorneys in the 35-50 year age group also usually attend. They are served lunch in a private room adjoining the club's dining room. There is no agenda or program. They simply meet and chat over lunch. The members prefer not to conduct business nor listen to any speeches. Notice of the meeting is given
in every monthly Bar Newsletter.

In Lancaster County, an attorney is no longer eligible to be classified as a member of the Young Lawyers Section after reaching age 35, although that Section always extends an invitation to the entire Bar to join in any of its activities. All attorneys are invited to attend the monthly senior lawyers luncheon, including those in the Young Lawyers Section.

We sometimes skip July or August, or both, because of vacations. Attendance was greater in 1987. Approximately 15 attorneys now attend each luncheon. A few more attend if they receive a reminder call that morning or the day before the meeting. My secretary used to make all of the calls. Two of our regular attendees have volunteered to each call one-half of the list.

Our Bar Association, consisting of approximately 600 attorneys, is very active throughout the year, including an annual Bench Bar Retreat.

As senior lawyers we appreciate the encouragement and support of our Bar.
RHODE ISLAND

by Jeremiah J. Gorin of Providence, Rhode Island

Rhode Island senior lawyers are making a golden contribution to private bar involvement in Pro Bono matters.

The Rhode Island Bar Association's (RIBA) Volunteer Lawyer Program and Pro Bono Program for the Elderly are both represented by a distinguished group of senior attorneys.

The senior attorneys' contributions in Rhode Island range from accepting pro bono cases to serving on the boards of Legal Services and Legal Aid, chairing and participating in the Bar Association's Committee on Legal Services, and also serving as pro bono coordinators at major law firms.

The issue of law firms pro bono commitment in Rhode Island was initially tackled by attorney Jeremiah J. Gorin in 1990. Mr. Gorin, a founding partner of the law firm of Licht & Semonoff, Providence, RI, has been practicing since 1947. As a bar leader and active member of the Volunteer Lawyer Program he studied this issue, put forth a plan of action and today because of his efforts the five largest law firms in the state have formed a partnership with the Volunteer Lawyer Program. He has served as Pro Bono Coordinator of his firm since 1990. For information regarding Mr. Gorin's pro bono efforts on the national level, turn to Chapter 53 SAVE (Senior Attorney Volunteers for the Elderly) PROGRAM.

Another extraordinary example of a senior lawyer's involvement is that of recently appointed Municipal Court Judge William G. Grande. Judge Grande's philosophy is "I don't count my years, I let my years count. I never think of my age until someone asks me about it." Judge Grande received the RIBA's Pro Bono Publico Award for his outstanding efforts in providing equal access to justice to the economically disadvantaged through the Volunteer Lawyer Program in 1990. He did not stop there. In 1992 he was one of only two recipients of the Continuing Service Award which recognized his steadfast commitment to the administration of justice to the poor through the Volunteer Lawyer Program. Today his law firm continues to handle a large volume of pro bono cases. His associate attorney Louis Grande received the RIBA's Pro Bono Publico Award in June of 1994.

Attorney Robert Newman began his pro bono work after retiring from public service and serving as an assistant city solicitor. Mr. Newman formally retired in late 1988 and immediately joined the Volunteer Lawyer Program. He has handled many emergency evictions for the poor and in the past has accepted as many as fifteen cases a year. His
dedication is based upon his belief that "this work gives me an opportunity to fill a need and as a retired attorney, it keeps me in the mainstream. I have been given every break in the world; others haven't been so lucky." Mr. Newman received the RIBA's Pro Bono Publico Award in 1989.

The attorneys mentioned above are just a few representative examples of the commitment, dedication, and willingness to serve those in need in the ranks of the senior bar. Although a formal panel does not exist for senior or retired attorneys in Rhode Island, it is evident their presence is integrated very successfully in poverty law services.
SOUTH CAROLINA
by Robert R. Carpenter of Rock Hill, South Carolina

South Carolinians are natural-born volunteers and have been since the birth of this nation. Indeed, Union County, South Carolina boasts that no one from Union County has ever been drafted. My mother-in-law defines a South Carolinian as "a fellow with fire in his eye, love in his heart and lead in his britches."

Roughly, half of the lawyers in South Carolina who are eligible to participate in the pro bono program of the bar have volunteered to do so. Entire law firms have enrolled. Nelson, Mullins, Riley & Scarborough, headquartered in Columbia, South Carolina, the state's largest law firm, has received national acclaim for its pro bono activity. In addition to the efforts by the state's attorneys, there is an active law student volunteer program and many court reporters and psychologists have volunteered their service to the pro bono program. South Carolinians have gotten the lead out.

Our benign climate, our magnificent beaches, inviting mountains, and abundant golf courses make the state an ideal retirement home for senior lawyers from across the country. Recognizing this situation, and wanting to take advantage of the talents of these senior lawyers, on September 22, 1993, our Supreme Court added Rule 415 to the South Carolina Appellate Court Rules. This Rule creates a Limited Certificate of Admission for the Retired Attorney Pro Bono Participation Program. A lawyer who has been admitted to practice in South Carolina or any other state or territory of the United States and has retired in good standing from the active practice of law, judicial service, or any combination thereof, which he had engaged in for a minimum of ten (10) out of the last fifteen (15) years preceding the application for Limited Certificate, may apply.

The Rule requires that the retired attorney must have been a member in good standing of the Bar in each jurisdiction in which the attorney is or was admitted to practice, have not been disciplined for professional misconduct in the past fifteen (15) years and is not the subject of any pending disciplinary proceeding.

The attorney must be a volunteer in a South Carolina Bar Pro Bono Program and associated with an approved Legal Services Organization eligible to receive funds from the Legal Services Corporation. The attorney must perform all activities authorized by the Rule under the direct supervision of an active member of the South Carolina Bar (SCB) employed by or participating as a volunteer for the Legal Services Organization or the SCB Pro Bono Program who assumes professional responsibility for the conduct of the matter, litigation or administrative proceeding in which the retired attorney participates.

Of course, the retired attorney has to agree to abide by the South Carolina Rule of
Professional Conduct and all other Rules governing the practice of law in South Carolina and submit to the jurisdiction of our Supreme Court for disciplinary purposes.

The Limited Certificate allows the retired attorney to provide legal services solely to clients approved to receive services from the Legal Services Organization and consequently the attorney may appear in any court or tribunal if the client consents in writing to that appearance and the supervising attorney has given written approval for the appearance. These consents have to be filed with the tribunal and brought to the attention of the Judge or presiding officer prior to the appearance. The retired attorney can prepare pleadings and other documents to be filed on behalf of the client, but these pleadings also have to be signed by the supervising attorney. The retired attorney can otherwise engage in the practice of law as may be necessary for the representation of the client.

In the twelve (12) months following the adoption of this Rule three attorneys have obtained Limited Certificates. Not surprisingly, these three and two other retired lawyers who are not licensed under the Rule are all located in Beaufort County, South Carolina, a coastal county in the southern corner of the State where one finds the communities of Beaufort, Hilton Head Island, and Daufuskie Island. Martha Dicus, who heads the Neighborhood Legal Assistance Program, Inc., headquartered on Saint Helena Island, speaks in glowing terms of these retired attorneys.

Dick Elliott is retired from the Michigan, Illinois and Wisconsin Bars and spends half of the year in Michigan and the other half at a retirement/vacation home he owns in South Carolina. Dick has been in private practice and was a corporate attorney for Quaker Oats. It appears that he may have been the first applicant to be licensed under Rule 415. Martha says that he acts as a general law clerk for her and has handled a divorce clinic for her program. Because of the program's limited resources, her program was only able to do the most dire divorces and even had to turn away indigent clients who were seeking divorces on the grounds of one year separation. Because of the assistance provided by Mr. Elliott, she was able to take some of the financially qualified applicants for one year separation divorces.

Justin Karl, a member of the New York and Texas Bars, and CHARLIE HOVIS, a member of the District of Columbia Bar, each became involved with a program founded by Dr. John McConnell on Hilton Head Island entitled "Volunteers in Medicine Clinic" which utilizes retired physicians. These two attorneys are now working with the Neighborhood Legal Assistance Program, Inc., to set up an outreach legal clinic located in the Volunteers in Medicine Clinic. Martha says that her service will now be a lot more accessible to the Hilton Head client population, which is approximately forty-five miles away from her office. She says she would not have had time to set up the outreach clinic without the help of Mr. Karl and Mr. Hovis.
**Bernie Kole**, a retired federal prosecutor and member of the Maryland Bar, bought a retirement home in Beaufort approximately six months after the adoption of the Rule. He did not want to engage in practice, but is helping the Neighborhood Legal Assistance Program by handling new applications and making certain that legal points are not missed. Martha says he is way overqualified to be an applications clerk, but she is lucky to have him. Although Legal Services has suffered cuts in funding from a number of sources over the past few years, Martha says that the help of these four retired lawyers has made it possible to avoid cutting the services to indigent people as much as would have otherwise been required.

This article would not be complete without a reference to **Sam Hanenberg** who retired to Beaufort after a lifetime of government service. Sam began his legal career in 1935, when he worked his way through Georgetown University Law School as a clerk with the United States Treasury Department. He was admitted to practice in 1938, but actually graduated from law school the following year. He met his wife, Raye, a Beaufort, North Carolina native, as he was beginning a job as a legal examiner with the Interstate Commerce Commission.

During World War II Sam was trained as a Combat Engineer. He served in Europe where he received Combat injuries. While he was in a British hospital he got orders to report to Paris to the office of the Army Judge Advocate General. In 1946, he was discharged and returned to Washington where he accepted a job with the Department of the Interior. He says it was the dullest job he ever had in his life, dealing with public lands and mineral rights. In 1948 he accepted a job in the Office of the General Counsel of the U.S. Air Force and five years later he was appointed as the Assistant General Counsel.

He traveled the world dealing with legal problems that arose from the establishment and operation of Air Force bases. His travels took him to Spain, Turkey, Germany, Greece, Italy, England, France, Morocco and Australia. He dealt with foreign contractors and government representatives, congressmen, municipal officials, utility representatives, etc., to resolve the legal problems that arose from constructions, such as a reservist air field, O'Hara Field in Chicago (now O'Hara International Airport) and the Air Force Academy in Colorado. He later had the additional job of serving as Chairman of the Air Force Board for the Corrections of Military Records. In 1965, he was awarded the Exceptional Service Award by the Air Force, its highest civilian service award.

Sam retired from government service at age 65, and moved to Beaufort. At age 67 or thereabouts he became bored with retirement, took the South Carolina Bar examination and passed it. Ever since, he has devoted his entire effort to pro bono legal work and has been active as a volunteer reader in the local elementary school. He has been urging South Carolina lawyers to participate in the reading programs in the elementary schools.
It is ironic that Sam has been in a fight with the City of Beaufort over whether or not he needs a business license. As this is being written, the issue is before the Circuit Court in South Carolina. Sam takes the position that since his services are provided without pay, he should not need to buy a license. Oh, I forgot to mention, Sam celebrated his 80th birthday in September, 1994, and is still going strong. When I grow up, I want to be just like Sam.

The Bar of South Carolina is grateful for the Rule 415 volunteers like Dick Elliott and Justin Karl and Charlie Hovis. We are enriched by the services of Bernie Kole and stand in awe of folks like Sam Hanenberg. We welcome lawyers from other states who, on retirement, have the good sense to move to South Carolina and help us with our pro bono activities.
The senior lawyers in South Dakota have been and continue to be leaders in pro bono efforts throughout the state.

Although the State Bar of South Dakota is too small to have a separate senior lawyer section, the attorneys of this age group are very active.

They were instrumental in helping the state's legal services offices get started. They remain active on these governing boards.

In addition, much of the state is covered by ancillary pro bono service programs to assist in the cases where legal services, because of budget and priority constraints, are unable to assist poor people. Our senior lawyers were most helpful in the creation and funding of these ancillary programs.

They also continue to volunteer their time to assist low-income clients who are ineligible for free legal services.
This chapter is divided into two sections: First, the Knoxville Bar Association's Seniors' Section. Second, the Nashville Senior Attorney Volunteer Project.

The Knoxville Bar Association's Seniors' Section by John M. Armistead, Harriet Holt Cooter & Richard Stair, Sr. of Knoxville, Tennessee

The Executive Committee of the Knoxville Bar Association's (KBA) Seniors' Section is happy to respond to the request for its history, brief as it is.

Efforts to recognize and periodically bring together the over-fifty generation of the KBA members began in 1993. At a June 8, 1993 organizational meeting, to which were invited all identifiable "Seniors" (e.g. KBA members, 50 or over, or admitted to practice no later than 1958), the initiative was accepted and given direction.

By general consensus the directive from members attending the meeting as summarized by the Executive Committee member, John Armistead, was to "let it begin and see where it goes". No fee for Section membership is charged to KBA members and an express condition at its formation was that it have no fixed direction nor contrived projects. Accordingly, section luncheons are never occasions for suggesting that the membership undertake extra curricular legal services.

Instead, KBA's Seniors' Section is intended for participants' use to inquire into and receive information about interests and issues that may be unique to their lives and the generation they represent. Examples of those interests are the "retired" status of attorneys as recognized by the Tennessee Board of Professional Responsibility, the retention and storage of legal files after "retirement" and affordable health care. Overriding all such particulars, however, is the stimulus and opportunity the Seniors' Section provides to what Richard Stair, Sr., former KBA President and current Executive Board member, terms "the biggest asset in the legal profession - lasting friendships among lawyers."

Accordingly, by arranging scheduled luncheon meetings to be held three or four times a year, the Seniors' Section seeks to inform, as well as strengthen, enrich, and renew those longstanding attributes.

However, for those seniors seeking to make their craft and knowledge available for humanitarian service KBA has many opportunities and outlets. Of the thirty-seven committees active under KBA's umbrella, seven oversee commitments to humanitarian interests. These include the Habitat for Humanity Service Project Committee through which KBA members, including Seniors, collected capital and donated labor toward the recent completion of a Habitat for Humanity home; the Child Protection Committee, providing advocacy services for children who become involved in the juvenile court
process; the Homeless Pro Bono Project, to provide legal services to homeless individuals in the Knoxville area; the AIDS Pro Bono Committee, to provide estate planning services to indigent, HIV-positive persons; the Hunger Relief Committee, under which auspices KBA attorneys donate one billable hour to local organizations benefiting the hungry and homeless; the recently established Child Advocacy Task Force Committee, which addresses the legal needs of local children, the extent to which and the means whereby they are being met; and finally, the KBA Pro Bono Committee, charged with continually addressing existing pro bono programs, projects, and activities.

Through the Pro Bono Committee, KBA directly involves its members in governing the Knoxville Legal Aid Society, Inc. by membership on its Board of directors which sponsors and supports the Volunteer Legal Assistance Program (VLAP). Under VLAP seniors/retired lawyers in the Knoxville/Knox County area have ample opportunity for pro bono service. VLAP serves the 4-county area surrounding Knoxville/Knox County with a reported population of 92,000 eligible for, or receiving, VLAP services. Those attorneys, paralegals and others who can and do undertake to assist VLAP may receive complementary office and library accommodations, staff services, reimbursement for out-of-pocket expenses, and One Million Dollars in malpractice insurance coverage of the legal services performed for VLAP. Since the lack of appropriate malpractice insurance and the difficulty of access to up-to-date library resources clearly affect a retired lawyer's decision whether to undertake pro bono work even in the most mundane circumstances, the complementary resources provided through VLAP provide a clear channel to those senior attorneys and other KBA members for contributing pro bono or humanitarian services, in particular, when seniority or retirement provides that added asset: TIME.

In summary, the KBA's membership of retired or "senior" attorneys have enthusiastically participated in the activities of the Seniors' Section, which has sparked their renewed interest in the bar association. While we acknowledge the enormous contribution by those attorneys who donate their time to humanitarian efforts locally and in other parts of the country, the KBA Senior Section has elected to remove the compulsion to perform pro bono services as a prerequisite of Section membership.

The Nashville Senior Attorney Volunteer Project
by Drake Holliday of Nashville, Tennessee

With shrinking resources to fund staff attorney programs in the 1980s, many legal services programs and local bar associations expanded their capacity to serve low income clients by enlisting the aid of practicing private attorneys to handle pro bono cases. The project described in the following pages, and other similar efforts, have tapped another valuable resource in this effort: the time and energies of retired (or semi-retired) volunteer attorneys, to serve elderly clients. The Senior Attorney Volunteer Project (SAV) of Legal Services of Middle Tennessee (LSMT) was a pilot project designed to demonstrate the
feasibility of using senior volunteer lawyers in pro bono efforts, in a locale of somewhat "typical" demographics.

This report describes the experiences of LSMT in starting and operating the SAV project, in hopes that the lessons learned will be helpful to other projects in undertaking similar efforts. The SAV project was (and continues to be) a successful project, providing high quality legal representation to many elderly clients through the efforts of energetic and talented volunteer lawyers.

Once volunteer attorneys were recruited to the project, they were essentially integrated into the operations of LSMT as part-time volunteer staff. The volunteer attorneys have scheduled bi-weekly volunteer days, on which they spend an afternoon at LSMT's office interviewing new clients and working on open cases. The client appointments for the SAVs are generated through LSMT's normal client intake procedures. This involves the screening of in-coming calls by LSMT's phone staff; the referral of intake forms on elderly clients to the consumer section intake staff; and the referral of client intake forms for possible SAV appointments to the SAV project coordinator.

Direct supervision of the SAV project at LSMT is the responsibility of the project coordinator, a staff attorney with experience in consumer, housing and elderly issues. The coordinator is responsible for scheduling client appointments for the volunteer lawyers, and providing backup to the volunteers in their initial interview and handling of cases. Following the initial intake, the volunteer attorneys perform any necessary tasks in the representation of the client, including correspondence with opposing parties, drafting of documents, legal research, and appearances at administrative or judicial hearings. During the handling of cases, most of the volunteer attorneys use the offices and staff of LSMT as their base, although those volunteer attorneys who are still practicing typically use their own office resources.

The SAV project began operations in April 1992, with a group of twelve volunteer attorneys seeing clients on a rotating basis two afternoons per week. During the following 18 months (the period of the original project evaluation), the volunteer attorneys opened 168 cases, and completed 130 cases. The types of cases handled covered a broad range, with an emphasis on consumer finance problems, and real property issues.

After 18 months of operation two independent evaluators conducted a review of the project, to assess quality of service and project management, with positive findings.

Project Set Up
In November 1991 LSMT submitted a grant application to Legal Counsel for the Elderly (LCE), a department of the American Association of Retired Persons (AARP), seeking funding to operate a SAV project as a demonstration project. The grant request sought
funds to cover a portion of the project coordinator's salary, as well as other administrative costs.

After approval of LSMT's funding request, that agency entered a contract with LCE to perform the demonstration project. The detailed terms of the contract provided an excellent blueprint for LSMT in setting up and operating the project, in that it spelled out LSMT's responsibilities under the project with regard to recruitment and training of volunteer lawyers; setting up quality control mechanisms; setting up record keeping systems; provision of malpractice insurance coverage for the volunteers; and, periodic evaluations and reports concerning the project.

Once LSMT and LCE entered into the contract for the demonstration project, LSMT's executive director designated the project coordinator. From that point on, the project coordinator was chiefly responsible for implementing the project, with the assistance of the executive director (primarily in the attorney recruitment phase). As described in more detail below, LSMT began volunteer recruitment efforts, project outreach efforts, and the development of project operating procedures.

**Volunteers Recruitment**

The key to the successful recruiting of volunteers for the SAV project was the enlistment of three prominent attorneys in the effort. LSMT's executive director and the project coordinator met with these three attorneys (a former bar association president, a retired Circuit Court judge, and a former in-house bank attorney), and put together a strategy to recruit volunteers to the project. The effort involved sending a recruitment letter to nearly 100 senior lawyers in the Nashville area. This letter, signed by the recruitment committee and LSMT's director, introduced the recipient to the project, and invited the attorney to a recruiting lunch to be held at LSMT's offices. Enclosed with the letter was a brief description of the project, along with a description of LSMT.

Once the recruiting letters went out, the committee and LSMT's director divided up the list of potential volunteers, and followed up with a phone call to further encourage attendance at the recruiting lunch. In the event, 25 potential volunteers (plus the recruiting committee) attended the lunch at LSMT's conference room. At that time, LSMT's director, the project coordinator, and one of the recruitment committee members (the former bar association president), took turns preaching to the group to encourage their participation in the project. When the preaching concluded, it was time for the "alter call", as the project coordinator asked the potential volunteers to return their forms which had been distributed, indicating their willingness to volunteer, and their preferences as far as scheduling of volunteer time. Twelve of the attendees at the lunch returned their forms, indicating a willingness to participate in the project.
**Volunteers Orientation**

A week after the recruiting lunch, the project coordinator and LSMT's director held an organizational and orientation meeting with the volunteer attorney group. The Agenda for this meeting included reviewing LSMT and SAV project procedures; familiarizing the volunteers with other members of the LSMT staff with whom they would be working; setting up the volunteers schedule; and, a short training session on consumer law.

In the discussion of project procedures, the volunteer attorneys had many questions and suggestions. An important issue was LSMT's assurance that it would provide malpractice coverage to cover the work of the volunteers in the project. Also, LSMT agreed to pay licensing fees for any project attorneys who were maintaining an active license solely for the purpose of participating in the project.

A somewhat lengthy discussion at this meeting involved the issue of the relationship between the client, the volunteer attorney, and LSMT. On the one hand, the volunteer attorneys were reassured to know that LSMT would provide all necessary resources to assist them in the competent representation of clients (such as deposition expenses, other litigation costs, legal research assistance); similarly, they were assured that if for any reason they left the project LSMT's staff attorneys would take over any unfinished cases and continue to represent the client. On the other hand, there was a certain uneasiness at the notion of LSMT (and LCE/AARP as grantor/evaluator) intervening in the attorney-client relationship. The volunteer attorneys seemed somewhat reassured on this point to learn that any client satisfaction materials would be shared with the attorneys, and that any outside evaluators would not have access to client files.

An important aspect of the orientation meeting was to introduce the volunteer attorneys to other members of the LSMT staff. This included both staff attorneys (two of whom made brief presentations on consumer law and nursing home issues), but also support staff with whom the volunteers would be working.

**Volunteers Training**

Because the project volunteers handled a broad range of cases, it was difficult to structure a single intensive training event which would cover all substantive areas of the law to be addressed. In addition, it quickly became obvious that many of the volunteer attorneys possessed expertise in certain substantive areas (e.g. real property law, probate law), such that careful assignment of cases would tap that expertise without the necessity of additional training.

In addition to the initial orientation meeting, further substantive training was worked into quarterly luncheon meetings scheduled by the project coordinator. These meetings were held every three months, at which time all volunteer attorneys were invited to come to LSMT's office for a working lunch. At this meeting, the group would review the project
status, including open cases, and any problems the volunteers were experiencing in their work. Additionally, the project coordinator would put on the agenda a training item, consisting of a brief presentation by another LSMT staff member on a legal topic which might assist the volunteer attorneys in their work in the project. On one occasion, the presentation was made by a social worker from a local senior citizens' project, describing the range of services offered by that agency. Also at these meetings, the project coordinator would routinely distribute brief written materials in different areas of the law which might be helpful to the project attorneys.

The volunteer attorneys were also invited and encouraged to attend training events conducted by the Tennessee Association of Legal Services. LSMT paid any fees charged for the volunteer attorney to attend these programs.

Outreach
Shortly before the SAV project was due to begin seeing clients, LSMT sent out a memo to a network of nearly 100 senior citizens' agencies apprising them of the project. Included with the memo was a brief description of the project, along with the names and phone numbers of the contact persons at LSMT who would be doing intake with the clients. This effort was clearly successful in getting out the word about the project, as many of the contacts for prospective clients came from social workers with these agencies.

Once the SAV project was up and running for a few months, contact was made with the morning newspaper in Nashville, which agreed to run an article on the project. The paper ran a flattering article on the front page of the local news section, including photographs of volunteer attorneys and extensive quotes.

Some months later, a local television station was solicited to do a feature on the project. The particular angle the TV story played on was the involvement in the project as volunteer attorneys of three former judges.

Project Operations
A. SAV Project Procedures:
At the beginning of the project, the coordinator drafted a set of comprehensive procedures to cover all aspects of the project operation. This was shared with the volunteer attorneys at the orientation/organizational meeting. The procedures covered all aspects of the project from the screening of clients, maintenance of files, setting of attorney appointments, LSMT support, and project evaluation.

A goal in drafting the procedures, and in implementing them, was to integrate the volunteers' work into the workings of LSMT as much as possible. This was felt to be important both in terms of insuring high quality representation of the clients, but also to
make the volunteer experience a comfortable one for the lawyers. Thus, the volunteer attorneys were encouraged to rely upon LSMT's attorneys (not just the project coordinator) and support staff for advice and assistance in handling their cases. For example, LSMT's consumer section has an experienced paralegal with expertise in real estate matters; this paralegal frequently assists the volunteer attorneys in researching titles and obtaining copies of deeds and other real estate documents, which the volunteer attorneys find very helpful. Similarly, LSMT has senior staff attorneys with expertise in Social Security, consumer and health law, who are frequently called upon to consult with the SAV attorneys.

B. Client Intake:
The intake and screening procedures for SAV clients are integrated into LSMT's normal case intake procedures. The initial client contact is referred to one of two case intake staffers in LSMT's consumer section, who then take all pertinent information from the client concerning the client's eligibility and case information.

Following initial intake, the case intake form is forwarded to the project coordinator, who determines whether to schedule an appointment for the client. In scheduling appointments, the project coordinator considers such factors as current case load of the volunteers, and each volunteer's particular expertise. For example, one volunteer attorney had an extensive background in real estate law; another attorney has specialized in probate matters; a third is a retired trial court judge, with a willingness to handle litigation matters.

The project attorney schedules the client appointments for one of two afternoons each week that the volunteer attorneys will be at LSMT's offices. On the morning of the scheduled appointment, LSMT's staff confirms the appointment with the client (which appears to minimize "no shows"), and prepares two client files -- one for the volunteer attorney to keep, and one to be kept by the project coordinator. In handling the case, the volunteer attorneys are requested to provide copies of all documents and correspondence to the project coordinator for keeping in the permanent file.

At the time of the client appointment, the client is given a business card with the name of the volunteer attorney, and the name of the project coordinator. Depending upon the preference of the volunteer attorney, the client may be able to contact the volunteer at their own office or home, or calls may need to be routed through LSMT's offices (hence, the client has the project coordinator's name).

C. Case Handling Logistics: 
The situation of each individual volunteer attorney determines the logistics of case handling. The volunteer attorneys who are still practicing out of their own law offices will typically handle the case from that office after the initial interview, including
secretarial support, taking and making phone calls on the case, etc. For the volunteer attorneys without a functioning law office, LSMT serves as their base of operations. Thus, typically a volunteer attorney will make phone calls on the case from LSMT's office at the time of the initial interview, and draft correspondence. In the case of letters, LSMT's secretarial staff will type the correspondence, and often the project coordinator will sign the letters for the volunteer attorney, and forward the attorney a copy.

Incoming letters and phone calls for the volunteer attorney are funneled through the project coordinator, who either forwards the calls and/or letters to the volunteer attorney for immediate response, or will hold the letters/messages if the volunteer is scheduled to be in LSMT's offices fairly soon.

In cases involving more than simple advice to the client, typically the volunteer attorney would keep the file and work from it after the initial interview. The project coordinator would maintain the separate permanent file, which would be used for case-opening purposes in LSMT's regular file processing system. The volunteer attorneys are requested to provide copies of all letters and documents to the project coordinator for inclusion in the permanent file. At the point the case is closed, most of the volunteer attorneys would return the files to the project coordinator for consolidation with the permanent file, although some of the attorneys who operate out of their own law office prefer to keep a copy of the file in their records.

D. Quality Control:
Each day that volunteers are scheduled to see clients, the volunteer attorneys come to SMT's offices prior to the appointments, and meet with the project coordinator as a group. During this meeting, the project coordinator and the volunteer attorneys will discuss any pending cases, as well as preview the day's scheduled appointments. This gives the project coordinator and the volunteers an opportunity to share thoughts about possible case strategies, and keep the project coordinator updated on the status of cases.

For each volunteer attorney, the project coordinator maintains a "case status report", which contains summary information about the case (client name, date of appointment, type of case, case deadlines, etc.). The project coordinator reviews these forms before each volunteer attorney comes to LSMT's offices, to refresh his recollection of the status of those cases. Additionally, when all the volunteer attorneys come together for their quarterly lunch meetings, the project coordinator gives each volunteer attorney an updated copy of their own case status report, and asks for feedback to insure that the form is accurate as to the status of each case.

Other quality control mechanisms used in the project include the maintenance of a case calendar by the project coordinator, reflecting any court dates or case deadlines on any of the project cases; and the distribution of client grievance forms and client satisfaction
letters (at the conclusion of the case) to all project clients.

Project Evaluations
The project coordinator prepared periodic reports to LCE/AARP, describing the status of the project at that date.

Additionally, after the project had operated for 18 months, an evaluation was conducted by outside evaluators. These evaluators interviewed LSMT staff, volunteer attorneys, project clients, and conducted a file review to assess case handling quality. The evaluators reported positive findings.

Conclusion
This pilot project, designed to demonstrate the feasibility of using senior volunteer lawyers in pro bono efforts, succeeded due to the efforts of many who believed that this concept would work. The LSMT staff and the senior attorney volunteers working together have found a way to expand LSMT's capacity to serve low income clients. This is a win-win situation for all involved.

Lsmt Recognizes and Appreciates the Following Volunteer Senior Attorneys: Walter Clark; Frank Farris; Calvin Fite; Houston Hagar; Tom Holman; Hugh Howser; Joe Loser; William Mchugh; Leslie Mondelli; Robert Skinner and Charles Warfield.

For additional information please contact Drake Holliday, Project Coordinator, Legal Services of Middle Tennessee, Inc., 211 Union Street, Suite 800, Nashville, Tennessee 37201, telephone (615) 244-6610.
The very active programs of the State Bar of Texas (SBT) Lawyers Care and those of the other 68 legal care organizations in the state are open to lawyers of all ages. Senior lawyers in Texas are very active in many of these programs but have not so far sought separately to identify themselves or to organize their own efforts. The first movement to our knowledge toward organizing senior lawyers is that of the Private Bar Involvement Project of the Legal Services of North Texas. Quite recently they have formed an organization with the acronym ASAP standing for Active Senior Attorney Program. This organization will recruit senior attorneys to do telephone counseling, community education and mentoring and to lend their names and support to the overall pro bono effort of Legal Services of North Texas. It is expected that it will appeal to senior attorneys who prefer to help in ways other than litigation or court appearances.

An initiative by the Texas Supreme Court in 1988 by amending its rules to permit senior lawyers licensed in another jurisdiction to represent the poor pro bono has not been successful so far, but the opportunity is still available and is pushed by the State Bar of Texas.

None of the legal services programs operating within the state maintain records indicating the ages of participating lawyers. So identification of senior lawyers active in pro bono has had to be entirely based on personal knowledge and recollection. In this manner 41 senior lawyers who have distinguished themselves by their dedicated pro bono activity have been identified. What information is available about pro bono activities of these lawyers from the affected programs has been collected and individual contacts by letter and telephone with each of them has been made.

The picture that emerges is that of busy dedicated lawyers who see nothing unique or unusual about their ages in relation to what they are actively doing to help keep the courts open on as equal terms as possible to all persons regardless of their financial conditions. A few have retired from the active more lucrative practice and are finding it satisfying and self fulfilling to work pro bono.

Each asked how they happened to get into doing pro bono work, Ken R. Davey of Dallas responds:

I did a great deal of personal injury work as a younger lawyer and as a result was dealing a large part of the time with people of very limited means. I spent some time in a small town with a modest black population and unfortunately found that the other lawyers shied away from the problems of this part of the
population. I was willing to stick my neck out and locally had a reputation as the 'poor man's friend'. This is not a popular small town reputation.

Like many other lawyers is Frank L. King of Lubbock, who explains: To be perfectly honest about this matter, I was not self-motivated to engage in pro bono activities for the poor, nor in reduced fee cases for clients and potential clients of limited financial means. Over the years, I had performed a considerable amount of pro bono work even though, originally, I had not planned to do the work for free or on a reduced fee basis. It just turned out that way.... After a considerable amount of the type of pro bono work outlined above, I conceded the fact that I had performed a considerable amount of free and/or reduced fee work for clients who were not in need, and upon being approached by a fellow member of the Bar and also by representatives of the West Texas Legal Services, I felt that would be so much more satisfied in giving away my legal services, such as they are, to those individuals who truly require legal assistance, and who are unable to pay a fee. Once that determination was made, it was much easier to live with myself concerning pro bono work, because I knew from the outset that the services were needed, the clients were not in financial position to pay, and I did not encounter disappointment in being unable to collect a fee.

A more long-standing commitment is shown by Wendell S. Loomis of Houston:

When I was first honored to receive a license to practice law and, contrary to the attitude of some of my contemporaries and many of the younger people of today, deemed it an honor indeed to be able to hang out my shingle as a lawyer, I vowed that anyone who came into my door who, in my judgment, needed a lawyer, would have me whether they had any money or not. I believed that money would come if I worked hard and did a reasonable job. It did. I didn't start keeping time records until J. Harris Morgan, of Greenville, in a seminar on the economics of law practice, told me how to do so with time slips and where to buy them. This was in the late 60s. I had to start billing for my time because some people really seemed to be conspiring to take advantage of me.
Many of the important cases I have appealed and which are now benchmarks of the law, are cases that I have worked on gratis because I believed in a principle. Even today, while the practice of law is so expensive and time consuming, I have cases that are pro bono and motivated by principle, not money. I'm talking about my principles, not my client's principles. The client can fight his own battles, for free, if he wants, but if he'll let me and its best for him and the legal point is important to me, I'll continue without further fees or even reimbursement for expenses. It's for my personal satisfaction.

Another motivation comes from Richard L. Johnson of Dallas in these words:

No one had ever asked me to do pro bono, so I had assumed there was no overwhelming need for volunteers. How wrong I was! Now I typically report over 500 hours annually to various Dallas pro bono providers, and this is but the tip of the iceberg.

I think I was motivated at first simply by a consciousness that my career was nearing its end (I will be 69 this month), and had yet to make any contribution to pro bono. Once however I became aware of the magnitude of the need, of the ease of producing a measurable effect, and of the intangibles accruing to pro bono participant, I was hooked.

The compensation one gets from doing pro bono service is personal satisfaction in performing competently for some who would otherwise be denied legal services. Richard L. Johnson again:

In all truth I don't get many 'thank you's' from my clients, nor do I expect them. The average indigent pro bono client is faced with problems so vast that any small contribution I can make is of almost incidental importance. Your satisfaction comes from knowing that you, one of the very few favored by the whims of fortune, are helping in a real way those of your fellow travelers on the road of life who didn't have your good luck. The older you get the more you come to realize, with feelings bordering on panic as you try to imagine the path ahead, how very little you deserve the good things that have happened to you. Humility comes easily to a lucky man.

Clifford W. Brown of Lubbock, who says he has handled practically every kind of case that can be handled by appointment, both civil and criminal, from J.P. cases through
federal cases, adds:

.....I try these cases the same as if I had been employed to do so, and the appreciation which is expressed by the clients whom I have represented under this kind of a situation has been most gratifying. This does not mean it is gratifying only if I win the case. Many of the people who have been most grateful have been convicted, but felt like they had their 'day in court' by reason of my representation and felt like their rights had been protected.

I can truly say that I believe that some of the appointed cases that I have tried have furnished me the greatest feeling of satisfaction and gratification that I have had. The client who employs you and pays you expects you to do your best and to win his case. The poor indigent client who is not certain that he will receive any representation at all is often the most grateful one.

Henry Rogers Teel of Fort Worth gives this vignette:

I went to Peter Smith Hospital in Fort Worth. One floor is occupied by patients with AIDS. A young man, barely 20 I would guess, was in great pain, as many of them are. His parents and a friend were in the room. Many tubes, wires and gadgets were attached to his body. Between his bouts of pain I helped him sign many papers. After his ordeal of signing was over he asked me what kind of law I practiced. I told him I had been a lawyer for more than fifty years, a prosecutor, a defender, a city attorney, a government lawyer, but that now I was only a volunteer. He raised himself up, slid off the hospital bed with all the health systems attached and said, 'I want to give you a hug' and he did. That was my fee and it was fee enough.

Are there frustrations in pro bono work? Ken Davey says:

There were many frustrations in this. Many pro bono applicants are less than straightforward and will use you as much as they can get away with it. It makes it difficult to chose between the real and phony. Pro bono work does not generate fees and, yes, you have problems with partners that have to be dealt with. Fee paying clients are a problem, especially in a small town in the sense that the people who pay fees are often on the other side of
the work that you're doing as pro bono work. What you can do in a large city is one thing, and what you can do in a small town is entirely different.

And there are problems that face the retired Lawyer. Richard L. Johnston points out:

The main problem that I, and those like me, are going to experience in doing pro bono work after my now imminent retirement lies in finding a way to replace the amenities I have just described (the not insubstantial costs of computer, printer, copier, stationery and postage). Their lack of logistical support is the greatest obstacle to making retired lawyers useful in pro bono.

While the real problem is one of allocating the time to do pro bono work if active practice is still going on, after retirement this is less of a problem. As Lloyd Lochridge of Austin suggests:

The suggestions I would offer for lawyers over 65 about doing this kind of work is that they are likely to be well qualified to do it, that they are more likely to have time to devote to it, that it would provide them with a sense of fulfillment and satisfaction for having used their talents, training and experience to help the less fortunate and that they would find a good deal of appreciation for their efforts from those they assist. There are so many areas in which the less fortunate need adequate legal representation, both civil and criminal. The over 65 year old lawyer would have no difficulty in finding areas of the law in which they would be comfortable providing this assistance.

On the same line, R. B. Cousins of Dallas says:

Any lawyer undertaking pro bono work should understand that his clients normally have no idea how they got into the jam they find themselves in and certainly have no idea how to get out of it. On the other hand, to a lawyer with any experience, generally the proper procedure is easy to see and usually easy to achieve. Certainly, those of us who have reached our age do have the time to give to these people and their problems.

As evidence of the range of areas where legal assistance is needed R. B. Cousins, who says he got into pro bono because his son worked for the Dallas organization Lawyers
for Affordable Housing, which does pro bono work for persons in need of real estate type help, tells us that he has written wills, reviewed contracts for sale and probated wills as a muniment of title. He adds:

I have also gotten at least one judgment against a crook who undertook to remodel a home, took money from the owner and then disappeared. I was able to find him and obtain a judgment which, among other things, found him guilty of fraud.

Similar to Bob Cousins's effort is that reported by Edwin M. O'Connor III of Lubbock:

Recently, an elderly lady did come to me to probate her husband's will, their owning several pieces of real property. When I delved into such I found that the names on the titles of the real property were completely different from the name of the lady who had come in to me. When I received an explanation it was that many, many years ago they had both remarried, each other, and were concerned of their former spouses. They assumed fictitious names and had real estate, driver's license, etc., placed in the fictitious names. This proved to be somewhat of a task in the probate in that his will was under his correct name but all of the real properties, etc. were under the fictitious name. We were able to get all of such corrected and the elderly lady in question was as appreciative as anyone that I have ever seen and such made, for me, the practice of pro bono law most gratifying.

Among this group of senior lawyers there are, of course, those who specialize, in their pro bono work, based on their prior experience and interests.

Sam Williamson of Houston, is an immigration specialist and still active although over 80 years of age.

Professor Roy Mersky, Librarian at the University of Texas Law School devotes his pro bono time to asylum cases.

Clifford L. Zarsky of Corpus Christi, a former prosecuting attorney and city council member, has become an outstanding trial and appellate advocate in behalf of those opposing abortion and supporting the rights of unborn children.
Professor Reed Quilliam of Texas Tech Law School has directed his energies toward staffing regular legal clinics at St. John's United Methodist Church in Lubbock meanwhile accepting cases on his own.

M. Roy Mcclanahan of San Antonio devotes his time and energies to Nature Conservancy of Texas in handling all their real estate acquisitions pro bono.

Henry Rogers Teel of Fort Worth, quoted above, works primarily with AIDs patients in a clinic, writing wills, powers of attorney and directives to physicians or living wills. He keeps himself on call for rapid service to those with this illness at times when most other lawyers are tied up with their practices.

Many of these lawyers have been highly honored for their pro bono work, as the following information indicates:

Richard Stone of Jacksonville because of his efforts to coordinate pro bono work among the lawyers of his area was named Pro Bono Coordinator for the Cherokee County Bar Association.

Parker Wilson, described as the quintessence of public service in Dallas, was honored by the SBT in 1990 with the Frank Scurlock Award. In that year also he was named Peacemaker of the Year by the Dallas Peace Center, and in 1994 the Texas Chapter of the American Immigration Lawyers Association gave him its first Pro Bono Service Award.

William A. Schneeberg of Garland, formerly Senior Attorney for American Petrofina, has received the Distinguished Pro Bono Service Award from the Dallas Bar Association in 1985 and again in 1990. The Meritorious Pro Bono Award in 1986, 1987 and 1988 and the Outstanding Pro Bono Lawyer Award in 1989, 1991 And 1992 were both from the Legal Services of North Texas.

Richard Johnson was named Dallas Pro Bono Lawyer of the year in 1988.

The rest of the senior pro bono lawyers in Texas go about their daily efforts in helping the poor as unsung heroes. The following are a listing alphabetically by city of those we have been able so far to identify statewide. There are more we hope to find, and give credit to as well:

**Austin:** Judge Sam D. Johnson; Lloyd Lochridge; Professor Roy Mersky.
**Beaumont:** Ernest J. Browne, Sr.; Fred Carver; Woodson E. Dryden; Theodore R. Johns, Sr.; Eugene Lefler; Everett Lord; Lindsey Walker.
**Corpus Christi:** Clifford L. Zarsky.
Fort Worth:  Judge Thomas Cave;  Henry R. Teel.
Garland:  William A. Schneeburg.
Houston:  John Gano;  Thomas G. Gee;  Wendell S. Loomis;  Frank M. Pinedo;  Harold Seligman;  Sam Williamson.
Jacksonville:  Richard Stone.
Lubbock:  J. R. Blumrosen;  Clifford Brown;  Warlick Carr;  Gene S. Cobb;  Professor Johnson Conboy;  Claude Freeman;  Frank L. King;  Cecil Kuhne;  Walker Metcalf;  Edwin M. O’connor;  Professor Reed Quillian;  O. V. Scott, Jr.;  Madison Sowder.
San Antonio:  Marion R. Mcclanahan.

To those senior lawyers who have not yet responded to the growing needs of the poor and those disadvantaged by the system we say Join Us!  The needs could not be more pressing!  The work is some of the most rewarding and satisfying of any in which you ever have been or will be engaged.
The Utah State Bar (USB) reports that there were 5,794 lawyers licensed to practice in Utah in 1994. Of these, 703 are sixty years old or older. Of these, 150 lawyers are emeritus, which means that an individual has been in practice fifty years or more, or is 75 years old or older. No statistical data exists on how many lawyers sixty years old or older have retired or how many engage in volunteer activities. To better understand what senior lawyers in Utah are doing once they retire or partially retire, this article first examines briefly the volunteer opportunities available to those 703 lawyers sixty years or older and then focuses on the Senior Lawyer Volunteer Project (SLVP), a unique pro bono program involving senior lawyers.

**Senior Lawyer Volunteer Opportunities in Utah**

In July 1994, the USB commissioners approved funding for a statewide pro bono coordinator to monitor and help organize the various pro bono activities throughout the state. To date, the coordinator has not yet been hired. Nonetheless, the commissioners' decision was significant because there has never been previously organized recognition by the bar of the need to provide support and guidance to lawyers wanting to participate in pro bono programs. Moreover, Utah does not have a mandatory pro bono rule. Thus, lawyers wanting to provide pro bono services have had to search for volunteer situations of their own.

Most Utah lawyers wanting to help low-income persons in need of legal assistance have participated on panels of volunteer lawyers for the two major public interest law agencies in the state, Utah Legal Services, Inc. (ULS), and the Legal Aid Society of Salt Lake. ULS has offices throughout the state in Salt Lake City, Provo, Ogden, Price, Cedar City, and Tooele. The Legal Aid Society provides services in Salt Lake County only. Typically, these agencies assign to volunteer lawyers meritorious cases that do not fall within the agencies' priorities.

Various state and local bar committees also have developed pro bono programs. One recent example is the USB Needs of the Elderly Committee that sends volunteer lawyers to senior citizen centers in the Salt Lake City area once a month to meet with seniors and briefly discuss their legal problems. These volunteer lawyers give initial advice and referrals but do not become counsel for the seniors. Similar referral-only programs are the Tuesday Night Bar in Salt Lake City and Provo, and the Thursday Night Bar in Ogden. Again, volunteer lawyers meet briefly with clients to determine whether the client has a legal issue that should be pursued or whether a simple referral will be
Most of the pro bono programs sponsored by either a local bar group or a legal services provider center around the Wasatch Front, the chain of cities extending from Ogden in northern Utah through the Salt Lake City area and south to Provo in central Utah. Much of the rest of the state is rural where residents have limited access to legal providers. Aside from possible isolated cases we were not able to track down, pro bono participation is most active in the Salt Lake City area and Provo. The two law schools in the state are also located in Salt Lake City (the University of Utah College of Law) and Provo (the J. Reuben Clark Law School at Brigham Young University).

One well-organized pro bono program in Utah County has combined the resources and coordinated the pro bono efforts of the Central Utah Bar Association, ULS in Provo, and the J. Reuben Clark Law School at Brigham Young University (BYU). The joint project is called LAWHELP and current consists of six independent projects (including a domestic relations project, an immigration project, a Spanish-speaking project, a mediation project, and a project providing legal assistance to the elderly and disabled clients). Started in August 1992, LAWHELP has provided pro bono legal services for well over 1,000 low-income clients. According to James Backman, a professor of law at BYU who helped establish the program, a few senior lawyers have participated in the various LAWHELP programs since its inception in August 1992. One particularly significant actor was retired juvenile judge Merrill L. Hermansen who was instrumental in launching the Tuesday Night Bar Program. Professor Backman reports that he has compiled a list of emeriti lawyers in the Provo area he hopes to recruit for his program.

There are no statistics available on how many volunteer lawyers involved in the various pro bono programs throughout the state are senior lawyers. However, none of these programs has ever attempted to specifically recruit senior lawyers. The pro bono panels of ULS in Salt Lake City and Legal Aid Society of Salt Lake have never focussed on recruiting senior lawyers, though some may have sporadically volunteered for the agencies. By far, the most significant pro bono opportunity for senior lawyers in this state is the Senior Lawyer Volunteer Project based in Salt Lake City. The remainder of this article examines this unique project and the senior volunteers who staff it.

The Senior Lawyer Volunteer Project
The Senior Lawyer Volunteer Project (SLVP) utilizes senior lawyers to provide free legal assistance to low-income clients in the area of wills, simple estate planning, and health-care directives. The project was originally conceived of as a way to make use of the wonderful resource of senior lawyers to help meet some of the unmet legal needs of the elderly population in the Salt Lake City area. Currently, the project does have income eligibility guidelines but no age criterion. Nonetheless, the vast majority of its clients are over age sixty.
The SLVP came about through the combined efforts of many people during the spring and summer of 1992. Edward D. Spurgeon, then Leary Professor of Law and Policy at the University of Utah College of Law (and now the Dean of the University of Georgia Law School), together with his then research assistant, Mary Jane Ciccarello, and Judith Mayorga, the state legal services developer for the elderly, examined the feasibility of developing a program that would use volunteer senior attorneys to write simple wills for low-income seniors, and provide them with small estate planning advice. They concluded that such a project would be feasible if it could be affiliated with ULS, that already housed the Senior Citizens Law Center (SCLC) in its Salt Lake City office.

SCLC, then and now, provides a substantial portion of the free legal assistance available in the state for seniors. SCLC serves any person sixty years or older regardless of income if the client's problem falls within the Center's priorities: public benefits, health programs, housing problems, adult protective services, consumer problems, or property law. However, SCLC does not do any estate planning or wills, though it does provide help with powers of attorney and advance health-care directives, including living wills and health-care powers of attorney. Before SLVP came into being, clients seeking help with wills and estate planning might have been referred to ULS's panel of pro bono lawyers, but most were told that ULS could not help them, leaving them with the alternatives of either writing a holographic will or foregoing a will in hopes that the state's intestacy laws would satisfactorily distribute their property among their heirs.

ULS executive director, Anne Milne, and two SCLC lawyers, Paul Wharton and Ken Bresin, were approached with the idea of SLVP. Under Dean Spurgeon's leadership, the group decided to go ahead with the project by housing it in the ULS office. With the help of senior lawyer Professor Emeritus Robert Schmid of the University of Utah College of Law, several senior attorneys in the Salt Lake area were contacted about the possibly volunteering for the project. Ultimately, nine retired or semi-retired attorneys agreed to participate. The attorneys, eight men and one woman who came from varied legal backgrounds, were over sixty-five and were chosen to participate in the project because of their reputations in the community and their willingness to participate in a pro bono project. The original organizers included Peter Billings, Sr., Professor Emeritus Alfred Emery (of the University of Utah College of Law), John Horsely, John Marshall, Carol Olson, Ben Rawlings, Bryce Roe, and Professor Emeritus Robert Schmid.

The volunteer and ULS lawyers met throughout the winter of 1992-1993 to work out the details of client eligibility, scope of services, outreach, organization staffing, and start-up. Dean Spurgeon and Anne Milne were able to obtain $40,000 in initial funding for the project from two private foundations. In March 1993, the office was established and Mel Jones, a paralegal and senior citizen himself, was hired as project coordinator. Furthermore, the project was governed by an independent advisory board.
Mel Jones got the office going, did initial outreach into the aging community and network in the Salt Lake area, and recruited and assisted the volunteer lawyers. For almost a year, from April 1993 when SLVP opened its doors to the public, until the following spring, four of the original volunteer lawyers (John Marshall, Carol Olson, Bryce Roe, and Robert Schmidt) consistently provided services to well over one hundred eligible clients. In the eight months of operation in 1993, 84 cases were closed, the vast majority being in wills and estate planning. Volunteers sometimes met with clients in the SLVP offices, or in their own offices, or even made house calls. The project learned quickly of the need to be mobile and to go out to meet the clients wherever they lived. Also, Mel Jones often helped people who appeared on a walk-in basis in the office and over the telephone.

The project underwent substantial change one year later in the spring of 1994. Mel left the project to work for a private law firm and Judith Mayorga, the state legal services developer for the elderly, managed the project on a temporary basis. The Advisory Board decided to hire a supervising attorney and Mary Jane Ciccarello became the project coordinator in late May 1994.

Before Mary Jane came on board, Judith had sent letters to potential volunteers throughout the state and had received a response from approximately twenty senior lawyers. Two of these lawyers, Richard Bojanowski and Rene Nelson, started work immediately. They differed from the earlier volunteers in that they chose to come into the office and work there on a regular basis. Richard and Rene continue to come in one or two days a week to meet with clients who have been previously screened for eligibility. Mary Jane is currently recruiting other senior lawyers who have expressed an interest in the project. Among the most recent recruits are a not-yet retired government lawyer who is interested in doing house calls for SLVP, and Perris Jensen, a 92 year old retired lawyer who started his law practice in Utah in 1935. Mr. Jensen's practice was in estate planning and SLVP looks forward to utilizing his expertise. He will probably meet with clients in his law office in his home, but he may decide to work out of the project's office as well.

How the Senior Lawyer Volunteer Project Currently Works
The SLVP is now housed in the main office suite of the Salt Lake City office of Utah Legal Services. The project has three separate spaces, an office for the senior volunteers, an office for the project attorney/coordinator, and a large conference room. SLVP maintains its own files, computers, and library materials, but uses ULS's law library, the part-time services of a ULS secretary, and is also tied into the existing ULS telephone and computer networks.

The affiliation with ULS is essential to the working of the project. ULS is the largest
provider of legal services to the poor in Utah; the Senior Citizens Law Center is part of
the ULS Salt Lake office, and the state legal services developer for the elderly is also in
that office. Thus, the ULS office affords a great deal of relevant in-house legal
expertise. In addition, ULS is part of Utah's network of services for the aging. For
example, the Salt Lake County Aging office works closely with ULS and SCLC and
refers any potential client to that office. ULS does outreach throughout the state by
going to senior centers and nursing homes. Therefore, SLVP easily taps into an existing
referral system.

SLVP periodically provides its volunteer lawyers with in-house training sessions that
provide continuing legal education credit. Emeritus Professor Alfred Emery provided
initial training in wills and trusts to the volunteers. Moreover, the project will pay tuition
fees for training courses that volunteer lawyers attend if the training is related to the
project's work.

The project carries malpractice insurance and pays bar dues for its volunteer lawyers.
The USB commissioners recently passed a rule allowing inactive status bar members to
practice law limited to participating in a pro bono program sponsored by a legal
services provider. SLVP benefits directly from this rule because most of its volunteers
are inactive status bar members.

Additional help for the project comes from law student interns from the University of
Utah College of Law. Since the summer of 1994, two interns -- Darren Cox and Rick
Sueyoshi -- have been assigned to the project. The experience thus far with the student
interns has been wonderful: they provide energy and enthusiasm while learning from the
opportunity to work with and be mentored by older, experienced lawyers.

Services Provided by SLVP
Telephone inquiries about wills, estate planning, property transfers, health-care
directives, and powers of attorney that come into the main ULS office are referred to
SLVP. In addition, potential clients are informed of the project at outreach locations
around the state and by the AARP (American Association of Retired Persons) hotline.
The staff attorney, or available student intern, responds to clients calls and mails out
applications and information to all interested parties. The staff attorney evaluates
completed applications for legal merit and income eligibility. Appointments are made
for eligible clients to meet with one of the volunteer attorneys. Clients are also sent an
estate planning questionnaire, if appropriate, to be completed and brought to the
appointment.

The volunteer meets with the client for the initial interview in the project's office or
perhaps in a senior center, or even in the client's home. The lawyer then drafts the
necessary documents and sends them to the client for review. A final appointment is
made with the client to execute the documents. The project retains copies of the documents in its files and turns the originals over to the client, encouraging the client to deposit the original will for safekeeping in the probate department of the Salt Lake County Clerk's office, as authorized by law.

A client intake form, an estate planning questionnaire, and simple will and trust forms were developed by attorney volunteers and are available in both software and hard copy for use by the volunteers. Services include simple wills, wills with straightforward testamentary trust provisions, simple living trusts, and pour-over wills. Lawyers also help with related necessary title changes and with asset transfers most often tied to Medicaid issues and to the funding of living trusts. Although living trusts are sometimes used to protect against incapacity and to avoid probate, the project does not provide for corporate trustees. Also, the project will not do any tax-planning wills and trusts or any post-mortem administration (except in the case of a surviving spouse where the project did the estate plan, the spouse meets the eligibility criteria, and the estate goes to the spouse).

As the project has developed and is now firmly a part of the network for the aging in the state, it provides more and more assistance with powers of attorney, advance health-care directives, property transfers, and financial exploitation and physical abuse of seniors. Many people request help in planning for incapacity (their own or that of a family member). Presently, SCLC does defense of the ward in guardianship proceedings, but there is a huge need to help seniors and their families deal with all aspects of guardianships and conservatorships. SLVP is generally able to help seniors identify legal problems and give them referrals to appropriate resources, such as tax abatement, reverse mortgages, health-care expenses and management, bankruptcy and probate.

While the project does not regularly do outreach, the coordinator serves on the USB estate planning section and the Needs of the Elderly Committee. This committee goes to senior centers as part of its pro bono outreach project, and regularly refers seniors to SLVP. The committee also has started a new probate project, hoping to develop a reduced-fee panel of probate lawyers to help low-income clients with informal probates. The idea for such a panel came from Richard Bojanowski, a regular SLVP volunteer lawyer, who after a few weeks with SLVP recognized the need to help low-income families deal with probate.

Who Are the Current Volunteer Lawyers?
As noted throughout this article, several lawyers have participated in SLVP during the almost two years it has been in existence. Those lawyers have provided free legal services to approximately 200 low-income clients in that time. The project staff has given brief advice and referrals to approximately another 200 individuals. Volunteer lawyers have also been essential to the initial planning and organization of the project.
and some continue to serve on the Advisory Board. Their help has been inestimable.

The most active current participants are two lawyers who have retired in the past two years: Richard Bojanowski and Rene Nelson. Richard was a bankruptcy and patent lawyer dealing with patents, copyrights, and trademarks, and has been in Utah since 1969. He joined the project in the early spring of 1994 after a recruitment letter was mailed to all bar members over the age of sixty. Richard works hard for the project, meeting with at least four new clients a week. He has found his work with the project to be very rewarding and believes one of the saddest things he has encountered to be the misapprehension many people have about probate. In response to this, Richard has developed a plan for a reduced-fee panel of probate lawyers.

Richard states that before he worked with SLVP, he was not aware of the gaps in the legal services provided to people without the financial means to hire a lawyer. His most pressing concern these days is that seniors need serious legal help in planning for incapacity. He would like to expand his probate panel to include lawyers who will initiate guardianship proceedings in appropriate cases. In particular, such cases would include those families who are attempting to deal with a loved one's incapacity. Through his volunteer work, Richard has recognized the need for SLVP to provide eligible clients not only with estate planning assistance but life planning help as well.

Rene Nelson has been a member of the USB since 1962. Since 1979 he was an executive officer in an insurance company, primarily responsible for directing trial lawyers in 36 different states. He retired from active practice in December 1993, and has been working with SLVP since the spring of 1994. Rene, like Richard, comes to work regularly, dedicating one to two half days a week to the project. He does the bulk of his work at the office, but like Richard, is a computer whiz and often prepares documents for clients on his computer at home. He is now expanding his volunteer activities and has agreed to give a ULS continuing legal education session on the impact of personal injury settlements on public assistance benefits received by low-income individuals.

Rene says: “I first found the idea of working with SLVP appealing as I'd just run out of things to do.” Moreover, he is from a family that participated in public and civic service for three generations and he wanted to contribute his legal expertise to the community. By the time I learned of the project, organizational and client specific procedures has been developed in a very professional way. It made it easy for me to say -- I can do that, and it made it easy for me to do. In our society, legal services are increasingly unavailable to substantial portions of our population. Apart from the altruistic feelings that many of us have, I think there is a professional responsibility for those of us who have reaped so much monetarily from the legal discipline to sow back through pro bono activities to those who have been less fortunate than we.” Like Richard, Rene has assisted at least four new clients a week since he started working.
The senior lawyers who have participated in SLVP have had an enormous impact on their community by providing free legal assistance to persons who would otherwise have gone without help. One client wrote: “You have done what I wanted. Thank you.” SLVP clients are deeply appreciative of the help they receive. They especially appreciate the extra time the senior volunteers take to listen to them and to go the extra mile for them. Many clients express relief at finally finding someone who will treat them with respect and actually listen to what they are saying. The senior lawyer volunteers provide clients with both their sound legal expertise and their rich experience in living.
VERMONT

by John H. Downs of St. Johnsbury, Vermont

There is a perception among Vermont's less than 2,000 lawyers (population of the state is 564,964) that existing subsidized legal service programs generally provide adequately for the legal service needs of the indigent. This judgment has been confirmed for many lawyers by the fact that in recent years they have not been asked to provide pro bono legal services. Probably as a result, senior lawyers do not appear to be extensively involved in providing legal services to the poor, except, of course, for some unusual individual exceptions.

But it was not always thus. During the twenty-five years after World War II a representation of the poor at reduced rates or without fee, was a part of most lawyers' practices regardless of their age or experience. The indigent would have been without legal counsel if lawyers had not responded when called upon. Consequently, attorneys of all ages (most never retired) accepted just about every client who came through the door, whether they could pay or not. Providing such service was considered to be part of a lawyer's professional duty.

Today three organizations provide or arrange for most of the legal representation of the indigent. But private lawyers can usually be found to assist those organizations' lawyers when called upon, and the need is demonstrated. But the inclination of the public to bring actions for malpractice against lawyers, as well as other professionals, even in rural Vermont, is a factor which complicates agreeing to such representation. So lawyers are increasingly reluctant to accept cases outside of the normal scope of their practice. It follows that all lawyers want to be assured that organizations existing to represent the poor are able to do so competently.

Legal Aid is an active state-wide law firm with six offices, 33 staff lawyers and 10 paralegals. They handle only civil matters, with the majority of their cases involving domestic relations and landlord/tenant problems.

Legal Aid has a budget of approximately $3,000,000, fifty percent of which is funded by the state, with most of the balance provided by federal agencies. Notwithstanding, the general perception is that it is under-funded, and cannot employ enough lawyers to serve all of its potential clients.

Many Legal Aid lawyers work for modest salaries because of their interest in aiding the poor. There never seem to be enough hours to handle all demands upon them. Consequently, from time to time, mostly younger lawyers in private practice are asked to
accept cases, often domestic matters involving conflicts.

Legal Aid lawyers have found that private-sector lawyers generally make a reasonable effort to cooperate when requested. But it is often time-consuming to find an experienced lawyer willing to accept a case on a pro bono basis. This problem exists in part because many lawyers do not develop the expertise needed to handle cases in which Legal Aid specializes. Vermont's largest law firm, for example, does not accept domestic relations or child custody cases. As a consequence, its lawyers question if they are sufficiently qualified to properly represent the occasional client Legal Aid might refer to them.

The Public Defender's program is the equivalent of another large law firm, with eight offices, 30 staff lawyers, 10 contract lawyers and 10 investigators. The budget for their activities is approximately $3.8 million, funded principally by the state.

In addition, there are assigned counsel who take over cases when public defenders are disqualified, or so overburdened that a prompt disposition of their cases is precluded. Collectively the public defenders deliver competent legal services to indigent and low income people charged with a crime. Assigned counsel are paid $40.00 an hour, but the amount appropriated by the legislature is never adequate, and lawyers wait months to be paid what is a low fee to begin with. Understandably, it is highly unusual for senior lawyers to be involved in criminal matters unless such cases are a regular part of their practice.

The Vermont Bar Association (VBA) manages an active Volunteer Lawyers' Project which puts a prospective indigent client in touch with a lawyer who is willing to accept clients on a no fee basis. In 1993 the 490 lawyers registered for the program handled 300 cases. Constant efforts are made to enroll lawyers.

It is necessary to be familiar with the ramifications of the Legal Aid, Public Defender and Volunteer Lawyers' programs to understand what appears to be the relatively inactive role of senior lawyers in providing pro bono legal services. Based on my knowledge of the history of pro bono legal services in Vermont, and the presently existing programs, it is my judgment that most senior lawyers believe that the indigent are for the most part adequately represented. Senior lawyers no longer consider pro bono services for the poor as a significant part of their practice. They do not consider such representation to be part of their professional duties.

A letter was sent to Vermont's 225 senior lawyers alerting them to the forthcoming American Bar Association book about senior lawyers and pro bono legal service. They were interrogated about their interest in joining a prospective senior lawyer division within the VBA, and were asked to provide information about their pro bono work for
the indigent since becoming 60.

Twenty-four responded to the first letter, a meager 11% of those solicited. Three months later another appeal was directed to the no-shows, with eleven more replying, for a total of thirty-five, being 16% of all senior lawyers.

I would like to think that the information obtained from the 35 could be considered to be an approximate microcosm of the situation of all 225 senior lawyers. This assumption may be reasonable considering the validity attributed to many public opinion polls. In any event, the results are worth noting.

Including two sitting judges and a college president, 180 or 80% continue to be more or less actively practicing law, while 45, or 20% are not practicing or performing other work for compensation.

Significantly 78, or 37%, being more than one-third of the 225 senior lawyers, are not involved in pro bono work of any kind for reasons of health, age or otherwise.

Fifteen, or 43% of those responding to my queries, many of whom are still practicing, reported that they were performing some pro bono legal services for the indigent. For reasons discussed above, I am reluctant to extrapolate from that number, as I did above, that 90, or 40% of all senior lawyers are performing pro bono legal services for the poor. Would that it were so!

If 90 seniors were performing pro bono services, many more of them would have responded, in my judgment, if only to report with pride that they continue to fulfill their professional duty as they had when much younger. In any event, individual senior lawyers continue to work tirelessly to aid the disadvantaged. A few examples:

......a 68 year-old passed the bar exam at age 65, and for two and one-half years worked as a full-time volunteer with the Public Defender's office, handling all the juvenile cases;
......a 76 year-old former judge was admitted to practice on motion at age 69, and accepts two or three legal assignments annually, as well as actively serving as an arbitrator and mediator;
......a lawyer graduated law school and was admitted to practice after age 60, volunteered for Legal Aid, and is now a specialist in Social Security and Welfare law. She is not as busy as she would like, and as a result questions how much need there is for pro bono work;
......an octogenarian estimates that his pro bono work, principally for the underprivileged, has increased in the last 20 years from 20% of his practice to about 60% today;
.....a doctor in mid-career took the bar exam in 1990, and became eligible for membership in the Young Lawyers Division and the Senior Lawyers Division. She works at a Poverty Law Clinic two days a month and is on call about health law;

.....a lone practitioner spends 40 hours a week on pro bono activities, many of which involve the poor;

.....a Probate Court Judge reported with pride that lawyers, including senior lawyers, willingly serve without compensation, particularly with involuntary guardianship proceedings;

.....a practitioner spends at least 10 to 15 hours per week on pro bono work involving criminal matters, motor vehicle violations, domestic problems, real estate and probate matters;

.....a 70 year old was placed on the VBA Pro Bono Honor Roll for outstanding work over several years;

.....a 74 year-old has handled several complicated cases for which private clients would Have been charged thousands of dollars.

The American Bar Association appears to be more concerned with legal services for the poor than the pro bono activities involving charitable and non-profit organizations. But it would be unfair not to mention the considerable pro bono work performed by senior lawyers in these areas. Many senior lawyers believe that such activities fulfill their professional duty to provide needed legal services without compensation.

Eleven of the 35 respondents, or 31%, listed services performed for those entities, the Bar Associations and public bodies. This suggests that as many as 70 of the 225 senior lawyers provide pro bono services in those areas. A few examples:

.....service as a legislator and running for office;

.....United Way and religious organizations;

.....chairing VBA committees and writing for its monthly journal;

.....educational and health care organizations;

.....environmental and cultural organizations;

.....court-sponsored mediation, arbitration and planning.

There was little interest expressed in establishing or participating in a senior lawyers’ division of the VBA. Some objected to age alone as a basis for a separate division, and several active practitioners did not want the public to characterize them as seniors. One American Bar Association Senior Lawyer Division member was critical of it in that he had seen little product that I valued other than its articles dealing with planning for and financing retirement.

But several lawyers did express curiosity and possible interest in participating in a senior
division. Perhaps a few committed seniors could succeed in establishing such a division if its mission was imaginatively defined to include the broadest concept of pro bono work. But they would have to be convinced that there are many senior lawyers interested in performing pro bono work for the poor and for charitable and non-profit organizations. Their effort would have the support of the VBA.
The following first appeared in the September 1994 Senior Lawyer which is published by the Senior Lawyers Division of the American Bar Association.

A Senior Lawyers Section was approved by the Virginia State Bar (VSB) in 1987 for the purposes of fellowship and liaison with professional counterparts, including those in the health care field; encouraging professionalism; fostering elder care education, with particular emphasis on retirement, pensions, annuities, and financial counseling; pro bono activities; and providing senior citizens with a general understanding of their legal rights and obligations.

Walter Regirer of Richmond, who is now vice chair of the American Bar Association Senior Lawyers Division's Organization of Senior Lawyers Groups Committee, was the driving force behind the creation of the section in the VSB. Initially the section was open to those who had reached 60, and the annual dues were $10.00. Now the age has been reduced to 55, and the dues are $15.00. The section has about 300 members.

The section has sponsored programs each year, generally at the VBA's annual meeting in June, for which continuing legal education credit is arranged. The first program in 1987 was a joint symposium with the VSB's Health Law Section, Legal, Environmental and Other Issues in the Perspective of Aging. Later seminars included presentations on guardianship and physician-assisted suicide, and other topics have been Senior Lawyers Advising Senior Citizens, Counseling Dying Clients and Their Families, and Pro Bono Publico - Filling the Gap.

A principal activity has been the preparation and publication of the Virginia Senior Citizens Handbook, which is cosponsored with the Virginia Young Lawyers Conference and has served as an inspiration and prototype for similar publications in other states. The handbook is updated and republished to assure its usefulness, and is now in its seventh edition.

Articles have been initiated by section members for publication in the Virginia Law Weekly and in the section's newsletter. Periodically there is a dedicated issue of the VSB's magazine The Virginia Lawyer, to the section's activities.

In 1989 a pro bono task force was created by the VSB through the efforts of the section. The Pro Bono Committee that resulted from this initiative has received numerous rewards for its work. On the committee's recommendation, the Virginia Supreme Court
has established guidelines for pro bono hours by Virginia lawyers.

The section has worked with various Virginia state agencies, including the Department of Human Resources and the Department for Aging, both on the interchange of ideas and in an attempt to provide senior lawyers for counseling older citizens. A Bonolex program also was attempted, under which panels of lawyers were to work with the area agency on aging, local bar associations and legal aid organizations on behalf of needy citizens, including the elderly. This proved to be a difficult project to implement, however, and it has been subsumed generally within local legal aid providers.

Another effort that has not yet succeeded is an emeritus attorney program similar to those in Florida, Arizona, and California. These programs permit a retired lawyer to be certified by the state supreme court to provide pro bono legal services through approved legal aid organizations. State bar dues and other requirements would be waived, and professional liability would be provided. A proposal for the preparation of a manual for lawyers on laws affecting senior citizens died because of lack of a funding source.

Recent successful projects include statewide CLE programs on elder law, various aspects of health law, including organ transplants, advance directives, and medical powers of attorney. Long term care insurance has also been examined. Currently, the section is involved in two projects -- a proposed volunteer guardianship program for low-income, elderly adults, and in reform of the guardianship provisions of the Virginia Code.
The following is an overview of the Seattle area senior attorney efforts at assisting in pro bono and/or public weal efforts.

The Seattle Bar Association was founded more than 100 years ago to counter the anti-Chinese riots which swept briefly across the City and its institutions. The continued reaching out comes perhaps from insistence to preserve a belief in a generally harmonious society, placed in an environment of natural beauty and obliging climate. Seattle has always had an influx of professionals from other sections: the Midwest, mountain states, the southeast and the northeast, particularly New York and the New England states, importing to Seattle, I believe, a conscience and commitment to people and institutions.

The Seattle area had a severe depression experience, overcome in part by huge electro-power reclamation and irrigation projects in Eastern Washington. Harsh conditions of loggers, fisherpersons, Asian and Filipino immigrants, the Internment, the Seattle General Strike, immigration during World War II, and a strong and broad participation in church activities caused the persistent interest of attorneys to devote energy and skill to persons and institutions in need of legal assistance.

Some examples of instances of pro bono work by retired or cutting back attorneys, mostly as individuals, not as members of formally organized bar association sponsored pro bono and reduced fee efforts follow:

A Regional Director of a federal agency, an attorney who volunteered to assist the Washington Chapter of the American Civil Liberties Union in legal research, fundraising and organization. Last year he received an award for that work.

A sole practitioner attorney, parent of an adult child with a disability, who joins with an organization of similarly affected parents to develop legislation, physical facilities and means of education and counseling.

An attorney affiliated for more than 50 years with the American Friends Service Committee, who continues his efforts for peace, giving assistance to Native Americans, to minorities, to women and who recently gave legal assistance to counsel, resulting in reversal of the 1942 curfew conviction of Mr. Gordon Hirabayashi.

* An attorney who for 50 years has been a pioneer and leader in numerous
regional park, transportation, sewer-water improvements, now a leader in establishing with non-profit groups a green belt trail from the Cascades to Puget Sound.

♦ An attorney working with neighborhood groups to achieve physical improvements, increased job opportunities, credit availability, retail encouragement and restoration in the City.

♦ An attorney associated with non-profit institutions who in conjunction with activists, created a viable shopping and service center.

♦ A heroic attorney for a lifetime, now retired and assisting non-profits in election monitoring and basic aid to El Salvador, Nicaragua and Cuba.

♦ An attorney who has worked with the Seattle Art Museum, assisting in creating a new museum, expanding its collections, and restoring its earlier collections.

♦ Several attorneys engaged with their religious organization in providing housing, shelter, food and family or battered spouse counseling.

♦ An attorney who assists attorneys who seek new career directions; she counseling those seeking a more satisfactory employment in law or related areas.

♦ Attorneys assisting smaller communities on task forces relating to urban city planning, school development, vocational training, and in-town development.

♦ An attorney assisting members of his infantry regiment in seeking health and family benefits, hospitalization and some substance abuse.

♦ A retired Nurse, Ms. Sheila Umlauf, then law school graduate, who devotes constant and intense effort to the Northwest Woman's Law Center doing legal research, trial participation, organizing and fundraising.

♦ An attorney who engages in varied pro bono activities in a neighboring city, such as food banks, work with the homeless and with children from abusive families.

♦ Attorneys working with the Crisis Clinic in answering telephone calls from persons in distress.

♦ Attorneys engaged in peace efforts, international contacts for peace, student
and citizen contacts in several countries, including Seattle-Sister City programs.

This writing, in most instances, is limited to the Seattle area. However, it is a certainty that other senior lawyers throughout the state are as involved in pro bono as those listed here.
WEST VIRGINIA

by H. L. (Jack) Snyder of Charleston, West Virginia

The Pro Bono Referral Project of the West Virginia State Bar is limited to civil legal services to the poor. It has been in existence for eight or ten years, modeled on an earlier program of the Legal Aid Society of Charleston.

The volunteer participation of lawyers as a whole in the Pro Bono Referral Project remains under twenty percent. For senior lawyers, however, the volunteer rate is an astonishing ninety-seven percent!

On the other hand, getting on a sign-up list does not mean getting pro bono assignments. Although the greatest need for pro bono lawyers is for adversarial work, relatively few senior lawyers want any kind of trial practice, much less the tough cases like spousal abuse divorces. As a result, the actual use of senior lawyers in pro bono cases is pretty small on a statewide basis.

The exception is Ohio County, in the northern panhandle of West Virginia. For many years, the Ohio County Bar Association has been the most vigorous. Their crowning glory is a pro bono system under which every member of their Association takes on a fair share of pro bono work. There are no exceptions. Senior lawyers take their share just like their younger peers. Since this remarkable commitment was ongoing long before the State Bar's Referral Program developed, the Ohio County lawyers' natural respect for tradition assures the continuing vitality of their program.
WISCONSIN

by Irvin B. Charne of Milwaukee, Wisconsin

A survey of senior lawyers organizing and volunteering efforts in Wisconsin has failed to disclose any senior lawyer organizations seeking to promote senior lawyer pro bono or volunteer activities. There is, however, a good deal of senior lawyer volunteering and senior lawyer pro bono activity which takes place in Wisconsin. The following are some instances of this kind of activity by senior lawyers.

An outstanding example of a senior lawyer engaged in pro bono work is CARL MORRISON of Milwaukee. Mr. Morrison graduated from Marquette University Law School in 1991 at the age of 66. This was a third career for him. He had previously worked in industry for about 27 years, and then served for 15 years as a vice president of the Milwaukee School of Engineering. While in law school, he worked one summer for the Legal Aid Society of Milwaukee and this helped foster his desire to specialize in pro bono activity. Since graduating from law school, he has provided legal assistance at several senior citizen centers in the City of Milwaukee. He teaches a 12-week course in elder law twice a year at La Farge Learning Center. He supplies legal services to veterans at the Milwaukee Veteran's Administration Hospital and makes no charge for those who cannot afford to pay. He writes a monthly article on senior legal issues for a freely-distributed monthly newspaper directed toward senior citizens. He makes out living wills and durable powers of attorney for health care at no charge and he also does legal work without charge for clients, who otherwise cannot afford to pay.

GENE POSNER has actively encouraged pro bono work in an interesting manner. He created a foundation which is engaged in trying to educate graduating lawyers about the Bar's responsibility for pro bono services. His foundation sponsors seminars at Wisconsin's two law schools, Marquette University Law School and the University of Wisconsin's Madison Law School. At the seminars, invited lawyers discuss the need for pro bono work by the Bar. The foundation also honors a lawyer each year who has done outstanding pro bono work and also honors a student at each school who has performed pro bono work during the last academic year. The foundation also makes an annual contribution to each law school to further pro bono during the year.

Attorney LEONARD S. ZUBRENSKY of Milwaukee is actively engaged in the field of worker's compensation. In addition to representing some individual compensation claimants on a volunteer basis, he arranges for worker's compensation conferences in Milwaukee, Wausau, Green Bay and Appleton. The conferences are open to the public without charge. Mr. Zubrensky also consults without charge with lawyers throughout the state on questions relating to worker's compensation claims.
One of the most active volunteers of the Milwaukee Bar is MARGADETTE M. DEMET. In addition to handling pro bono cases in her office, she has volunteered substantial portions of time to Bar activity on the state and local level and has received numerous awards and recognitions for this volunteer activity. Ms. Demet, widow of attorney Francis J. Demet, is also the proud Mother of eight children and has fifteen grandchildren. This year she served as co-chair of the Legal Assistance Committee and received the distinguished service award of the State Bar of Wisconsin (SBW).

Another woman attorney who is active in providing pro bono legal services is MORDELLA DAHL SHEARER who, with her husband, CONRAD J. SHEARER, practices in Kenosha. Mordella Dahl has served as legal counsel for the Shalom Center, a "soup kitchen" and emergency housing facility in Kenosha. Until recently, she also served on the steering committee for the local special benefits program. Her husband, Conrad, has also been an active volunteer, providing legal and drafting assistance to the Kenosha County Historical Society and is presently representing a small church of minority congregants in its efforts to purchase the building in which its church is located.

Many lawyers in Wisconsin provide volunteer services to various agencies and charitable groups. EMANUEL N. ROTTER of Milwaukee, in addition to providing pro bono services for clients referred by Legal Action of Wisconsin, is able to officiate at weddings by reason of his position as a court commissioner. He finds many occasions when such services are performed by him at substantially reduced fees.

Attorney LOWELL E. SWEET of Elkhorn is a member of a volunteer program offering up to two hours of free legal service in connection with starting up a small business. He also assists other attorneys in areas of his specialty involving real estate and office management. He accepts pro bono case assignments from the SBW and the Walworth County Bar and he indicates that such activities occupy about 150 hours of his time each year.

CATHERINE B. CLEARY of Milwaukee has a long and distinguished career as a trust lawyer. In addition to her legal work and service on boards of directors of major corporations, she has volunteered her service and expertise for many foundations and non-profit organizations. In addition, she has done extensive research and writing on the field of women in the law, which is very dear to her heart. Recently, she agreed to serve on the SBW's Legal Education Committee, which will be chaired by Wisconsin Chief Justice NATHAN HEFFERNAN, who continues his volunteer activities encompassing both undergraduate and graduate legal education in Wisconsin.

Presiding Judge PAUL C. GARTZKE of the District IV Court of Appeals of Wisconsin in Madison volunteers his services on the Board of Curators of the Wisconsin State Historical Society. He also volunteers non-legal services for his church regarding problems of homeless men.
Retired Judge ROBERT W. LANDRY teaches a class at La Farge Lifelong Learning Institute entitled "Law and Society" without compensation. He also volunteers as a board member of Easter Seal Society of Milwaukee, Day Care Services for Children and Sinai-Samaritan Medical Center. Judge Landry continues to accept assignments as a reserve judge.

Although GEORGE K. STEIL, SR. of Janesville, still maintains a busy law practice, he has found time to devote to various charitable, civic and political activities. These include acting as Chairman of the Board of Directors of St. Coletta School of Jefferson, a school for mentally handicapped individuals operated by the Sisters of St. Francis. He served as Chairperson of the Governor's Committee on Judicial Selection from 1987 to 1992. He served as a member of the Board of Regents of the University of Wisconsin System since 1990 and as President of the Board from 1992 to 1994. Also he is on the Board of Directors of the Roman Catholic Diocese of Madison.

Attorney GEORGE B. SCHWAHN of Middleton, has assisted elderly people at substantially reduced fees. He also reports that many senior attorneys in Dane County have assisted the court by acting as mediators.

JOHN K. MACIVER of Milwaukee, a senior member of a leading law firm in Milwaukee, volunteers his services as a director, executive committee member and legal counsel to the New Hope Project, which is a national demonstration project testing a holistic approach to helping poor people find and remain in the work force. He also volunteers as a director, executive committee member and legal counsel to the Greater Milwaukee Education Trust, which is an organization with representation from business community groups, higher education, school administration, unions and voluntary agencies seeking to develop programs and efforts for reform and support of the Milwaukee Public School System. He also volunteers as a director and executive committee member and legal counsel for the Milwaukee Symphony Orchestra and is trustee and legal counsel for the Milwaukee Symphony Orchestra Endowment Trust. Attorney MacIver is also serving on a task force considering the establishment of a new business court for Wisconsin.

Attorney CLIFFORD C. KASDORF of Milwaukee has volunteered his services to his church in connection with the administration of a scholarship fund. The fund grants financial aid to individuals who are interested in obtaining education to qualify as a teacher or a minister.

Attorney ROBERT W. SCHROEDER has worked as a volunteer in connection with veterans issues. As a past National Commander of the Military Order of a Purple Heart and as a past Department Commander of the Disabled American Veterans, he has an interest in issues related to veterans and volunteers his service to both of those organizations.
Attorney EDWIN P. WILEY of Milwaukee has volunteered his services to many civic and charitable organizations. At present, his principal pro bono work is for the Milwaukee Symphony, the Milwaukee Public Museum and the Blood Center, which together account for an average of about 25 hours per week.

Attorney ROGER D. O'NEAL of Beloit volunteers his service as a member of the Advisory Board of the Beloit Salvation Army. He provides legal advice as requested.

Attorney C. DUANE PATTERSON, who is still active in legal practice in Wausau, volunteers his service as Secretary and Director of the Wausau Area Community Foundation, Inc. and Crossroads Mental Health Services, Inc. He provides legal services to the charity without charge.

Attorney BERNARD S. KUBALE of Milwaukee continues to practice on virtually a full-time basis. His principal pro bono activities include work for the Children's Hospital of Wisconsin and the Milwaukee Neighborhood Renewal Foundation.

Attorney HARRY L. WALLACE of Milwaukee, while still working substantially full-time for a large law firm in Milwaukee, volunteers as a tutor in the YMCA's One-On-One program and also is serving on a "school-to-work" committee designed to aid in establishing a school-to-work program in the Milwaukee Public School System.

Attorney JOHN E. SHANNON, JR. of Stevens Point volunteers as President of the Wisconsin American Legion Baseball Association, which provides summertime baseball opportunities for over 2,500 boys (age 15 through 18). He also serves as President of the Community Parks Improvement Committee, Inc., which is a non-profit organization devoted to raising funds for community parks. He also is on the Board of Directors of St. Michael's Hospital Foundation.

Attorney CLYDE WYNIA of Marshfield, who practices in the areas of real estate law, small business and estate planning, provides legal services to both individuals and charities at reduced fees or no charge. This includes preparing power of attorney forms for senior citizens who may not be able to afford a normal fee. He also volunteers to perform pro bono work for charitable organizations, such as the Battered Women's Home and the Unwed Mothers' Home. He also provides legal services for local churches and ministers, mostly in connection with real estate sales and acquisitions.

Attorney RODNEY O. KITTELSEN, Past President of the SBW and still in active practice in Monroe, volunteers pro bono services to individuals requiring such assistance. Recently he aided a young man who had been accused and sentenced for alleged criminal conduct. As a result of attorney Kittelsen's investigation, he was able to establish that the young man
was not guilty of the offense, and, as a result, the young man was released from jail. He also aided a young woman who needed assistance in revising a previously imposed custody order and correcting a record with regard to support obligations.

Attorney JACK R. DeWITT, the senior attorney of a well-known Madison law firm, has volunteered his service on a pro bono basis aiding attorneys involved in proceedings before the Wisconsin Attorneys Professional Responsibility Board. He has also assisted in mentoring attorneys. He has acted as a mediator in the Dane County Bar Mediation Program and also serves as an arbitrator in fee disputes situations under the SBW program. He has engaged in non-legal pro bono activity, serving as a mentor for a teenage young man whose school recommended that he needed help and guidance.

Attorney JOHN A. KLUWIN, for many years a leading trial attorney in Milwaukee, now residing in Kewaskum, although retired from formal law practice, maintains a law library in his home and assists local people and his church in various legal matters. He also acts as Chairman of the Town of Kewaskum Board of Appeals.

Attorney ARDEN A. MUCHIN of Manitowoc volunteers his services to the Family Service Association of Manitowoc County, a non-profit organization, at substantially reduced charges and has spent considerable time serving on the legal committee for the merger of the Manitowoc and Two Rivers-Mishicot United Ways into a merged corporation entitled "United Way/Manitowoc County, Inc."

Attorney LYMAN A. PRECOURT, who has practiced for many years in a leading law firm in Milwaukee, has acted as a volunteer legal counsel at a church in Milwaukee during its breakfast for homeless and indigent, counseling all who have legal questions. The program is sponsored by the Legal aid Society. He did this once a month for over two years. He also, together with attorney DAVID BECKWITH of his firm, participated in a one-on-one mentoring program for sixth and eighth grade students at a Milwaukee Public School middle school. Individual students are assigned to an adult and they meet together once a week during the school year to assist the student in school work and offer guidance, as appropriate. Mr. Precourt also is spending two hours a week at Vets Place Central, a residential counseling center for homeless and other veterans who need assistance. He meets with the residents and members of Vets Place and discusses legal problems and seeks ways to advise them. Also, he has been active in connection with aiding individuals who have a hearing loss. He has been on the Board of Directors for the Center for the Deaf and Hard of Hearing, which is a non-profit social agency. He is also on the Board of Directors of Wisconsin Self Help for Hard of Hearing People, which is devoted to the educational aspects of hearing loss and group activity of those who are hard of hearing. For information regarding Mr. Precourt's pro bono efforts on the national level, turn to Chapter 53 SAVE (Senior Attorney Volunteers for the Elderly) PROGRAM.
Even though Wisconsin does not have an organized activity directed to involving senior lawyers in volunteer and pro bono activity, it is very clear that many, many senior lawyers in Wisconsin are active participants in such activities.
As I contemplate writing about senior lawyers involved in pro bono, charitable and volunteer work in Wyoming, I am reminded our State has sometimes been described as, "One big town with long streets," and also of the American Express ad, "I am just a poor country lawyer." In a state where cattle and sheep outnumber people, lawyers are measured by the square mile and with slightly over 1100 actively practicing attorneys in Wyoming, it makes about one lawyer per 88 square miles.

But what is true of lawyers in sparsely populated areas throughout rural America is that they are frequently called upon to serve their communities in a plethora of volunteer and pro bono activities. From my observation the great majority of lawyers in Wyoming answer the call, and from the responses I received, the involvement of those attorneys continue into the "senior years".

As we do not have a bar section or other organized group of senior lawyers in Wyoming, I had the dubious honor of deciding where to draw the line, age wise that is. Initially I thought 60, but quickly discarded that as much too close for comfort. After checking with the State Bar offices, I arbitrarily settled on 65. There are 42 actively practicing lawyers in Wyoming of that age or older which I thought manageable.

Typical of the responses I imagine came from other states, my inquiry into the activities of senior lawyers in the name of pro bono and volunteer work, resulted in responses both amusing and diverse. They included "Frankly, I think the American Bar Association is wasting its time on this project"; another offered, "I am not doing any pro bono work now .... I did so much for 20 years that I felt I had done my share", to "I am semi-retired. I spend six months in Arizona and six months in Wyoming where I spend more time golfing and fishing than working." One said he retired to follow Mark Twain's advice, "do right, for which some will be grateful and the rest will be astounded."

Finally, there are the "used to's" who could not resist deluging me with long lists of their past accomplishments, and those who, according to them, have "paid their dues".

The majority of those who are continuing to practice even on a limited basis, however, devote considerable time to both public and private foundations and pro bono work. In fact, many have reduced their active practice, devote considerable time to both public and private foundations and pro bono work. In fact, many who have reduced their active law practice, have increased the time devoted to these activities. They serve as layreaders in and provide legal assistance to their churches; provide legal services to senior citizen organizations and individual seniors and their families with advice on property, wills, trusts, health care, and
other matters frequently at low or at no cost; one serves on a board which assists those with disabilities with problems in independent living; and others have long lists of service groups, clubs and other organizations (one as many as 6) in which they are contributing substantial amounts of legal and non-legal time.

I was also pleased to learn that many are still active on various committees in the State Bar association. Some help criminal defendants with their appeals; one assists mothers who are receiving aid to dependent children with problems in administrative hearings and in state and local courts; and one continues to serve as a Wyoming Commissioner on Uniform State Laws and on several charitable boards.
THE SENIOR LAWYERS DIVISION OF THE AMERICAN BAR ASSOCIATION

by Frederick R. Franklin of Unionville, Indiana

The needs and concerns of older Americans were addressed for a number of years by the American Bar Association through its Commission on Legal Problems of the Elderly and by a seven member ABA Standing Committee on Retirement of Lawyers. The Commission focused on the needs of the elderly poor, while the Standing Committee worked for the creation of Keogh plans for lawyers, for Social Security reforms, and addressed matters of concern to older lawyers such as law firm retirement plans, estate and gift tax matters and individual retirement plans.

The Standing Committee received numerous communications from ABA members asking how they could participate in some of these activities, and suggesting that the Committee be expanded or be made a section.

In 1984, the Standing Committee, then chaired by Stephen N. Maskaleris, of Morristown, New Jersey, and staffed by me, concluded that the time was right for the creation of a section or other entity within the ABA for older lawyers. The Committee prepared a draft bylaws of a proposed senior lawyers section, to be composed of ABA members age 55 and older, and submitted a recommendation to the Board of Governors for the creation of such a section by the House of Delegates.

The Board questioned the need for a senior lawyers entity; several members of the Board stated they were over age 55 and had no problem playing an active role within the ABA and that the leaders of most ABA sections also were over age 55. The Board returned the recommendation to the Standing Committee with instructions that the eligibility age be raised from 55 to 60 years, that the proposed entity be called a division rather than a section (the difference being that any ABA member is eligible to join a section, while divisions are entities that have additional membership requirements, such as age or status, e.g. the Law Student Division, the Young Lawyers Division and the Judicial Administration Division), and that the Standing Committee establish that at least 2,000 persons would join, if a senior lawyers' entity were created.

All these conditions were met by the Standing Committee. At the 1985 Midyear Meeting, at the Palmer House in Chicago, Stephen Maskaleris, his wife Corinne, my then secretary Marjorie Krejewski, her young daughter Joanie, and I circulated petitions for ABA members to sign in support of the creation of a Senior Lawyers Division. We stood at the bottom of Palmer House escalators, at the elevator doors, and at entrances to meetings and social functions, obtaining signatures.
After the Midyear Meeting, Mr. Maskaleris and I sent a notice to the 32,500 ABA members age 60 and older, stating "We are sponsoring the creation of the Senior Lawyers Division. If you would join such a division, please fill out the attached form and return it to our staff director together with your check for the first year's dues in the amount of $15.00." In response to this one mailing, over 3,400 checks were received by me. The $51,000 thus paid was placed in an escrow account.

Armed with this solid evidence of interest in the creation of a Senior Lawyers Division, the Standing Committee recommended the creation of a Senior Lawyers Division for ABA members age 60 or older, to the 1985 Annual Meeting of the House of Delegates. The Board of Governors transmitted the proposal to the House without recommendation.

The debate in the House, on July 9, 1985, was vigorous. The principal opposition came from ABA sections; they were worried that if a Senior Lawyers Division was created, older lawyers would drop their section memberships. Delegates from several sections argued that a Senior Lawyers Division would be duplicative of activities already being provided by existing sections and that a Senior Lawyers Division could not be self-supporting. Notable exceptions to the opposition were the General Practice Section, the Law Student Division, the Young Lawyers Division and the Judicial Administration Division, whose delegates spoke in favor of the creation of a Senior Lawyers Division.

Strong support also came from the ABA Standing Committee on Membership and a number of state bar association delegates. The Standing Committee on Membership pointed out that a substantial number of older lawyers drop their ABA membership, and that the creation of a Senior Lawyers Division would retain these lawyers as ABA members, who would then pay ABA dues as well as the division's dues. Several state bar delegates pointed out that over 3,400 Association members not only had indicated an interest in joining a Senior Lawyers Division, if created, but also had sent in $15.00 each to demonstrate their commitment.

Proponents also pledged that, unlike the other ABA divisions (all of which received financial support from the general funds of the ABA), the Senior Lawyers Division would be self-supporting.

At the conclusion of the debate, members of the House of Delegates, by two-thirds majority vote, established the Senior Lawyers Division. I was appointed the Division's first staff director, as an additional duty to my directing the Section of Legal Education and Admissions to the Bar.

Before continuing this historical narrative, I wish to note that, for persons wishing to have senior lawyer groups established at the state or local bar level, it is important to alleviate the fears that the addition of a senior lawyers group will result in a loss of other section memberships or be a drain on bar association monies. The ABA's experience has been to
the contrary; Senior Lawyer Division members have retained their memberships in their other sections, the Division has been self supporting, and the Division has kept a substantial number of lawyers as dues-paying members of the ABA who otherwise would have resigned because of age.

The organizational meeting of the Division took place in the fall of 1985, in New York City. Robert W. Meserve, a past-president of the ABA, was named the first Chair of the Division. Kirk McAlpin of Atlanta, Georgia was named Chair-Elect; Robert M. Ervin of Tallahassee, Florida, was named Vice-Chair; Theodore Voorhees of Washington, DC, was named Secretary; E. Charles Eichenbaum was named Budget Officer and the first Council members were Jean Allard of Chicago, Illinois; Ronald Foulis of Santa Rosa, California; Alicia Gallagher of New York City; Daniel L. Golden of South Orange, New Jersey; Don M. Jackson of Phoenix, Arizona; Robert G. Leff of Beverly Hills, California; Philip H. Lewis of Topeka, Kansas; Michael Plaut of Keene, New Hampshire; Lester M. Ponder of Indianapolis, Indiana; Sidney S. Sachs of Washington, D.C.; John W. Storer, Jr., of Chicago, Illinois and Harold G. Wren of Louisville Kentucky.

One of the first items of business was to create a periodic newsletter, to be called SENIOR LAWYER; Richard B. Allen, of Chicago, a member of the Division who had recently retired as Editor of the ABA JOURNAL, agreed to serve as the unpaid editor of the newsletter.

Committees were created in the fall of 1986 including a Publications Committee, a Social Security Committee and a Program Committee.

The Division sponsored a reception for all its members at the 1986 Annual Meeting. The first continuing legal education programs were held in conjunction with Council Meetings beginning in the fall of 1986. A two-day educational program was held at the 1987 Annual Meeting in San Francisco; one portion dealt with the Of Counsel relationship, while another dealt with Retirement Planning. Both were so well attended and so successful, that the Division determined to publish books on these topics. Harold G. Wren, of Louisville, Kentucky agreed to author the book on THE OF COUNSEL RELATIONSHIP while David Bridewell, of Chicago, agreed to author the LAWYERS' GUIDE TO RETIREMENT.

In the fall of 1988, Victor Futter, of New York City, Chair of the Publications Committee, met with Jack Podell, Director of the ABA Press, and began exploring the possibility of creating a quarterly magazine for the Division. This resulted in publication of the first issue of EXPERIENCE, the Division's quarterly magazine, in the fall of 1990, under the staff editorship of Ray DeLong.

The intention was that EXPERIENCE would replace SENIOR LAWYER, and no newsletters were published for the next three years. However, the need to keep the
membership informed about current developments in a timely fashion, which a quarterly 
magazine could not fulfill, led the Council to reinstate SENIOR LAWYER in the spring of 
1994, to be published quarterly, in addition to EXPERIENCE.

Additional books have been published. 1994 saw the publication of a second edition, a 
revised, updated and expanded edition of David A. Bridewell's THE LAWYERS GUIDE 
TO RETIREMENT, and a book by George H. Cain on new career options within the legal 
profession, giving valuable advice on new law-related career opportunities, entitled 
TURNTING POINTS -- NEW PATHS AND SECOND CAREERS FOR LAWYERS.

In addition to its two quarterly publications, the Division continues to conduct educational 
programs, publish single subject books, and present resolutions to the House of Delegates 
pertaining to matters of interest to older lawyers and older Americans. These resolutions 
have included recommendations adopted by the House of Delegates calling upon Congress to 
1) re-establish the Social Security Administration as an independent agency, 2) solve the 'notch-baby' problem, and 3) remove the earnings test limitation on Social Security 
benefits.

The Division has had phenomenal growth, increasing from the initial membership of 3,400 
to its present membership of 12,000. Dues were increased in 1987 from $15.00 to $20.00 
(except that the dues for fully retired lawyers remain at $15.00).

From almost the beginning of the Division, it became apparent that those who proposed the 
Division's creation were correct in recommending age 55 as the membership eligibility age, 
and that the then Board of Governors had erred in increasing the age to 60. Most retirement 
planning, including negotiation of partnership retirement agreements and Of Counsel 
relationships, should be done before reaching age 60. Elder Law issues are of concern to 
lawyers generally. The Division's continuing legal education programs, books, magazine, 
newsletter and meetings have been, since the outset, of interest to lawyers younger than age 
60, especially to lawyers age 55 to 59. Therefore, in response to "popular demand" the 
Board of Governors in November, 1994 approved a Division bylaw amendment stating that: 
"membership of the Division shall consist of members of the Association in good standing 
who are either 55 years or older, or who have been licensed to practice in a state of the 
United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or 
insular possession subject to the jurisdiction of the United states, for 30 years or more....."

As a personal note, I retired as full time Staff Director of the Division in April, 1993, 
although I continued to perform part-time staff services on a voluntary basis through the 
1983 Annual Meeting in New York City. I continue to serve the Division as Council 
Honorary Member-At-Large.

Elizabeth D. Rielly, who served as the Assistant Staff Director from 1987 to 1992, was
appointed Staff Director in the fall of 1993. For additional information about the current programs and publications of the Division, please contact Elizabeth D. Rielly, American Bar Association, 750 North Lake Shore Drive, Chicago, IL 60611, telephone (312) 988-5583.
SAVE (Senior Attorney Volunteers for the Elderly) PROGRAM

by Mary Pat Toups, Laguna Hills, California

In April of 1995 a new program was adopted by the American Association of Retired Persons (AARP) Legal Counsel for the Elderly in conjunction with the ABA Senior Lawyers Division, the ABA Center for Pro Bono, and the ABA Commission on Legal Problems of the Elderly.

The program was created by Wayne Moore, Director, and Jan Allen May, Managing Attorney of Legal Counsel for the Elderly, and the ABA Senior Lawyers Division Pro Bono Committee, which was composed of the following: VC George T. Frampton of Champaign, IL; VC Robert E. Friou of Tarrytown, NY; VC Jeremiah J. Gorin of Providence, RI; VC M. Brooks Senn of Louisville, KY; Bernard Borman of Boston, MA; Kenneth E. Bruce of Scarsdale, NY; Ellen H. Clark of Chicago, IL; Jacob J. Graber of Farmingdale, NY; Paul Hofflund of San Diego, CA; Joseph Iseman of New York, NY; Joseph A. Millimet of Manchester, NH; Lyman A. Precourt of Milwaukee, WI; John M. Schofield of Sarasota, FL; Myron M. Sheinfeld of Houston, TX, Alfred K. B. Tsang of Indianapolis, IN; Chair Mary Pat Toups of Laguna Hills, CA.

Senior attorneys everywhere now have the opportunity to help the elderly poor with legal services through this new nationwide program.

This program's goal is to encourage senior lawyers to create a local SAVE PROGRAM, a local network of senior attorney volunteers for the elderly.

Creating such a program is easy. When an interested senior lawyer contacts AARP's Legal Counsel for the Elderly, that senior lawyer will be matched with the appropriate local legal services provider. Copies of SENIOR ATTORNEY VOLUNTEER PROJECTS, A RESOURCE MANUAL, which includes a blueprint for a successful program, as well as information on current successful senior attorney volunteer programs, will be mailed to the volunteer and the appropriate provider.

SAVE PROGRAMS include elder law training, supervision, and malpractice insurance. Additional elder law education is available through the Elderlaw Home Study Program, which is sponsored by Legal Counsel for the Elderly/AARP and the Graduate School, US Department of Agriculture Correspondence Program. This innovative approach to improving the quality and availability of legal services to older people includes the following courses: Introduction to Elderlaw; Nursing Home Law; Protective Services Law; Social Security & Supplemental Security Income; Medicare & Medigap Insurance; Financing Long Term Health Care; Wills, Trusts & Estate Administration; Administrative
Law & Procedure; Consumer Law; Public Benefits; Legal Literature; and four core courses required for a Certificate. Some may want to take one course to gain competency in a particular area, or for their own use. For a free brochure write USDA Graduate School, Correspondence Program, Ag Box 9911, 14th Street and Independence Avenue, SW, Washington, DC 20250.

Although the program is based on the philosophy of local control, the four sponsors stand ready to assist as needed.

For information on how to create a local SAVE PROGRAM, please write Jan Allen May, Managing Attorney, LCE/AARP, 601 E Street, NW, Washington, DC 20049.
APPENDIX

ABA CENTER FOR PRO BONO RESOURCES AND ASSISTANCE

by Steven W. Dressel of Chicago, Illinois

The ABA Center for Pro Bono has a wealth of information on pro bono. The ability of the readers to tap into this information may make their task of starting or developing a pro bono program much easier.

The Center has several sources of information to assist the reader in their work:

1. THE CLEARINGHOUSE. The center maintains a clearinghouse, consisting of file drawers full of reports, new clippings, program materials, studies and journal articles on pro bono activities, arranged both by topic and state. If, for example, someone is starting a program in Butte, Montana, the state files may contain historical information on the bar or pro bono program, along with reports on previous contacts.

2. THE DATABASE. In 1989, 1991, 1992 and 1994 the Center conducted a survey of pro bono programs. The questions focused on program organization and output. The value of the survey to someone developing a program will depend on the information needed. For example, if a bar of 500 members wants to see how another similarly situated bar conducts its pro bono program, we can locate the matching bar.

3. CENTER PUBLICATIONS.

"Center for Pro Bono Exchange" The Center publishes a bi-monthly national news magazine covering major pro bono trends and events, exploring ethical issues, and profiling the activities of pro bono programs and bar associations. Interested persons may request to receive this publication, free of charge, directly to the Center.

"Directory of Private Bar Involvement Programs" The Center publishes an annually updated directory of private bar involvement programs in the United States, arranged by the state and county in which they are situated.

4. INFO PACKS. The Center currently has different packages of information on pro bono related topics and issues which are frequently the subject of a request. One such Info Pack is titled "Senior Lawyer Pro Bono", a compilation of articles, program forms and summaries, and emeritus attorney rules from several states.

Info Packs are available on the following additional subjects: Case Priorities; clinics; Conducting Training Programs for Volunteer Attorneys; Corporate Counsel Recruiting; Creative Use of Attorney Volunteers; Encouraging Judicial Participation in Pro Bono; Fundraising; Government Attorney Pro Bono Participation; Immigration; Involving Non-Attorney Volunteers in your Program; Job Descriptions and the Role of Staff; Program Operations/Policy and Procedure Manuals; Public Relations - How To's; Recognizing Volunteer Attorney Efforts; Recruiting for a Volunteer Attorney Program; Rural Delivery; Self-Assessment; Self-Help Program Materials and Ideas; State Ethical Rules and Bar Association Pro Bono Resolutions; Strategic/Long Range Planning; The Law of Pro Bono - Mandatory, Assigned Counsel and Other Legal Issues; Working Effectively with Advisory Boards.

5. PEER CONSULTING PROJECT. The Center's Peer Consulting Project provides on-site expert consultation and technical assistance to bar associations, pro bono programs and legal services providers in their pro bono activation and enhancement efforts. On-site assistance is provided by trained peer consultants -- experienced pro bono and legal services program managers and bar leaders. The one to three day peer visits are designed to meet the unique needs of the requesting program, and to provide an assessment and recommendations while still on site. A comprehensive written report and continuing assistance from the ABA staff follow the visit. Peer consultants also help activate new pro bono programs by working with bar association committees or provider governing boards to create new ways for lawyers to volunteer their legal talents and skills to serve the community.

6. THE STAFF. Because the staff spends considerable time talking to pro bono program managers and bar leaders around the country on a daily basis, each staff person has valuable information on a wide variety of pro bono related topics. Call anytime to ask questions about pro bono issues, trends, statistics and local contact persons, (312) 988-5770.

7. ABA PRO BONO CONFERENCE. Interact with colleagues from across the country at this annual spring conference, jointly sponsored by the ABA Standing Committee on Lawyers Public Service Responsibility and the ABA Center for Pro Bono. Workshops, round table discussions, pre-conferences and special group meetings give more than 500 attendees opportunities to exchange ideas, discuss issues and identify trends. Information from pro bono support centers, programs and advocacy groups is displayed in the Resource Room.
83 TASKS PERFORMED BY SENIOR LAWYER VOLUNTEERS

Although the greatest need by legal service providers is volunteer lawyers who will accept full responsibility for a case, utilizing the volunteer's office and support staff, from day one to conclusion, many other less involved opportunities exist for senior lawyers who do not wish to make such a time commitment, or who no longer have an office, or support staff.

Although the following list is not complete, it will give the reader some ideas as to where and how a volunteer senior lawyer might best serve:
- hotline attorney (telephone advice, brief service, referral)
- senior citizen center consultations
- speak at senior centers
- teach law to senior citizens classes
- speak to senior citizens organizations
- recruit other senior attorney volunteers
- write newspaper column
- write articles
- write books
- case evaluation input
- policy development input
- write letters and visit offices of local members of congress
- participate in interviews by local newspapers
- share current information not otherwise available
- research
- training lawyers
- training paralegals
- training support staff
- training law students
- mentor lawyers
- mentor paralegals
- mentor law students
- client intake
- second opinions
- liaison with bar leadership
- liaison with bar sections and committees
- conflict screening
- negotiation of lease
- representing program to community
- representing program to other agencies
- advice and counsel to other agencies
- solve computer problems
- write public information pamphlets
- office administrative tasks
- mediation
- development of materials
- Lawyer-of-the-Day
- attorney consultant
- community education
- law firm pro bono coordinators
- develop clinics
- staff clinics
- supervise paralegal clinics
- supervise law student clinics
- special events
- fundraising
- grant writing
- referral of cases
- co-counsel
- continuing legal education
- law related education
- debt collection
- bankruptcy screenings
- speak to client groups
- quality control implementation
- clinic advisory committee
- recruiting non-lawyer volunteers
- teach pro se divorce seminars
- review pro se documents
- client outreach projects
- mediating attorney/client conflicts
- public relations
- recognition implementation
- set up or expand a pleadings bank
- prepare accountings and reports in conservatorship/guardianship cases
- expand the areas of practice of the program
- conduct public interest lobbying
- assist in economic development issues
- develop self help clinics re health care powers of attorney
- review health care powers of attorney documents
- develop self help clinics re bankruptcy
- review self help bankruptcy documents
- assist in public benefits clinics
- become a "sounding board" re case strategies
- help develop oral arguments for appellate cases
- judge practice sessions for appellate oral arguments
- write or review briefs in high impact cases
- serve on special Boards and Commissions
- provide reduced fee representation when appropriate
- encourage law firms to donate office space
- specialize in grandparents' rights and kinship care cases
- assist clients with reverse mortgages
- assist in medical bill cases and health insurance cases