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Finding Your Calling: Pro Bono as a Path to New Practice Areas
By M.C. Sungaila

Lawyers do pro bono work for many reasons. Young associates may seek courtroom or case-management experience through pro bono litigation. Attorneys at all levels may wish to give back and serve the underserved. But few expect to find their calling or to find the area of practice they want to focus on. I did.

I was a midlevel associate at a large Los Angeles-based law firm. I had just completed a successful federal criminal trial where I had served as a key member of the defense team, arguing and preparing motions and jury instructions, crafting witness outlines, and preparing witnesses. This level of experience was nearly unheard of for a litigation associate at a big firm, much less at my level. I was grateful for the experience. I enjoyed arguing and preparing the motions and jury instructions and discussing legal issues with the judge, but I cringed when witnesses endured withering cross examination from the senior members of my team. We were working more than 300 hours a month and were in trial far from home. I yearned for the “jazz,” the payoff for all this personal sacrifice. My team members got it when they extracted a key concession from a witness or had a particularly combative day in court. But those things were not fulfilling to me. I wondered what would be.

I found the answer a few months later.

Another trial, thousands of miles away and years earlier, had ended in the conviction of a small-town judge for criminal civil rights violations. But that conviction was subsequently overturned by the Sixth Circuit Court of Appeals.

Judge David Lanier handled family law and custody cases in the town of Dyersburg, Tennessee. His brother was the district attorney, and his father was the town patriarch. It seemed that if you wanted to get anything done in Dyersburg, Tennessee, you had to go through a Lanier.

Judge Lanier was convicted of sexually assaulting female court employees and litigants in his court and in his chambers, sometimes threatening to take their children away, rule against them, or fire them if they failed to comply. Federal authorities heard stories from eight women about the judge’s abuse of power and sexual predation. On the strength of the women’s testimony, the judge was convicted of criminal civil rights violations.
But the Sixth Circuit, sitting en banc, reversed the convictions. The majority explained that, at the time the judge acted, it was not clearly established that what he did amounted to a constitutional violation of the right to bodily integrity. The dissenting judges disagreed.

The Solicitor General sought review from the U.S. Supreme Court. A pioneering civil rights organization decided to get involved. They called me to help get review and to represent them as amicus in the Supreme Court. The work required me to serve in a pro bono capacity. The issues raised by the case, and the opportunity to make a difference, made the decision easy. I dove in.

Time was short. I holed up in a conference room for six days. I contacted the Department of Justice to get data concerning other judges and officers who had pled guilty or been successfully prosecuted for similar violations, to help show that at least some folks thought the right to bodily integrity was clearly established.

I was 29 years old and this was the first appellate brief I had drafted entirely on my own. But I believed in the case and the cause.

We helped obtain review and reinstated the judge’s conviction, 9–0. Once his conviction was reinstated, the former judge fled to Mexico, where he was reportedly nabbed by federal authorities while picking up mail in response to an ad he had placed for female companionship. He is in jail now, serving a 25-year sentence.

That experience hooked me on appellate law. My client, a giant in the civil rights realm, had confidence in me to present their case forcefully and well. From my clerkships on the district court and Ninth Circuit, I had gained a firm understanding of how to persuasively advocate to judges. I had a knack for writing. And most importantly, I hardly noticed that I had barely slept or eaten in a week in order to prepare the brief on a short time schedule. At the end of the day, an artfully crafted brief, a grant of review, and ultimately a reversal made it all worthwhile.

I left my firm to concentrate on appellate law at a boutique firm, where I worked alongside Ellis Horvitz, the advocate who pioneered the practice of appellate law in California. After 13 years with that firm, I spread my wings and joined Snell & Wilmer, where I have embraced new responsibilities of client development and participated in developing the vision and direction of the appellate group. None of that would have happened if I had refused that pro bono appellate opportunity nearly 20 years ago.

Keywords: woman advocate, litigation, pro bono, appeal, civil rights, Supreme Court
M.C. Sungaila is an appellate partner at Snell & Wilmer LLP in Costa Mesa, California.
Marshaling the Pro Bono Talents of Stay-at-Home Lawyers: A New Model

By Kristina Entner

Like most places in our country, the legal bar in Chicago is unable to provide sufficient free legal assistance to satisfy the growing demand by those in need. The irony is that Chicago and its suburbs are replete with attorneys who want to provide pro bono legal services, but who lack a workable model to do so. This is especially true of attorneys who have decided to take time off of work to raise their children. Out of the client’s need and the attorneys’ desire, an idea was born—the Pro Bono Network, a nonprofit based in Oak Park, Illinois, with the mission to bring more legal services to those in need by marshaling the talents of lawyers who have left full-time careers.

The Pro Bono Network partners with existing legal aid agencies to expand or adapt pro bono programs that will fit within the time constraints of stay-at-home parents. To that end, any project the Network adopts must satisfy several essential criteria: The agency must provide early morning training in Oak Park; hours must be flexible; matters should have short time frames; attorneys must be allowed to work in pairs to ensure back up when the inevitable sick-child situation arises; and the agency must provide malpractice insurance. Once a project is vetted, the Network first runs it as a pilot program, with a handful of volunteers participating to make sure it meets our criteria in practice.

If the project works as intended, it is then rolled out to the entire network of attorneys by a volunteer project manager who arranges training and coordinates assignments. The Pro Bono Network works closely with the legal aid agency to keep the project running smoothly for our volunteers. We assist with supervising, administrative matters, troubleshooting, and ongoing training. Early volunteers on the project are paired with attorneys who come to the project later, providing mentoring and logistical advice.

Since its inception in early 2011, the Pro Bono Network has grown to more than 100 attorneys who have served more than 320 clients and clocked more than 3000 volunteer hours. Our volunteer attorneys now include those who work full time at home, those who have a full-time legal practice, and many in between. We have also recruited a slate of pro bono translators who have allowed us to represent clients in our area who are not native speakers of English. By becoming part of the Pro Bono Network, all of these attorneys are able to volunteer their valuable legal expertise, build skills, make professional connections, and forge lasting friendships.
Over time, the Pro Bono Network has partnered with 12 legal aid agencies in the Chicago area on a wide variety of projects. We have helped victims of domestic violence get orders of protection against their abusers. We have represented tenants facing eviction due to foreclosure or landlord misbehavior. We have drafted wills and powers of attorney for health care and property. We have obtained visas for undocumented immigrants who were victims of domestic violence or serious crimes. We have helped low-income debtors represent themselves in the collections courtroom. We have taught Chicago public school children about the Constitution, and we have monitored legislation affecting the rights of homeless students. Currently, the Network partners with the Legal Assistance Foundation; Lawyers Committee for Better Housing; Chicago Legal Aid for Incarcerated Mothers; the Center for Disability and Elder Law; the Constitutional Rights Foundation of Chicago; the Chicago Coalition for the Homeless; and the Coordinated Advice and Referral Program for Legal Services. Working with such a wide variety of agencies allows our volunteer attorneys to gain experience in a number of different substantive areas while helping low-income clients throughout our community. And we have done all this without hiring a babysitter and while still being able to make school lunches, go to the park, chaperone class trips, and stay home with sick kids.

The hours we donate have not just helped the clients we serve directly, they have also benefitted the agencies we work with. Agencies tell us that they have expanded the geographic scope of their work due to our attorneys being located primarily on the west side. Further, at least two agencies have been able to handle a greater number of complex matters because our attorneys have taken so many of the brief-service needs off their desk.

The Pro Bono Network has grown exponentially over the past two years. In September, we opened our first additional chapter. We intend to continue to grow and bring free legal aid to more people in need. At this point, we are a 100 percent volunteer-run organization. To bring our model to more places, we will need to transition to a paid professional staff. We hope to fund a full-time executive director and support staff through a combination of grants and individual donations. Given our success in Oak Park, we can only imagine the impact we will have as more chapters are established.

**Keywords:** woman advocate, litigation, pro bono, legal aid, stay-at-home parents

Kristina Entner is a volunteer attorney at the Pro Bono Network in Oak Park, Illinois.
The Hidden Benefits of Pro Bono
By Deb Mallgrave

Pro bono work provides lawyers with opportunities to give back to the community, but there are other, less-recognized career benefits that stem from pro bono work. Newer lawyers can gain experience, confidence, connections, and visibility both inside and outside their firms. More senior attorneys, particularly when they lead a firm’s or office’s pro bono program or a larger team on a significant pro bono case, can gain even greater visibility as well as case-management and law-firm leadership skills.

Junior Associates—Gain Experience and Confidence

**Experience.** Through pro bono cases, litigation associates can get their first depositions, hearings, or even their first trial. The experience of Kendra Beckwith, with Wheeler Trigg O’Donnel LLP, in Colorado, demonstrates the breadth of experience pro bono can provide. She took on her first pro bono matter as a third-year and soon found herself running a major case with several other associates. As a young associate, she learned to delegate and manage a team of associates (even giving one attorney his first deposition). Her pro bono experience allowed her to showcase her skills to senior partners without having to brag about them. She did not have to tell them what she could do or what experiences she was ready for; she could simply show them.

Another associate, Sara McClammer, with Hoover Hull LLP, in Indiana, believes her pro bono work has helped develop her oral advocacy skills. Sara volunteers regularly at a local clinic, doing client intake or screening interviews. In the clinic setting, she is required to think on her feet and be responsive to clients in need of real-time advice.

Pro bono cases also offer valuable client-management skills. Associates can learn how to work with a client and discover how to meet a client’s objectives and expectations (or even help clients redefine their expectations). Because pro bono clients may be less sophisticated than corporate clients, associates also must learn to communicate effectively and drop the legalese to explain the purpose and strategy of the legal proceedings.

**Confidence.** Gaining experience also increases a newer attorney’s confidence. There is such a steep learning curve following law school that it can be easy for attorneys to slip into the “nothing I do is good enough or fast enough” mindset. Taking a pro bono case gives associates an opportunity to try out new skills, take charge, and gain confidence from doing so.

Partners, including those the associates work with or turn to for advice with pro bono matters, may take notice of an associate’s new skills and experiences—which can lead to
better work assignments and increased responsibility. That was certainly Kendra Beckwith’s experience. Through her pro bono case, she established a relationship with a senior partner that led to new opportunities she otherwise might not have received. She earned a spot on that same partner’s next trial team and argued a case in front of a federal appellate court as a fifth-year associate.

I also credit my pro bono efforts with enhancing the role I played during one of my first trials. Just as I was to begin the trial, our local public law center announced that I would be honored as attorney of the year for my pro bono efforts. The trial judge responded to the announcement by congratulating me from the bench (out of the presence of the jury). I was second chair in that trial, but once the judge congratulated me, my responsibilities increased dramatically. I questioned more witnesses than originally planned, including an expert. I also prepared and argued jury instructions and other motions, and the client looked to me more for advice and assistance.

Senior Attorneys—Pro Bono as a Path to Leadership

For more senior attorneys, pro bono can also be a path to becoming a leader in the community and the firm.

**Community leadership.** Shortly after I entered the pro bono arena, I became our office’s representative on the firm’s pro bono committee. In addition to my litigation work, I managed pro bono cases, tracked pro bono activity, and worked to ensure that my office met the firm’s pro bono expectations.

As part of my role, I became involved with a local organization (led by a retired justice of the California Court of Appeal) that hosts a yearly reception to introduce new associates to the pro bono opportunities available to them. I also participated in a community-wide, law firm pro bono effort to stop an ordinance targeted at closing a homeless shelter. Over the years, I continued to work with a local public-law center to place cases with our firm and assist with their community outreach efforts. I now proudly serve on the board of directors for that organization.

Rita Lin, of Morrison & Foerster, credits her success with a high profile pro bono case for earning her a spot on the *Daily Journal*’s list of 100 “Top Women Lawyers for 2012.” The case was *Golinski v. U.S. Office of Personnel Management*. While the case started out as a challenge to an administrative ruling denying Golinski’s request to add her same-sex spouse to her employer-provided health benefits, it blossomed into a constitutional challenge to the Defense of Marriage Act (DOMA). Golinski was one of the four DOMA challenges the U.S. Supreme Court was asked to consider when the Court agreed to hear *United States v. Windsor* (ultimately finding Section 3 of the DOMA unconstitutional). The case definitely promoted Rita internally and externally, and likely helped set her
apart as she was made partner in 2013.

**Law firm leadership.** Managing a firm’s pro bono program also provides leadership opportunities. I developed leadership ability by creating and managing a more structured pro bono program in our office, for which the firm was recently recognized with a statewide award.

Developing a sustainable pro bono program was not as simple as I first thought. There were three significant challenges in the way. First, the associates were not aware of the firm’s pro bono policies—that attorneys were expected to do 50 hours of pro bono work a year, and the firm gave full billable credit for every pro bono hour worked (even for hours over 50). Second, some associates were nervous about taking a new case for fear of not having a senior partner to guide them if they needed support. Third, associates did not know where to find cases that might interest them.

I addressed each of these aspects systematically. I made sure to inform associates of the firm’s policies and used my own experiences as evidence that the firm stood behind them. I also dispelled the notion that being in charge of a pro bono case meant associates were on their own. To the contrary, the firm required that a partner be on every pro bono case. Third, I surveyed attorneys to determine the type of cases associates and partners were looking for, and then sought to match them with those opportunities. When I found opportunities that matched an attorney’s known interest or expertise, I sent targeted emails to those individuals, made phone calls, or even walked down the hall for a face-to-face conversation about taking a new pro bono case.

To generate additional interest in pro bono, I created a program that would provide leadership opportunities to junior associates and utilize our office’s summer associates. I found discrete pro bono cases that the summer associates could work on and potentially complete during their summer. The cases were not substantively complex, but involved different skills used in the legal practice—client meetings and fact gathering, legal research and digesting certain federal regulations, and investigative research and skills. Each summer associate was paired with a junior attorney, paralegal, and a translator. We are now in our seventh year of that program.

Along the way, we began hosting the same program at a local law school. Our office now supervises six to twelve law students a year in handling these same types of cases. These cases seek humanitarian immigration relief for victims of serious crimes (including domestic violence, sex abuse, and human trafficking) who cooperate in the investigation or prosecution of the crime.

In just the past two years, the office has handled more than 90 pro bono matters benefitting more than 200 individuals, and we have donated more than 3,100 hours a year. At any given time, more than half of the firm’s attorneys are involved with pro bono
matters, and most contribute to the firm’s overall efforts. The cases cover a wide spectrum and include human rights, immigration relief, adoption, elder abuse, collection defense, personal injury, employment and transactional assistance to nonprofits.

The firm’s efforts were recognized in 2012, when the office received the California State Bar President’s Pro Bono Service Award. That same year the office was recognized by The Public Law Center of Orange County as the 2012 Law Firm of The Year for its exemplary commitment to providing access to justice for low-income residents of Orange County.

It is hard to predict the hidden benefits that attorneys will find through pro bono, but based on my experience I am convinced the benefits go far beyond “doing the right thing.” Pro bono efforts certainly help those in need, but more than that, they provide attorneys with opportunities to gain leadership and case-management skills that are crucial to advancing their careers.

Keywords: woman advocate, litigation, pro bono, associates, leadership, summer associates, human rights

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Risk Management Issues in Pro Bono Representations
By Shari Klevens and Alanna Clair

Representing pro bono clients is rewarding work. It allows attorneys to use their skills to give back to their community and to serve the less fortunate. However, representing pro bono clients may mean increased risk for attorneys. The good news is that any increased risk can be managed to help ensure that attorneys working on pro bono matters are able to serve their pro bono clients without creating issues of liability for themselves.

Use an Engagement Letter to Define the Relationship

Most firms require an engagement letter when they commence the representation of a paying client. They should similarly require one for any pro bono representation. The engagement letter helps signify to the client that the attorney-client relationship is beginning, and it helps protect the attorney down the road from any misunderstandings regarding the representation.

An engagement letter should clearly define the scope and length of the representation, so there are no concerns later about what the attorney’s role was. In the absence of some definition or limitation on the representation, it may be assumed that the representation is general or all-purpose. Suddenly, for example, a pro bono client with a child support issue expects the attorney to appear at her social security hearing as well. Specificity is key.

It is also appropriate to include specific dates or tasks in an engagement letter. For example, an engagement letter may state that the scope of the representation is the preparation of a will and last testament, or it could specify that the scope of the representation is limited to preparation for and participation in a hearing on a certain date. Indeed, if a representation continues beyond a specific event (such as with an appeal), an attorney can and should prepare a new engagement letter.

In addition, because the engagement letter is often evidence of the existence of the attorney-client relationship, it should define to whom the attorney’s duties are owed. The engagement letter should identify the client by name and capacity, whether the client is a minor child, an organization, or a collection of people.

The engagement letter can also provide information on some issues that we hope will never arise. Sometimes the temptation is to limit a pro bono engagement letter to remove language about withdrawal or termination, so as not to alarm the client into thinking that he or she will be abandoned by the attorney. However, this information is necessary for both the client’s and the attorney’s benefit. Further, the engagement letter should define the parameters of the attorney-
client privilege: namely, that it is a confidential relationship between attorney and client. Where a client is referred to a law firm by an outside organization, it may also be necessary to clarify to the client that the attorney-client relationship does not extend to the outside organization (or that the organization serves as an “expert” of sorts, to preserve the privilege). Importantly for risk management purposes, the letter should also notify the client of the parameters of the privilege between the attorney and the attorney’s in-house counsel.

An engagement letter can also help protect the law firm’s ability to recover costs or attorney fees at the conclusion of the representation. Obviously, an engagement letter for a pro bono client does not include information relating to hourly rates, fees, or payment schedules. However, some attorneys simply delete all language about payment from their engagement letters for pro bono clients. This is not ideal. First, the engagement letter should address whether the pro bono client will be responsible for out-of-pocket costs, such as court reporters or court fees, or whether the attorney will undertake those expenses as part of the representation. In addition, every engagement letter for a pro bono representation should address who will recover if the court awards attorney fees or costs as a part of the litigation.

In sum, the best practice for engagement letters is to have a meeting with the client to discuss the engagement letter and walk through its terms. Attorneys should avoid counseling the client with respect to the terms but should be candid as to the content of the agreement.

**Screen Potential Pro Bono Clients**

Before an attorney-client relationship with a pro bono client begins, the attorney should always do a conflicts check. Attorneys are often so eager to assist a pro bono client that they overlook the possibility of a potential conflict with another client or representation. Or attorneys assume that because the pro bono representation is in a different arena from their typical practice, the likelihood of a conflict is extremely remote. Indeed, pausing a representation for a client in need sometimes seems like a waste of time, particularly if the attorney wants to dive into a much-needed representation.

However, representing a pro bono client in the face of a potential conflict could expose the attorney to claims from both the pro bono client and from the attorney’s other (potentially, revenue-generating) client that created the conflict. For example, a landlord/tenant dispute could become complicated when the landlord is represented by an insurance company whose other interests are represented by the attorney’s law firm. Attorneys who proceed even though there is a conflict of interest are harshly judged by courts and bar associations. Taking a representation without running a conflicts check is not worth the risk.
In addition to initial conflict evaluations, attorneys should also screen their clients for suitability. Indeed, some clients who turn out to be “problem clients”—bringing legal malpractice claims that may or not be warranted—reveal themselves early on.

By asking the potential client several questions, an attorney can distinguish unsuitable clients from suitable ones. For example, the attorney should ask how many attorneys have previously been involved in the matter. If an attorney is the fourth or fifth one to hear about the potential case, that is a factor to consider. Further, if the client has frequently been a party to litigation, the client may be unduly litigious. Also, attorneys should be wary of the client—pro bono or otherwise—who wants a guarantee of a specific outcome. Obviously, attorneys should never promise a specific outcome, but the clients who seek those guarantees are more likely to challenge the representation when the matter comes out differently than they had hoped.

Often, pro bono clients are referred to law firms by outside organizations that screen the clients and the matters for suitability. This typically involves a preliminary review of the facts and issues to ensure it is not a frivolous matter. The organizations that work with law firms are good at what they do, so there is little need to second-guess their analysis. For clients who come to the law firm from a cold call or an inside referral, additional screening is likely necessary—just as it would be for a paying client.

**Always Supervise Associates**

Associates often want to work on pro bono cases to improve their skills and gain experience. Pro bono representations are excellent for this purpose, in addition to the other charitable and ethical reasons for doing pro bono work. However, it is crucial that every law firm associate working on a pro bono matter has the supervision and approval of a law firm partner.

From a risk-management perspective, an associate can expose the law firm to a malpractice claim for errors or omissions committed during the representation. Thus, for the same reasons that supervision is important in paid matters, a partner should be involved at every step of pro bono representations. This is not to say, though, that a partner must do all the heavy lifting. Indeed, associates often serve as “lead counsel” in pro bono matters. Whenever that happens, a partner must also be on board in a supervisory capacity to ensure that deadlines are being docketed, the client is being served, and the high standard to which the firm holds its attorneys on billable matters is also being met.

Other excellent resources for attorneys working on pro bono matters are outside organizations that have significant experience in representing underprivileged or underserved clients. These organizations, which often refer clients to law firms, will have helpful advice on strategy and procedure. While these organizations provide a meaningful service, they are not legal counsel to
the client or affiliated with the law firm; thus, they cannot and should not take the place of a partner supervising an associate on a pro bono representation.

Clearly End the Attorney-Client Relationship

Closing the attorney-client relationship is just as critical a step as beginning the relationship. Many times, the representation concludes organically and the attorney sends a closing letter. Other times, the relationship must come to an end when the attorney is forced to withdraw. Rule 1.16 of the ABA’s Model Rules of Professional Conduct details the circumstances under which an attorney must withdraw from a relationship and those circumstances in which an attorney may withdraw. Local rules will also govern the mechanics for withdrawing, sometimes requiring approval from a government body. An attorney seeking to withdraw from a pro bono representation must follow all the same steps and requirements as an attorney withdrawing from a billable representation.

When the attorney-client relationship ends—whether naturally or by withdrawal—the attorney should send a closing letter. As discussed above, the scope of an attorney-client relationship can be clearly defined in the engagement letter. Once the representation ends, the best practice is to send the client a closing letter, alerting him that the matter has ended and that the attorney no longer represents his interests as of a certain date. The termination date may be matter-specific (such as a hearing or an execution of a document) or may simply be the date of the closing letter.

Properly ending the relationship is important for both the client and the attorney. For the client, it provides closure to the representation. For the attorney, it moves the client from being a “current” client to a “former” client (a critical distinction for conflict of interest analysis). It may affect the tolling of any malpractice statute of limitations in the face of an ongoing error, and it ends the attorney’s ongoing obligations and duties to the client. Where there is any ambiguity as to whether an attorney-client relationship is continuing or terminated, most courts and juries will side with the client to whom the duty is owed.

These tips provide some framework for the representation of a pro bono client. Taking on such representations brings significant rewards. These steps will help ensure that attorneys who begin pro bono representations do not face an unnecessary malpractice claim as a result.

**Keywords:** woman advocate, litigation, pro bono, risk management, engagement letter, attorney-client relationship, attorney malpractice, professional conduct

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Serving Together: Deepening Client Relationships While Empowering the Underserved

By Alana C. Jochum

In recent years, the Cleveland office of Squire Sanders (US) LLP has undertaken a new approach to pro bono service. The firm’s pro bono chair has the endearing combination of a big heart and wise mind. A former Legal Aid lawyer himself, he knows what law practice must embrace today: pro bono work is important, and firm clients are as well. Bringing firm lawyers and firm clients together to provide counsel to underserved communities strengthens relationships while doing the right thing.

The Model for Serving Together with Clients

When the firm hosts a pro bono legal clinic with the local Legal Aid society, it invites the in-house legal department from one of our clients to partner with Squire Sanders’ lawyers. Legal Aid publicizes the event, handles logistics, and in many instances has pre-screened attendees. Sponsored clinics are typically located in the heart of underserved communities. Each two-hour clinic typically counsels about 50 individuals with a variety of legal issues—many of which require the guidance of lawyers but are outside the ambit of Legal Aid’s typical direct services.

The sessions begin with law students or newer lawyers conducting interviews and gathering key information, such as the identity of the parties, the basic problem, and any steps that have been taken. Typical issues include foreclosures, child-custody disputes, contracts, and bankruptcy.

Once the situation is outlined, the intake team returns to a room of volunteer lawyers to address the problem at hand. Ten to twenty firm attorneys—from a variety of departments with a wide range of expertise—are partnered with client in-house lawyers to respond to the inquiries. Based on the legal issues involved, both firm and in-house lawyers meet with the individual and work together through the problem. Though most individuals leave the clinic session with sufficient advice to overcome their immediate obstacles, if additional work beyond the clinic setting is needed, the matter may be taken on by the firm or Legal Aid.

The Benefits of the Model

This simple model effectively combines several community resources. First, Legal Aid connects the firm with the underserved. Legal Aid often pre-screens individuals to ensure that many of the issues addressed are appropriate for legal counsel, and fall generally outside the scope of the cases Legal Aid is capable of taking on alone. This important step identifies the individuals most likely to benefit from the legal clinic setting.

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Second, in-house counsel and firm attorneys actively engage in pro bono legal work in a supported setting. Although opportunities for participating in legal clinics abound in most communities, attorneys sometimes hesitate to counsel on problems outside an area of expertise (e.g., a transactional attorney raises concerns about an ability to adequately counsel on a family law issue). Inviting our client’s legal department to work with experienced members of the firm from a variety of legal backgrounds in a collective setting eradicates this concern—and often empowers the lawyers providing the services as well. Legal clinics inevitably involve brainstorming to solve issues that often require more creative problem solving than detailed legal analysis. Once there is organized empowering thought, the problems can usually be resolved.

Third, in-house and firm attorneys bond over the shared experience of “doing good.” Working side by side with in-house counsel to problem solve is a great way to connect with firm clients in a positive setting. Certainly, cocktail hours and fancy dinners are nice ways to connect with clients, too. But counseling underserved communities together is infinitely more rewarding for all involved. Heading out to lunch or dinner as a group after the legal clinic is finished can be a way to celebrate the work accomplished.

Finally—and most importantly—individuals in the community are meaningfully served. Legal Aid societies across the country are overburdened with heavy caseloads. Legal clinics sponsored by law firms spread the expertise and reach of attorneys exponentially. Problems that may be crushing to an individual may be relatively straightforward for a practicing attorney. Problems can be explained, addressed, and sometimes outright solved in the matter of only a few hours. Clinic participants walk away empowered. For this reason alone, firms should consider integrating legal-clinic participation into their pro bono programs on a continual basis.

When a law firm partners with one of its clients to undertake a pro bono project together, everyone benefits: Clinic attendee problems are addressed; in-house client attorneys have the chance to participate in tangible pro bono work in a supported setting; and firm attorneys are able to work side by side with their in-house clients in a deeply meaningful way.

**Keywords:** woman advocate, litigation, pro bono, client relationships, in-house counsel

Alana C. Jochum is an associate at Squire Sanders in Cleveland, Ohio.
Business development is not something that is taught well, if it is taught at all. There were no courses on business development at my law school. Sometimes it seems as if senior attorneys do not really want you to know how to bring in clients, or their attitude is that either you have it or you do not. What I have been told or read is that you should network, self-study, seek opportunities to write and speak, seek leadership positions on boards, cross-market, work relationships with mentors so you will inherit their clients, and not be afraid to make the hard ask. Sounds easy enough, right?

Every lawyer is doing some combination of these, yet the power of a book of business remains in the hands of the few. What is the trick, really? How do these seemingly easy and formulaic tasks lead to true job security at a law firm? I have not gotten there, but I finally feel, six years into my career, as if I am on the right path.

Like most law students, I thought I had figured out what I wanted to do even before my 1L year. I wanted to meld my graduate degree in business with my lifelong participation in the political process. I wanted a practice in government relations. I took elective courses in every available aspect of campaign finance law, governmental investigations, and government affairs. I spent both summers and parts of the school years clerking for the same firm in both the headquarters office and in Washington, D.C., hoping to land a position in the government relations practice.

I thought I was set when I got the offer I had worked for. But the offer came from general litigation in our headquarters, rather than from government relations in our D.C. office. Apparently, I lacked the requisite Hill experience the hiring committee thought necessary for a government affairs associate.

But I decided to give litigation a shot. Year after year, I made my hours and learned the ropes for a litigation associate. I switched practice groups three times, trying to find a happy place outside of government relations. But my interest in government and the political process remained strong.

Being at the headquarters office in the Midwest, I had little opportunity to get involved in campaign finance or elections-related litigation or compliance work. So I thought, how can I get involved and build relationships in the political arena? How can I apply my legal skills to the political process? How can I use volunteer and networking opportunities outside of the firm to get experience applicable to the political process?
The first opportunity presented itself at the end of my first year at the firm, which coincided with the 2008 presidential election. Another lawyer in town was working to form a group of attorneys to be election “challengers,” so I signed up! We were trained to spot potential elections law issues and were assigned to a polling place on Election Day.

More opportunities followed. I started to attend political fundraisers. I worked my way to serving on host committees and eventually organizing my own fundraisers for local, state, and federal elections, becoming more familiar with campaign finance laws. I hosted many of these fundraisers at my firm with the support of firm leadership.

I took every opportunity to network. By participating in these activities, I was constantly moving in political circles. I became a go-to person that party leaders, candidates, elected officials, and campaign workers asked to rally other young professionals. I was asked by community leaders to organize a citywide GOTV rally. This required me to learn and abide by campaign finance and elections laws. Then, seemingly out of nowhere, a national company asked me to speak at a local CLE on local and state elections law. That gave me further opportunity to learn, network, and build my brand as an expert.

By the time the 2012 presidential election was near, I was recommended to serve as the regional lead of an organized national fundraising effort. I had to obtain firm approval due to the time commitment involved. Because I had demonstrated a commitment to the political process, and the firm valued the relationships I had built and the attention my activities brought to the firm, my participation was approved. That year, my congressman nominated me to participate in a Political Leadership and Education Boot Camp in Washington, D.C.—a nine day immersion in all aspects of campaigning with other young professionals involved in the political process from across the United States—at no cost to me or my firm. All of these opportunities culminated in a volunteer fellowship on the 2013 Presidential Inaugural Committee with people from across the Nation who participated, in many varieties of ways, in the presidential campaign.

When I returned from Washington, D.C., a group of political fundraisers and attorneys approached me to assist them with setting up a political action committee on a pro bono basis. It became clear that the more I involved myself in these volunteer activities, the more I learned, the more my network grew, the more my commitment to the political process became known, and the more opportunities came my way.

Upon entering the sixth year of my practice, I could no longer ignore the need to focus my educational and business development efforts in a specialized area. Having switched practice groups repeatedly, I was feeling a little lost within the firm. I knew what I enjoyed doing and what area of the law interested me, but I had convinced myself that because I was not hired into the government relations practice initially, there was not a place for me there. I knew I had to
pursue my interests, or my career at the firm had no longevity. So I had a hard, and admittedly scary, conversation with leadership within my firm. I was very honest with myself and my superiors about where my true interests lie. I want to build a political law practice.

To my surprise, my firm was more than supportive—they were encouraging! I was asked to submit a three-year plan outlining the steps I would take to build upon my political experience and relationships. That plan would guide my career and the support my firm would provide. I was invited to join the government relations practice group. Since then, I have signed up three paying clients in need of political-law counseling in just two months. I am even more excited about the future of my career now than I was when I walked across the graduation stage. And work no longer feels so much like work.

I am not saying that my story is common because I know that it is not. And my story is really just beginning, with a newfound focus and a few small clients. I had no idea that volunteer work would lead me to where I wanted to be from the start. But with a little creativity and personalization, here I am.

I implore those of you who may be feeling lost in your careers and looking to build a practice in an area that you love to give thought not only to how you can develop that expertise, but also to how you can do so with the support of your institution. Consider the following:

- What am I really interested in, and where do I invest my personal time?

- Are there ways I can use my experience, legal acumen, network, and firm resources to pursue my interests? Nearly everything in the United States and throughout the world is regulated—what regulations are applicable?

- Are there individuals or organizations in my community that could benefit from my volunteer services, whether legal or otherwise, that would also provide learning opportunities or networking opportunities?

- Are there professionals outside of the legal community who can help me identify professional and business development opportunities, such as in media or publishing?

- How can I promote my activities by working with my institution’s marketing department to get writing or speaking opportunities, to publish my accomplishments on the firm intranet, or to issue press releases?
• Are there ways that my interests and volunteer experiences can result in revenue or other benefits to my institution in the future?

Viewed in this way, volunteering can be seen as additional business development. And while there may not be volunteer opportunities for all practice areas, there are for many. Provide free tax advice to members of your church; review contracts for your homeowners association; or speak to students about their civil rights if stopped by the police.

Most firms are community stewards and want happy, productive attorneys. Volunteering with some self-interest, while it may sound like a bad thing, might end up being great for your career. Good luck!

**Keywords:** woman advocate, litigation, volunteering, business development, government relations, networking; political law, campaign finance, elections law

McClain E. Bryant is an associate at Husch Blackwell LLP in Washington, D.C.
Twenty-Five Years of Pro Bono  
By Sally Crawford

For the last 25 years I have worked for the international law firm of Jones Day, primarily in the Mergers and Acquisition section. But from the time I was licensed to practice law in 1986, my real passion has been pro bono work. Throughout my legal career I have had the opportunity to do a wide range of pro bono work, and for the last 15 years I have had the privilege of serving as the Public Service Coordinator for the Dallas office. I am extremely proud of the pro bono activities and community service that I have helped to foster at Jones Day.

As a transactional lawyer, I have had the opportunity to help organize many nonprofit corporations and to assist them in obtaining tax-exempt status. I have also assisted these companies with contract matters, general corporate governance, and the occasional merger and acquisition. A few examples of the nonprofit corporations that I have worked with include: The Bridge, a homeless shelter and recovery center; LaunchAbility, an organization that helps children and adults with development disabilities achieve their maximum potential; Rainbow Days, an organization that prepares underprivileged children for lives of hope and promise; and Vickery Meadow Learning Center, an organization that teaches English to adults and children in low-income and diverse neighborhoods. I have also served on the board of directors of many nonprofits, including Legal Aid of NorthWest Texas.

But not all of my pro bono work has been in the corporate arena. I also work with the Dallas Volunteer Attorney Program (DVAP), a joint effort of the Dallas Bar Association and Legal Aid of NorthWest Texas to staff neighborhood legal clinics. Over the years I have handled dozens of cases for DVAP, including simple divorces, probate matters, adoptions, and child support/custody matters. About six months after passing the bar exam, I took my first pro bono case through what is now DVAP. I volunteered to represent a young mother in a divorce, child support, and child custody case. I was assured that the case would be uncontested, but it did not turn out that way. The young husband, who had threatened my client with physical violence and threatened to take their two-year old son out of the jurisdiction, obtained a lawyer and the fight began. Fortunately, an experienced family lawyer was willing to mentor me through the case. I quickly learned how to get a protective order and a temporary restraining order. I then faced opposing counsel who argued for custody and against paying child support. In the end my client was successful in getting the divorce, custody of her son, and much-needed child support. I use that case as an example to other lawyers who are afraid that they will not be able handle a pro bono case in an area of law that is outside their area of expertise. I tell them, “If I can do it, you can do it.” After all, I am a transactional lawyer—I had to ask for directions to the courthouse!

I am often asked why I do pro bono work. I personally believe that the privilege of practicing law comes with the professional and ethical duty to give back to the community in a way that only lawyers can. As lawyers we hold the keys to the courthouse, and it is our responsibility to

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ensure that everyone has access to our courts. Lawyers are very fortunate, both personally and professionally, but not everyone in our community has the same opportunities and advantages that lawyers do. Statistics show that a growing number of people in this country are living in poverty. Without the willingness of lawyers to provide pro bono legal services to the poor, they would be denied the benefit of our legal system—denied the benefit of justice. If justice is denied to a large segment of our population, we have failed as a profession. That is not acceptable to me. That is why I believe pro bono work is the obligation of every lawyer, and that is why I have always done pro bono work.

As the public service coordinator at my firm, I have been able to help many lawyers identify pro bono opportunities and to assist and supervise them in their pro bono cases. I thoroughly enjoy working with new lawyers and introducing them to the rewards of pro bono work. It is extremely gratifying to see young lawyers take their first pro bono case and get hooked on doing pro bono work, just as I did as a new lawyer. Young lawyers learn quickly that it does not take much of their time to change the life of a pro bono client. Pro bono clients truly appreciate what you do for them, and they express their gratitude with tears and hugs—something we generally do not get from our paying clients. My hope is that I can continue to inspire young lawyers to do pro bono work, so that together we can ensure that those less fortunate in our community have access to our justice system.

I take personal pride in the pro bono activities in which our attorneys and staff have been involved. Our attorneys, both young and old, have taken an amazing variety of pro bono cases through many different sources. Additionally, the Dallas office attorneys and staff have given back to the community by volunteering with organizations such as Habitat for Humanity, Salvation Army, Susan G. Komen, American Heart Association, The North Texas Food Bank, and many others.

I would encourage all lawyers to get involved in their communities and to take at least one pro bono case. I suggest that lawyers try to find a case in their area of expertise (e.g., a real estate lawyer taking a case involving property; a family law lawyer taking a divorce case; a transactional lawyer taking a case involving a contract dispute or a nonprofit corporation; a litigator taking a consumer case). If a lawyer is willing to take a case outside her area of expertise, I suggest that she start with something simple and find a mentor to help guide her through the case. Once a volunteer lawyer realizes the impact she can have on the life of a pro bono client, the lawyer will be inspired to take additional cases. There is nothing more rewarding than helping people who would not otherwise have been able to help themselves.

**Keywords:** woman advocate, litigation, pro bono, nonprofit corporations, young lawyers

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NEWS & DEVELOPMENTS

Work-Life Balance Concern Shifts to Singles

The public buzz on work-life balance tends to focus on the efforts of working mothers as they strive to achieve the delicate balance between family commitments and job responsibilities. A recent post by Golda Calonge on the blog Ms-JD.org, however, takes a look at recent discussion about single professional women and whether they are being unfairly expected to pick up the slack for their married counterparts. Ms-JD.org refers to this phenomenon as “singleism-prejudice” and “discrimination directed at married people.”

The blog reports that single, childless women interviewed by Facebook COO Sheryl Sandberg for her New York Times bestseller, Lean In, and by Ayana Byrd for her Marie Claire article, “The Single Girl’s Second Shift,” were disproportionately asked to work late and to take the lead on projects, while their colleagues with families were preferred for flexible work arrangements. The authors suggest that the troublesome result is that these overworked single professional women forgo social opportunities to meet marital prospects.

But the blog post notes that the authors perpetuate singleism by focusing on a very specific hetero-normative demographic (that might not, for example, include the LGBTQ population) and by universalizing single women’s motivations to create work-life balance. Also disconcerting is the “absence of men” from this dialogue and the “interchangeable” references to professional married women and working mothers without challenge to “the archetype of a nuclear family” that may no longer exist.

Keywords: woman advocate, litigation, Singleism, women, married, single

— Joanne Geha Swanson, Kerr, Russell and Weber, PLC, Detroit, MI

Great Expectations

In a recent op-ed in The New York Times, “Great Expectations for Female Lawyers,” author Florence Martin-Kessler raises the question of whether women poised in 2001 to “have it all” in the big law firm setting had fulfilled those expectations more than 10 years into their practice. The article followed up on a 2001 magazine article portraying 21 women, most fresh out of law school, at a big New York law firm. The author was curious about what happened to these women who were about to enter the male-dominated world of big law.
In her follow up, Martin-Kessler learned that these 21 women had taken divergent career paths. Most were no longer with their original New York law firm, but more than half were still in private practice. Many of the women’s expectations had now bumped up against the realities of private practice. For example, one woman noted that the stress of making partner was just part of the game; once a person made partner, they still have to work hard. That particular woman said she wanted more of a balance. She ultimately left the New York law firm for a job with steady hours at the U.S. Securities and Exchange Commission. Another woman, who went from the law firm to a nonprofit and accepted an 80 percent pay cut in doing so, felt that her expectation from 2001—that working hard and dedicating herself to her practice would get her everything she wanted—was unrealistic. She seemed to struggle with the choices she has made since the original article. As noted by still another of the women, no matter what industry you look at, only 15–20 percent of the leadership in those industries are women, and the numbers are not changing dramatically over time. Indeed, only 4 percent of top U.S. law firms are run by women.

Considering these experiences, Martin-Kessler concludes that the women’s lives “were often far more complex than they had predicted,” and that “[e]ven the greatest of expectations, it seems, eventually encounter reality.”

**Keywords:** woman advocate, litigation, law firms, women professionals, work-life balance

—*Angela Benjamin*, White & Case LLP, Miami, FL
WORDS OF WISDOM

What are the benefits of giving back through pro bono?

Empathy—the ability to feel the perspective of a distinctly different human being—is fundamentally hard. But litigators need to be able to empathize—with their clients’ plights, with those tasked with reading their work product, and with opposing counsel and parties who pose obstacles to achieving a reasonable resolution. In some ways, women have a cultural advantage when it comes to empathy because we tend to get more practice with it in extralegal contexts. Pro bono work provides a means for litigators with an empathy advantage to hone it in a particularly rewarding way. It can also be a means for litigators who find empathy a challenge to seek out experiences that will expand their capacity to understand someone who may seem entirely “other.” A win for all concerned!

Gretchen S. Sween, of counsel, Beck Redden in Austin, Texas

A commitment to pro bono work is an integral part of a young lawyer’s career. As a second-year associate, pro bono matters have provided me with “stand-up” lawyering opportunities, skills for negotiating with opposing counsel, and client interactions, all of which I might not have had as early in my career if I had been limited to billable assignments. I know colleagues who got their current private-sector jobs by volunteering for pro bono projects. Additionally, pro bono assignments provide wonderful opportunities for associate-partner relationship building and networking through public interest organizations. These are all ways that pro bono can help young attorneys to shape their own legal careers. Pro bono has certainly been an asset to my professional growth and one of the most rewarding areas of my work as an attorney.

Emily Seymore, associate, Paul Hastings LLP in Chicago

“I will never reject, from any consideration personal to myself, the course of the defenseless or oppressed….” Oath of Attorney. This is the oath we take and, whether you grew up watching “Perry Mason,” “Matlock,” or “Law and Order,” at some point this vow was probably a consideration in your choice to become an attorney. I entered law school ready to fight the good fight for those in need. I graduated needing to pay off student loans and take care of my young family—and looking to do that somewhere with good people. Working long hours and trying to be a good mother, who had time for pro bono? About two years into my practice, I decided I was going to dedicate more time to pro bono service. The result for me was self-fulfillment, both in helping others and in being the master of my cases. My pro bono clients have been so grateful, and they have chosen to repay me in their own ways: Some referred new clients, while others sent a lovely thank-you card with $20 enclosed and a note to take my kids for ice cream. As a mother of two small children, an associate trying to make partner, and a woman who cares about...
her community, I have found some of the greatest joy, self-fulfillment, and balance in volunteering my services. Pro bono service unites mentor and mentee, assists those in need, fulfills our oath, restores our profession’s reputation, and feeds our soul.

Jennifer Cowan, attorney, Lewis, Longman, & Walker, P.A. in Bradenton, Florida
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