

By Rebecca A. Delfino

Going beyond Traditional Pro Bono

Attorneys who lack, or think they lack, the time or training for pro bono have alternatives

A recent informal survey of 50 lawyers from different practice areas in the public and private sectors on what they imagine as pro bono work revealed that nearly all respondents, including those with little or no pro bono experience, defined “pro bono” as providing legal services to the poor and disenfranchised for free. In general, this definition corresponds to those in legal dictionaries and relevant legal authorities. *Black’s Law Dictionary* defines “pro bono” as “involving uncompensated legal services performed especially for the public good.” The California Business and Professions Code contains a similar definition.

It is therefore expected that the surveyed lawyers would define “pro bono” using similar language. What is surprising, however, was the limited type of activities that the large majority of respondents characterized as pro bono. When asked what kinds of activities constitute pro bono, most responses fell into one of two categories: 1) providing legal advice or counseling, for example, during a law day or at an HIV/AIDS or immigration clinic, or 2) representing a client in a particular matter in court, such as assisting a victim of domestic violence to obtain a temporary restraining order.

Those lawyers surveyed who had not practiced pro bono held a narrow view of what qualifies as pro bono. Some lamented that while they were interested in participating in such activities, they had no training or experience to handle the work, or that the pressure of meeting billable hour requirements did not allow them the time to participate. A limited view of what activities qualify as pro bono and why time restraints and lack of training prevent pro bono work stands in contrast to the position of many law firms, law schools, judges, and organizations. Indeed, the ABA Model Rules of Professional Conduct suggest lawyers should “aspire” to provide at least 50 hours of pro bono legal service a year. These pressures leave many young lawyers in a quandary about how they can participate. Unfortunately, the survey revealed that the default decision is not to participate at all.

A Better Alternative

It may be time to offer a more flexible definition of pro bono. If lawyers are not participating in pro bono, maybe the traditional definitions and impressions of what qualifies as pro bono are too narrow and should be expanded. Perhaps pro bono could be thought of in broader terms that encompass using one’s resources and talents to help others without compensation.

There are many volunteer activities that require little or no training or experience beyond what every lawyer receives in law school. Several organizations, including several within the Association, have volunteer opportunities to teach children and high school students about the law and operation of the legal system. The Barristers Kids

Court program, for instance, allows volunteer lawyers to work with children who are witnesses in criminal trials to educate and comfort them prior to testifying. Lawyers can also assist high school students in participating in mock trial competitions. In addition, opportunities exist to mentor juvenile offenders through the Barristers Partners for Success Program, which matches volunteers with residents of a juvenile probation camp to provide guidance and to serve as positive role models.

Attorneys with legal experience or interest in pro bono activities other than representation and client counseling may also consider serving as a volunteer community mediator through an organization such as the Association’s Dispute Resolution Services. Attorneys may also serve as volunteer arbitrators or mediators through the Los Angeles County Superior Court’s ADR program.

Finally, for those who have the resources but no time to become involved in pro bono, there are a number of nonprofit organizations and legal service providers that accept monetary donations and contributions. The Los Angeles County Bar Foundation is but one example of several nonprofit entities that solicit and accept monetary contributions. With grants, the County Bar Foundation funds programs designed to improve the administration of justice and the delivery of legal services, enhance public confidence in the legal profession, increase understanding of and respect for the rule of law, and provide law-related assistance on a nondiscriminatory basis.

Within these broader descriptions of pro bono, nearly all lawyers should be able to find some service they can provide. Certainly all pro bono work is important and should be encouraged. However, in addition to traditional pro bono activities, attorneys searching for some way to use their legal talents and resources for the public good should also consider opportunities outside the norm.

Finally, expanding the definition of pro bono will produce other positive and important results. First, more lawyers could provide pro bono help. Second, a greater exposure and recognition of pro bono service would increase positive public perceptions of the important contributions lawyers make to the community at large. This awareness will specifically improve the public image of lawyers as well as promote greater confidence in the justice system in general. Such a result will ultimately reap rewards for all. ■



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