

President's Message

FERN C. BOMCHILL

Why Pro Bono?

AS LISTED IN *Black's Law Dictionary*, “pro bono” is derived from Latin meaning “for the public good,” and the term has been defined as services done for the public good without compensation.

As detailed in the “History of Civil Legal Aid” published by the National Legal Aid & Defender Association, the concept of free legal assistance actually began in the 1800s and by the mid 20th century, many bar associations and some local governmental agencies offered some kind of legal aid, primarily provided on a select individual basis. But it wasn't until the 1960s that individual legal aid assistance began to morph into legal services aimed to provide equal justice to all. As then Attorney General Nicholas deB. Katzenbach observed at a 1964 conference on the Extension of Legal Services to the Poor held by the U.S. Department of Health, Education, and Welfare, “[t]here are signs ... that a new breed of lawyers is emerging, dedicated to using the law as an instrument of orderly and constructive social change.”

Given the events of the late 1960s, the attorney general may have been wrong about “orderly” change, but with the passage of the Economic Opportunity Act of 1964, legal service programs were popping up around the country. Law students chose to enter the work force through these pro bono avenues, and many legal services attorneys were successful in advocating the rights of low income Americans. Some argue that the success of these programs led to governmental efforts to limit the activities of legal services programs. See “History of Civil Legal Aid” at 2-3. Perhaps in an attempt to eliminate political interference, Congress adopted the Legal Services Corporation Act in 1974 to provide civil legal assistance to those who would otherwise be unable to afford it. However, from the beginning, there was debate, if not dissension, among the board members and with grantees as to the appropriate role of the Legal Services Corporation (LSC). For example, in 2001, certain LSC grantees successfully challenged a congressional restriction on the use of LSC funds. See *Legal Services Corporation v. Velazquez*, 531 U.S. 535 (2001).

Today, there are LSC funded programs in 55 U.S. states and territories. So, have we solved the problem of equal justice? Hardly. First, there are continual efforts to reduce the budget of the LSC

and there have been continued efforts to repeal the LSC Act. Furthermore, the LSC funds a small fraction of the civil pro bono needs throughout the country. Many legal services organizations rely upon local funding, including revenue from the Interest on Lawyers Trust Fund (IOLTA) under state law, and they have felt the effects of the recession. Pro bono representation of criminal defendants is constitutionally mandated, but there continues to be a considerable need for civil pro bono representation, both inside and outside the courtroom. In addition to seeking “equal justice” and representation in litigation, low income individuals need assistance in dealing with bureaucracies, domestic issues, in the housing arena, and in other transactional contexts.

Notably, it is not just the recipients who benefit from civil pro bono efforts. Pro bono service is a benefit available to all lawyers, and it is valuable, not just because it provides for the “public good.” To quote my favorite author of quotations—Anonymous—“[b]e alert to give service. What counts a great deal in life is what we do for others.” Pro bono work serves your emotional need to do good, and it also provides you with skills, training, experience in your chosen area of practice or otherwise, and exposure to the bar, the judiciary, and the community in which you practice, all at a much faster level than in private practice. To be sure, an inexperienced lawyer should not be swimming in deep water without a qualified instructor nearby, but you are never going to learn to swim until you get into the water. Many large firms partner with agencies and university programs both to “do good” and to provide important training and experience to their associates. These opportunities are also available to lawyers in small or solo practices as well as to lawyers who are not fully employed, on a permanent or temporary basis.

In addition to opportunities at LSC funded agencies,



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a reasonable time. I am also proud to report that the FBA is monitoring this legislation and is actively involved in advocating on behalf of federal attorneys and judges on issues of importance to FBA members. **TFL**

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The Federal Lawyer is edited by members of its editorial board, who are all members of the Federal Bar Association. Editorial and publication decisions are based on the board's judgment.

The views expressed in *The Federal Lawyer* are those of the authors and do not necessarily reflect the views of the association or of the editorial board. Articles and letters to the editor in response are welcome.

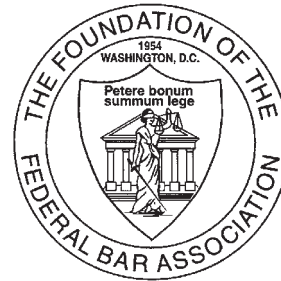
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local legal services organizations, and law school legal service clinics and programs, licensed and qualified attorneys may offer their services to state and federal courts for special appointments. One example is the Limited Appointment Settlement Project initiated by Judge Morton Denlow in the Northern District of Illinois. Through this program, pro se parties in federal civil litigation who agree to engage in voluntary settlement conferences get the assistance of lawyers and the lawyers get experience in interviewing and counseling, and negotiating and advocating on behalf of, clients—skills that are important to every attorney.

So why pro bono? It is for the public good, and it is good for you.

Happy New Year!

Ken C. Bomchill



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