Pro Bono Work in Law

Lots of people go to law school because they want to do good, help others, and perhaps change society for the better. Yet once they’re in law school, most law students think of graduating, passing the bar exam, and getting a job.

Because law is a profession and not just a job, there is more to being a lawyer than the typical law-student concerns. Lawyers have professional obligations beyond their obligations to their employers. Among those obligations is one that relates to the reason many people choose to become lawyers in the first place: the obligation to do what is known as **pro bono work**.

The unmet legal needs of the poor are staggering. The legal profession—particularly large law firms—has vast resources to address those needs. Pro bono work is the vehicle.

The phrase “pro bono” is shorthand for the Latin “pro bono publico” (“for the good of the public”) and essentially means public service, often in the form of free legal service.

The classic pro bono case involves free representation of someone who cannot afford to hire a lawyer. Around the country, day in and day out, pro bono lawyers represent tenants being evicted, immigrants being deported, indigent criminal defendants being prosecuted, children being abused and neglected, consumers being defrauded, and others in one way or another fighting for their rights in court.

Although pro bono work is often equated with litigation, non-litigation opportunities to serve the unrepresented abound. Less heralded is pro bono work that takes place behind the scenes. Organizing legal education programs in public schools, helping small businesses and individuals with their legal affairs, and drafting manuals for others to use all constitute pro bono work.

**Variety of Pro Bono Work Available**

Pro bono work is as varied as the interests and imagination of the lawyers who do it, and much of it is anything but mundane. For example, a young associate at a large law firm recently took a pro bono civil action involving hate crimes all the way to the U.S. Supreme Court, argued the case herself, and won.

Lawyers interested in the criminal justice system have analyzed racial and class bias in capital cases. Lawyers in pro bono programs geared toward supporting the arts have advised needy musicians, painters, filmmakers, dance companies, and rap groups on corporate matters relating to not-for-profit status, tax counseling, basic contracts, and copyright issues.

Pro bono lawyers helping the homeless have forced local governments to provide training and housing for children who have outgrown foster care. They have also helped halt the practice of separating homeless
couples into shelters segregated by sex and generally helped keep people off the streets by getting them Social Security or unemployment benefits to which they are entitled.

Pro bono work can be as much of a team or an individual effort as suits the attorneys involved. Law students often get a head start on pro bono work by helping practicing attorneys research and draft legal materials for pro bono cases.

**Finding Pro Bono Work**

Getting involved in pro bono work is easier than many law students expect. The need for attorneys is huge, lawyers already doing volunteer work are grateful for all the help they can get, and there is no shortage of institutions and organizations involved in coordinating the work. In most cases lawyers need not find pro bono work—it finds them.

Pro bono opportunities may be coordinated through law firms and other legal employers, bar associations, or independent public service groups. While the commitment to do pro bono work ultimately comes from each lawyer individually, many law firms and other legal employers are supportive. Many supply office resources, all the way from pens and paper to conference rooms and secretarial and paralegal time.

“A little advice, son. Practice the courage of your convictions outside the office.”

Many large law firms have organized pro bono programs. Lawyers may be expected as part of being associated with the firm to do 50 or 100 hours of pro bono work each year, or may get credit toward their quota of billable hours for a certain amount of pro bono activity. A few firms have made an institutional commitment to volunteer as much as 10 to 20 percent of their total attorney time. More law firms are coming to the view that pro bono work does not have a negative impact on the bottom line, but actually results in improving lawyer competency, firm morale, and law school recruitment, not to mention the good will created for the firm in the community.

Pro bono cases are often better than seminars or moot court training for young associates. In some large firms a pro bono case is the only chance a young litigator may have for years to actually appear in court. As many firms increasingly emphasize client relations, many see pro bono work as good practice for dealing with firm clients. Occasionally a pro bono matter even evolves into a paying case. Perhaps most importantly, firms realize that the psychic gratification of helping individual flesh-and-blood clients can also boost the morale of an overworked and office-bound lawyer.

Many lawyers do pro bono work independently rather than through their employers. Most state and local bar associations, particularly through their young lawyer organizations, provide a conduit for willing volunteers and people in need. One of the principal functions of the Young Lawyers Division of the ABA is to serve as a clearinghouse among these groups for pro bono and public service programs.

**Pressures of Pro Bono Work**

Pro bono work like all legal work can be exhausting. Pro bono clients are no less demanding than paying clients and often need more help. The resources available to help them even given the support of law firms and bar associations are meager.

Most lawyers try to give pro bono clients the same level of service as paying clients. Unfortunately most lawyers find themselves torn when pressing needs of paying clients crop up in the middle of some pro bono activity. While most clients and legal employers are supportive in principle of pro bono work, tensions between the two can arise.

“We practice law to make money, Hawkins . . . if you have a more compelling reason to practice law, let’s hear it!”

Most firms do not count time spent on pro bono matters toward billable hour requirements. This creates a special kind of pressure. Not surprisingly, lawyer burnout is an ever-present aspect of pro bono work. In fact, many pro bono projects are sponsored by bar associations and other organizations specifically to outlast the downturn in interest from lawyers who burn out on a particular project.

Despite the difficulties, for many lawyers, doing pro bono work is the best of both worlds: it helps fill a real need for lawyers and at the same time provides personal satisfaction. For whatever reasons, most lawyers do some pro bono work during their careers, many do hundreds of hours each year, and a few literally devote their lives to serving the public. The motives to do pro bono work and the perspectives on it are
varied:

- "I'm in pro bono work to do what I think is rewarding to me and to make some contribution to the overall legal services caseload. It's not glory law. I'm not out to be controversial, but just to assist people, most of whom have never before met a lawyer." - A young lawyer who logs hundreds of pro bono hours each year.

- "It strikes me as so fundamentally wrong that people should get the death penalty because they are black or poor. Sixty percent on Alabama's Death Row are black, and virtually all are poor and disadvantaged. My image of a lawyer was someone who stands up for the rights of the oppressed. Lawyers and the law [were] a force in creating opportunities for me." - A young lawyer who analyzed racial and class bias in the criminal justice system, focusing on capital cases.

- "I'm known as the attorney who can't say no. If someone comes to me with a good case and they need to be represented, someone has to do it." - A lawyer who represents immigrants on a pro bono basis.

- "Volunteerism isn't the only solution to the world's problems. Sometimes it's no substitute for federal funding, for example. But one of its beauties is that it's apolitical. And all of us who've engaged in it have been better people for it." - A young lawyer who organized a program to coordinate the efforts of 3,000 pro bono volunteers who were willing to work in the evenings and on weekends rather than during regular office hours.

- "Drafting the first contract for an artist is a very important act - it benefits individual artists and art groups and, indirectly, the New York art scene as a whole." - A young lawyer who organized a pro bono program geared toward helping people in the arts.

- "The message I want lawyers to get about pro bono work is that it is not as intimidating as it appears. You don't ever need to feel you are getting in over your head; there is always some kind of backup available, in the form of manuals, people to call, and other assistance." - A young lawyer who logs hundreds of pro bono hours each year.

- "Our pro bono clients tend to be extremely grateful for the legal services. They are people who have been turned down by [other] lawyer[s] because they don't have the ability to pay." - A lawyer who represents immigrants on a pro bono basis.

Law is more than a job, and pro bono work is part of being a lawyer. To look at it another way (as lawyers are so fond of doing), how many of us, when we are 90 years old and contemplate our years in the profession, are likely to say to ourselves "I sure am glad that, back when I worked for that big firm in that big city in the 1990s, I billed that extra 25 hours rather than doing a small pro bono project."