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The Top Five Excuses for Not Doing Pro Bono Work, and Why They're All Bad

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As chair of a large law firm's Pro Bono Committee for a number of years, I have had the chance to interact with hundreds of attorneys inside and outside our firm on the issue of pro bono legal services. Some lawyers donate time on a daily basis; some take an occasional case; some do not donate at all.

Over the years, I have compiled the top five excuses for why lawyers do not do pro bono work. None of these excuses have merit, and I think it is time to debunk each one of them.

EXCUSE NO. 1:

"I'm a transactional lawyer, not a litigator, and I don't feel comfortable going to court."

Contrary to popular belief, there are a wide variety of pro bono opportunities available to transactional lawyers that do not involve litigation.

Examples of transactional pro bono matters undertaken by attorneys in our firm include assisting an elderly widow by renegotiating the terms of a fraudulent reverse mortgage, and helping form a nonprofit corporation to provide interim housing for the homeless.

Pro bono agencies throughout the

nation provide organized training and referrals for lawyers interested in doing real estate, corporate, tax, estate planning and other interesting forms of transactional pro bono work.

For ideas, check out the Pro Bono Institute's Web site at www.probonoinstitute.org or call any of the pro bono referral organizations in your area.

EXCUSE NO. 2:

"I don't have the time."

Like any activity, pro bono work requires an investment of time. Most attorneys complain they already have too much to do, and not enough time to do it. But is one hour a week impossible?

Try this: every time you go into the lunchroom or take a coffee break at work, record how much time you spend chatting with co-workers. If it is 12 minutes a day or more, you just found an extra hour in your schedule every week or, about 50 hours a year, the "aspirational" goal set by many pro bono organizations and ABA Model Rule 6.1.

You do not need to take time away from your paying work, client development, practice management, or your family to do pro bono work; you just need to manage your time better.

EXCUSE NO. 3:

"It costs my practice too much in terms of time and money."

This excuse is easily dispensed with because it is a statement based upon the review of only one side of the pro bono "balance sheet."

Yes, you could choose to spend an hour and a half going out to lunch with a client today, rather than working on a pro bono matter. But what are the returns on each of those investments? Will that nice meal really get you any new business?

Consider this -- if you are spending significant amounts of time "entertaining" an in-house attorney, how much more effective would it be instead to invite that attorney to join you in representing an indigent client in a pro bono matter?

Working side-by-side with another lawyer as co-counsel is a terrific way to build a bond and form a lasting relationship. Moreover, in addition to tremendous self-



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satisfaction, there are many other benefits that accrue from doing pro bono work, such as gaining new skill sets and improving your reputation in the legal community. Focusing only on what you give to a pro bono matter ignores what you get from it.

EXCUSE NO. 4:

“I know nothing about the laws and legal matters that most affect the indigent.”

It is true that the legal needs of the indigent, and thus the usual referrals for pro bono work, typically fall in only a few legal areas which reflect our basic human needs, such as housing, family law, and public benefits (in California, one could add immigration law to this list).

While many lawyers do not focus their practices in these areas, having some counsel is usually more favorable to the indigent client than having no counsel at all. Basic legal knowledge and research skills -- and a hunger to learn -- are all the pro bono volunteer usually needs.

In addition, nearly every pro bono referral agency provides basic training to its volunteers, in addition to oversight and research assistance from highly skilled in-house lawyers who do nothing but practice in these areas.

You do not have to be an "expert" in housing law to defend an indigent person in an unlawful detainer case; you just need to be a quick study with a desire to help the less fortunate.

EXCUSE NO. 5:

“I don't know how to get involved in pro bono work that may interest me.”

This is the easiest excuse of all to address. Your county's local law directory, or even your county's Superior Court Web site, will likely have contact information for local pro bono referral agencies who can inform you about pro bono opportunities in your community.

In addition, you can search the Internet and find not just local pro bono opportunities, but national ones as well.

In California, for example, a wide

variety of groups offer pro bono opportunities in your geographic area, such as the San Diego Volunteer Lawyer Program (www.sdvlp.org), Public Law Center in Orange County (www.public-lawcenter.org), Public Counsel in Los Angeles (www.public-counsel.org), and the Lawyers' Committee for Civil Rights of the San Francisco Bay area (www.lccr.com).

Additionally, an Internet search on "legal aid society" and your California county will usually pull up a Legal Aid Society or Foundation referral organization in or near your community, whether in California or any other state (such as www.legal-aid.org in New York City).

Our system of justice is dependent upon everyone, rich or poor, having access to means of dispute resolution. Without some meaningful assistance by counsel, many will never obtain the justice they deserve. You can help, and there are many ways to do so. Stop making excuses, and start doing pro bono work. Twelve minutes a day is all you need.