

Impact Statement

Pro Bono Work Displays a Different Side of the Legal Profession

By GEORGE O'BRIEN

In 1999, the state Supreme Judicial Court codified the legal industry institution known as pro bono work — providing services to individuals or groups free of charge. Most lawyers didn't need the so-called 'aspirational' rule, which recommends 25 hours of pro bono work per year, to inspire them to give back to the community — they'd already found many important, imaginative ways to do so.

spent in Housing Court bring rewards for the volunteer lawyers as well.

"This is something you can really wrap your arms around," she said, referring to the personal satisfaction she takes from helping someone involved in such important matters. "When you're in court and housing is the issue, the stakes don't get much higher than that."

The Housing Court initiative is just one example of the pro bono work undertaken by area lawyers — meaning legal services provided free of charge or at substantially reduced rates for groups and individuals in need. Such work takes a number of forms, from helping a young writer by reviewing a publishing contract to assisting a non-profit group by drafting a set of bylaws to representing underprivileged individuals in civil rights cases.

Pro bono work is encouraged by virtually all firms and professional organizations, and it is also legislated — sort of.

Rule 3:07 of the Massachusetts Rules of Professional Conduct and Comments Public Service, as written by the Mass. Supreme Judicial Court and put into effect in early 1999, states: "A lawyer should provide annually at least 25 hours of pro bono publico legal services for the benefit of persons of limited means."

This 'aspirational' rule, as it's called, further stipulates that such services should be provided without compensation or expectation of same to persons or to charitable, religious, civic, community, governmental, and educational organizations "in matters that are designed primarily to address the needs of persons of limited means." It also states that in lieu of such pro bono work, lawyers should contribute from \$250 to

1% of their annual taxable professional income to one or more of the organizations described above.

Most lawyers don't need the SJC to tell them to donate time and energy to worthy groups and causes, said Archer Battista, a partner with the Holyoke firm Lyon & Fitzpatrick, LLP and current president of the Hampden County Bar Assoc., who noted that Rule 3:07 met with considerable controversy when it was adopted.

"The great majority of lawyers who recognize the responsibility to provide pro bono work recognized it long before the SJC codified it," he said, adding quickly, however, that the aspirational rule may well raise individual and collective consciousness among those who *didn't* feel the need to donate some of their time.

Battista told *BusinessWest* that most area lawyers contribute far more than 25 hours of their time per year, and have a lengthy list of groups they support.

Such is the case for A. Craig Brown, a partner with the Springfield firm Doherty, Wallace, Pillsbury, and Murphy, who lists education, workforce development, and the sport of lacrosse among his passions and, thus, beneficiaries of his pro bono work.

He has donated time and considerable energy to groups ranging from Springfield School Volunteers to the Regional Employment Board of Hampden County to the Urban League of Greater Springfield. Meanwhile, he officiated hundreds of high school and college lacrosse games during a lengthy career carrying a whistle (cranky knees eventually forced him to stop) and is currently chairman of U.S. Lacrosse, a group committed to advancing

the sport.

"I was a lacrosse official for 18 years, and was very active at both the high school and college levels — and that means that probably four days a week I would leave the office early to go officiate games," said Brown, who told *BusinessWest* that the key for him — and most lawyers — is finding pro bono work that will have an impact in the community and bring deep personal satisfaction.

"You find time for what you need to find time for and what you *want* to find time for," he said, speaking for many in his profession.

At Home with the Idea

Donna Wexler remembers her traditional holiday season vacation in 2004, spent in upstate New York with family.

It was similar to others, except for a logistical bump in the middle — a quick trip back to Springfield to handle a real estate closing, in this case a home being acquired through the regional Habitat for Humanity program.

Wexler could easily have handed off the assignment to another lawyer at Bacon & Wilson, the Springfield-based firm for which she has been a partner since 2001, but she thoroughly enjoys being part of the process of placing Habitat families in homes.

"I get such a charge out of doing it ... these people are so thrilled to be getting into a home," she told *BusinessWest*, noting that the closings — she's handled several over the past few years — comprise only a small portion of the part of the pro bono work she performs.

Working through the Volunteer Lawyers Service, a program of the Mass. Justice Project, Wexler has provided pro bono

In Hampden County Housing Court, Thursday is 'Eviction Day.'

Hundreds of cases involving claims made by landlords and tenants are heard, and many of them end with an individual lacking a roof over their head.

In many instances, that result comes about because the individual was indigent and simply could not afford legal representation, said Dorothy Varon, an attorney with the Springfield firm Robinson Donovan, who was one of architects of a program designed to change that equation.

Called the Hampden County Housing Court Pro Bono Project, the initiative has put together a volunteer corps of area lawyers, each of whom report for duty a handful of Thursdays a year and represent both landlords and tenants who would otherwise be representing themselves.

The project has succeeded in producing many positive outcomes that would be unlikely, if not impossible, if the litigants were handling matters pro se, said Varon, noting that the Thursdays

services to qualified individuals (usually low-income women) in areas including divorce, child support, paternity, and others. It is rewarding work, she said, and continues a tradition of community service at the firm.

"It's really part of our culture here ... the partners are all great role models when it comes to pro bono work," she explained, adding that lawyers at the firm are encouraged to meld their particular specialties within the law with their specific interests within the community to make a positive impact.

Work with Habitat for Humanity is a natural fit, she continued, because it enables her to take her skills in residential real estate and apply them to a program that has helped dozens of area families achieve the American dream.

Meanwhile, her work with the Volunteer Lawyers Service addresses the fundamental mission of all pro bono work, she explained — making the justice system more accessible to all people, no matter their income level.

This was the motivation behind the Housing Court project, said Varon, noting that judges serving on that court, Hank Abrashkin and Dina Fein, and staff recognized a critical need to provide legal representation for those who find themselves at the court on Thursday.

"The court had identified a terrible, terrible need because the stakes are so high," said Varon, adding that in her capacity with the Board of Trustees of the Women's Bar Foundation, the charitable arm of the Women's Bar Assoc., she and others started an initiative to address that need.

"There was great interest in helping, because when the court identifies an issue, you want to pitch in," she explained. "There was so much pro se representation because a significant portion of that population simply cannot afford a lawyer, and it is a very

technical area of the law."

Elaborating, she said many tenants facing eviction due to non-payment are not aware of all their rights and possible counter-claims with regard to habitability. Meanwhile, many landlords are not sufficiently legally literate to prevail over what Varon called "nightmare tenants."

After soliciting dozens of volunteers from area firms and solo practices, the Pro Bono Subcommittee of the Women's Bar Foundation enlisted the Springfield firm of Heisler, Feldman, McCormack & Garrow (experts in this speciality) and specifically partner Suzanne Garrow to provide training to those volunteer lawyers.

The program will celebrate its first year of service later this month with a pizza party, said Varon, noting that it has succeeded in placing volunteer lawyers in Housing Court almost every Thursday, and their presence has been felt by litigants and court personnel alike.

"It's definitely having an impact — we're getting a great response from the attorneys and the court," she said, adding that in most, if not all, of the specific cases she has been involved in, the result would have been different if a lawyer was not involved.

Case in Point

This difference-making quality is what attracts most lawyers to pro bono work, said Battista, adding that the majority of those in the legal profession provide assistance that far exceeds the SJC-recommended levels.

That's because there is great demand for such legal assistance, he explained, as well as a desire on the part of the local legal community, including local bar associations, to help lawyers meet their pro bono responsibilities.

In Hampden County, for example, there is a wide array of pro bono programs, similar to the Housing Court initiative, that tar-

get constituencies ranging from troubled youths to the elderly, from the homeless to AIDS patients.

And the work is not always done in the courtroom or behind a desk, said Battista, noting that lawyers have volunteered time to local soup kitchens by serving food, not drafting contracts.

"We have a number of programs that enable lawyers to find pro bono work," he explained, listing as just one example an initiative within the bar association's new lawyers section that helps match such individuals — those with less than 10 years in the profession — with volunteer opportunities.

Brown told *BusinessWest* that he has never had to look for pro bono work — it has often found him. That was the case with his lacrosse officiating and also with his work with several groups like the Urban League, REB, and the Springfield school system.

He said the work often takes two forms — specific legal services, such as helping to draft contracts or bylaws, and service on a board or commission. Brown has spent the past several years on the Urban League board, for example, and makes that agency's annual presentation before the United Way.

Brown, like Battista, said lawyers bring more than just legal expertise to a board. Their training in the law, solid public speaking skills, and ability to problem-solve often facilitate debate and move agendas forward.

"Lawyers can help organize board decision-making and also help move things along," he explained. "They can bring issues into focus and really make solid contributions to the work those boards do."

Like Wexler, Brown said he has worked in a culture that greatly encourages pro bono work — he is only the latest lawyer at Doherty Wallace to win the Community Service Award pre-

sented by the Mass. Bar Assoc. — and that support system has enabled him to contribute in so many areas.

However, one challenge for lawyers is to find the right types of pro bono and an adequate volume, he explained, noting that some find it hard to say 'no.'

"There are some times when I feel I have too much going on, but you get through those periods," he said. "Squeezing everything in is hard, and it makes for a busy career — but it also makes for a rewarding career."

Final Arguments

Reflecting back on her career in law, Varon, whose next scheduled Thursday in Housing Court comes later this month, said her pro bono work has taken a number of forms — from helping young artists with contracts to assisting seniors with health insurance issues, such as understanding coverage and maximizing benefits.

The common denominator was a simple desire to take the skills she acquired and use them in ways that would benefit individuals and the community as a whole, she said, noting that most area lawyers have similarly lengthy lists of benefactors.

"Sometimes you get a call from someone, and you know they don't have the ability to pay you, but they have a compelling story," she said. "You want to help, because you're supposed to and because you can. It makes being a lawyer very satisfying when you're in a position to help someone who needs your help."

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Those interested in participating in the Hampden Court Housing Court pro bono project can call Suzanne Garrow at (413) 788-7988, or E-mail; sgarrow@comcast.net