



# Tough economic times don't deter lawyers from pro bono cases

*There are as many reasons for offering pro bono representation as there are lawyers in the American legal system.*

By TAMI KAMIN-MEYER

"When I really believe a person is being abused by the legal system," Doug Slain says, he might even take on their case for free. According to the Oakland criminal defense lawyer, "If I feel a defendant is not getting a fair shake in the legal system and I want to help them," he does.



Hudgins

Nancy E. Hudgins, a private practitioner with her own firm in San Francisco, says for her, pro bono work is about "giving back."

Due to the sheer number of lawyers, paralegals and support staff at larger law firms, it is often logistically easier for them to provide pro bono legal services. Many large firms even have pro bono coordinators whose job is to locate deserving clients or cases to receive free or discounted legal representation.

Conversely, it is more difficult for smaller law firms featuring fewer attorneys and support personnel to offer their services for free. So why, especially in these

tough economic times, do local lawyers continue to represent clients for free?

Four local attorneys share their stories.

## Juggling like a clown

It's often challenging enough to keep up with the work of paying clients, let alone putting time into cases that aren't bringing money in the door. Despite the fact that offering her services for free doesn't help pay the bills, Nancy Hudgins says she doesn't think about how she manages to get it all done. "I just do it," she says, laughing.

Bob Casper, a criminal defense attorney in San Rafael, says that while pro bono work has its place in his work life, so does the reality of paying bills. "I have to be able to fit it (pro bono work) into my schedule. I do have a mortgage," he says.

Primarily, Hudgins focuses her law practice on two areas. She handles civil litigation matters, primarily in personal injury matters and co-mediate divorces and child custody matters with a local marriage and family therapist. Still, she juggles her calendar to "just schedule" pro bono work in. However, she admits that if some kind of panel that's not part

of her regular pro bono activities asks her to participate and she's busy, she will say no.

Curtis Berkey, a name partner with Alexander, Berkey, Williams & Weathers, LLP, says since his firm is small, with four lawyers at the main office in Berkeley, two in Washington, DC, and a part-timer in Montana, everyone can discuss which pro bono matters they wish to accept. When they do take a case, he says, "We treat it like any other," putting in just as many hours and as much intensity as they would for a paying client. He continues, laughing, "I'm not sure how we do that, actually."

For Doug Slain, who works on his own, taking on a pro bono matter means all other clients and their legal concerns are put on hold. "I simply give up my other work to focus on that (pro bono) case," he says.



Slain

## How to know who gets pro bono

Especially when there is so much need for pro bono, and even low-bono legal representation, it's difficult for



lawyers without a formal pro bono screening committee or even procedure to decide which clients do not have to pay for legal services.

Berkey, whose firm works exclusively in American Indian Law, says that since his group is so small, members can meet to discuss which cases or causes appeal to them. However, one constant is that all work the firm does “support the American Indian community,” says Berkey.

Although they do not have a formalized procedure for determining which clients receive pro bono status, Berkey says his firm considers several aspects of a case to determine who is most deserving. For example, the dispute in question must be one where we “can really help,” he says.

Also, the legal matter must be manageable. “The case can’t be so big,” that everyone in the firm becomes enveloped in it, says Berkey.

Since Slain works on his own, he is even more particular about which cases he’ll handle on a pro bono basis. So particular, in fact, that he estimates he’s taken on fewer than 10 pro bono clients in his entire 32-year legal career. And because he has clients pay their fees before he agrees to represent them, Slain has not experienced cases that inadvertently

became pro bono without his clear intention.

Casper says for him to accept a pro bono case, he has to feel something intangible about the client. He says clients who radiate an “indefinable” aura catch his attention. He also admits to having to “like the person” seeking pro bono representation.

### Reasons to work for free

There are as many reasons for offering pro bono representation as there are lawyers in the American legal system. Casper says, “It’s important to help people.”

Hudgins agrees that as an Officer of the Court, helping others is of great value. However, she also says [that] offering pro bono representation allows her to assist an overworked court system.

But for Hudgins, another reason to offer pro bono representation benefits her and her other clients. “It’s good practice. Every case gives me the opportunity to assist parties and facilitate a conversation about the conflict. It’s intellectually stimulating for me to try to help people resolve their problems, if that’s what they want to do,” she says.

While Slain agrees there are certain clients and situations that call for a

lawyer to help a client for free, he does not think courts should require attorneys to do so. “It should be up to each attorney to offer pro bono voluntarily,” he says, noting he also thinks a mandatory pro bono system would be “hard to implement.”

Although she stopped short of saying lawyers should be required to offer pro bono representation, Hudgins does say not only is it good for clients but for attorneys, as well. “Law is a profession and to make it work, it would be helpful if all lawyers did some pro bono,” she says.

Casper sums up, “Sometimes, it’s not all about making money.”

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