

Pro bono efforts take center stage

Friday, Oct. 15, was a big day for Indiana's pro bono effort. Not only did the ISBA House of Delegates recommend a move to universal IOLTA to increase funding for pro bono legal services, but the subject was also the topic of the annual Randall T. Shepard Award Dinner later that evening.

And who better to deliver the welcome for that dinner but J. Philip Burt, chair of the Indiana Pro Bono Commission – and a man who, members of the State Bar learned earlier that day, had donated \$140,000 to establish the J. Philip and Barbara Burt Access to Justice Fund.

The money was needed, it was noted, to cover a deficit in that amount required to keep some of the 14 pro bono district programs from being shut down.

“Those attorneys who value access to justice ought to know about this fund – and contribute,” said Jeffry A. Lind of Terre Haute, president of the Indiana Bar Foundation (IBF), when he announced the donation during the House of Delegates meeting.

Burt said he and his wife, also an attorney, made the donation because, although Indiana once trailed the nation in developing a pro bono effort, he didn't want to watch the dismantling of the last 10 years of work that had made Indiana the envy of the nation.

The Fort Wayne attorney lauded pro bono as a necessary, and desirable, part of any law practice, noting that not only does the work help people in need, but it also plays a big role in improving the image of lawyers.

And the work is self-satisfying, Burt stressed, noting that he has

“The moments of satisfaction that lawyers get are few and far between,” Burt said before the Shepard Dinner. “With pro bono work, you get a chance to do something not only that is right, but you feel good about it.”

A similar theme was voiced by the evening's featured speaker, Amos E. Hartston of Latham & Watkins LLP, an international law firm headquartered in Los Angeles. The firm, with offices in 21 cities, has a wall full of awards for its pro bono work, including the American Bar Association's 2003 Pro Bono Publico Award.

It is a firm so committed to the ethic that Hartston's job, as the firm's designated pro bono counsel, is to coordinate those efforts that reach across the entire firm.

“Pro bono is not only an acceptable part of the practice of law, but an essential part,” said Hartston, who said Latham & Watkins is a signatory to the Law Firm Pro Bono Challenge that asks firms to devote an average of 60 pro bono hours a year per lawyer. In 2003, Latham & Watkins averaged 96.5 hours per lawyer, with 78 percent of its 1,500 attorneys doing at least some pro bono work.

Hartston was quick to point out that his template for pro bono work was developed for a gigantic firm, but that similar concepts would work for firms of any size.

The essential step to eliminating barriers to pro bono work, he said, is to treat the work exactly the same as work for paying clients. “If doing pro bono and doing right aren't good enough,” Hartston said, there's even a strong business-case argument to be made for providing pro bono legal services.

“It comes down to brand equity,” Hartston said, noting that pro bono is a key element in his law firm's number-five national rank-

ing. “Pro bono work is highly visible,” he said as he showed his Shepard Dinner audience a string of slides showing headlines involving Latham & Watkins, including a Texas case in which a man was released after 17 years on death row.

Pro bono work can also provide an excellent training ground for young lawyers, he said, as well as in the recruitment of law school graduates coming out of a climate in which more and more students see pro bono as a great indicator of any law firm's quality. “And,” he added, “because it's the right thing to do.”

Hartston said the Latham & Watkins model involves a national pro bono counsel, a role that he himself fills, as well as a company-wide pro bono counsel with each office represented. There is a delineated process for intake, case approval and staffing assignments.

Paramount, however, is interaction with local social service agencies, partner organizations that help the law firm identify community need, identify appropriate projects and provide the lawyers with the specific training required to deal with particular areas of need.

“We can't do it alone,” he said, calling his firm's community partners “critical to the success of any pro bono program.” He noted that the relationship helps boost the firm's credibility within the community. “Not only do we rely on them,” he said, “but they rely on us.”

He also said that the pro bono effort goes beyond case work, extending to such contributions as serving on boards of local organizations.

He said the reasons are obvious, especially in light of funding shortages facing not-for-profit

Media consultant often gotten more out
and freelance writer of a pro bono case
Indianapolis, Ind. than his client did.

organizations that offer legal services to low-income clients – and the fact that even *that* funding is threatened.

“Private lawyers are essential to fill that gap,” Hartston said, explaining that his firm’s pro bono program is not only geared to provide free legal services to those with demonstrated need who are unable to pay, but also to vindicate the fairness of the American legal system.

“There really is a critical need,” he said. Referring to his firm’s commitment, Hartston added, “If you focus, you really can make a lot of difference with these kinds of hours.” ☞