

Pro Bono



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When someone asks you what kind of pro bono work you do, how do you respond? Do you respond? How do you define your own pro bono contributions? For years, attorneys and those who regulate them have considered pro bono work to be traditional legal work—complete representation in a court case, working with a client before an administrative agency, negotiating a settlement with a creditor or other governmental agency. Is this a proper definition of pro bono? Is it a description that captures what many of us do? Is it a description that captures the many ways to be of service to the community and to those in need? Are we shirking the essential nature of our purpose and training when we include community activities in our definition of “pro bono”?

Several years ago, the State Bar of Michigan Representative Assembly (RA) recommended to the Supreme Court that it expand its definition of pro bono work. The RA's proposed expanded definition included not only traditional legal work, but also community-based service, such as mentoring, tutoring, working with the Scouts or the Boys & Girls Clubs, volunteer service to bar associations, and many other similar undertakings. There were two schools of thought about this recommendation. The first was that this expansion was proper, and followed the trend in the profession to be involved not only with traditional pro bono legal work but with larger community activities, and that these larger activities would have the same if not greater benefit to the general public than traditional representation. This was the idea that eventually persuaded the RA members. The second school of thought on the change was that it would decrease the emphasis on providing traditional legal services, and that since lawyers were the only ones who could

provide those, it made more sense for us to focus our pro bono work in that specific area.

In my travels across the state, and in the anecdotal experience of many of the State Bar staff who work with local, special-interest, and affinity bars, a great many of our members focus their volunteer time and efforts in community-based activities. In fact, many of our State Bar award winners focus their efforts in these broadly based areas. We have those who spend their time mentoring middle schoolers in the neighborhoods in which they grew up; those who work with high schoolers, ensuring that they have educational opportunities beyond high school; and those who choose to have a one-on-one mentoring relationship with a child who might otherwise be at risk from lack of adult involvement in his or her life. All of these things are admirable and are for “the public good.”

Often, when we ask our members to describe their pro bono work, they reply only in terms of cases handled or hours donated. Many of them provide other valuable services to the community that improve and strengthen it. Are we not to consider those as being for “the public good” as well, simply because there is no case code attached or lawsuit to bring? I don't think so.

The other issue that the profession faces in the larger context of pro bono is how to catalog and report our contributions. At present, there is no standardized way or method to report pro bono. Members are often unsure how to report, what to report, and if they are being asked about money donated, time donated, or some combination of the two. Statistics received vary widely depending on who is asked, who is doing the asking, and for what purpose the respondent believes the information is being collected. Reliable statistics on this function would be very helpful, not only to gauge where resources should be devoted, but also in explaining to members, legislators, and the general public the need for and importance of funding legal services for the indigent.

So we have two problems: what is “pro bono” and how do we figure out how much of it is being provided by our members? One of the ideas that came out of our recent strategic planning update is to catalog and publicize the good works that our members do, both for our clients and for the community at large. If you have a colleague you'd like to tell us about, please feel free to contact me or our executive director, Janet Welch. Together, we can shine a little positive light on this problem. ■

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