

Thursday, October 14

4:30 p.m. – 6:00 p.m.

Oakland County Bar Association, Pro Bono Mentor Match Program

Oakland County Commissioners Auditorium

Special Guest Chief Justice Marilyn J. Kelly

The Oakland County Circuit bench and the Oakland County District Judges Association have signed on to support the Mentor Match Program, described in Oakland County Bar President Jennifer Grieco's column below. The bar has commitments from 24 of its past presidents, OCBA board of directors and Oakland County Bar Foundation trustees to serve as mentors and to do the launch.

Answering the Call to Service

We are all painfully aware that the economy has taken a toll on our profession. However, the effect of our economic downturn is felt most acutely by new lawyers as firms continue to downsize and simply no longer hire lawyers without experience. Despite the lack of available jobs, this November, more than 70 new lawyers will be sworn in at the OCBA's New Lawyer Admission Ceremony, with numerous others being sworn in at private ceremonies. We expect an additional 40+ lawyers to be sworn in the following May. These numbers have been fairly consistent for the last five years and have resulted in graduates either (a) not being employed as lawyers, (b) being forced to start their own practice as solo practitioners, or (c) working in small "firms" with other inexperienced lawyers and without the training necessary to become **quality** professionals.

In addition, this recession and Michigan's high unemployment have vastly increased the number of people who qualify for legal aid. More than three million people in Michigan have an annual income below the federal poverty level, which includes the alarming statistic that more than **40 percent of Michigan's children live in poverty**. There are simply not enough pro bono attorneys available to assist with this increased need for legal aid.

In my inaugural President's Page, "Call to Service," I highlighted the ability to bring these two groups together by committing to mentor new lawyers who volunteer for pro bono

cases. We are proud to announce that the OCBA's Pro Bono Mentoring Program is in place. Now, all we need to accomplish the goals of the program is **you!**

Commitment

If you have been practicing law for seven years or more or, alternatively, have extensive experience in the areas most commonly in demand, you may qualify as a mentor. The relationship of mentor/mentee will be case-specific, i.e., the mentor will guide and/or advise the mentee with respect to a pro bono case such as a landlord-tenant matter, a minimal-asset divorce, a petition to modify child support or a criminal expungement. It is through these simple yet valuable litigation matters that law school graduates will gain the experience they need to become professional and marketable lawyers. Mentors will be able to define their relationship with their mentees based upon the specific nature of the case and the mentors' availability, as we understand that some mentors will only be able to donate a few hours of their time. A mentor should be agreeable to **at least** reviewing pleadings and answering their mentees' specific questions via e-mail. However, mentors who are interested and able to donate more of their time will prove invaluable to the new lawyer and to shaping the quality of our bar. Mentoring influences the profession both ethically and educationally, and certainly the clients and our community will benefit from the mentors' years of experience.

For those of you who agree to answer the call to service, you will not be doing so without support. The individuals whom you will be assisting are the clients of the Legal Aid & Defender Association and Lakeshore Legal Aid, each of which has a staff that is experienced in handling these matters. The OCBA, along with its legal aid partners, can offer the following to its pro bono mentor/mentee volunteers:

- The legal aid providers will match mentees and mentors to the appropriate pro bono case based on the mentors' experience and availability as defined by the mentors' application.
- The legal aid providers will supply the mentee/mentor with an initial intake memo that will include an overview of the facts as provided by the client, as well as initial issue spotting and citations to applicable statutory or common-law authorities.
- The legal aid providers will remain a resource to the mentee/mentor with respect to any issue that may arise in the case that cannot be resolved or answered within that relationship, including a willingness to take back any client who cannot be properly served in the event of a breakdown of the mentee/mentor relationship.
- The legal aid providers' malpractice insurance will provide coverage to any lawyer who volunteers to undertake one of their pro bono cases as a mentor or mentee.
- Should the mentee or mentor desire additional training, the OCBA will host a training session to educate our volunteers regarding the basic law and potential issues that may be encountered. An initial training session is scheduled to take place in January 2011 although programs are periodically sponsored throughout the year by the legal aid providers.

Accordingly, it is our intention that our members will feel comfortable in volunteering as a mentor or taking part as a mentee.

Demonstrating the importance of this program to our profession, I am pleased to report that a number of the OCBA past presidents, members of our board of directors, and trustees of the Oakland County Bar Foundation have answered the "Call to Service" by agreeing to act as mentors (see list at right). Considering the quality of lawyers who are committed to serving as mentors and their collective years of experience and professionalism, we anticipate that

numerous new lawyers in need of training will take advantage of this opportunity. Therefore, the program will only succeed with your commitment to mentor. Further, while this program is initially geared toward lawyers with five years or less of experience who are not currently employed and/or are learning to practice law on their own, we certainly encourage new lawyers in established firms to volunteer for pro bono cases to which they can be mentored by a member of their firm. The law firms' welcomed involvement will not only provide their associates with litigation experience but will vastly increase the number of pro bono clients who can be served, which will benefit our community as a whole.

For the second year in a row, the State Bar of Michigan has designated October as Pro Bono Month following the lead of the ABA, which has designated October 24-30 as National Pro Bono Celebration – a time to highlight the need for pro bono assistance by lawyers. In addition, Michigan Supreme Court Chief Justice Marilyn Kelly has frequently spoken out about the need for greater pro bono participation, especially in light of the economy's impact on middle- and lower-income people. Chief Justice Kelly agrees that local bar associations have an essential role to play in that regard. "It's been said that all politics is local," Kelly recently commented.¹ "Well, we can also say that all pro bono is local. Who is in the best position to identify and meet a community's legal needs, if not local attorneys?"

Chief Justice Kelly also believes that programs like the OCBA's Pro Bono Mentor Program can foster greater professionalism, as well as a legal culture that makes pro bono work a top priority. "Young lawyers learn many things from their mentors, and not only the nuts and bolts of practicing law," she said. "They also learn what the legal culture does – or does not – value. The Pro Bono Mentor Program can certainly help new lawyers sharpen their skills and

broaden their legal experience. Just as importantly, the mentors can teach lessons about integrity and service, so that we support a culture where pro bono is a regular part of practice.”

Accordingly, the focus by bar associations across the nation on pro bono volunteerism is one positive result of an especially challenging time in our profession. The OCBA’s Pro Bono Mentor Program is just one way in which each of us can satisfy our moral and ethical pro bono obligations for the benefit of our profession and the community we serve.² If you too wish to volunteer to undertake a pro bono case as a mentee or to serve as a pro bono mentor, please visit the OCBA’s Web site, www.ocba.org, where you will find a program overview, mentor and mentee applications, and mentee guidelines. Thank you in advance for answering the call to service.

Footnotes

1 Chief Justice Kelly provided these quotations in support on August 31, 2010, after being advised that OCBA was launching its Pro Bono Mentor Program.

2 *See* MRPC 6.1, which provides: “A lawyer should render public interest legal services. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means, or to public service or charitable groups or organizations. A lawyer may also discharge this responsibility by service in activities for improving the law, the legal system, or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.”

See also the SBM’s Voluntary Pro Bono Standards, which provides that all active members of the bar should participate in the direct delivery of pro bono legal services to the poor **annually** by 1) providing representation without charge to a minimum of three low-income individuals, 2)

provide a minimum of 30 hours of representation or services without charge to low-income individuals or organizations, 3) providing a minimum of 30 hours of professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, or 4) contributing a minimum of \$300 to not-for-profit programs organized for the purpose of delivering civil legal services to low-income individuals or organizations.

According to the SBM report ““...and Justice for All” A Report on Pro Bono in Michigan: 2007” (2009), the majority of lawyers who volunteer for pro bono services expressed these top reasons for doing so: (1) a personal sense of satisfaction, (2) professional responsibility and (3) the importance of supporting the bar and legal aid providers. See also *Michigan Bar Journal*, June 2010, “Where Has the Pro Bono Passport Taken Us in 10 Years?” by Hon. Victoria A. Roberts.