



A Different View

How Pro Bono Contributes to a Successful Career

By Samuel W. Milkes and Joseph A. Sullivan

We respectfully suggest that ... there is no better time for a lawyer to embrace pro bono as a component of practice than at the outset.

In a recent issue of *The Pennsylvania Lawyer* magazine, Daniel F. Monahan contributed a short article titled “Top 10 Rules for a Successful Legal Career,” an incisive and thoughtful set of guidelines that he had written for a law student who worked in his office.

We commend Mr. Monahan not only for his wisdom but for taking the time to guide a young lawyer-to-be about how to get a good start in her career. However, we would like to offer a different perspective as to just one of the guidelines, namely, the one suggesting that the law student stay away from pro bono work and “let other lawyers do the heavy lifting.” Without specifying how long the new lawyer should stay away, Mr. Monahan suggests that pro bono representation should be left to other attorneys until the new lawyer established her career and was making enough money to start a nest egg.

While we are advocates for financial prosperity for all lawyers, we respectfully suggest that, for reasons we lay out here, there is no better time for a lawyer to embrace pro bono as a component of practice than at the outset. As we see it, from the start a new lawyer can and should incorporate pro bono as part of a healthy, financially successful and satisfying career. Here are our reasons.

Help Is Needed

In Pennsylvania, as in most other states, there are many thousands of low-income, disabled and elderly individuals and others in desperate need of legal representation for situations involving housing, domestic violence and health care who cannot afford to pay for a lawyer. The statistics are staggering: A recent study by a statewide commission estimates that only 20 percent of low-income people in need of legal help but who cannot afford it are able to obtain



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In Philadelphia's landlord-tenant court, for example, fewer than 5 percent of tenants facing eviction are able to obtain counsel, while more than 85 percent of landlords in the same cases have counsel. Across the commonwealth, fewer than 10 percent of low-income parents in family court can get representation, even though the proceedings lead to life-changing court orders in matters such as divorce, domestic violence, child support and child custody. While legal-services agencies can help some of those in need, studies show that for every client accepted for representation by a public-interest law center, another who asks for help and qualifies for services is turned away. New lawyers, using good judgment, can make a huge difference in helping the elderly, the disabled, the homeless and others through pro bono legal work.

We would never claim that the provision of pro bono services will be enough to fill the

gap between the need for legal representation of low-income Pennsylvanians and the availability of civil legal aid. That would not be realistic. Nor can pro bono lawyers be expected to develop the expertise to handle areas such as complex public benefits or public-housing regulatory issues. But pro bono lawyers can and do make a real difference in the lives of people in their communities.

Training, Training, Training

One of the less well-known but undeniable benefits of doing some pro bono early in a legal career is the enormous advantage young lawyers gain in learning the fundamental skills of legal practice that you need in order to succeed. Those skills may include negotiation, interpretation of applicable law and regulations, drafting and filing of pleadings or documents, motions practice, conduct of discovery, including document review and taking of depositions, oral argument in court and actual trial practice.

For all young attorneys, pro bono affords an opportunity to learn much earlier in a career how to handle client meetings effectively and develop strategic-thinking skills on how to advance a client's rights or protect their interests. You are more likely to be *the lawyer* for your client and not just the junior associate on a large legal matter. Essentially, pro bono offers an opportunity to accelerate your professional development. Your local legal-services program, your bar's pro bono program or other resources in your community will also be available to offer guidance on issues you may confront.

Networking

Doing pro bono as part of your larger practice from day one affords you the chance to get out into the larger community beyond the four walls of your office. You will meet a broader section of the legal community when you add pro bono work to your practice. You will also meet your colleagues at other private law firms and, in some cases, in corporate in-house law departments. You will gain exposure that will move your career forward. We have heard on more than one occasion that law-firm attorneys have impressed their corporate counterparts so much that, later on, fee work from the corporate side comes to the attorney's firm.

Diversifying Your Practice

No matter how much a young lawyer may enjoy and thrive in fee practice, through pro bono many get an opportunity to do very different work, whether it is representing abused and neglected children, helping senior citizens stay in their homes when victimized by unscrupulous contractors or coming to the rescue of a small nonprofit that needs help with drafting or analyzing contracts or getting a zoning variance it needs to survive. Pro bono can provide a chance to show more senior lawyers in your firm that you are a leader and someone who knows how to take the initiative — yet more evidence that you are or are becoming a top-notch lawyer.

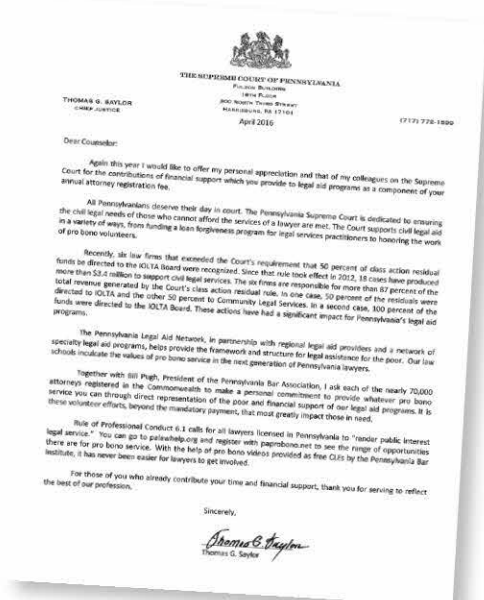
Professionalism

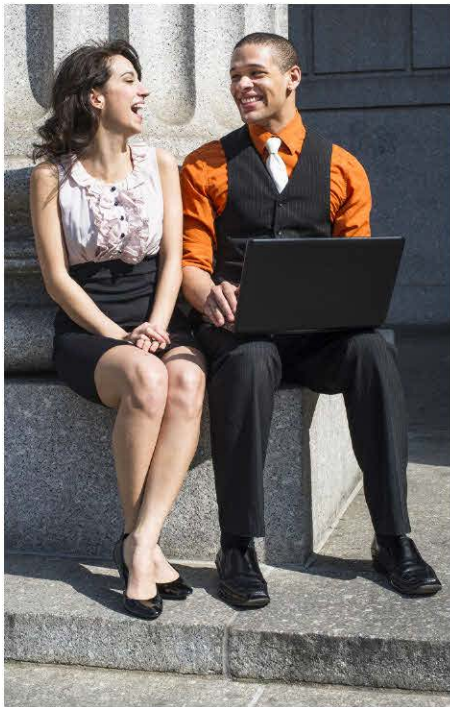
One of the essential elements of what makes practicing law a profession, in addition to being a business, is the commitment of every lawyer to uphold the law and contribute to access to justice. Indeed, access to the courts and access to justice are essential to upholding the integrity of the profession itself and to respect for the law in the wider community. Rule 6.1 of the Pennsylvania Rules of Professional Conduct calls on all lawyers to engage in "voluntary pro bono public service." Many bar associations in Pennsylvania, including the PBA, have adopted formal resolutions stating an expectation that association members will handle pro bono cases and that they will participate in the pro bono program adopted in their county by accepting cases or making a financial contribution.

Annually for the past six years the commonwealth's chief justices have written open letters to members of the Pennsylvania bar encouraging us to do just that. Chief Justice of Pennsylvania Thomas G. Saylor released a new letter in April 2016 renewing the court's commitment, listing the forms of support for civil legal services and low-income Pennsylvanians the court has initiated as well as the support Pennsylvania lawyers have provided. It also renews the call for lawyers to take pro bono cases and to contribute to legal-aid programs in fulfillment of their pro bono responsibilities. We are very appreciative of this letter. Lawyers should begin fulfilling this basic duty at the start of their careers and not five or 10 years down the road when this duty may be forgotten.

Encouragement by Your Firm and Clients

Many law firms, and even the clients of those firms, encourage your pro bono activity. We can't speak for every firm, but many firms credit and encourage this activity. It is part of the culture of the firm. And many fee-paying clients, especially corporate clients, measure and encourage this activity.





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Balance

In addition to the reasons cited above, we believe that lawyers should do at least some pro bono early in their careers because it will help them develop a balanced and varied workload from day one. By doing it now, the new lawyer, using good judgment and long-term thinking, will get used to balancing pro bono representation with the rest of his or her practice.

Personal Satisfaction

We won't claim that every pro bono experience will produce the ultimate personal satisfaction for you, any more than we would make that claim for your fee-paying client experiences. But every lawyer who has done some pro bono work can tell you a story or maybe a few stories about the personal impact that comes with representing a desperate mother facing termination of her rights to have access to her children or a tenant who fell behind in her rent due to a medical emergency and is facing eviction or a disabled veteran facing homelessness and hunger unless he or she obtains Social Security disability benefits or support through the U.S. Department of Veterans Affairs. Each lawyer will tell you that there is nothing like the feeling of preserving a mother's access to her children or keeping a family from disintegrating by helping them avoid eviction or finding food, shelter and access to essential medical care for a vet who then has a chance to rejoin the larger community.

In sum, the benefits for a new lawyer of doing pro bono from the start of his or her career are many, and they can affect every aspect of developing a high-quality, financially successful and personally rewarding career. Once again, we strongly support nine of the recommendations that Mr. Monahan suggests to his law clerk and commend him for his generosity and thoughtfulness in presenting them. But we respectfully suggest that young lawyers take another look at the idea of postponing pro bono to a time in the indefinite future and instead take the leap as soon as possible. As one seasoned partner told one of the authors when he won a difficult pro bono matter as a second-year associate, "It is nice to see you doing good, while doing well." ☞

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