

We Do Pro Bono Work Because We Believe in Justice



By Marta-Ann Schnabel

One of the best programs the Louisiana State Bar Association (LSBA) sponsors is for first-year law students and is presented during their first week at law school. Originated during Phelps Gay's presidency, and perpetuated by the hard work of the Professionalism and Quality of Life Committee, the Law School Professionalism Orientation Program is virtually as popular with practicing lawyers as it is with the new students. Each year, scads of seasoned lawyers volunteer their time to spend a number of hours with the newbies so as to introduce them to the profession. It's fun and rewarding for the veterans and of immeasurable help to the students.

This year, I had the privilege of attending the orientations at three of the four in-state law schools. Although each school's approach to this educational event differs a bit, the general format involves a joint session of all the first-year students, faculty and lawyer volunteers at which the law school dean, a Supreme Court justice and a representative of the LSBA speak about the awesome privilege and responsibility inherent in becoming a lawyer. Gone, by the way, is the speech wherein the dean says, "Look to your left and right. One amongst you will not see graduation day." Law schools now prefer a more upbeat approach, not unlike the promoters of Hedge Funds.

The result is a generally enthusiastic and lively set of freshmen (hundreds of them at each school, I might add) who rather eagerly disperse into smaller classrooms to engage in a dialogue with their elders. The elders, themselves divided into sets of four or five, use a series of hypothetical problems prepared by the Professionalism and Quality of Life Committee as the basis of discussion. A couple



Professionalism and Quality of Life Committee Vice Chair Barry Grodsky and LSBA President Marta-Ann Schnabel.

Photo by John H. Williams Photography

of hours later, the whole group reunites for a reception.

Apparently concluding that my presence in any one room would be disruptive, I was asked to "audit" the small-group discussions. "Audit," I have since learned, is a code word for "don't let her stay too long." Thus, my keeper, Barry Grodsky, and I trekked from room to room and witnessed what is best described as "baby lawyer's first steps." Armed with no more than their personal sensibilities, these students began the process of grappling with the kinds of professional challenges few of us seasoned folk have yet mastered. Where is the line between polite conduct and zealous advocacy? What obligation is owed to the system of justice rather than the client? Should I listen to the senior part-

ner or adhere to my own sense of propriety? How much of a conflict can there be if I really want/need the client? Is it possible to bill 18 hours a day and only work 12 hours?

Then the big question: "Why do lawyers do *pro bono* work?"

And the answer offered by two out of three seasoned lawyer/discussion leaders? "Because the Rules of Professional Conduct tell us to!" Often this was followed by a little shrug. Occasionally, someone would say, "It's part of our Professional Responsibility." In one room, a portion of RPC 6.1 was read aloud: "Every lawyer should aspire to provide legal services to those unable to pay. A lawyer should aspire to render at least 50 hours of *pro bono publico* legal services a year."

Each time we entered a room where the discussion turned to *pro bono* service, Keeper Grodsky — exceptionally devoted to his appointed mission — would point at his watch, assume an urgent expression, and lead me back into the hallway.

Then disaster struck. As we entered one of the small-group rooms, a student offered the following comment: "If I owned a hardware store, I would not even consider sending one of my employees down the street to work for 50 hours on my nickel at another hardware store. Why would there be a rule telling a lawyer that he should *aspire* to do such a thing? I mean, charity is good and all, but business is business."

Now, I think it probably wise to digress here for a moment, as there are those who will read this column and conclude that I have invented this story — that, indeed, there was no student who made such a comment. Those readers are likely to believe that I invented the whole

soliloquy in order to flesh out this little parable. They, by the way, are the same people who do not believe that I was ever cross-examined by Professor Dane Ciolino, as reported in this column in the December 2006/January 2007 issue. But they are wrong on both counts. The LSBA presidency seems to invite a succession of truly surreal experiences.

At any rate, even the formidable Keeper Grodsky felt compelled to run for cover as I exploded the "law practice as a hardware store" model. And I suspect that this is the very last time the Professionalism and Quality of Life Committee will invite me to participate in anything — much less spend time around impressionable young law students.

As you read through this issue of the *Journal* devoted to *pro bono* work, be reminded that you did not go to law school to become a purveyor of hardware. Even as you struggle to make a profit after overhead, pay back your student loans, be in three courtrooms at once, keep the client happy, or elude the senior partner, remember that your law degree empowered you with a great deal of knowledge, the opportunity to make a good living, and more than a little insight into the inner workings of a democratic society.

Some days it would be nice to be just about business, but the privilege of being a lawyer encompasses a great deal more. A lawyer stands at the gate of the court

system and holds the key to access it. We do *pro bono* work because we respect and honor the people who have put their trust in us to open the gate for them. We do *pro bono* work as partial repayment for the opportunities made available to us. We do *pro bono* work to assure that the democratic society in which we believe and upon which our livelihood depends continues to survive.

We do *pro bono* work because we believe in justice.



SOLACE / Support of Lawyers/Legal Personnel All Concern Encouraged

The Louisiana State Bar Association/Louisiana Bar Foundation's Community Action Committee supports the SOLACE program. Through the program, the state's legal community is able to reach out in small, but meaningful and compassionate ways to judges, lawyers, court personnel, paralegals, legal secretaries and their families who experience a death or catastrophic illness, sickness or injury, or other catastrophic events. For assistance, contact a coordinator.

<u>Area</u>	<u>Coordinator</u>	<u>Phone</u>	<u>E-mail</u>
Alexandria Area	Elizabeth Erny Foote	(318)445-4480	efoote@psfllp.com
Baton Rouge Area	Ann G. Scarle	(225)214-5563	ann@brba.org
Covington/Mandeville Area	Suzanne E. Bayle	(504)524-3781	sebayle@bellsouth.net
Denham Springs Area	Mary E. Heck Barrios	(225)664-9508	mary@barrioslaw.com
Houma/Thibodaux Area	Danna Schwab	(985)868-1342	dschwab@theschwablawfirm.com
Jefferson Parish Area	Pat M. Franz	(504)455-1986	patfranz@bellsouth.net
Lafayette Area	Susan Holliday	(337)237-4700	susan@lafayettebar.org
Lake Charles Area	Joel Lutz	(337)433-0022	joel@stuteslaw.com
Monroe Area	Daniel J. Ellender	(318)647-3311	mail@ellenderlaw.com
Natchitoches Area	Peyton Cunningham, Jr.	(318)352-6314 (318)481-5815	peytonc1@bellsouth.net
New Orleans Area	Helena N. Henderson	(504)525-7453	hhenderson@neworleansbar.org
Opelousas/Ville Platte/Sunset Area	John L. Olivier	(337)662-5242 (337)942-9836 (337)232-0874	johnolivier@centurytel.net
Shreveport Area	Patti Guin	(318)222-3643	pguin@shreveportbar.com

For more information, go to: www.lsba.org/committees/cac-solace.asp.