

Pro Bono Challenges: Time, Distance, Money, Culture



The Challenges of Rural Pro Bono

by Larry T. Harley

Let me make one thing perfectly clear, we in southwestern Virginia hold Richmond's *Firms in Service* in high regard. Still, I wonder, wouldn't more of us rural attorneys have been drawn to pro bono work if they'd named that initiative *Farms in Service*?

OK. I get it. Organized pro bono work in the commonwealth is largely an urban, or at least small city, phenomenon. Whether it's the work of Virginia's urban bar foundations, Harrisonburg's national award-winning pro bono program, projects arising out of large corporate counsel offices, or *Firms in Service*, Virginia's privately-organized pro bono projects have arisen primarily in our cities.

Recognizing that there are special challenges in rural pro bono is not "rocket surgery." Professionally speaking, the social structure for rural attorneys discourages the development of organized pro bono. This is partly because rural bar associations are less active than their city counterparts. In fact, there are rural bars that do not even meet once a year, and there are few that engage in significant programmatic activities.

Another factor in the professional lives of rural attorneys is that the vast majority of those in private practice are solo practitioners, or in firms of two-to-four attorneys. There aren't any large law firms that bring in classes of associates who might spend a year or two getting their litigation feet wet through the handling of pro bono cases. There are not any firms large enough to have a "pro bono partner" who rallies the troops to respond to the need for greater access to justice. Instead, these rural lawyers hit the street running, dashing from one county courthouse to another, frequently double or triple booked, in an effort to make ends meet.

Even where rural attorneys do attempt to undertake organized pro bono activities there are significant challenges. One of the greatest of these is the lack of critical mass. Southwestern Virginia, for example, is home to 12 percent of Virginia's poor — more than 100,000 low-income people — but these folks are dispersed over a mountainous area the size of New Jersey. Further, with 722 licensed attorneys, our region is home to only

2.4 percent of Virginia's active bar. Even those with the best intentions frequently find that they are too few, spread too thin, to sustain an organized pro bono effort.

Rural attorneys, however, are just as smart, just as driven, just as fearless, and just as filled with hope and pride as their city counterparts. The notion that "we take care of our own" has more than just a kernel of truth in it. I know many attorneys who have gone beyond the "pro bono call of duty" in unsung service. These folks inspire me.

There are also rural bars rising to the challenge of pro bono. Just this year the small Smyth County Bar Association unanimously approved a pro bono project in partnership with our legal aid program. And even though technology is not always the strong suit for rural attorneys, the Tazewell County Bar Association held its own "Jazz for Justice" fundraiser and donated the proceeds to our legal aid for the purchase of pro bono portal software. We now have the capacity for attorneys anywhere in Virginia to log onto our case management system to "shop" for prescreened cases appropriate for pro bono representation and distance lawyering.

The challenges of rural pro bono are real, as real as the land that any self-respecting rural attorney loves. But the challenges aren't our excuse for inaction or failure; they are signposts inviting creativity in the journey towards one justice for all Virginians.



Does One Person Matter? Can I Afford to Help?

by Erin E. Layman

As a solo practitioner, I understand that income is a priority. An attorney must be able to keep a roof overhead, keep the electricity on, and inventory basic supplies. The perception that it is easier for large firms to pay overhead affects the decisions of solo practitioners on whether to accept pro bono cases, which generate no revenue, deplete office supplies, and eat potential billable hours.

Having worked at a large firm, it was not until I became a solo practitioner that I was able to truly appreciate the effects of my work for my client. The difference, for me, was the quality of the work I could offer. I can now meet with clients one-on-one and really make them feel as appreciated as paying clients.

I am a team leader for the local pro bono organization, which means I help place cases with attorneys after the cases are screened by Blue Ridge Legal Services Inc. and deemed meritorious. I attend a meeting every few months for cases to be pitched to me so that I can then refer the cases to fellow attorneys. It takes time to attend the meeting, to contact attorneys, and to place the cases. However, the overall benefit is worth the effort. In 2012, our local bar closed 120 pro bono cases, donating more than 773 hours of time. At least 85 percent of the local bar's solo practitioners donated their time.

How valuable is the time donated? Many of us bill by the hour, so time is precious. Given overhead costs, how can we give time away and still make it?

Honestly, pro bono work has helped further my career. I have received thank-you cards from pro bono clients and, even, referrals. A client down on his luck may still have friends or family who are able to pay for legal assistance. But, more importantly, nothing feels better than knowing that you have made a difference.



Creating a Culture of Pro Bono Commitment

by Kimberly Emery

“A central mission of legal education should be to create cultures of commitment to pro bono involvement, an involvement that should persist throughout practitioners’ legal careers.”¹

Pro bono is a Latin phrase meaning “for the public good.” An active and well-developed law student pro bono program is the essential ingredient in creating a culture of service and “doing good” within a law school. Students at the University of

Virginia School of Law are exposed to the value of pro bono as soon as they arrive for their first week of classes. The law school’s voluntary pro bono program with a seventy-five-hour challenge, administratively developed projects, and annual volunteer recognition instills the pro bono ethic in our law students.

Law school pro bono programs help students develop their skills as legal professionals and simultaneously to understand their responsibility to provide free legal services to those in need. Students quickly understand that the benefits of pro bono service are not limited to the individuals or organizations that they serve. Students learn that pro bono allows them to enhance their marketability to potential employers, build professional relationships and mentoring networks, gain practical experience, and explore alternative career opportunities. Pro bono activities, unlike community service work, give students the opportunity to use the skills they are learning in the classroom.

The key to instilling a culture of pro bono in a law school is generating awareness of the acute need for free legal services and the availability of quality projects. Law school pro bono programs teach students about the access to justice gap and need for their pro bono efforts to help fill that gap. Students, made aware of the need, adapt to the idea that they should commit a certain number of hours each year to pro bono and the law school’s pro bono program allows them easy access to a project. Doing pro bono while in law school inculcates a norm that helps to ensure young lawyers’ future involvement in pro bono while in practice.

1 Deborah L. Rhode, *Creating Cultures of Commitment: Pro Bono Activities in Law Schools*, <http://www.aals.org/presidentsmessages/culcom.html>.



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