

LAWWORKS *Notes*

Pro Bono Experience and the Judgeship



Judge Kenneth L. Shluger

Education aside, an attorney's years of courtroom experience serve as the real training ground for a judgeship. In fact, they shape the judge. Important lessons not taught in the classroom are learned during this formative time: the struggles of *pro se* clients, how judges treat poor clients, and what the legal system does and does not do for poor people. And if pro bono service was a part of their experience, they have gained a unique perspective. But does this experience help make a better judge?

Newly confirmed judges Kenneth L. Shluger, Dan Shaban, and Richard M. Marano think so. Together Shluger, Shaban, and Marano have a total of 65 years of experience as attorneys. All had diverse law careers and received numerous professional awards and accolades. But these weren't the only things they had in common. Shluger, Shaban, and Marano were all committed to pro bono service—as attorneys each had averaged nine years of accepting pro bono cases through *The Law Works For People* program.

While pro bono service is an indication of an attorney's commitment to helping the needy, it also illustrates an effort to build a broad knowledge base of the practice of law. And that, according to Judge Shaban, is what the Judicial Selection Commission wants: "The Selection Commission is looking for candidates with diverse legal backgrounds, and I feel that my pro bono work added a new dimension to my career. In fact, not only did it broaden my experiences, but it provided me with an understanding of the needs of folks who cannot represent themselves." Judge Marano concurs: "My pro bono work has made me more effective by broadening my experiences and by teaching me lessons that in turn make me a better judge. The more experience you have practicing law, the better you are at judging."

Contrary to what some people may think, the leap between advocating for your pro bono clients and rendering judgments from the bench is not that great. In fact, some of the skills are the same according to Judge Shluger, and the parallels between the duties of a pro bono attorney and a judge run deep. "To a large extent," he explains, "doing pro bono work is 10 percent legal work and 90 percent social work. Most of my pro bono clients had a multitude of problems—unemployment, homelessness, and sometimes substance abuse. When a client came to me for a divorce, I could not handle the divorce without dealing with the fact that he had six kids who were dependent on his income to live, so I felt a responsibility to provide him with resources that would help the other areas of his life. It's the same for me as a judge when I'm looking at sentencing. I am forced to peel away the layers of people's lives and find out what brought them to my court in the first place. That's where I use the same skills and resources."

In addition to the client sensitivity that pro bono experiences provide, it also has provided Shluger, Shaban, and Marano with insight into what the demands are on the pro bono attorney. Like the doctor who has been a patient, these judges understand what it takes to be a pro bono attorney—the time, commitment, understanding, and obligation that they feel—because they have all been there. As a result of this understanding, they work hard to help pro bono attorneys as much as possible.

Having spent hours in the courtroom waiting for their cases to be heard, they have learned the important role the judiciary can play in assisting attorneys—in small but productive ways—who take pro bono cases. "Having done pro bono work myself, I understand the challenges that face an attorney who is helping a client without the expectation of pay-

(Continued inside under Law Works Notes)



Judge Dan Shaban



Judge Richard M. Marano

Lawyers and Law Students Team Up in City Classrooms

Professor Robin Barnes teaches a small and unique course at the University of Connecticut School of Law. It is one of her favorites, a seminar-practicum entitled *Street Law*. Students are matched with an urban high school where they lead classes in basic, practical law. “Law students discover the intrinsic value of legal doctrine when they must decipher relevant legal principles, explain them to high schoolers, and process the feedback,” says Professor Barnes. “Mentoring and community service are key aspects of the experience.”

It’s a win-win situation: teenagers enjoy the law students’ year-long commitment to them, and the law students learn how to convey complex legal issues to a youthful “person on the street.” For nearly fifteen years the program has served Hartford or New Britain schools. Until recently, however, there were two gaps in the program. The high school students had no texts, only handouts. And the law students were without experienced attorneys to call on for presentations and assistance.

In a purely coincidental move, the CBA completely revised a dormant publication, *Street Law: A Connecticut Supplement*. Now entitled *The Connecticut Guide to Street Law*, the CBA was in possession of several hundred copies. Moreover, more than thirty attorneys had signed up to give classroom presentations.

It was a collaboration waiting to happen.



Attorney Deborah Moore

In October 2004, the CBA and the law school combined forces to offer in-depth *Street Law* to New Britain and Weaver High Schools. Attorney Deborah Moore, chair of the CBA Law-Related Education Committee, accepted a position with the law school as adjunct faculty (Moore also works for the city of Meriden’s legal department). For the fall semester she temporarily fills the place of Professor Robin Barnes (also a practicing attorney). If all goes according to plan and new

grant funding is obtained, Attorney Moore will continue to teach after the return of Professor Barnes in the spring, doubling the size of this popular seminar.

Student demand makes the expansion advisable. When registration for fall classes opened at the law school, it took all of thirty-nine minutes for the *Street Law* seminar to fill to capacity. “The Registrar had to begin a wait list. I was thrilled!” said Attorney Moore.

Associate Dean Paul Chill is squarely behind the law school’s legal clinics and practicums. “My own experience in teaching clinical programs has made me a believer in the unsurpassed value of learning by doing. Students’ learning is profoundly deepened when their praxis gives them the opportunity to affect the lives of real human beings—be they clients, high school students, or others.”

And teachers are thankful for the support. New Britain High teachers compete to get a law student assigned to their class. At Weaver High School, *Street Law* is a year-long interdisciplinary elective for juniors and seniors, relating topics in the law to social studies, English, and even science classes.

Along with practical knowledge, *Street Law* encourages young people to think about a career in the law. Attorney Dawne Westbrook helped introduce *Street Law* to Weaver High students last spring. One young woman with a reputation for (according to her teachers) “arguing about everything,” declared, “I want to be a district attorney. I’m not sure what a district attorney does, but I know I want to be one.” Now that she is enrolled in *Street Law*, she will have the answer to that question—and much more—when she graduates.

The CBA is committed to law-related education, community partnerships, and racial diversity in the legal profession. *Street Law* speaks to all of those goals. We welcome attorney volunteers willing to educate youth on civil, consumer, and criminal matters. Volunteers are still needed at Weaver and New Britain, but also in locales teaching *Street Law* without the advantage of law students! They include high schools and youth groups in Manchester, Groton, Middletown, Willimantic, Norwich, Rocky Hill, Meriden, Tolland, Newington, and Stamford. Please go to the public service pages of www.ctbar.org to find out where you are needed, or call public service manager Betsey Chadwick at (860)612-2006. *PSA*

We The Jury

A new project of the Young Lawyers Section is *We The Jury*, a two-day educational course that helps prepare young people for duty as tomorrow’s jury members. Developed by the American Bar Association, YLS members have refined the program for use in Connecticut high schools. On day one, teachers introduce students to the history of the jury system, with the option of hav-

ing an attorney conduct a mock *voir dire*. On day two, students deliberate as jurors after viewing a mock trial on videotape. The visiting attorney helps them understand their process and their findings.

Administrators in the Judicial Branch are very pleased with the prospect of attorneys helping to spread the word about the importance of jury duty. They expect a high volume of

response from teachers to *We The Jury*. The CBA is prepared. Attorney Diane Benevides, chair of the YLS Law-Related Education Committee, knows that YLS members will quickly step forward when asked. If you would like to see the materials and volunteer, please contact Betsey Chadwick at (860)612-2006, or e-mail her at bchadwick@ctbar.org. *PSA*

LAWWORKS

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News from *The Law Works For People* program

(Continued from front page)

ment,” says Shaban. One such critical issue for the pro bono attorney is time. Time spent in the courtroom on the pro bono case means time away from your practice and your paying clients. “Judges are very aware of the tremendous sacrifice being made by lawyers who provide pro bono representation, and we want to help make that experience rewarding and painless,” explains Marano. “You’re providing services free and you deserve to have your case heard quickly so you can get back to the business of earning money and keeping your practice afloat.”

Beyond the challenges of maintaining a practice though, what pro bono attorneys speak of over and over is the personal satisfaction that they derive from their cases. “Every man and woman who

went to law school had a dream of someday standing in front of a judge in a courtroom and defending a client in an attempt to make a difference,” explains Judge Shluger. “I think pro bono work is a great way to do that and in the process help poor people who have many legal needs.”

Many people benefit from the services of pro bono attorneys—the clients, the courts, and the attorneys. According to Attorney Thomas A. Cloutier, chair of the Judicial Selection Commission, “Each candidate for a judgeship brings a different set of skills and experiences to the table and that’s a good thing, but when we review a resumé and see that an attorney has taken time out from their practice to help those less fortunate, it certainly is a positive.” *LW*

Law Works Finds Its Place at Law Schools

The debate of how to encourage new attorneys to accept the pro bono challenge is an ongoing one for the CBA’s Pro Bono Committee. Over the years, the committee—comprised of private attorneys, legal services attorneys, in-house counsel, and paralegals—has devised creative incentives for those who take pro bono cases. It implemented a recognition program for pro bono attorneys and their firms and developed pro bono marketing campaigns. But committee members agree that the most fundamental and effective way to reach new attorneys about the importance of pro bono work is to make it part of their law school training. Under the leadership of Louis R. Pepe of Pepe & Hazard in Hartford, a Law School Subcommittee was created with the sole purpose of integrating a pro bono presentation into the law schools’ professional ethics classes.

Headed by Adam Cohen of Pullman & Comley in Bridgeport,



the subcommittee contacted Yale University, Quinnipiac University, UCONN, and Western New England College to schedule such presentations. Presenters included attorneys and committee members Donald Holtman, Katz & Seligman; Elam Lantz, Greater Hartford Legal Aid; Daniel Blinn, Consumer Law Group; and Patricia Kaplan, New Haven Legal Assistance all of whom have extensive pro bono experience.

The presenters spoke about the need for pro bono attorneys in Connecticut, the obligation that attorneys have to do pro bono work, the rewards of pro bono service, and the many pro bono opportunities that exist in Connecticut, including those of *The Law Works For People* program. According to Pepe, “these presentations afford us the opportunity to convey the importance of pro bono service to aspiring attorneys so that they will work to incorporate it into their professional lives once they become members of the bar.” *LW*

ABA Announces Free Online CLE

The ABA Standing Committee on Pro Bono and Public Service recently released two online, complimentary audio CLE programs. “Expanding Your Horizons through Pro Bono Mediation” and “Ethical Aspects of Providing Legal Advice and Legal Information” are designed to support the work of pro bono attorneys. Use these free CLE Programs to hone your skills or meet CLE requirements. All you need is a computer, an Internet connection, and the free RealPlayer. (You must have the RealPlayer installed to listen to these online programs.) For more information go to www.abanet.org/legalservices/probono. *LW*

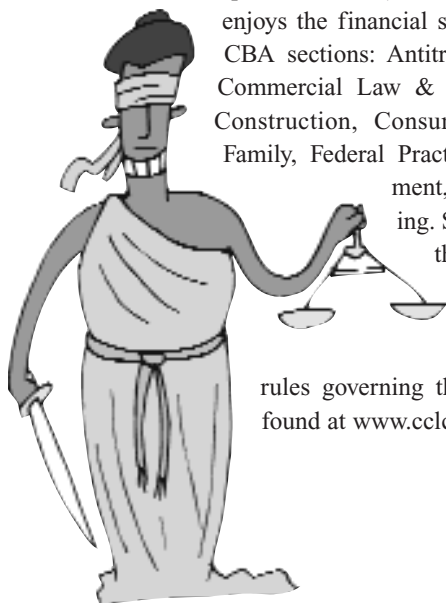
Mock Trial Cases Announced

Coaches and judges, take note! Cases for the 2004-2005 Mock Trial Competitions have been released. High school students will argue the merits of an intriguing civil matter about "Chris M." who graduated from high school without basic academic skills, couldn't get a decent job, and sued the school system for failing to provide him with an education. Meanwhile, middle school students will wrestle with a criminal case: Are the teenage computer hackers who got into a zoo's computer system—thereby letting loose an animal and causing injury to the zookeeper—guilty or innocent?

The Connecticut Mock Trial Competition engages more than 1,600 young people with this challenging, spirited program. Co-sponsored by the CBA and the CT Consortium for Law & Citizenship Education (CCLCE), Mock Trial 2005

enjoys the financial support of the following CBA sections: Antitrust & Trade, Business, Commercial Law & Bankruptcy, Computer, Construction, Consumer, Criminal Justice, Family, Federal Practice, Labor & Employment, and Planning & Zoning. Special thanks also go to the Elder Law, Litigation, and Young Lawyers sections.

Both cases and the rules governing the competitions can be found at www.cclce.org. *PSA*



Volunteers Needed for Walk-in Clinics

If you've ever thought of getting involved in pro bono work but just don't seem to be able to find the time, this may be the opportunity for you. In just one or two mornings per month, you can assist *pro se* clients at our Family Law Walk-in Clinics in New Haven, Middletown, Hartford, and Willimantic. Now you can utilize your expertise to assist *pro se* clients to complete their forms, to ensure that proper procedures are followed, and to understand the necessary steps in their cases. If you can spare 3-6 hours per month, you can help needy Connecticut citizens—no matter what your family law experience. We will provide training. Contact Dolores Grillo at dgrillo@ctbar.org, or (860)612-2003, for more information. *LWN*

Fall 2004 Training Schedule

Training sessions are open to Law Works volunteers only! Become a volunteer or register for the Fall 2004 training sessions at www.ctbar.org by clicking on Professional Resources, or call (860)612-2003.

1. Helpful Hints to Successful Advocacy Before ALJs, the Appeals Council, and the District Court

Thursday, October 21, 9:30 a.m.–1:00 p.m.

This training will provide you with guidance and helpful tips to successfully navigate your client's claim through all stages of the Social Security appeals process. Experienced Social Security disability attorneys will share the strategies and insights that have brought them success.

Trainers: Attorney John P. Spilka
Connecticut Legal Services
Attorney Allan B. Rubenstein, New Haven

2. A Matter of Choice: Superior Court or Probate Court?

Thursday, November 4, 9:30 a.m.–1:00 p.m.

There are some family matters that can be resolved in both the superior court and the probate court because of dual jurisdiction. Which court is best for which matter? This seminar will give you practical answers and observations on where to file what, as well as an overview of basic practices and procedures in probate court.

Trainers: Attorney Carolyn C. Swiggart, Darien
The Honorable Daniel F. Caruso
Fairfield Probate Court

3. The Art of Collecting Judgments

Wednesday, November 10, 9:30 a.m.–1:00 p.m.

In this seminar you will learn how to organize a file, prepare a suit, and draft a complaint to improve the odds of winning a judgment for your client. But winning the case is just half the battle. You will also learn tips and strategies to turn your judgment into cash for your client.

Trainer: Attorney Vincent M. Simko, Jr.
Simko Law Firm, Bridgeport

4. The Consumer Maze: Protecting the Rights of Seniors

Wednesday, December 1, 9:30 a.m.–1:00 p.m.

Seniors are constantly engaged in financial transactions but are not always aware of their rights. This seminar will review common consumer problems faced by seniors, protected sources of income, seniors' rights regarding debt collection practices, how to access credit reports, and how to correct inaccurate credit information. The discussion will also include a review of housing issues exclusive to seniors, including security deposits and eviction defense. Finally, an overview of public benefit programs for which seniors might be eligible, how to access those programs, and a brief overview of the fair hearing process will be presented.

Trainers: Attorney Cheryl Diane Feuerman
Project Coordinator, Consumer Law Project
for Elders, Connecticut Legal Services
Attorney Kevin J. Brophy
Regional Director, Connecticut Legal Services

All seminars will be held at the CBA Law Center, New Britain.