

Pro Bono Service— Why Serve?

By JAMES T. SHEARIN



Pro bono service is a fixture in our profession. The Rules of Professional Conduct that we live by encourage all of us to “render public interest legal services” by, among other things, “providing professional services at no fee or a reduced fee to persons of limited means.”¹ The American Bar Association says a lawyer should “aspire to render at least 50 hours of pro bono public legal services per year.”² Many of you exceed that floor by leaps and bounds each year. Some are heralded for their service; others fly under the radar. Either way, as a profession, you give back.

But why should we undertake pro bono work?

One easy answer to the question is that the need exists, and we have the talent to satisfy it. According to the 2022 World Project Report, there are over 1.4 billion people in the world who, over the last two years, have faced a civil or administrative legal problem they were unable to address, many because they could not afford to do so.³ Closer to home, Connecticut’s poverty population (defined as a family of four earning less than \$27,479) numbers approximately 3,620,000 people, which is ten percent of the population.⁴ Seventy-four percent of low-income households in Connecticut experienced one or more civil legal problems in the last year.⁵ As recently as August 2023, Advancing CT Together reported that Connecticut’s homeless population has reached the level of 3,015 persons.⁶

For most of us, the fact that the need exists and the fact that we can address it by providing people access to justice is all the answer we need as to why we serve. We give back because we can. We help because we are able.

For some, and there are very few in our profession, that answer is not satisfactory. They ask why we should work for free when others do not. After all, helping one, two, or three people won’t change the poverty statistics. That reduction will only come through the actions of society as a whole or government regulation. For those, I would submit there is another answer to the why question: Lawyers are the vanguards of the rule of law.

Many have tried to define the rule of law in a way that truly cap-

tures the breadth and depth of what it means. The American Bar Association has defined it as “a set of principles, or ideals, for ensuring an orderly and just society” which by virtue of its enforcement “everyone is treated equally” and “human rights are guaranteed to all.”⁷ This is not the place to decide which of the many definitions is correct, but merely to point out a common thread among all the various definitions which is—the notion that the very existence of the rule of law is to determine the standards by which we as members of society live by that protect the rights and liberties we are guaranteed from the abuses of others. The rule of law assures us of our freedom. But, as one commentator has noted, “‘access to justice’ is an essential element of the rule of law, and must afford persons remedies to enforce their rights, and the ability to access the courts to pursue those remedies.”⁸

When that rule of law is deprived to an entire segment of society, then our entire society is weakened and the principles by which we live by are diluted. When people cannot enjoy the liberties to which they are guaranteed because they do not have the knowledge of how to protect them through our legal system, all of us suffer. When people are unfairly treated because they do not have the economic means to defend themselves, the law is what they blame. That is hardly surprising. We cannot ask people to believe in the law, promote the law, and follow the law when the law does not work for them.

Providing free legal services to those who most need and can least afford it—those whose rights will otherwise be lost as a result—further the rule of law. It ensures equality; it ensures that human rights are protected; it ensures an orderly society. I would submit that by helping out those one, two, or three people a year, we, as lawyers, not only make clear to them that the rule of law works, we make it clear to their family and friends. Those family

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Book 2-27A and further ordered to pay restitution to client in the amount of \$244.50. *Shcheglovitov v. Walter D. Zitzkat*, #19-0575 (9 pages). ■

Time To Go Pro Bono

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and those friends may continue to feel the ill-effects of poverty, but maybe they will continue to have faith that the law protects them as it does every other member of society. And, in the end, that benefits all of us. ■

NOTES

- 1 Connecticut Rule of Professional Responsibilities 6.1.
- 2 ABA Model Rule 6.1.
- 3 <https://justicegap.lsc.gov/the-report>.
- 4 <https://www.americanprogress.org/data-view/poverty-data/poverty-data-map-tool/>; www.census.gov/quickfacts/fact/table/CT/IPE1202.
- 5 <https://worldjusticeproject.org/world-justice-challenge-2022/access-justice>.
- 6 www.aids-ct.org/hic-pit-2023.html.
- 7 www.americanbar.org/groups/public_education/resources/rule-of-law/.
- 8 *R. Stein*, 57 *Houston Law Review*, 185, 196 (2019).

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DE&I

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- The organization provides work time or billable hour credit recognition for its attorneys to participate in DE&I efforts.
- The organization has provided multiple trainings within the past two years addressed to issues of DE&I, improper bias, or similar topics.
- The organization provides support to local and national affinity bar associations, through attorney participation, financial, or other in-kind support.
- The organization participates, individually and organizationally, in legal pipeline and mentorship programs designed to promote DE&I within the legal profession.
- The organization ensures diversity in any group making hiring or promotion decisions for the organization.
- The organization ensures that all attorneys are able to participate equally in formal and informal sponsorship, mentorship, and leadership development opportunities within the organization.

Step Three: Advanced

An organization at Step Three of its DE&I journey will demonstrate its implementation of a significant number of action items in Steps One and Two, as well as some of the efforts described below:

- The organization incorporates DE&I directly into its mission advancement efforts, through its work, pro bono efforts, or other organizational programs.
- The organization demonstrates the retention and advancement of diverse attorneys within the organization over time.
- The organization demonstrates the meaningful representation of diverse attorneys within the leadership structures of the organization.
- The organization participates in external DE&I certification programs, such as the Mansfield Rule.
- The organization maintains a dedicated professional position committed to the organization's diversity, equity, and inclusion efforts.

- The organization assesses its leadership for inclusive leadership traits and evaluates its leadership on the provision of mentorship and sponsorship to attorneys within the organization.
- The organization regularly conducts DE&I training and education for attorneys within the organization pursuant to a consistent education and training plan implemented over a course of years.
- The organization supports its attorneys who engage in leadership roles within affinity bar associations, external DE&I organizations, and initiatives.
- The organization organizes and sponsors its own mentorship and pipeline initiatives, designed to promote diversity, equity, and inclusion within the legal profession.
- The organization's DE&I Committee leadership or other DE&I professional is directly engaged in the executive decision-making of the organization. ■