

Justice for All?

BY VIANCA T. MALICK

If you grew up in the United States, during the school year, chances are your school day started the same way as mine. Whether you were driven, rode the bus, or walked to school, you would arrive at your homeroom waiting for the school day to begin. Then, at the same time every day, the intercom would chirp on for the morning announcements and a voice would ask everyone to stand for the reciting of the “Pledge of Allegiance.”

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.”¹

There comes a time, however, when each of us realize that despite the words in this Pledge, justice is not equally accessible to all.

Continuing on my theme of “Leading through Adversity,” I would like to discuss the unique position we lawyers are in to fight for those without a voice; without the ability to seek the justice each American citizen expects. Unfortunately, in our country there is a significant difference between those who can afford legal services and those who cannot. Known as the “access to justice gap,” this difference creates a gap in the legal resources needed but inaccessible to low income communities.² As lawyers, we have a duty to use our skills and knowledge to help bridge this gap.

Rule 6 of the Connecticut Rules of Professional Conduct charges each lawyer barred in this state with the responsibility to provide public interest legal services

Vianca T. Malick is chair of the CBA Young Lawyers Section for the 2024-2025 bar year. She is an Assistant Attorney General in the Infrastructure and Economic Development Section of the Connecticut Office of the Attorney General where she primarily handles defensive litigation on behalf of several state agencies.



to our communities.³ Public interest legal services range from traditional pro bono legal representation to serving as an officer or director of a legal services organization or participating in legal reform activities.⁴ Not only are each of us responsible as members of the bar to discharge this responsibility, but we lawyers should dedicate our time in providing these services for the many well-documented benefits they yield.

1. Lawyer Well-Being: Last year the *Washington Post* published an article titled, “Want to be happy? Then don’t be a lawyer,” which discussed the harsh reality that lawyers are among the most stressed and unhappy professionals in the world.⁵ In fact, being a lawyer is often detrimental to mental health making us more prone to suffer from anxiety and depression.⁶ The good news? Providing public interest legal services can actually better our well-being. Those providing services have often reported finding a sense of fulfillment and accomplishment in being able

to provide help to those in need.⁷

2. Community Engagement and Networking: Providing public interest legal services allows lawyers to give back to their communities in an important and impactful way. Lawyers are able to foster substantial and meaningful relationships with those in their community and expand their network by collaborating with likeminded professionals.⁸

3. Professional Development: Providing public interest legal services allows lawyers to expand their legal knowledge and advance their practical skills. Lawyers are often asked to tackle a wide range of legal issues and tasks they otherwise would not encounter on a day-to-day basis providing them the unique opportunity to advance in their careers while serving the greater good.⁹

“This country will not be a good place for any of us to live in unless we make it a good place for all of us to live in.” - Theodore Roosevelt

Part of the Young Lawyers Section’s mission is to perform acts of charitable service to both the Connecticut Bar and the larger community. In the wake of the COVID-19 pandemic, which only exacerbated the access to justice gap, the Executive Committee of the Young Lawyers Section re-dedicated itself to providing public interest legal services to our communities by taking a pro bono pledge. Therefore, for the fourth year in a row, I have tasked the Executive Committee of the Young Lawyers Section to complete at least 1,000 pro bono or public service hours this bar year.



To help our members reach this goal, we hosted our Fourth Annual Pro Bono Fair and Golf Event on October 10, 2024 at TPC River Highlands in Cromwell. Following an optional round of golf, members attended a cocktail reception during which public legal service organizations from

throughout our state presented on their various volunteer opportunities. Attendees were then able to connect and sign-up with the various organizations to provide pro bono services over the course of this bar year. In addition to attending the Pro Bono Fair, I also encourage our members

to take advantage of the pro bono initiatives offered by the Connecticut Bar Association.¹⁰

This past July, my husband and I welcomed our first child. I assume whenever anyone is expecting to bring a new life

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Image credit: d3sign/Getty Images



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fluct with the client's testimony. As indicated in the commentary to Rule 3.7, under that scenario, “the representation involves a conflict of interest that requires compliance with Rule 1.7,” even if the general prohibition of the Rule is not applicable.

Conclusion

In summary, given the pre-trial posture of the DCF proceeding, and no indication in the facts presented that the attorney “is likely to be a necessary witness” within the meaning of Rule 3.7(a), the fact that the attorney undertook a crowdfunding campaign for the client does not dictate disqualification of the attorney. As a general matter, lawyers contemplating a crowdfunding campaign on behalf of a

client should keep in mind their duty of confidentiality (Rule 1.6); their obligation to be truthful (Rule 4.1); the prohibition on financial assistance to a client (Rule 1.8(e)); and their obligations with respect to client funds (Rule 1.15). □

NOTES

- 1 Crowdfunding is considered the practice of funding a project or venture by raising many small amounts of money from a large number of people, typically via the internet. See, <https://www.dictionary.com>.
- 2 As this request does not involve crowdfunding to help pay a client's legal fees we do not address ethical issues raised by that practice. But see, District of Columbia Bar Ass'n Ethics Op. 375 (Nov. 2018); Philadelphia Bar Ass'n Ethics Opinion 2015-6 (Dec. 2015); and New Hampshire Bar Association Ethics Opinion 2021-22/02, addressing those questions.

- 3 While there is nothing in the facts presented to the committee that raises any concern about the lawyer's client engaging in fraudulent or criminal activity, we note that Rule 1.2 (d) prohibits a lawyer from assisting a client in such conduct. Accordingly, if a lawyer who has sponsored a crowdfunding campaign discovers that the funds raised were used for criminal or fraudulent activity, the lawyer would be required to withdraw from the representation, see Rule 1.16(a), and, pursuant to Rule 1.6(c)(2), may disclose otherwise confidential information in order to prevent, mitigate, or rectify the consequences of the criminal or fraudulent conduct.
- 4 We do not address the two other exceptions to the general prohibition of Rule 3.7. See Rule 3.7(a)(3) (exception to prohibition of Rule where attorney's potential testimony “relates to the nature and value of legal services rendered in the case”); and 3.7(b) (“a lawyer may act as an advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness . . .”).

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into the world, they think about what kind of world they would like that new life to live in. I hope in my daughter's lifetime, it is a world where justice truly will be for all. □

NOTES

- 1 4 U.S.C. § 4.
- 2 Helen Respass, *Bridging the access to justice gap with legal pro bono*, THOMAS REUTERS (Oct 19, 2022), <https://www.thomsonreuters.com/en-us/posts/our-purpose/bridging-the-access-to-justice-gap-with-legal-pro-bono/>; see also, Nancy B. Grimm, *Why Pro Bono – A Legal Perspective*, MARYLAND ASSOCIATION FOR JUSTICE (Feb. 5, 2024), <https://www.mdforjustice.com/?pg=MAJRecentNews&blAction=showEntry&blogEntry=105538>
- 3 Conn. Practice Book § 6.1.
- 4 Conn. Practice Book §§ 6.1-6.5.
- 5 Kathleen Parker, *Want to be happy? Then don't be a lawyer*, THE WASHINGTON POST (Jan. 20, 2023), <https://www.washingtonpost.com/opinions/2023/01/20/jobs-happiness-lawyers-nature>.
- 6 If you are experiencing issues with your mental health, please seek help. See Lawyers Concerned for Lawyers Connecticut, Inc. (<https://lclct.org/>).
- 7 *Why Pro Bono*, CT Pro Bono (Sep. 26, 2024, 2:51 PM), <https://ctprobono.org/content/aboutus/whyprobono>; see also, Nancy B. Grimm, *Why Pro Bono – A Legal Perspective*, MARYLAND ASSOCIATION FOR JUSTICE (Feb. 5, 2024), <https://www.mdforjustice.com/?pg=MAJRecentNews&blAction=showEntry&blogEntry=105538>.
- 8 *Id.*
- 9 *Id.*
- 10 For information on the various programs, please visit <https://www.ctbar.org/members/volunteer-today/pro-bono>.

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