

Embracing Pro Bono: A Path to Professional Growth and Community Impact

By EMILY A. GIANQUINTO

I popped in to visit at the Young Lawyers Section (YLS) retreat in early August. I wasn't on the official agenda but wanted to show up to introduce myself to the members of the executive committee to emphasize the importance of the YLS to our organization and to offer the support of the leadership team as we start out the new year. Since I have the honor of serving as co-chair of the Pro Bono Committee this year, I timed my visit to include the session led by Jenn Shukla, our Director of Access to Justice Initiatives, in which she discussed the CBA's pro bono efforts. Many attendees were already aware of our offerings, as last year the YLS Executive Committee once again met their annual goal of contributing more than 1,000 hours of pro bono and public service, which is even more impressive when you consider that the executive committee consists of just 50 members. But they were surprised to learn the answers to some pro bono trivia questions Jenn threw at them.

Readers may be familiar with the answers to most questions in large part because CBA President Tim Shearin has been talking about them at nearly every opportunity as he's worked to encourage lawyers to engage in pro bono service during his tenure as an officer, but they bear repeating because they demonstrate just how wide the access to justice gap is in Connecticut. In our state, more than 350,000 people meet the federal definition of poverty, which in a four-person household means they have an income of just \$31,200—or less than \$600 per week. We all know that amount of money doesn't even come close to meeting a family's

basic needs in this state, so those families have no money to spend on a lawyer when they are inevitably faced with a civil legal issue, which approximately 75 percent of low-income households will at least once each year. The less than 150 legal aid attorneys in this state cannot possibly handle that caseload. And they can't do anything about the legal needs of those who have incomes that are just high enough to make them ineligible for legal aid but nowhere near high enough to allow them to hire a lawyer.

All of us are needed to fill the gap reflected by these statistics. The reasons are many: Pro bono work is part of our professional obligations as lawyers and our commitment as a self-governed profession; it's necessary to preserve and advance the rule of law and to serve our community; it's the moral thing to do. But as I told the YLS Executive Committee, it's also important for the development of young lawyers, especially as their opportunities

to appear in court continue to dwindle post-COVID. I spoke from personal experience, as my first substantive litigation experience was in a pro bono matter.

In a case referred by Statewide Legal Services, I defended a single mother and her three daughters against a lawsuit brought by an insurance company seeking to recover the money it shelled out to its insured, a municipality, in connection with damage to a school caused when my then 5-year-old client accidentally started a small fire in a lost and found box in a stairwell of a school. The child and her teenage sisters were left in the stairwell by their mother for just a few minutes while she delivered coffee and donuts to her boyfriend, who was on the janitorial staff. It was a weekend morning, and he was busy waxing the floors, so the kids couldn't come down the hallway to help with the delivery. No one knew that the youngest girl had taken a book of matches from home. She started playing with them



Image credit: Rudzhan Nagiev/Getty Images

while the girls waited for their mom; the fire started, and though it was contained to the lost and found box, it set off the sprinklers in the vicinity, causing water damage. The insurance company brought multiple claims of negligence against the children and negligent supervision on the part of the mother.

This was a great case. I had a sympathetic, adorable “perpetrator;” I was up against a big company seeking recovery for what seemed to me to be exactly what insurance is for; and there were interesting legal issues, such as whether a parent and older siblings can even be held responsible for damages caused by a very young child in this situation and at what age children are competent to testify. The idea of a judgment of up to \$30,000 hanging over their heads for decades was also horrifying; I felt like I could make a real difference for them.

The experience I gained in that case was invaluable. While I had another lawyer on the matter with me, he truly limited himself to a supporting role. I took the lead in defending and taking depositions and briefing the legal issues before trial, resulting in the insurance company dropping the claims against the older girls before we went to trial. The court reserved ruling on our motion challenging the competency of our younger clients until the time of trial.

The matter was down for a bench trial in front of Judge Robaina. I cross examined the insurance company’s witnesses in the morning. After lunch, opposing counsel called our youngest client to the stand. She had just turned 7 years old, and she looked so tiny when seated in the witness box. Judge Robaina gently asked her a few questions to assess if she understood the meaning of an oath. She was terrified despite his best efforts; she just looked up at him with wide eyes and said nothing. He leaned over and told her she could go back to her mom. We moved for a directed verdict on the grounds set forth in our pretrial brief, and it was granted.

I’ve been a lawyer for 18 years now, and that case remains my favorite. Of course

I was thrilled with the win, especially because of what it meant for my clients, but that’s not the only reason I cherish those memories. It was my first taste of a courtroom, of examining witnesses, of thinking on my feet and arguing my case to a judge. It was when I fell in love with being a lawyer—and it was all while providing free legal services.

I know this experience isn’t possible for every young lawyer. I was blessed to be working for a firm that was able to support my time spent on that case and to have a mentor working with me who truly let me take the reins. But to all young lawyers and those who hire and train them: please take on pro bono matters as part of your professional development. You won’t regret it, and you don’t need to commit to a full civil litigation matter to expand your skills. There are so many pro bono opportunities that require much less of a time and resource commitment that can provide young lawyers with experience and skills that translate into their billable work, including client intake, witness interviews, and research skills. Litigation matters that proceed on shorter timelines, such as housing matters, can provide a “mini trial” experience. There are opportunities to practice before administrative agencies representing veterans, engaging in transactional practice assisting nonprofit organizations, and to spend as little as 15 or 20 minutes answering legal questions online, or doing short consultations by Zoom or in person or at your local library in connection with one of the CBA’s programs.

There is no substitute for hands-on learning, and pro bono matters provide an ideal opportunity to get that experience while doing your part to address a great public need. ■



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to-day employment matters and represents them before federal and state courts, administrative agencies, and mediation and arbitration panels. Her experience includes litigating all manner of business disputes.

Pro Bono Trivia

1. Approximately how many individuals in Connecticut are living at or below the federal poverty line?
a) 3,500
b) 35,000
c) 350,000
2. For a household of four people, such as a sole parent with three children, or two adults caring for a disabled parent and a child, what is the federal poverty line based on annual total household income?
a) \$11,200
b) \$31,200
c) \$51,200
d) \$126,000
3. Approximately what percent of low-income households experienced one or more civil legal problems in the last year?
a) 25%
b) 50%
c) 75%
4. About how many legal aid attorneys are there in Connecticut?
a) 15
b) 150
c) 1,500
d) 15,000
5. What Connecticut Rule of Professional Conduct recommends that attorneys provide pro bono services?
a) 5.5
b) 6.1
c) 6.5
6. In Connecticut, attorneys are allowed to represent a client for just one issue or one part of their matter.
a) True
b) False
7. How much volunteer time would you need to commit to make a difference for a pro bono client?
a) 15-30 minutes
b) 1-2 hours
c) 5-10 hours
d) 30 hours

(answers on page 28)

Pro Bono Trivia Answers and Notes (from page 27)

1. c) 350,000 Almost 10 percent of the Connecticut population lives in poverty; according to the US Census Bureau's Connecticut profile, 9.8 percent of the 3.6 million people living in Connecticut earn less than the federal poverty limit. (Available at <https://data.census.gov/profile/Connecticut?g=040XX00US09>).

2. b) \$31,200 When we talk about people living "in poverty," we are talking about an income level that is surprisingly low to many. For example, a sole parent living with three children can earn no more than \$31,200 annually to fall below the federal poverty guideline cutoff. That's less than \$600 per week. (Federal Poverty Guidelines, available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>).

\$126,000 is the Asset Limited, Income Constrained, Employed (ALICE) Household Survival Budget for a family of four in CT in 2023. In other words, \$126,000 is the minimum amount that a family of four would need for basic necessities of "housing, child-care, food, transportation, health care, and a smartphone plan, plus taxes." Thirty-nine percent of Connecticut households earn less than the ALICE survival budget. Many individuals earning above the poverty line but below the ALICE limit earn too much to be eligible for public benefits or government-funded legal assistance, but still cannot afford to pay the full rates of an attorney. See Connecticut's 2023 ALICE Report, available at https://alice.ctunitedway.org/wp-content/uploads/2023/09/23UFA_Report_Connecticut_With-Preamble.pdf.

3. c) 75% The Legal Services Corporation 2022 Justice Gap Study, available at <https://justicegap.lsc.gov/the-report>, found that 74 percent of low-income households experience one or more civil legal issues per year.

4. b) 150 There are about 150 legal aid attorneys in Connecticut (National Center for Access to Justice, Justice Index, Attorney Access, available at <https://ncaj.org/state-rankings/justice-index/attorney-access>). That's roughly one legal aid attorney per 2,356 Connecticut residents living in poverty.

5. b) 6.1 Rule 6.1 of the Connecticut Rules of Professional Conduct states that "A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations...."

Several other Connecticut rules also demonstrate the importance of pro bono practices in Connecticut and permit pro bono work. For example, Rule 5.5(d) of the Rules of Professional Conduct, Connecticut Practice Book Section 2.55(e), and Connecticut Practice Book Section 2.15A(c)(5) collectively allow out-of-state attorneys, retired attorneys, and in house counsel to do pro bono legal work through a legal aid organization or bar association project.

Rule 6.5 of the Connecticut Rules of Professional Conduct is also worth mentioning here. That rule makes it easier to do pro bono work by creating a relaxed conflict of interest standard for some pro bono matters. Under Rule 6.5, a lawyer providing limited legal services through a nonprofit or court program, such as the CBA's Free Legal Advice Clinics or Lawyers in Libraries Program, is not required to perform a systematic screen for conflicts of interest and instead may proceed unless the lawyer is personally aware of a conflict.

6. a) True Rule 1.2(c) of the Connecticut Rules of Professional Conduct permits lawyers to limit the scope of a representation "if the limitation is reasonable under the circumstances and the client gives informed consent." For court matters, an attorney can file a Limited Appearance Form (JD-CL-121) to let the court know which part of the matter they will be handling. Then, once the attorney handles the one legal issue they agreed to help with, they can file a Certificate of Completion of Limited Appearance (JD-CL-122). Once this form is filed, the attorney's appearance is *automatically* terminated. No hearing is required; there is no need to show good cause for withdrawing; and, the court does not have discretion to insist the attorney remain involved with the case.

7. a) As little as 15-30 minutes The CBA tries to make it as easy as possible to do pro bono work. We know that lawyers are busy and have a lot on their plates, so we've found ways attorneys can volunteer even if they can only offer 15 to 30 minutes of time. For example, CT Free Legal Answers is an online question and answer website where attorneys volunteer to confidentially answer a client's civil legal questions. Answering a question for an individual with low or no income often takes as little as 15 minutes. Similarly, through the CBA's Free Legal Advice Clinics, attorneys can volunteer to meet with a client on Zoom for just one 30-minute meeting.

For attorneys with just a little more time available, volunteering with the Lawyers in Libraries program requires only a two-hour commitment. Events are held one evening per month at local libraries around the state. During the two-hour event, volunteers meet with members of the public to answer civil legal questions.

If an attorney is willing to volunteer 5-10 hours of their time, they can make a big difference for an individual in need. The CBA works closely with a number of legal aid organizations and outside entities and can help connect attorneys with pro bono opportunities that are a good fit based on the attorney's interest, experience, and availability. For instance, in just five or ten hours, a volunteer could represent a victim of abuse in a restraining order hearing, help someone complete a citizenship application, or draft a legal will for a person with cancer.

Finally, for attorneys looking for something that feels deeply meaningful, attorneys willing to volunteer about 30 hours of time per year can directly represent a client in need in a civil legal matter. The CBA's Pro Bono Connect Program provides complimentary on-demand training for attorneys who pledge to take on at least one pro bono case for a legal aid organization. Those trainings focus on areas of critical legal need in Connecticut such as foreclosures, emergency custody orders, VA benefits, and removal hearings.



CBA Free Legal Advice Clinic: Volunteers Needed

Tuesday, October 22, 2024
10:00 a.m. - 6:00 p.m.

Wednesday, October 23, 2024
10:00 a.m. - 6:00 p.m.



If you have 30 minutes free, you can volunteer. Volunteer attorneys will answer legal questions in their area of practice during a 30-minute remote session with a client.

Volunteers are needed in the following areas:

- Fraudulent Business/Debt Collection
- Employee Rights/Unemployment
- Immigration Law
- Landlord/Tenant
- Family Law
- Tax Law
- Bankruptcy
- Pardons
- Wills and Estates
- Torts

Volunteer opportunities are available for paralegals and law students as well. Visit ctbar.org/FreeLegalAdviceClinics to learn more and register.



Get Found by Potential Clients

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