



**LAWYER TO LAWYER MENTORING PROGRAM
WORKSHEET F
INTRODUCTION TO PRO BONO, CIVIC AND CHARITABLE ACTIVITIES**

Worksheet F is intended to promote engagement with pro bono agencies and opportunities, as well as civic and charitable work.

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- Discuss why it is vitally important for lawyers to provide pro bono representation. Review the Supreme Court of Ohio's Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers and the Preamble to the Ohio Rules of Professional Conduct. Also discuss why this responsibility is included in *A Lawyer's Creed* and *A Lawyer's Aspirational Ideals*.
- Discover the pro bono opportunities offered in your geographical area and area of practice at www.ohioprobono.org. Learn about Ohio Legal Aid by visiting www.ohiolegalaid.org.
- Attend a pro bono informational meeting hosted by a local Legal Aid office or other pro bono provider. Consider participating together in a pro bono service activity, such as a working at a brief-advice clinic or undertaking a pro bono case. (Note that working on a pro bono case together is the only opportunity for co-counseling permitted for participants of Lawyer to Lawyer Mentoring - see Worksheet OO for further information.) If you are unsure what pro bono opportunity is best for you, contact a local pro bono professional, who can match your skill sets to the available pro bono opportunities.
- If the mentor or new lawyer works in-house for a corporation or does corporate work, be aware that pro bono opportunities are available for attorneys with this practice background through various pro bono providers throughout Ohio, and search for these opportunities using the links above. Review amendments to Rule VI of the Rules for the Government of the Bar of Ohio that allow corporate status attorneys to provide pro bono legal services to persons of limited means or a charitable organization if the legal services are assigned by the entities enumerated in the rule. See Gov. Bar VI, Section 3 and Prof. Cond. R. 5.5(D)(3).
- Discuss conflicts of interest and how these concerns should not generally dissuade attorneys from pro bono service. Review Prof. Cond. R. 6.5, which permits an abbreviated conflict check process when providing pro bono services at brief-advice clinics.



- Discuss malpractice coverage and how malpractice concerns should not generally be a barrier to legal aid service. Legal aid malpractice insurance usually covers pro bono lawyers who volunteer at legal aid brief advice and information clinics or accept a case for extended representation. Bar associations with organized pro bono programs also usually provide malpractice insurance coverage for pro bono volunteers, as well. However, if a new lawyer does not have malpractice insurance, check with any pro bono program to verify malpractice insurance coverage before accepting a case or providing legal information and advice at a pro bono clinic.
- Read and discuss the attached article. David Kutik, *Pro Bono: Why Bother?* GPSOLO Oct./Nov. 2005.
- Read the attached article and discuss the different ways to provide service. Marilyn Astin Tarlton, *What Gives? 21 Ways Lawyers Can Give Back – Every Day*, LAW PRACTICE TODAY, Sept. 2005.
- Discuss challenges to doing pro bono work, if any, and how the mentor has overcome (or is still working to overcome) these challenges. What tangible and intangible benefits does the mentor find that offsets the investment of time and resources?
- Discuss how pro bono work contributes to or detracts from having balance in the mentor's life. Read the article summary or [listen to the interview](#) at *You'll Feel Less Rushed If You Give Time Away*, HARVARD BUSINESS REVIEW, Sept. 2012.
- Review Gov. Bar R. X, Section 5 regarding the opportunity to earn CLE credits for pro bono service. **Be advised, however, that no mentoring participants may earn CLE credit for pro bono service completed during the mentoring term, as they are already receiving CLE credit for their participation in the mentoring program.**
- Discuss the types of charitable activities the mentor engages in and why he or she does so. Invite the new lawyer to attend a meeting of a charitable or civic organization in which the mentor is involved. Discuss opportunities for other types of charitable and civic work.
- Encourage the new lawyer to contact a nonprofit they admire or have an interest in to inquire about service and volunteer opportunities, asking questions about the type of commitment that is expected. To the extent possible, introduce the new lawyer to those involved in an organization where the new lawyer is interested in volunteering.



RESOURCES

**STATEMENT REGARDING THE PROVISION OF
PRO BONO LEGAL SERVICES BY OHIO LAWYERS**

Each day, Ohioans require legal assistance to secure basic needs such as housing, education, employment, health care, and personal and family safety. Many persons of limited means are unable to afford such assistance, and legal aid programs must concentrate limited resources on those matters where the needs are most critical. The result is that many Ohioans who are facing significant legal problems do not have access to affordable legal services. These persons are forced to confront landlord-tenant issues, have questions involving employment rights, or seek protection against domestic violence without the assistance of a legal advocate.

In 1997, this Court issued a Statement on Professionalism that recognizes each lawyer's obligation to engage in activities that promote the common good, including the provision of and support for pro bono representation to indigent clients. In 2007, in the Preamble to the Ohio Rules of Professional Conduct, the Court reemphasized the importance of this obligation by stating:

A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for those who because of economic or social barriers cannot afford or secure legal counsel.

Lawyers, law firms, bar associations, and legal services organizations, such as the Ohio Legal Assistance Foundation, have done and continue to do much to address unmet civil legal needs through the organization of, support for, and participation in pro bono legal services programs. Although these programs have increased both in number and scope in recent years, there remains an urgent need for more pro bono services.

This Court strongly encourages each Ohio lawyer to ensure access to justice for all Ohioans by participating in pro bono activities. There are pro bono programs available throughout Ohio that are sponsored by bar associations, legal aid programs, churches, and civic associations. Many programs offer a variety of free legal services, while others concentrate on specific legal needs. Lawyers also may choose to participate in programs that focus on the needs of specific individuals such as senior citizens, the disabled, families of military personnel, or immigrants.



The web site www.ohioprobono.org contains a complete, searchable listing of pro bono programs and opportunities in Ohio. A lawyer may fulfill this professional commitment by providing legal counsel to charitable organizations that may not be able to afford to pay for legal services or by making a financial contribution to an organization that provides legal services to persons of limited means.

The Court recognizes that many Ohio lawyers honor their professional commitment by regularly providing pro bono legal services or financial support to pro bono programs. Moreover, the Court encourages lawyers to respond to this call by seeking to engage in new or additional pro bono opportunities. To document the efforts and commitment of the legal profession to ensure equal access to justice, the Court, in conjunction with the Ohio Legal Assistance Foundation, will develop a means by which Ohio lawyers may report voluntarily and anonymously their pro bono activities and financial support for legal aid programs. The information regarding pro bono efforts will not only underscore the commitment of the legal profession to serving the public good but also will serve as a constant reminder to the bar of the importance of pro bono service.

Issued by the Supreme Court of Ohio

Sept. 20, 2007

**PREAMBLE TO THE OHIO RULES OF PROFESSIONAL CONDUCT
PARAGRAPH 6:**

A lawyer should seek improvement of the law, ensure access to the legal system, advance the administration of justice, and exemplify the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law, and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.



Excerpts from **A LAWYER'S CREED**

To the profession, I offer assistance in keeping it a calling in the spirit of public service, and in promoting its understanding and an appreciation for it by the public. I recognize that my actions and demeanor reflect upon our system of justice and our profession, and I shall conduct myself accordingly.

To the public and our system of justice, I offer service. I shall devote some of my time and skills to community, governmental and other activities that promote the common good. I shall strive to improve the law and our legal system and to make the law and our legal system available to all.

Excerpts from **A LAWYER'S ASPIRATIONAL IDEALS**

As to our profession, I shall aspire:

- (a) To improve the practice of law. I should:
 - (1) Assist in continuing legal education efforts;
 - (2) Assist in organized bar activities;
 - (3) Assist law schools in the education of our future lawyers; and
 - (4) Assist the judiciary in achieving objectives of A Lawyer's Creed and these Aspirational Ideals.
- (b) To promote the understanding of and an appreciation for our profession by the public. I should:
 - (1) Use appropriate opportunities, publicly and privately, to comment upon the roles of lawyers in society and government, as well as in our system of justice; and
 - (2) Conduct myself always with an awareness that my actions and demeanor reflect upon our profession.
- (c) To devote some of my time and skills to community, governmental and other activities that promote the common good.



As to the public and our system of justice, I shall aspire:

- (a) To consider the effect of my conduct on the image of our system of justice, including the effect of advertising methods.
- (b) To help provide the pro bono representation that is necessary to make our system of justice available to all.
- (c) To support organizations that provide pro bono representation to indigent clients.
- (d) To promote equality for all persons.
- (e) To improve our laws and legal system by, for example:
 - (1) Serving as a public official;
 - (2) Assisting in the education of the public concerning our laws and legal system;
 - (3) Commenting publicly upon our laws; and
 - (4) Using other appropriate methods of effecting positive change in our laws and legal system.

**SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO
RULE VI. REGISTRATION OF ATTORNEYS
SECTION 3 - CORPORATE COUNSEL ATTORNEY REGISTRATION**

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(E) Pro bono legal service

Notwithstanding division (D) of this section, an attorney registered for corporate status under this section may provide pro bono legal service if the legal service is provided to either a person of limited means or a charitable organization and the legal service is assigned or verified by any of the following:

- (1) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Legal Assistance Foundation;



- (2) A metropolitan or county bar association;
- (3) The Ohio State Bar Association;
- (4) The Ohio Legal Assistance Foundation;
- (5) Any other organization recognized by the Commission on Continuing Legal Education pursuant to Gov.Bar R. X, Sec. (5)(H).

OHIO RULES OF PROFESSIONAL CONDUCT
RULE 5.5: UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL
PRACTICE OF LAW

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(d) A lawyer admitted and in good standing in another United States jurisdiction may provide legal services in this jurisdiction through an office or other systematic and continuous presence in either of the following circumstances:

* * * *

(3) the lawyer is registered in compliance with and is providing pro bono legal services as permitted by Gov. Bar R. VI, Section 3.

OHIO RULES OF PROFESSIONAL CONDUCT
RULE 6.5: NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICES
PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter is subject to both of the following:

(1) Rules 1.7 and 1.9(a) only if the lawyer *knows* that the representation of the client involves a conflict of interest;

(2) Rule 1.10 only if the lawyer *knows* that another lawyer associated with the lawyer in a *law firm* is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.



(b) Except as provided in division (a)(2) of this rule, Rule 1.10 is inapplicable to a representation governed by this rule.

Comment

[1] Legal services organizations, courts, and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services—such as advice or the completion of legal forms—that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics, or *pro se* counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer’s representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See *e.g.*, Rules 1.7, 1.9, and 1.10.

[2] A lawyer who provides short-term limited legal services pursuant to this rule must communicate with the client, preferably in writing, regarding the limited scope of the representation. See Rule 1.2(c). If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this rule, the Ohio Rules of Professional Conduct, including Rules 1.6 and 1.9(c), are applicable to the limited representation.

[3] Because a lawyer who is representing a client in the circumstances addressed by this rule ordinarily is not able to check systematically for conflicts of interest, division (a) requires compliance with Rules 1.7 or 1.9(a) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the lawyer knows that another lawyer in the lawyer’s firm is disqualified by Rules 1.7 or 1.9(a) in the matter.

[4] Because the limited nature of the services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer’s firm, division (b) provides that Rule 1.10 is inapplicable to a representation governed by this rule except as provided by division (a)(2). Division (a)(2) requires the participating lawyer to comply with Rule 1.10 when the lawyer knows that the lawyer’s firm is disqualified by Rules 1.7 or 1.9(a). By virtue of division (b), however, a lawyer’s participation in a short-term limited legal services program will not preclude the lawyer’s firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program’s auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.

[5] If, after commencing a short-term limited representation in accordance with this rule, a lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a), and 1.10 become applicable.



RULE 1.7: CONFLICT OF INTEREST: CURRENT CLIENTS

(a) A lawyer's acceptance or continuation of representation of a client creates a conflict of interest if either of the following applies:

- (1) the representation of that client will be directly adverse to another current client;
- (2) there is a substantial risk that the lawyer's ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by the lawyer's own personal interests.

(b) A lawyer shall not accept or continue the representation of a client if a conflict of interest would be created pursuant to division (a) of this rule, unless all of the following apply:

- (1) the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) each affected client gives informed consent, confirmed in writing;
- (3) the representation is not precluded by division (c) of this rule.

(c) Even if each affected client consents, the lawyer shall not accept or continue the representation if either of the following applies:

- (1) the representation is prohibited by law;
- (2) the representation would involve the assertion of a claim by one client against another client represented by the lawyer in the same proceeding.

View comments at

<http://www.supremecourt.ohio.gov/LegalResources/Rules/ProfConduct/profConductRules.pdf>

RULE 1.9: DUTIES TO FORMER CLIENTS



(a) Unless the former client gives *informed consent, confirmed in writing*, a lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a *substantially related matter* in which that person's interests are materially adverse to the interests of the former client.

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View comments at

<http://www.supremecourt.ohio.gov/LegalResources/Rules/ProfConduct/profConductRules.pdf>

RULE 1.10: IMPUTATION OF CONFLICTS OF INTEREST: GENERAL RULE

(a) While lawyers are associated in a *firm*, none of them shall represent a client when the lawyer *knows* or *reasonably should know* that any one of them practicing alone would be prohibited from doing so by [Rule 1.7](#) or [1.9](#), unless the prohibition is based on a personal interest of the prohibited lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the *firm*.

(b) When a lawyer is no longer associated with a *firm*, no lawyer in that *firm* shall thereafter represent a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the *firm*, if the lawyer *knows* or *reasonably should know* that either of the following applies:

(1) the formerly associated lawyer represented the client in the same or a *substantially related matter*;

(2) any lawyer remaining in the *firm* has information protected by [Rules 1.6](#) and [1.9](#) (c) that is material to the matter.

(c) When a lawyer has had *substantial* responsibility in a matter for a former client and becomes associated with a new *firm*, no lawyer in the new *firm* shall *knowingly* represent, in the same matter, a person whose interests are materially adverse to the interests of the former client.

(d) In circumstances other than those covered by [Rule 1.10](#) (c), when a lawyer becomes associated with a new *firm*, no lawyer in the new *firm* shall *knowingly* represent a person in a matter in which the lawyer is personally disqualified under [Rule 1.9](#) unless both of the following apply:

(1) the new *firm* timely *screens* the personally disqualified lawyer from any participation in the matter and that lawyer is apportioned no part of the fee from that matter;



(2) *written* notice is given as soon as practicable to any affected former client.

(e) A disqualification required by this rule may be waived by the affected client under the conditions stated in [Rule 1.7](#).

(f) The disqualification of lawyers associated in a *firm* with former or current government lawyers is governed by [Rule 1.11](#).

View comments at

<http://www.supremecourt.ohio.gov/LegalResources/Rules/ProfConduct/profConductRules.pdf>

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO
RULE X. CONTINUING LEGAL EDUCATION
Section 5 – Allowance of Credit Hours

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(H) *Pro bono credit*. The Commission may allow one credit hour for every six hours of pro bono legal service performed, with a maximum of six credit hours for service performed during a biennial compliance period. As used in this rule, “pro bono” means legal service provided to either a person of limited means or a charitable organization in which the legal service is assigned, verified, and reported to the Commission by any of the following:

- (1) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Legal Assistance Foundation;
- (2) A metropolitan or county bar association;
- (3) The Ohio State Bar Association;
- (4) The Ohio Legal Assistance Foundation;
- (5) Any other organization recognized by the Commission as providing pro bono programs or services in Ohio.

PRO BONO: WHY BOTHER?

By David A. Kutik



Sometimes you wonder what people think. Like the editors of this magazine. Here I am, a partner in one of the world's largest law firms. (In fact, I am that rare species of lawyer these days—I have been with the same firm for all of my 25 years as a lawyer.) Yet, a few months ago, I received a call from one of the people who help put this publication together, asking me to write an article on why lawyers should do pro bono work. What could a megafirm trial lawyer have to say to thousands of lawyers in small firms and solo practice? I don't pretend to have the slightest clue about how you run your practice or balance the demands of your career, your family, and the other things that are important in your lives.

So what were they thinking? Part of the reason that they asked me to write about pro bono may be that this year, I served as president of the Cleveland Bar Association. We initiated a number of programs at the Cleveland Bar aimed at getting lawyers more involved in pro bono and public service. And we had some success. For example, through a program called "Our Commitment to Our Community," more than 2,000 lawyers pledged to devote a total of 70,000 hours to pro bono and public service programs.

In meetings with numerous law firm managers and lawyers, I heard all kinds of reactions to my "pitch" to get lawyers involved in our community. To make our programs work, it was my job to deal with these reactions and get Cleveland lawyers to ante up. My guess is that the editors of this publication think that I can do the same with you. This article is not for those who already do pro bono; it is directed to those who haven't yet gotten involved.

First, what exactly do I mean by *pro bono*? I could give you a very legalistic definition, but because I want you to read the

rest of this piece, let's spare the jargon. By *pro bono*, I mean legal services provided for free (or at a substantially reduced rate) to the poor or to nonprofit organizations that serve the community's disadvantaged.

So how can I get you to consider doing pro bono? I could appeal to your sense of guilt. But unless you were raised by my mother, I doubt that would work (in fact, now that I've passed my 50th birthday, that generally doesn't work with me anymore, either). Most us who read the legal press know about the great unmet need out there. In Ohio, for example, only one out of five low-income people who need legal help get it. The statistics in other states are not too different. So if you're not doing pro bono work already, my violin playing won't likely move you.

I could also tell you about how it is your professional obligation to do pro bono. If you're in a Code state, I could tell you to look at EC 1-1. If you're in a Model Rule state, I could tell you to look up Rule 6.1. But these rules are aspirational. It's all too goody-goody. Real lawyers don't react well to goody-goody—it's like being told to eat your vegetables.

Many "pro bono" professionals talk about motivating lawyers by using the "business case" for pro bono. That works for some lawyers, especially big-firm lawyers. Active pro bono programs help law firm business in at least four ways. First, such programs help recruit lawyers. One of the questions most asked of law firms by law students is about pro bono. Second, pro bono opportunities help build skills in young lawyers. In these days of the "vanishing trial," giving young people first-chair opportunities is a "win-win-win" situation (for the firm, for the lawyer, and for the client in need). Third, doing pro bono—especially if it involves assistance to civic or charitable organizations—can help build networks. Building networks means more opportunities for potential referrals and for business. Fourth, doing pro bono may provide recognition. Most legal aid organizations and bar associations give some type of awards or listing for lawyers involved in their pro bono programs. It isn't a bad thing to be recognized as someone who does good things.

Consider not only what pro bono work will do for your bottom line or reputation, but also how it will make you feel.

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All that stands between you and being a pro bono lawyer is a phone call or an e-mail. How hard is that?

For some of you, however, the “business case” may be irrelevant. You don’t recruit. Your young people get plenty of action. You’re involved in enough organizations, thank you. Being “recognized” doesn’t turn your engine. In fact, you’d prefer not to be recognized at all, especially because a number of your clients are trying to turn your cases into pro bono work anyway.

I have found that the best way to get lawyers to consider doing pro bono—and to get them to actually take a pro bono matter—is to convey not what it will do for their bottom line or their reputation, but how it will make them *feel*. Talk to any lawyer who does pro bono work, and you will hear nothing but positive things about the experience. Time and time again, lawyers who do pro bono keep doing pro bono. Why?

When I try to explain the feeling lawyers experience when doing pro bono, the most apt analogy I can use is Christmas morning. I’m Jewish, married to a Catholic. We celebrate Christmas. I don’t think that I’ve ever experienced quite the feelings as I did while watching my daughters come downstairs when they were young to “see what Santa brought.” The unbridled glee in their faces and voices touched me deeply. It was the joy of giving. Giving feels good, and sometimes it feels very good.

Doing pro bono connects us to people. We make the law and the justice system work for people who have nothing to give us but their gratitude. We empower them. We give them hope; we help them when they have nowhere else to turn. It makes us feel like a lawyer. It makes us feel that our training, our experience, and our judgment can do some good. It makes us feel that we are better people. And we are.

When you do pro bono, everybody wins. Our communities are served by the most talented of its citizens. Our needy get the help that they require. And the concrete examples of lawyers doing good can counter the public’s negative impression of lawyers.

Many lawyers tell me that they believe what I say about pro bono, but they can’t

find the time or don’t have the expertise to help. My response is to tell them that there are many opportunities that involve discrete time commitments and don’t require a lot of expertise. For example, in Cleveland, the Legal Aid Society and the Bar Association established a series of Brief Advice and Referral Clinics. These require four to five hours on one Saturday every four to six months. The lawyers are given manuals and other materials to help out the clients they see. We also have “mentors” (lawyers with substantive expertise) standing by. In addition, there is a program to provide legal service to the homeless at various homeless shelters around town. This, too, involves only a few hours after the close of the business day or on a Saturday two to four times a year. Less than a day’s training is needed to get lawyers up to speed.

These are but two examples in one city. My guess is that a call to your bar association or local legal services agency would reveal a varied menu of programs. These organizations know that, to make pro bono work, they have to make it as easy as possible for lawyers to participate.

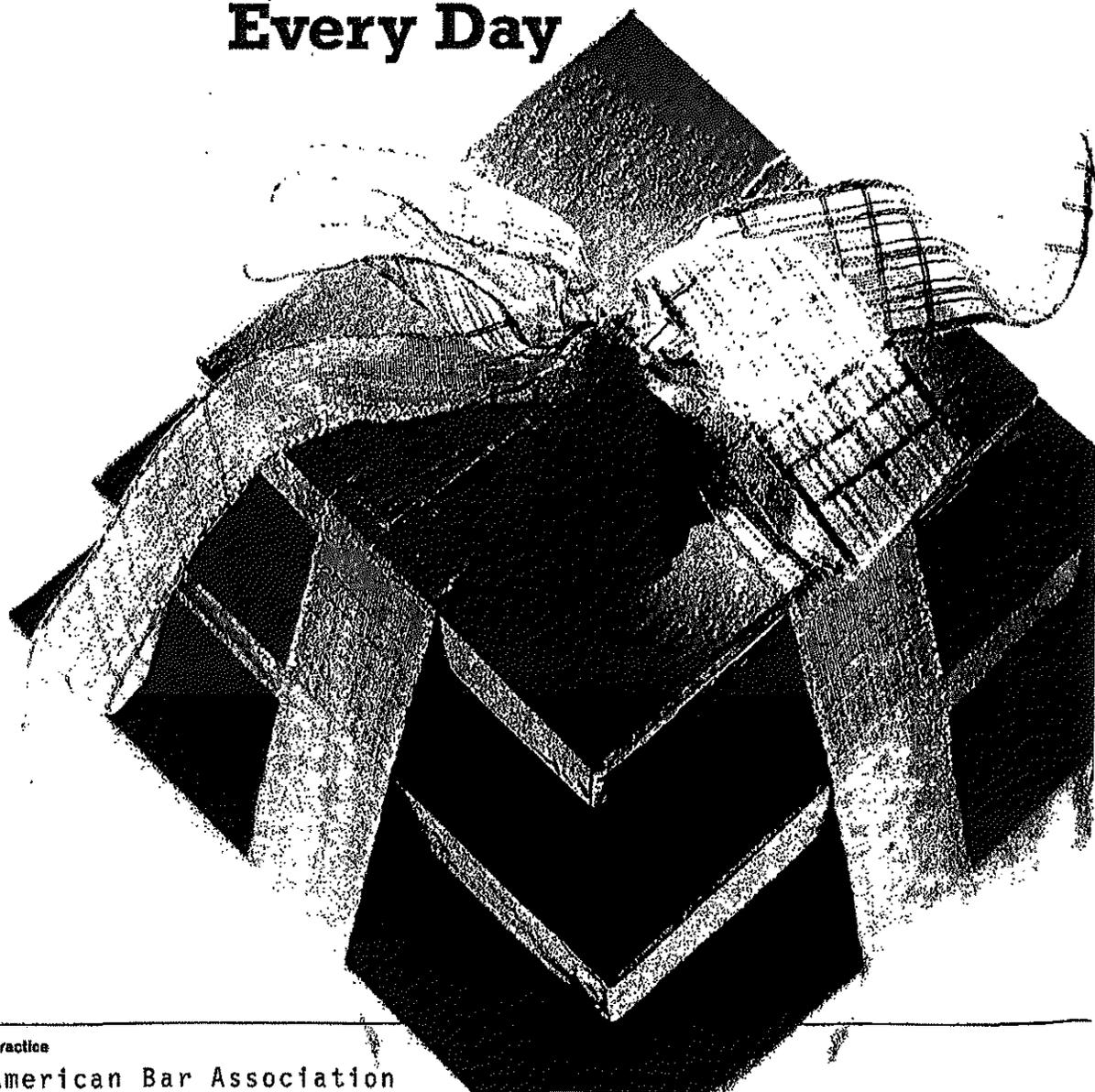
One of the biggest barriers preventing lawyers from doing pro bono can be summarized in one word: inertia. You haven’t done it. You don’t know how to do it. And you won’t make the effort to learn.

But here’s the funny thing. If you’ve taken the time to read this article, you have the time to start the process of volunteering. Take out your phone book or your bar directory and look up the bar association or the legal services agency in your town. Or find their websites. All that remains between you and being a pro bono lawyer is a phone call or an e-mail. How hard is that?

As we approach the new year, it will be the time for resolutions. You resolve to lose weight. You resolve to stop a bad habit. You resolve to be better spouses, parents, and children. You resolve to “get organized.” This year, resolve to take a serious look at getting involved in pro bono activities in your community. If you keep it, it’s a resolution you will never regret. **CSOLO**

What Gives?

**21 Ways Lawyers
Can Give Back—
Every Day**



- The ABA Division of Bar Services offers links to hundreds of pro bono and public interest organizations and resources.
www.abanet.org/legalservices/weblink.html
- The Pro Bono Institute at Georgetown University assists law firms in establishing pro bono initiatives.
www.probonoinst.org
- Probono.net helps connect the various parts of the public interest legal community. Opportunities are searchable by state or by practice area.
www.probono.net
- Lawyers Without Borders connects lawyers from around the globe who stand ready to offer pro bono service to worldwide initiatives.
www.lawyerswithoutborders.org

BY MERRILYN ASTIN TARLTON

The legal profession sure gets its share of shin kicking. We all know about the popular characterization of lawyers as heartless money-grubbers. The jokes portraying the profession as some special breed of bottom-feeding predator. The national media devoting endless ink to the crass and selfish deeds of lawyers far and wide. It doesn't feel good, does it? Does it make you think glumly about your career choice? Fear not. Just as they always have, lawyers are giving back to their communities. Just as they always will, lawyers see ways to change the world for good and are acting to make it so. And just as they said they would, the partners in your own firm are modeling volunteerism and public service regularly.

There's nothing new about the criticism of lawyers. At the same time, there's nothing new about the service role that lawyers play in the world. Every day thousands of lawyers help people, through actions large and little, public and imperceptible.

There's a long tradition of service for you to celebrate—and for you to participate in. Take a quick tour through this list of 21 ways that you can give. Check off the ones that are already part of your life. Take a few new ones and act on them. Add your own ideas to the list. Pass it on to younger lawyers as a reminder of the profession's sacred pledge. Use it as the agenda for your next partner meeting.

Start now. It feels good to do good.

1 EMBRACE PRO BONO. In 1984, when I first began to work with lawyers, I took a young lawyer friend to lunch and asked him to translate some terms of art for me: “due process,” “sub rosa,” “tabula rasa” and “pro bono publico.” The first three were a slam-dunk. But he hadn't a clue about the last term. Don't be that young lawyer. Pro bono legal work is the chief framework of any lawyer's life: “The responsibility to ensure access to justice for all by meeting not only the legal needs of those

who can afford a lawyer but also the legal needs of those individuals and communities that cannot.”

2 VOLUNTEER. Plant a tree. Deliver meals to the homebound. Advocate for patients' rights. Hand out resource information to the indigent. Build a playground. Find an issue you care deeply about and give your time and money to it.

3 SERVE ON A BOARD. Every organization values a board member with a legal perspective. Your reliable knowledge of legal and business issues, as well as your time and energy, can help a fledgling or established organization move smartly—

and safely—ahead. (The fact that this is also a great way to make community connections is good, but beside the larger point.)

4 MENTOR. The best and perhaps only way to repay those kind and wise lawyers who helped you when you were a novice is to do the same for young lawyers in your firm. How many times have you bemoaned all the things they don't teach young lawyers anymore? Maybe it's up to you. Find a young lawyer or two who will benefit from some perspective and coaching, and take them under your wing. If you really want to see what it's like to make a difference, hang in there with them for more than a year or two.

5 BE A SAFE RESOURCE. Make it your business to keep track of public and private resources that offer reliable and current legal information and support in your area of practice. Offer this information freely to those who need it.

6 HELP A CLIENT GET AHEAD. Yes, it is your job—the one they pay you for—to help your clients with their legal problems. But have you considered that they are people with non-legal needs, too? Offer a connection for a client's college-bound teen. Suggest a new market for her business. Make him feel welcome with an invitation to join a luncheon club. Suggest your clients' services to those you know who might use them.

7 EDUCATE THE PUBLIC. There are some spectacular ways for you to disseminate information. Check out the Colorado Divorce Handbook at www.harhai.com or the immigration

resources at www.visalaw.com for stellar examples of ways lawyers are using the Internet to provide information to folks where and when they need it. But it doesn't have to be electronic. Print a simple legal FAQ sheet for potential clients. Offer a "how to know when it's time to call your lawyer" card. Speak on helpful topics before groups large and small.

8 ORGANIZE. Do you know a neighborhood group that's anxious about encroaching development? Have your local school's PTO leaders told you there are safety concerns with the school buses? Help these people get organized to take action and make something happen. Isn't that what you're best at?

9 EXPRESS YOUR CARING. You do care about the outcome of your client's matter, don't you? And beyond that, you care about the impact of the legal events on your client's business and family, right? Make sure your clients know it! Don't assume they can read your mind, or your heart.

10 GET INVOLVED. Don't allow your billable-hours mentality to prevent you from raising your hand. It may be something as simple as coaching a T-ball team—but it will be important to those you coach, it will set an example for your colleagues and, most of all, you'll have a ball.

11 HELP A CHILD. If you've looked into pro bono programs, you know that the greatest ongoing need is for lawyers trained and willing to help indigent families with custody and abuse situations. It doesn't take much to change a child's life forever.

12 TEACH A CLASS. Yes, you could teach a CLE course. Bar associations are always looking for expert instructors. But you might visit your local high school or junior college to teach a session on conflict resolution. Or maybe a group of seniors in your community is looking for an introduction to the basics of living wills.

13 WRITE A BOOK. At this point in your career, you've learned a lot, haven't you? Perhaps your family law practice has taught you how to avoid the pitfalls that the court system presents for juveniles. Maybe you and a social worker colleague are sharing notes about the relationship between education and criminal behavior. You might have seen too many gifted entrepreneurs bite the dust owing to a lack of sophistication about the basic legal requirements for new businesses. Well, write the book. (Or, given your time commitments, maybe it's the booklet.)

14 ADOPT A LAW STUDENT. Remember how lost you sometimes felt in law school? Did you think you'd ever find a paying job as a lawyer? Many practitioners are finding ways to reach beyond the confines of their own firms to guide young lawyers' careers. Through organized programs to mentor students of diversity or individual contacts made via family or friends, you can enjoy introducing a work-in-progress lawyer to the culture, practice styles, social structures and business tactics of law practice in your town.

Reality Check

TRUE CALLING: SIDELINED BY DEBT?

If you ask law students why they chose the law, most will tell you it's because they wish to spend their lives "helping people," "righting wrongs" and "serving the public interest." Results from the National Association of Law Placement's newly released study, *Jobs & JD's: Employment and Salaries of New Law Graduates—Class of 2004* reveal, however, that it is a much smaller number of graduates who actually find their way into public service. Public service employment, including government jobs, judicial clerkships and public interest positions, accounted for 27 percent of jobs taken by employed 2004 graduates. Jobs with actual public interest organizations accounted for 4.9 percent of jobs. The study results also reveal that while 31 percent of women graduates took these types of positions, just over one-quarter of employed men followed suit.

Global, Local Impact from the Private Sector. Do you have to be employed by one of these organizations to "give back?" Or as some might say, "Do I have to go into bankruptcy over my student loan to fulfill my career goals?" Absolutely not. The profession is full of examples of innovative ways that individual lawyers are finding to have an impact from inside the private sector—giving back, not giving up. Take Chicago's Sonnenschein, Nath and Rosenthal. The firm has pledged \$1 million and a significant investment in lawyers' time to launch and help operate a charter grade school in one of the city's poorest communities. And take DLA Piper Rudnick Gray Cary—the 2,800-lawyer firm that has created a nonprofit subsidiary, New Perimeter, devoted to long-term international pro bono projects. Firm estimates are that this new effort will bring the firm's pro bono commitment up to a total of 80,000 hours, or \$23 million.

15 TUTOR. There's nothing like the look in a child's eyes in that first magical moment when

she realizes she's reading! It doesn't take a lot to lead a child to that moment. Just patience, kindness and the understanding gained from your own struggles with learning. Haven't we all had a tough time "getting it" once in a while? Maybe you can find a way to pass on your mastery of differential equations to a struggling high-schooler.

16 RUN FOR OFFICE. It's true. Politics is probably the way that U.S. lawyers got their bad image in the first place. (Watergate trials, anyone?) Maybe it's time someone like you demonstrated how it's really done: with scruples, integrity and a sense of what needs to happen to put things right. It doesn't have to be big. How about the school board?

17 LAUNCH A NOT-FOR-PROFIT. If there's a social cause that's got you burning but you've found no organization that focuses on it, then start your own organization. Recruit like-minded friends and colleagues to join in.

18 CONTRIBUTE. It's simple. Just write a check to a deserving charity. Get your partners to write checks, too. In fact, you could consider arranging for the firm to flat-out adopt a charity that you can all get behind.

19 SAY THANK YOU. Of course it's a business deal between you and your client. But even

your local barista smiles and says, "Thanks a latte!" when your morning coffee transaction concludes. Don't hesitate to pipe up and thank your clients and colleagues for their business and their loyalty. After all, don't you expect the same from them?

20 RESOLVE CONFLICT. Put heavy emphasis on the word "resolve."

Volunteer your mediation and facilitation skills to community organizations. Take pride in stepping forward to guide neighborhood, church and school groups from conflict to collaboration. Demonstrate the steps to agreement.

21 GO ON, CHANGE THE WORLD! And keep in mind that the small

steps can prove as important as the big ones. There's a job for everyone who is willing to pitch in. Your gifts to the world need not be on a grand scale. As French author Paul Carvel said, "He who wants to change the world should already begin by cleaning the dishes." ¹⁸

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TIME MANAGEMENT

You'll Feel Less Rushed If You Give Time Away

by Cassie Mogilner

FROM THE SEPTEMBER 2012 ISSUE

Listen to an interview with Cassie Mogilner.

12:26

The finding: Spending time helping others leaves people feeling as if they have *more* time, not less.

The research: In a battery of studies, Wharton's Cassie Mogilner assigned some subjects to help another person—by writing a note to a sick child, for example, or editing a student's essay—and instructed another group of subjects to do something else. In one study the other group wasted time by counting the letter *e*'s in Latin text, in a second study they did something for themselves, and in a third they simply left the academic lab early. In each experiment the people who lent a hand to others felt as if they had more time than the people who did not.

The challenge: Does giving away your time really make you feel as if you have more of it? Is the secret to productivity being more charitable? **Professor Mogilner, defend your research.**

Key Number

Spending as little as 10 minutes helping others can make you feel less time-constrained.

Mogilner: The results show that giving your time to others can make you feel more “time affluent” and less time-constrained than wasting your time, spending it on yourself, or even getting a windfall of free time. In the first two

experiments, my colleagues and I found that people who wrote notes to sick children or devoted a bit of time on a Saturday morning to helping another person were more likely than the other study subjects to say their futures felt “infinite.” In the third experiment, people who helped edit the essays of at-risk high school students were less likely to view time as scarce and more likely to say they currently had some to spare. They also acted on those feelings. When we asked subjects who’d assisted the students how much time they could give to doing paid online surveys the following week, they committed to an average of 38 minutes—nine minutes more than the people who had simply been allowed to leave early. The following week, the people who’d edited the essays also ended up actually doing more than the other group, spending, on average, seven minutes more completing surveys.

HBR: How do you explain this paradox?

My study coauthors—Zoë Chance of the Yale School of Management and Michael Norton of Harvard Business School—and I went in with a few theories. We thought it might be the social connection, the meaning, or the enjoyment associated with helping others that made our study subjects feel more relaxed about their time. But the explanation that emerged in our results is that people who give time feel more capable, confident, and useful. They feel they’ve accomplished something and, therefore, that they can accomplish more in the future. And this self-efficacy makes them feel that time is more expansive.

To be clear, you're saying people feel as if they have more time. But they don't. In fact, they have less time, since they've given some away. There are still only 24 hours in a day.

Yes, objectively they have less time. But they feel more effective, and that enhances their productivity. Certainly if you're giving so much time away that you're not able to complete other tasks, then it's not going to work. But our research indicates that giving even a small amount of time to someone else should make you feel you can do more in the time you have. In our Saturday experiment, we asked some people to spend 10 minutes helping others and some to spend 30 minutes, and we found that duration didn't make a difference in how much better they felt about the future than the people who had instead spent 10 or 30 minutes on themselves. That's consistent with research on the benefits of money that shows that they have more to do with what the money is spent on than with the amount spent.

Wouldn't time givers feel just as effective if they simply buckled down and did their work?

Perhaps. But we all procrastinate, and we all need breaks, especially when we're stressed. If you use a break to indulge yourself or to do something mindless like watching TV, you might enjoy it, but it soaks up your time perceptually as well as objectively. It won't make you feel less pressured. You're better off picking an activity, like helping others, that makes you feel that you can do more with your day.

Does doing this interview on behalf of a slacker colleague count?

Sure. Anything that entails spending time for the sake of someone else works. It could be for someone you know or for a stranger; volunteering at a soup kitchen or cooking your partner his or her favorite dinner.

Are there any other techniques readers can try to make themselves feel less time-constrained?

Yes, research shows that thinking about the present moment instead of the future can make you feel less hurried or rushed, because it slows the perceived passage of time. Even just breathing more deeply can work too. In one study subjects who were told to take long, slow breaths for five minutes perceived their day to be longer and felt there was more time available to get things done than those who were told to take short, quick breaths.

How did you get interested in time?

I started studying happiness and well-being and noticed that a lot of the existing research focused on money and how to spend it more effectively. But I observed—certainly in my own life—that time is just as important as, if not more important than, money. It underlies our daily planning, our thinking, and our behavior. And it's scarce. We all feel so time-constrained that we become incredibly stingy with it. But that doesn't make us feel any better. Zoë has done some research that seems to show that people feel richer when they give money away. We thought it would be interesting to see if we could observe a similar positive effect with people who gave away time.

Hasn't anyone ever told you that time is money?

Sure—Benjamin Franklin. But I would argue it's not. Of course, we're taught in economics classes to put a monetary value on time when thinking about opportunity costs, and there are people who are paid by the hour. But we're seeing more and more the problems that arise when people equate time and money.

Other studies I've done show that people who are exposed to money-related words—through a sentence-unscrambling task—spend more time working and are less happy than those who are exposed to time-related words. The people primed to think about time socialize more with friends and family and are consequently happier. We saw this effect not only in the lab but also in the real-world setting of a coffee shop, where the people who did the unscrambling task and answered our questions didn't realize we were surreptitiously observing their behavior.

So, thinking about time makes people happier.

Yes, and giving time away makes them feel more effective.

A version of this article appeared in the September 2012 issue of *Harvard Business Review*.



Cassie Mogilner is an assistant professor of marketing at the University of Pennsylvania's Wharton School. She studies happiness, highlighting the role of time, and she teaches Strategic Brand Management to MBAs and undergrads, for which she received an Excellence in Teaching Award. Her research has been published in *Psychological Science*, *Journal of Consumer Research*, and *Social Psychology and Personality Science*.

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