



## LAWYER TO LAWYER MENTORING PROGRAM

### WORKSHEET H

#### A LAWYER'S CREED AND A LAWYER'S ASPIRATIONAL IDEALS

Worksheet H is intended to facilitate a meaningful discussion about *A Lawyer's Creed* and *A Lawyer's Aspirational Ideals*, with suggestions of practical application of the concepts contained therein.

#### WHAT WENT WELL?

Start by sharing with each other a brief story of something that went well in your practice this week:

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Share your reflection by on one of these questions: What caused the good event? What does it mean? How did you contribute? Others? How can you have more such events in the future?

#### ACTIVITIES FOR TODAY

- Reflect together on what it means to be an attorney and how the *Lawyer's Creed* shapes that meaning.
- Identify different roles an attorney plays. Discuss how the *Lawyer's Creed* and *Lawyer's Aspirational Ideals* support an attorney's actions in each of those roles.
- Give to the new lawyer examples of how you, as an experienced attorney, incorporate concepts of the *Lawyer's Creed* and *Lawyer's Aspirational Ideals* into your everyday law practice.
- Discuss the attached article: *Opening Remarks on Professionalism* by Deborah Rhode, available at <http://professionalism.law.sc.edu/proceedings/v52b3/04-keynote> (p. 458).
- Considering that legal conflicts often involve conflicts in values that society endorses but that are inherently in tension with one another, do these conflicts in values contribute to the difficulty in maintaining professional behavior?



- Discuss the role that adversarial representation plays in challenging high standards of professionalism. For example, if creating discomfort and anxiety might improve the outcome for your client in a negotiation, how far should a highly professional attorney go in taking actions to create discomfort and anxiety in opposing counsel and his or her client. Yelling? Rude behavior? Sexist remarks? Scheduling depositions during opposing counsel’s vacation? What are the limits?
- To what extent does a legal culture focused on profits per partner as the sole judge of success for private legal firms contribute to high standards of professionalism? Detract from such standards?
- Is the culture within governmental legal organizations different? Consider this story on prosecutorial misconduct in cases against the late former US Senator from Alaska, Ted Stevens: <http://articles.latimes.com/2012/mar/15/news/la-pn-report-intentional-misconduct-in-prosecution-of-ted-stevens-20120315>
- What steps can individual lawyers take to promote high standards of civility? In what ways have the demands of professionalism conflicted with zealous representation of clients or the culture of your legal setting?

### **ACTION STEPS**

End the session by discussing what action steps you can take to either improve or set yourself up for future success based on today’s discussion. Discuss how one or more of your Signature Strengths can help you achieve success in these steps.

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## RESOURCES

### A LAWYER'S CREED

**To my clients,** I offer loyalty, confidentiality, competence, diligence, and my best judgment. I shall represent you as I should want to be represented and be worthy of your trust. I shall counsel you with respect to alternative methods to resolve disputes. I shall endeavor to achieve your lawful objectives as expeditiously and economically as possible.

**To the opposing parties and their counsel,** I offer fairness, integrity, and civility. I shall not knowingly make misleading or untrue statements of fact or law. I shall endeavor to consult with and cooperate with you in scheduling meetings, depositions, and hearings. I shall avoid excessive and abusive discovery. I shall attempt to resolve differences and, if we fail, I shall strive to make our dispute a dignified one.

**To the courts and other tribunals, and to those who assist them,** I offer respect, candor, and courtesy. Where consistent with my client's interests, I shall communicate with opposing counsel in an effort to avoid or resolve litigation. I shall attempt to agree with other counsel on a voluntary exchange of information and on a plan for discovery. I shall do honor to the search for justice.

**To my colleagues in the practice of law,** I offer concern for your reputation and well-being. I shall extend to you the same courtesy, respect, candor, and dignity that I expect to be extended to me.

**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.

### A LAWYER'S ASPIRATIONAL IDEALS

**As to clients,** I shall aspire:

- (a) To expeditious and economical achievement of all client objectives.
- (b) To fully informed client decision-making. I should:
  - (1) Counsel clients about all forms of dispute resolution;
  - (2) Counsel clients about the value of cooperation as a means toward the productive resolution of disputes;
  - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
  - (4) Communicate promptly and clearly with clients; and
  - (5) Reach clear agreements with clients concerning the nature of the representation.
- (c) To fair and equitable fee agreements. I should:



- (1) Discuss alternative methods of charging fees with all clients;
  - (2) Offer fee arrangements that reflect the true value of the services rendered;
  - (3) Reach agreements respecting fees with clients as early in the relationship as possible;
  - (4) Determine the amount of fees by consideration of many factors and not just time spent; and
  - (5) Provide written agreements as to all fee arrangements.
- (d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve fidelity to clients.
- (e) To achieve and maintain a high level of competence in my field or fields of practice.



**As to opposing parties and their counsel**, I shall aspire:

- (a) To cooperate with opposing counsel in a manner consistent with the competent representation of my client. I should:
- (1) Notify opposing counsel in a timely fashion of any canceled appearance;
  - (2) Grant reasonable requests for extensions or scheduling changes; and
  - (3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.
- (b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. I should:
- (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
  - (2) Be courteous and civil in all communications;
  - (3) Respond promptly to all requests by opposing counsel;
  - (4) Avoid rudeness and other acts of disrespect in all meetings, including depositions and negotiations;
  - (5) Prepare documents that accurately reflect the agreement of all parties; and
  - (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

**As to the courts and other tribunals, and to those who assist them**, I shall aspire:

- (a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. I should:
- (1) Avoid non-essential litigation and non-essential pleading in litigation;
  - (2) Explore the possibilities of settlement of all litigated matters;
  - (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
  - (4) Avoid all delays not dictated by competent representation of a client;
  - (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
  - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our system of justice.
- (b) To model for others the respect due to our courts. I should:
- (1) Act with complete honesty;
  - (2) Know court rules and procedures;
  - (3) Give appropriate deference to court rulings;
  - (4) Avoid undue familiarity with members of the judiciary;
  - (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
  - (6) Show respect by attire and demeanor;
  - (7) Assist the judiciary in determining the applicable law; and



- (8) Give recognition to the judiciary's obligations of informed and impartial decision-making.

**As to my colleagues in the practice of law**, I shall aspire:

- (a) To recognize and develop a professional interdependence for the benefit of our clients and the legal system;
- (b) To defend you against unjust criticism; and
- (c) To offer you assistance with your personal and professional needs.

**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.



**GPSOLO MAGAZINE - OCTOBER/NOVEMBER 2005**  
**WHAT WE NEVER LEARNED IN LAW SCHOOL**

By Harper J. Dimmerman and Michael E. Adler

Getting a solo or small firm practice off the ground presents a host of obvious obstacles and traps for the unwary businessperson: excessive spending, albeit with the best intentions; overly well appointed digs; liberal policies for case acceptance and contingent-fee commitments (because 98 percent of the cases settle anyway).

But what of the obstacles that are less well known? In this article, we offer ten suggestions that we hope will give some insight into the daily facets of practice we were never told about in law school, particularly concerning ethics, civility, and professionalism. Our experience in the legal field, and within the Philadelphia Bar Association, reflects our two different practice settings: one at a large firm, one as a solo. This article has given us an opportunity to share our experiences and to compare our legal careers so far. We also sought stories from colleagues. We were surprised that despite some obvious differences, we had many common observations.

**Get involved in bar associations and pro bono activities.** Bar association and pro bono involvement tend to improve relationships between lawyers and judges. The authors became acquainted during local bar association functions. When lawyers connect in both social and professional activities, we tend to get along when we are adversaries—it's human nature that we treat people we know better than we do strangers. Moreover, active involvement in the bar association has helped us sharpen our practice skills, increase our expertise, keep up with changes in the law, and have fun doing it.

**Be prompt and responsive.** Keep your clients advised, and return phone calls and e-mails promptly. We both try to maintain a rule that the sun does not set before a call is left unreturned (obviously, this is much easier during the summer than the winter). We both carry Blackberries and use them, even if just to say that a full response will arrive once the present meeting or hearing is done. If you can't personally return the message, have someone else do it. Lack of client communications is often cited as the most aggravating complaint by clients; keeping clients in the loop keeps them invested in their case.

**Zealous representation does not mean scorched-earth tactics.** We didn't learn in law school that there is an extremely fine line between zealous advocacy and deceptive or manipulative techniques. Silence from the experienced lawyer in the face of a greener attorney's misinterpretation is a dilemma we never anticipated. During law school's Socratic debates, all of us were forever together, presenting a unified front. Not so in the real world. Do not rely upon your confidence in the human family of attorneys collaborating to achieve a common good. With the goal of pleasing that well-funded client, a more seasoned practitioner might seize upon every opportunity to succeed, at times treading some very delicate ethical lines in order to do this.

But don't react to such unfortunate experiences by repeating the questionable behavior yourself. Neither of us refuses opposing counsel a favor when we have the ability to grant it; it costs nothing and builds trust and credibility with other lawyers.



**Be professional in your communications with the court.** Each court has its own procedures, but you will find that some rules of professional conduct are universal.

When addressing or writing to the court, identify who you are and whom you represent. Although this case might be the most important matter in your mind, we have learned it is likely only one of many matters being addressed by the court during that hour.

When in court before a judge, do not address opposing counsel, but speak directly to the judge. After all, it is the judge who must decide the issues, not your adversary. Address the court as “Your Honor” or “Judge.” Remind yourself to speak slowly and don’t be afraid to pause and think before answering questions.

Misrepresentations to the court are always unacceptable, even over such seemingly trivial matters as calendar conflicts or joint stipulation for extension of time to respond to a filing. We are constantly amazed how opposing counsel misrepresent agreements to the court.

Facts that are not properly introduced in the case or part of the record should not be used in written briefs or memoranda of points and authorities.

Always carry an extra copy of the motion or brief, in case the court cannot locate the copy that you filed.

Court staff should be treated as an extension of the court. Anyone who thinks that the judge will never hear how rudely his or her staff was treated has plainly never worked or clerked for a judge.

Show up on time for all court appearances. Character, integrity, and reputation are our most valuable assets; they are not worth trading for any client.

**High volume does not equal high quality—or even high profits.** Our law school experience did not prepare us for issues that can threaten the profitability of practice. Lawyers who approach specialties in volume are generally seeking economies of scale. The combination of special knowledge and volume might translate into profitability. Remember, however, that high-volume work requires significant administrative and legal support, especially in practice areas such as bankruptcy law. Because of such infrastructure costs, high revenues might not go hand in hand with high operating incomes.

Additionally, despite the degree of knowledge and focus that can accompany specialization, high-volume practice might actually dilute the quality of representation. Paralegals may be taking on work not necessarily in their area of ability or expertise, and more efficient yet less tailored representation may become necessary to generate a net profit. These survival tactics might potentially lead highly personable and even hands-on lawyers astray from the origin of their original success.

**Choose your clients carefully.** The practice of law is much easier if you can avoid difficult clients. Beware of a client who moves from firm to firm. Watch out for clients who make legal fees and costs a major issue. Such concerns may seem paranoid at first blush. Yet, they have been borne out by our experience and have become part of our analysis in accepting new clientele. Consider, for example, the overly savvy client who comes bearing handsome retainers and uttering convincing representations. Although we’d like to believe





that such clients come because of our own brand or quality of representation, our guard is up.

A wise lawyer also once taught us that when evaluating a case, don't become so focused on liability that you forget about damages. The most compelling case of fault without any damages is worth . . . nothing. Similarly, when evaluating a case, if you are so focused on the damages, but there is no liability, that case is worth . . . nothing.

**Always be professional in marketing.** The Rules of Professional Conduct govern the outer limits of the advertising and claims that lawyers may make to entice clients. If you are in a small firm or you are a solo, consider limiting the type of clients and business that you take. This will allow you to focus your efforts more effectively. One of the best ways to develop business is to establish a referral network to exchange business with other attorneys. The local bar association is the best way to learn about the practices of other attorneys. Write articles and participate in seminars to get your name out there. Don't oversell yourself.

In small practice, owing to the intensity of the competition in the marketplace, some practitioners employ dubious techniques to acquire more clients and more money. For example, in the area of simple divorce, attorneys in a more expensive filing county might lowball potential clients with figures from less expensive filing counties. Remember: Potential clients using the Internet or even being referred to a particular attorney will ordinarily shop quotes.

**Be professional during discovery.** Much has been written about the effectiveness or costs of discovery in litigation. We merely note below some of our observations about the unprofessionalism we have experienced. Lawyers routinely delay producing documents to prevent opposing counsel from inspecting them prior to scheduled depositions or for other tactical reasons. Document demands and interrogatories are routinely propounded to harass or impose undue burden or expense on the other party. Responses with boilerplate objections to the discovery requests are presented.

In scheduling depositions, rather than unilaterally scheduling dates for depositions, lawyers should cooperate to accommodate the schedules of opposing counsel and the deponent. Objections during depositions should be limited to those that are well founded and necessary for the client's interest (such as preserving privilege). When making objections during a deposition, the attorney must refrain from coaching the deponent or suggesting answers or making self-serving speeches. It is amazing how often we see this happening, particularly by older lawyers trying to intimidate younger lawyers.

**Be prepared.** Thorough preparation can level the playing field—or even tilt it in your favor. Attention to detail is probably the most important trait of a good lawyer. Nothing is more glaring in written work product or letters than a typo. Proofread, proofread, proofread. Know your case better than the other side does. Anticipate the questions from the judge or opposing counsel.

**Appreciate the practice of law.** When we were awarded a license to practice law, we were granted a tremendous opportunity to make a difference for ourselves and our clients. Appreciate challenges, for they make us stronger and better as lawyers, with new ways to argue or represent our clients. Appreciate losses, for they make us wiser, and vow never to



make the same mistake(s) again. Appreciate (and savor) victories. Keep a “good job” file and make copies of all the winning court decisions or even the congratulations or thank-you letters you have received. Even on a very bad day (and we all have them), opening the “good job” file will remind us why we went to law school, and why, even though law school did not prepare us for all we have witnessed in terms of ethics, civility, and professionalism, we are lucky to be young attorneys, looking forward to the rest of our careers.

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**ATJ CLOSING**  
**Chief Justice Cornelia A. Clark**  
**January 21, 2011**

By now we hope our call to action is clear. If you believe, as I do, that a community is only as strong as the justice it provides to its weakest citizens, then you know there is much to be done.

What can we do to improve the odds of justice for our least-advantaged citizens? Today we have heard hundreds of answers. But if you are a lawyer, the answer is simple---remember our basic obligation as lawyer-citizens. The comments to Rule 6.1 are instructive. "Every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer."

On the day you received your license to practice law—or, as Doug Blaze reminded us, from the day you arrived at law school-- you joined an honorable and unique profession. Ours is the only profession I know which creates by conduct code a regular expectation of free service to those whose needs are great and whose means are limited. Bill Robinson and the ABA call it Lawyers Giving Back. If we are truly to live up to the "common calling to promote the public good"; if we are to have any hope of providing liberty and justice for all; then we must embrace, and celebrate, our obligation to devote professional time and civic influence on behalf of our brothers and sisters who need our help. The Tennessee Supreme Court believes that pro bono service is critical to each attorney's fulfillment of his or her obligation to the profession.

But not everyone here is a lawyer. Support of pro bono efforts by other community leaders is also necessary if we are to be successful. As Dave Yoder noted in a breakout session, "Justice isn't just us." So I know the nonlawyer business and professional leaders who are here also appreciate their obligation to live up to the common calling to promote the public good.

I applaud all of you in this room who step forward today to take up the cause of justice for all persons and carry it proudly to your colleagues in the wider community. I challenge each of us to do our duty as lawyers, and our duty as community leaders, to celebrate the opportunity to advance those ideals which can truly make our community better: to promote justice and the public good. As you leave here today the power of pro bono is in your hands and in your heart. I am confident you will carry it well as you help lead the rest of our world not only to where they want to go, but also to where they need to be.

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## GPSolo Magazine - March 2006

### Practice Management What Gives: 21 Ways Lawyers Can Give Back—Every Day

*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.

Every day thousands of lawyers help people, through actions large and little, public and imperceptible. Take a quick tour through this list of 21 ways that you can give.

Start now. It feels good to do good.

**1) Embrace pro bono.** 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.** 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.

**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? Find a young lawyer who will benefit from some perspective and coaching, and take her under your wing.

**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

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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.

**7) Educate the public.** There are some spectacular ways for you to disseminate information. Check out the Colorado Divorce Handbook at [www.harhai.com](http://www.harhai.com) or the immigration resources at [www.visalaw.com](http://www.visalaw.com) for stellar examples of ways lawyers are using the Internet to provide information to folks where and when they need it. You don't have to do this electronically, however. Bring 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.

**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.

**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. 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.

**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.

**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.

**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.

**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.

**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."

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**For More Information about the Law Practice Management Section**

- **This article** is an abridged and edited version of one that originally appeared on page 42 of Law

Practice, October/November 2005 (31:7).

- **For more information** or to obtain a copy of the periodical in which the full article appears, please call the ABA Service Center at 800/285-2221.

- **Website:** [www.lawpractice.org](http://www.lawpractice.org).

- **Periodicals:** *Law Practice*, published eight times per year; *Law Practice Today*, a unique, monthly, web-based magazine providing a fresh assortment of articles and resources to supplement *Law Practice*, the magazine; and *LawPractice.news*, a monthly e-newsletter that provides Section news, educational opportunities, book releases, special offers, and more.

- **CLE and Other Education Programs:** LPM sponsors more than 100 educational programs annually, including live programs, teleconferences, and webcast seminars.

- **Books and Other Recent Publications:** More than 80 titles in print, including *Flying Solo: A Survival Guide for Solo and Small Firm Lawyers, 4th ed.*; *The Successful Lawyer: Powerful Strategies for Transforming Your Practice*; *The Lawyer's Guide to Effective Yellow Pages Advertising, 2d ed.*; and the new LPM Online Library, including *The Electronic Formbook* and chapters from *The Lawyer's Guide to Marketing Your Practice, 2d ed.*

- **Member Benefits:** 15% or greater discount on all Law Practice Management book publications; save up to \$200 on the cost of attending ABA TECHSHOW .

- **Events:** ABA TECHSHOW; Managing Partners Summit.

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## The Tennessee Bar Association's Pro Bono Strategy

### I. Vision

#### A. Full Pro Bono Participation by the Private Bar

Full participation by the private bar is the primary vision of the Tennessee Bar Association's Pro Bono Strategy. Direct representation is one way to serve, but participation can also mean organizing and presenting CLE seminars; drafting articles and brochures; conducting community education seminars; other public speaking; and participating in resource development. The leadership of the private bar at both the state and local levels are partners with the legal services community in making full participation a priority and a reality.

#### B. The Need for Greater Pro Bono Participation

There are over 20,000 attorneys in Tennessee and approximately 79 legal aid staff attorneys. The promise of greater pro bono participation, therefore, is to increase dramatically the legal capacity available to serve the unmet legal needs of Tennessee's most vulnerable citizens - legal needs that could never be met by 79 legal aid staff attorneys.

One of the obstacles to greater participation and utilization of this increased legal capacity statewide is that the geographic distribution of lawyers is skewed. There is a higher concentration of attorneys in the urban areas, with roughly 3/4 of the attorney population in three cities: Memphis, Nashville, and Knoxville, with the 6 law schools also located in these cities. On the opposite end of the spectrum, there are some rural counties with no more than one or two attorneys. Additional obstacles include the great differences in firm sizes even within urban areas and increasing specialization among lawyers.

#### C. Guiding Statements

The Tennessee Bar Association's Pro Bono Strategy seeks to develop and utilize a strengthened partnership among legal service programs, the private bar, law schools, the Supreme Court's Access to Justice Commission and the courts based upon a consensus that:

1. Private Attorney Involvement (PAI) and pro bono programs collaborating in the development and implementation of this Strategy are fundamental to the process.
2. Full pro bono participation should be promoted by creating different avenues for participation. Those attorneys who cannot provide direct representation should be involved in pro bono by:
  - Staffing advice and counsel clinics;
  - Participating in organizing and presenting CLE seminars;
  - Assisting in community education events; and
  - Writing articles and preparing brochures.
3. The range of cases referred to and handled by pro bono attorneys should be broadened to include more complex cases and more types of cases in order to tap into the full scope of private attorney interests and abilities.
4. Pro bono attorneys should be provided with timely, convenient and low cost training on the legal issues of the poor and should be educated about the costs of the failure to include the indigent in the legal system. Training should be offered both regionally and statewide.
5. The judiciary should be fully involved in the recruitment and training of pro bono attorneys.
6. Law schools should be recognized as prominent and important parts of the delivery system.
7. Legal aid staff attorneys and members of the private bar should collaborate on cases and consult freely.



8. The pool of pro bono attorneys should be made equally accessible to all geographic areas through the use of both technology and urban/rural partnerships.
9. Large urban law firms should be challenged to take on the bulk of casework and to leverage the support systems to which they have access.
10. The contributions of pro bono attorneys should be publicly acknowledged and celebrated.
11. Women lawyers and minority bar associations should be targeted for greater participation and should be brought into the recruitment process.
12. Technology should be better employed to give volunteer attorneys access to forms, training materials, and mentoring by legal service attorneys.
13. Pro bono attorneys should be called upon to assist in resource development campaigns.

## II. Partners

Those responsible for working to implement the Tennessee Bar Association's Pro Bono Strategy include:

**A. The TBA Access to Justice Committee:** The committee seeks to promote and support pro bono across the state and has several related initiatives including the Corporate Counsel Pro Bono Initiative, the presentation of statewide Public Service Awards, OnlineTNJustice.org, the Tennessee Appellate Pro Bono Pilot Program and the publication of *The Tennessee Volunteer Attorney* newsletter. The Committee also charters and manages working groups and other informal groups to carry out focused projects that will help promote pro bono. This Committee also serves as a primary conduit to the Tennessee Bar Association membership for access to justice information.

**B. Private Attorney Involvement (PAI) & Other Pro Bono Program Managers:** Each legal services program office and every independent pro bono program has designated someone to be responsible for their pro bono programs. These are the people who will help recruit and train private attorneys to provide pro bono.

**C. The Tennessee Alliance for Legal Services (TALS):** Particularly in regard to the recruitment and training of pro bono attorneys through statewide training events, TALS must be an important partner.

**D. The Tennessee Law Schools:** The 6 Tennessee law schools are a prominent and important part of the pro bono delivery system, and the other partners will work with the administration and student organizations at the law schools to increase law school support for pro bono work by their students, their faculty, and their alumni.

**E. Tennessee Supreme Court and its Access to Justice Commission:** Other partners will continue to look to the Tennessee Supreme Court for leadership, guidance and support in the implementation and discharge of attorneys' obligations under Rule 6.1 of the Rules of Professional Conduct. The Commission has been charged by the Court to develop strategies and solutions to help meet the legal needs crisis; to foster continued collaboration among the judiciary, access to justice organizations, bar associations, and legal professionals; and to work to educate and focus the attention of the public and policymakers on this civil legal needs crisis so that all Tennesseans will be fully vested in solving this problem.

## III. Goals and Objectives

### A. Expand Workforce of Pro Bono

- B. Explore Ways to Support Entities Whose Work Includes LSC-Restricted Activities
- C. Expand to Promote Bigger/ High Impact and More Compelling Cases.
- D. Expand Urban & Rural Partnerships
- E. Expand Alternative Pro Bono Opportunities
- F. Promote Large Firm Pro Bono Policies and More Meaningful Adherence to Existing Policies
- G. Increase Law School Support for Pro Bono Work
- H. Increase Pro Bono Opportunities Through the Use of Technology

## IV. Implementation Strategies

### A. Expand Workforce of Pro Bono

- a. Conduct education campaigns for lawyers on the following topics: CLE credit for pro bono service, annual reporting of pro bono hours to the BPR, malpractice insurance coverage for pro bono lawyers, court-approved pro se forms as they are released, etc. Some possible avenues include *The Tennessee Volunteer Attorney* newsletter; local bar publications; the access to justice issue of the *Tennessee Bar Journal*; TBA Today; and the partners' web sites.
- b. Educate legal aid intake staff about pro bono case referral through staff training at the statewide equal justice conference and through more specific staff training within each program.
- c. Provide greater recognition for pro bono attorneys by improving and enhancing local and statewide recognition events and awards.
- d. Continue to explore ways to promote broader implementation of the 50/50 Plan. The plan encourages lawyers to provide 50 hours of pro bono service per year and \$50 dollars per month to a legal services organization.
- e. Provide education about the cost of expanding pro bono and work for the development of increased funding and resources for pro bono (Pro bono is not free. If every lawyer gave 50 hours of pro bono, legal aid programs would need additional infrastructure to provide support).
- f. Partner with the Court, the Board of Professional Responsibility and the other partners to increase voluntary reporting of pro bono hours.
- g. Work to facilitate greater utilization of senior attorneys for pro bono work and provide education about the pro bono emeritus rule.

**B. Explore Ways to Support Entities Whose Work Includes LSC-Restricted Activities**

- a. Identify and collaborate with entities that perform LSC-restricted activities including the Tennessee Justice Center, the Community Legal Center, the Nashville Pro Bono Program, Southeast Tennessee Legal Services, Tennessee Justice for Our Neighbors, Southern Migrant Legal Services, Tennessee Volunteer Lawyers & Professionals for the Arts and other such groups and organizations that come into existence to promote pro bono in restricted areas.

**C. Expand to Promote Bigger/ High Impact and More Compelling Cases**

- a. Highlight these pro bono cases by publicizing them.
- b. Recruit specifically for such high-impact cases.
- c. Promote and support the work of the Tennessee Appellate Pro Bono Pilot Program.

**D. Expand Urban & Rural Partnerships**

- a. Explore ways to use technology for providing services remotely such as Skype and OnlineTNJustice.org.
- b. Educate urban programs and attorneys about rural legal needs and the pro bono options to help meet such needs. Develop liaisons in rural communities, including law students and the judiciary, who have relationships and can open doors for new partnerships.

**E. Expand Alternative Pro Bono Opportunities**

- a. Encourage communication between the various pro bono programs about successes with model programs and whether or not they are suitable for replication in different communities.
- b. Facilitate this communication among the directors through at least two meetings of pro bono directors meetings each year.
- c. Promote development of more corporate counsel pro bono projects based upon successful projects funded through the Corporate Counsel Pro Bono Initiative.
- d. Promote more limited scope representation pro bono opportunities through attorney of the day programs, pro se clinics and other successful models.
- e. Encourage and support the development of local access to justice committees to work with programs to help develop additional pro bono opportunities. The committees would include local attorneys, bar leaders, paralegal organizations, social service agencies and faith-based organizations to help in the creation and implementation of new strategies.

**F. Promote Large Firm Pro Bono Policies and More Meaningful Adherence to Existing Policies**

- a. Maintain a list of pro bono contacts at large firms.
- b. Identify opportunities for ongoing recognition of these firms.
- c. Encourage firms to track and report pro bono participation rates.

**G. Increase Law School Support for Pro Bono Work**

- a. Maintain and increase outreach to law schools through the TBA law school subcommittee, pro bono directors and TBA staff and leadership.
- b. Customize and publicize pro bono opportunities for law students.
- c. Promote the adoption of Pro Bono Pledges at law schools.
- d. Support the work of the law school subcommittee to promote its goals:
  - 1. To serve as a resource and idea sharing entity among law schools and student pro bono groups, with an eye toward possible collaborative projects.
  - 2. Foster collaboration between law schools and pro bono coordinators to connect students and alumni with projects.
  - 3. Encourage student involvement in the Access to Justice Committee in order to foster an understanding of the structures of pro bono legal work and to expose students to mentors in the public interest legal community and the role of bar associations. Students would also make presentations on their current pro bono work.
  - 4. Develop and provide networking among students interested in pursuing public interest law careers.
  - 5. Collaborate with Supreme Court's Access to Justice Commission to meet Goal 1: To involve more lawyers and law students in meeting legal needs so that the public is better served.

**H. Increase Pro Bono Opportunities Through the Use of Technology**

- a. Work with our partners to provide events to recruit and train pro bono attorneys. We will employ TBA and TALS technology for remote learning through webcasting and archived video presentations.
- b. Explore how technology might be employed to expand pro bono opportunities for lawyers and service to clients through such avenues as telephonic advice clinics, Skype and OnlineTNJustice.org.
- c. Support the development of document assembly programs for pro bono lawyers.

Member Services	CLE	TBA Groups	Publications	Access To Justice	Contact
<ul style="list-style-type: none"> <li>• Fastcase</li> <li>• Member Search</li> <li>• Member Benefits</li> <li>• Cert Search</li> <li>• Law Practice Management</li> <li>• Legal Links</li> <li>• Legislative Updates</li> <li>• Local Rules of Court</li> <li>• Mediation</li> <li>• Opinion Search</li> <li>• Tennessee Rules of Professional Conduct</li> <li>• TLAP</li> <li>• Update Information</li> </ul>	<ul style="list-style-type: none"> <li>• Course Catalog</li> </ul> <p style="text-align: center;"><b>Programs</b></p> <hr/> <ul style="list-style-type: none"> <li>• Celebrate Pro Bono</li> <li>• Corporate Counsel Pro Bono Initiative</li> <li>• Law Student Outreach</li> <li>• Leadership Law</li> <li>• Public Education</li> <li>• Tennessee High School Mock Trial</li> <li>• TLAP</li> <li>• Youth Courts</li> <li>• 2012 TBA Convention</li> </ul>	<ul style="list-style-type: none"> <li>• Committees</li> <li>• Leadership Law Alumni</li> <li>• Leadership Law 2012</li> <li>• Sections</li> <li>• Task Force on Judicial Conduct Rules</li> <li>• TBASCUS</li> <li>• Tennessee Legal Organizations</li> <li>• YLD</li> <li>• YLD Fellows</li> </ul>	<ul style="list-style-type: none"> <li>• Blog Listing</li> <li>• Bookstore</li> <li>• Current Legal News</li> <li>• Disciplinary Listings</li> <li>• TBACONnect</li> <li>• TBAToday</li> <li>• TBA All Access Network</li> <li>• Tennessee Bar Journal</li> <li>• Tennessee Volunteer Attorney</li> </ul>	<ul style="list-style-type: none"> <li>• Access to Justice Committee</li> <li>• Attorney Web Pages</li> <li>• Celebrate Pro Bono</li> <li>• Corporate Counsel Pro Bono Initiative</li> <li>• Disaster Relief Resources</li> <li>• Finding an Attorney</li> <li>• Hometown Support: Legal Help For Our Military</li> <li>• I Want to Do Pro Bono</li> <li>• Justice for All</li> </ul>	<ul style="list-style-type: none"> <li>• Staff</li> </ul> <p style="text-align: center;"><b>Help</b></p> <hr/> <ul style="list-style-type: none"> <li>• Website Map</li> <li>• Website Search</li> <li>• Bar Center Information</li> <li>• Frequently Asked Questions</li> <li>• What is Where</li> </ul>

- Member Search
- OnlineTNJustice.org

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