pro bono connection

An update from The ABA Standing Committee on Pro Bono and Public Service
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John Chen: Even One Lawyer Can Make A Difference

In 1997, John Chen received a Pro Bono Publico Award from the ABA Standing Committee on Pro Bono and Public Service for his pro bono work with the Asian community. Since the time of the award, Chen has left large firm practice and has founded his own firm—Chen Nelson Roberts Ltd—which specializes in commercial and real estate litigation and employment matters. He continues to do pro bono work. Pro Bono Connection recently caught up with Mr. Chen and asked him about his pro bono service over the past ten years.

PBC: Describe your involvement in pro bono and how this has changed and developed over time?

Chen: I've practiced law now for almost 22 years, and my involvement with pro bono work has evolved with my practice and interests. I spent more time doing pro bono and other community work when I was with a big firm (Rudnick & Wolfe now DLA Piper). For many years, I co-chaired a legal clinic for Chicago Volunteer Legal Services and personally handled a number of cases every year; I was on the board of a pan-Asian social service organization and was in charge of fundraising; I was the president of the board of a teen drop-in center in my community and race director of a 5k run; I taught trial advocacy at Northwestern; and I practiced law full time. I couldn't say no, wanted to do everything perfectly, and I burned myself out a little. So I took two years off from the practice of law. I hired a running coach, a triathlon coach and swim coach and raced for two years. Then my wife told me it was time to go back to work because I was driving her crazy. I formed a new firm with two friends from Rudnick & Wolfe, Kristi Nelson and James Roberts. In addition to our paying clients, Chen Nelson Roberts is also committed to doing pro bono work. We currently are handling a petition to obtain special juvenile status for a teenager from Kenya who is here in the United States and we are representing a community association in a defamation claim. I am still an adjunct professor at Northwestern. I also am still racing.

PBC: How did you originally get involved in doing pro bono work?

Chen: The Asian American Bar Association was forming a free legal clinic in Uptown. It would be the first legal clinic in the Midwest that focused on the Asian American community. I volunteered, took a case, and became a regular. When our fearless leader, Les Jin, moved to D.C., I eventually became co-chair of the Clinic with my friends Stephanie Kim Yee and John Mitchell.

PBC: What benefits do you personally get from doing Pro Bono work?

Chen: I had the good fortune of meeting and working with a great group of people. Our clinic was supported by the Asian American Bar Association (AABA), Chicago Volunteer Legal Services Foundation (CVLS), and Asian Human Services. Each group brought something special to the table. AABA provided a mission and volunteers, CVLS gave us the framework and the expertise, and AHS gave us clients, the facility and translators. When I became a co-chair, I also brought in a regular group of attorney volunteers from Rudnick. Other attorneys, like Steven Proctor, came to volunteer like clock-work. We

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ATTENTION: We are always curious and eager to hear news from your lives and your communities about new pro bono initiatives. We would be happy to share your pro bono thoughts and questions in our next issue of **Pro Bono Connection**. Please email us at: herzj@staff.abanet.org

Defending Liberty
Pursuing Justice

John Chen

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met once a month for intake. A great clinic was when we had 10 clients and 10 volunteers who could take their cases. We also had students from all of the local law schools rotate in every month as volunteers. We created a community around the legal clinic, and it was our job to keep the chaos around us under control. It was fun watching the young lawyers mature and seeing the law students graduate, find jobs, and come back to the clinic as attorney volunteers.

PBC: What case do you consider to be your most satisfying pro bono achievement?

Chen: I felt most satisfied with the case of one of my clients, an older Korean man, who was an accomplished violinist. He was being taken advantage of by a younger violin dealer who took his violin and money under false pretenses. We sued the dealer for conversion and fraud. We eventually got our client a new violin and his money. I don't know why it's my favorite case, but I liked the client. I never actually heard him play; I imagined he was the Korean Heifetz (or Henny Youngman, dating myself again).

PBC: What are your biggest challenges you face in doing pro bono?

Chen: We all wish that there were more hours in the day. We also wish that we had all of the help and expertise necessary to handle a new case. That's why I think it's best to hook up with an organization that knows what it's doing so you don't spin your wheels. For example, in Chicago, CVLS provides a wide range of pro bono opportunities and accredited instruction in different areas of the law. I've been a volunteer and supporter of CVLS for many years. On the other hand, if you want to handle a challenging immigration case in Chicago you should go to the Heartland Alliance. We took on our first immigration case from Heartland last year but only after we went through its Asylum Seekers training program. Knowing what you are doing or knowing where to get help for your cases are obviously key.

PBC: How have your various employers been supportive of pro bono and what are the most important steps employers can take to encourage pro bono work?

Chen: When I worked at Rudnick & Wolfe (now DLA Piper), I received full support from the firm. The firm was happy to put its resources behind any viable pro bono project. Now DLA Piper has one of the most successful and important pro bono programs in the world thanks to the vision and hard work of attorneys there like Bill Rudnick in Chicago and Sheldon Krantz in D.C. I think employers can best encourage pro bono work by having senior management at the firm, department chairs and team leaders actually do pro bono work rather than just giving it lip service—to lead by example.

PBC: What advice would you give to other attorneys wanting to get involved in pro bono?

Chen: Do it with friends. Do something that allows you to use your special legal skills. Interesting and exciting pro bono opportunities are out there, and they're easy to find on-line. Unless it's a really unique case, you don't need to reinvent the wheel. Hook up with an organization that can give you help and guidance.

PBC: How do you send a message to young lawyers that doing pro bono work is important?

Chen: I think young lawyers already should know that pro bono work is important. If law schools and firms aren't drumming that message into the heads of law students or associates, they should. Some young lawyers will do pro bono work irrespective of their job demands because they know that it's the right thing to do. What do you say to the other 75-80%? I think that you'll only get broad participation if pro bono work is part of the culture of the firm where performing pro bono work is expected. I think that the best law firms know that and I think they are leading by example.

PBC: How much pro bono is enough? How do you promote balancing time spent on pro bono activities with work for paying clients?

Chen: I don't know how to answer that question. As a starting point, I think that lawyers need to have full lives, which obviously include their families and non-work interests. People also need time to reflect and do what they enjoy. In my case, I'm always training for something to get faster, to stay healthy and to beat father time. I guess in that same vein, it's always good to have an active pro bono case going, so you're thinking about someone else's real problems, rather than just thinking about yourself. At bottom, pro bono work is like an antidote for lawyers. It gives you an outlet that is outward focused, it makes us more human, it allows us to use the skills we've developed in a meaningful way, and it allows you to say to the next lawyer joke teller, I do pro bono work, what the hell have you done lately…?

Pro Bono Policy News from Around the Country

Pennsylvania Bar Association Approves Resolution to Promote Pro Bono

In June 2007, the Pennsylvania Bar Association approved a resolution stating that each Pennsylvania attorney should follow the local/county or state bar association pro bono goal/rule, where the attorney's practice is conducted. The resolution further states that if the attorney's association doesn't have an illustrated goal/rule, the attorney should annually 1) take a new pro bono case or continue work on an ongoing pro bono case; 2) provide significant direct legal service on behalf of those who cannot afford representation (using the ABA Model Rule 6.1 aspirational standard of 50 hours as guidance); and 3) make a significant financial contribution to a nonprofit organization that provides legal services to persons of limited means. For more information, contact David. Trevaskis@pabar.org.

ABA House of Delegates Adopts New Interpretation of Law School Pro Bono Accreditation Standard

At the recent 2007 ABA Annual Meeting, the ABA House of Delegates adopted new Interpretation 302-10 to provide guidance for determining compliance with the requirements of Law School Accreditation Standard 302(b)(2). That standard requires all ABA approved law schools to offer "substantial opportunities for . . . student participation in pro bono activities." New Interpretation 302-10 provides, in part, that "pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however, volunteer programs that involve meaningful services that are not law-related also may be included within the law school's overall program." For more information, visit the ABA Section of Legal Education at http://www.abanet.org/legaled/.

Minnesota State Bar Association Amends its Government Attorney Model Pro Bono Policy

The Minnesota State Bar Association recently adopted an amendment to its Model Pro Bono Policy and Procedures for Government Attorneys. The new model policy is based on the principle that pro bono work is possible for every public lawyer and every public law office. Some of the recommendations of the policy include: 1) the promotion of pro bono activities in which government attorneys can participate; 2) the appointment of pro bono coordinators; 3) the implementation of flexible schedules when feasible; and 4) some use of office resources.

Mississippi Adopts Pro Bono Practice Rule

On October 15, 2007, the Supreme Court of Mississippi adopted an Amendment to Rule 46 of the Mississippi Rules of Appellate Procedure to include a provision for Pro Bono Publicus Attorneys. A Pro Bono Publicus Attorney is (a) an inactive member of the Mississippi Bar who is not otherwise engaged in the practice of law; or (b) an attorney licensed in a state other than Mississippi who will provide free legal services under the supervision of a qualified legal services provider and neither asks for nor receives personal compensation of any kind for the legal services rendered. A qualified legal services provider is a not-for-profit legal aid organization that is approved by the Mississippi Bar. The purpose of Rule 46(f) is to permit and encourage attorneys who do not engage in the active practice of law in Mississippi to provide legal representation to persons who cannot afford private legal services. See http://www.mssc.state.ms.us/Images/Opinions/143112.pdf.

Hawaii Adopts Mandatory Pro Bono Reporting

The Supreme Court of Hawaii amended Rule 17(d), effective December 1, 2007, to require annual mandatory reporting of pro bono service hours by members of the Hawaii State Bar. Individuals admitted to practice in Hawaii who do not engage in any practice except pro bono are eligible for discounted bar dues, and those who are over 70 years old are not required to pay any bar dues. Hawaii becomes the sixth state to mandate the reporting of pro bono hours, joining Florida, Illinois, Maryland, Mississippi and Nevada. See http://www.hsba.org/resources/1/Documents/Rule%2017%28d%29%20Amendment.pdf.

The Washington State Bar Association Proposes Amendments to State Supreme Court Concerning Practice of Law After a Major Disaster.

The Washington State Bar Association has submitted a proposed Admission to Practice rule concerning the Provision of Legal Services Following Determination of Major Disaster to the Washington Supreme Court. They have also submitted a proposed amendment to the Rules of Professional Conduct 5.5 on the practice of law after a major disaster. If the Supreme Court agrees to consider adoption of this rule, it is expected to be published for comment in January with the comment period to end April 30. If the Court adopts the rule it will

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Pro Bono Connection is a biannual update by the American Bar Association Standing Committee on Pro Bono and Public Service for the news and information exchange needs of pro bono supporters. The views expressed in *Pro Bono Connection* are those of the authors and do not necessarily represent the policies of the American Bar Association. The contents of this newsletter have not been approved by the ABA House of Delegates and do not constitute ABA policy.

Standing Committee on Pro Bono and Public Service – Mark I. Schickman, **Chair**; Peter Carson, Rory Fitzpatrick, Josephine McNeil, Steve A. Nissen, James J. Sandman, Ada Shen-Jaffe, Honorable Richard B. Teitelman, Suzanne Turner, Carole Lynch Worthington; **Special Advisor** – Ivan Fong; **Board Liaison** – Kathleen Hopkins; **Committee Counsel** – Steven B. Scudder; **Assistant Committee Counsel** – Jamie Hochman Herz; **Staff Assistant** – vacant; **Administrative Assistant** – Jessica Watson; **Center for Pro Bono Director** – Anthony Barash.

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be republished in June and take effect September 1, 2008.

OSBA Forms Pro Bono Committee Task Force to Establish Local Committees

The Ohio State Bar Association has formed a 31-member Pro Bono Committee Task Force that will establish a statewide network of locally based committees to promote and facilitate pro bono opportunities for attorneys. The task force, comprised of lawyers, judges and members of the legal aid community, will work to create a pro bono committee in each of Ohio's judicial appellate districts. For more information, see http://www.ohiobar.org/pubs/insideosba/?articleid=1025.

Missouri Adopts Rule Encouraging Lawyers to Provide Pro Bono Service Following a Major Disaster

The Supreme Court of Missouri adopted Rule 4-6.6, effective January 1, 2008, entitled "Provision of Legal Services Following Determination of Major Disaster." The Rule permits out-of-state lawyers to provide pro bono legal assistance to help disaster victims in Missouri. The rule is modeled on the recently adopted ABA Model Court, which was endorsed by a resolution of the Conference of Chief Justices urging "[t]he highest court of each state that has not already done so to consider adopting a rule setting forth an orderly manner for the provision of legal services following determination of major disaster, and further the Conference commend[ing] the ABA Model Court Rule on this subject as the foundation upon which to create such a rule." For more information, see http://www.mobar.org/data/esq07/oct19/corrected-order.pdf.

South Dakota Adopts Emeritus Attorney Pro Bono Rule

On January 1, 2008, South Dakota became the 26th state with an emeritus attorney pro bono rule in effect. Lawyers or judges who are or have been active members of the State Bar of South Dakota and are or will be retiring are eligible to register for emeritus status.

Emeritus status lawyers may represent, on a pro bono basis, only clients referred to the lawyer by pro bono programs approved by the State Bar of South Dakota.

For more information on South Dakota's new rule, contact Tom Barnett, executive director, State Bar of South Dakota, at (605) 224-7554.

Register for the 2008 Equal Justice Conference

May 7 to 9
at the Hilton Minneapolis

Credit: Explore Minnesota Tourism

Plan now to head to the land of 10,000 lakes for the 2008 Equal Justice Conference. The 2008 conference theme is *Pursuing Justice—Balancing Challenges and Opportunities.* The Equal Justice Conference brings together all components of the legal community to discuss equal justice issues as they relate to the delivery of legal services to the poor and low-income individuals in need of legal assistance. The emphasis of this Conference is on strengthening partnerships among the key players in the civil justice system. Through plenary sessions, workshops, networking opportunities and special programming, the Conference provides a wide range of learning and sharing experiences for all attendees. Pro bono and legal services program staff, judges, corporate counsel, court administrators, private lawyers, paralegals, and many others attend this event. In a departure from previous years, the 2008 conference will begin on a Wednesday and conclude on Friday, with pre-conferences on Tuesday. For more information about the conference, visit www.equaljusticeconference.org. *We hope to see you there!*