

Pro Bono Publico— Rethinking Pro Bono: Connecticut's Residents' Needs are Redefining Pro Bono



By William H. Clendenen, Jr.



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In the last column, the crisis facing Connecticut's traditional legal service providers was discussed, focusing on the statistics. These statistics have a human face and they fail to capture the full extent of the need. Here are some interesting examples:

- What are the Bamileke people's¹ "fosterage" customs and practices as they relate to a natural father who has not lived with his children throughout their entire lives but who wants to petition to bring his children to the U.S.?
- A veteran lent money to a now-disbarred attorney and filed a claim with the Client Security Fund, which now tells him that this did not relate to the "practice of law" and, thus, he is not eligible for a fund claim.
- An unemployed maintenance person has just been sued by his lawyer in an interpleader suit over who is entitled to \$30,000 of money held by his attorney from the settlement of a tort case where his employer has filed an ERISA claim for reimbursement of medical bills paid on his behalf.
- A library board forgot to renew its corporate status shortly before the Civil War and wants to know if someone can get them reinstated and qualified as a 501(c)(3) entity for tax purposes.

What do all these problems have in common? They are true accounts of some of the many instances where organizations and individuals have sought pro bono legal help from Connecticut lawyers in the recent past. Pro bono means much more than the traditional model of providing services only to the poorest of our residents²—it includes the full range of activities that we as a profession offer to individuals, groups, and communities to promote access to justice.

Somehow, we got focused on thinking that pro bono meant providing free legal services only to folks of very limited means. But Rule 6.1 of the Rules of Professional Conduct³ defines it much more broadly, including providing legal services for free or a reduced fee to public service or charitable groups or organizations; by service in activities for improving the law, the legal sys-

tem, or the legal profession; and by financial support for organizations that provide legal services to persons of limited means.

The judges of the superior court recently amended Practice Book 2-15A to allow authorized house counsel to provide legal services to individuals and organizations under the aegis and supervision of legal aid groups or fully-admitted attorneys. Through groups such as the CBA Pro Bono Network, some corporate counsel have stepped up, including the corporate law departments of some very big corporations such as UTC and GE.

These attorneys are a huge help to the legal aid groups. First off, they need no training in their area of specialization. Moreover, when they are working in their areas of knowledge (tax, IP, employment, land use), they can be very effective. Finally, by helping an organization instead of an individual, the lawyers can leverage their work to assist many and not just a few.

We lawyers take a lot of criticism for not doing enough, but few of us are readily equipped to do pro bono as it has been traditionally defined. But as we broaden our collective understanding of what it means to be of service to the public and agree to spend a few hours doing what we do best, we can bring about big changes.

Coming next: A modest proposal to address head-on the lack of access to justice for Connecticut's residents. **CL**

Notes

1. The Bamileke are an ethnic group in Cameroon's west and north-west provinces in coastal central Africa. Both Germany and France administered the country before independence.
2. Even with this limited eligibility, the traditional legal service providers are woefully underfunded and required to ration their scarce resources.
3. Rule 6.1. Pro Bono Publico Service. A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations; by service in activities for improving the law, the legal system, or the legal profession; and by financial support for organizations that provide legal services to persons of limited means.