

MICHIGAN Lawyers Weekly

Commentary: 'I don't have time for pro bono'

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By Gerard V. Mantese



Mantese

This thing all things devours:
birds, beasts, trees, flowers;
gnaws iron, bites steel;
grinds hard stones to meal;
slays king, ruins town,
and beats high mountain down."

— *Gollum, The Hobbit* by JRR Tolkien

Gollum poses this riddle to Bilbo Baggins and Bilbo cannot figure out the answer. Worried that he will lose the contest because he is taking too long, Bilbo cries out in desperation for more time to consider the answer, "Time, time!"

With that, Bilbo has unwittingly answered the riddle correctly.

For many people, time is more valuable than money. It slips through your fingers and you can never get it back. It signals the passing of one's life and is the gold standard by which we measure our true wealth. It is irreplaceable and irretrievable. It is the currency of life.

Most attorneys would like to do pro bono work. Volunteer legal work might include offering to handle a charitable institution's organizational needs; providing advice to or handling cases for those who are indigent; or handling a public interest case designed to benefit the vulnerable and powerless.

The lack of time is often our reason for not reaching our higher self. Time seems to be the reason most often given for not volunteering for pro bono legal work. We want to volunteer, but we have no time. This is understandable; we all have family, work and other commitments.

But, is it really true that we do not have the time? And, how can courts help?

By way of quick background, the State Bar of Michigan's Representative Assembly has adopted a policy regarding pro bono service:

All active members of the State Bar of Michigan should participate in the direct delivery of pro bono legal services to the poor by annually:

1. Providing representation without charge to a minimum of three low income individuals; or
2. Providing a minimum of 30 hours of representation or services, without charge, to low income individuals or organizations; or
3. Providing a minimum of thirty hours of professional services at no fee or at a reduced fee to persons of limited means or to public service or charitable groups or organizations; or



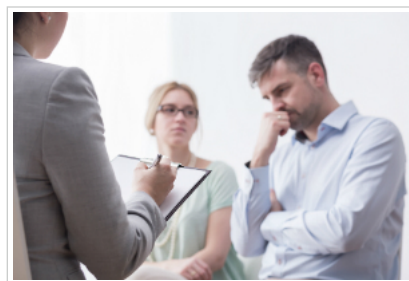
4. Contributing a minimum of \$300 to not-for-profit programs organized for the purpose of delivering civil legal services to low income individuals or organizations. The minimum recommended contribution level is \$500 per year for those lawyers whose income allows a higher contribution. (See, <https://www.michbar.org/programs/atj/voluntarystds>)

Thirty hours per year is two-and-a-half hours per month or 35 minutes per week. That's doable.

So I *do* have time! What can I do?

Where to start? The State Bar of Michigan's online Pro Bono Manual describes four different ways to do direct pro bono work:

- **Case assignment model:** enroll in a pro bono program and take a case from start to finish;
- **Clinic model:** serve at a legal aid clinic, say, one a month for two hours and provide advice with no further obligation to take any particular case;
- **Courthouse model:** serve at a pro se center at the courthouse; or
- **Hotline model:** answer questions from indigent clients by telephone or, maybe in the near future, by videoconferencing. (See, <https://www.michbar.org/programs/probonomanual/pbmsection1.>)



Of course, one could also serve on the board of a legal aid organization, raise money for pro bono, or mentor new attorneys on pro bono.

The Michigan Legal Help website is an excellent source of basic information for the kinds of matters that indigent clients often face. (See, [https://michiganlegalhelp.org/.](https://michiganlegalhelp.org/))

How can courts help?

For those who take cases (the case assignment model), one big concern is, again, time: travel to court and then wait for your case to be heard.

To avoid this, courts could provide a type of "fast pass" to those handling matters for pro bono organizations, such as Lakeshore Legal Aid or the Detroit Housing Coalition. It is likely that more attorneys would volunteer to do pro bono work, and that they could accomplish more, if they were put at the front of the line at motion call.

Yet, during the pandemic, courts generally aren't hearing motions in person anymore, which brings us to an even better idea, which is already being implemented.

To allow justice to proceed during the COVID-19 pandemic, courts had to react quickly. To facilitate this, the Michigan Supreme Court issued various Administrative Orders and provided every state court judge in Michigan a private Zoom room with its own unique password. As a result, court proceedings — other than trials — conducted virtually are rapidly become commonplace. This means status conferences by phone or Zoom, motion hearings and settlement conferences by Zoom and even bench trials by Zoom.

In fact, the State Court Administrative Office released the Michigan Trial Courts Virtual Courtroom Standards and Guidelines on April 7, 2020 (revised April 17, 2020). This resource contains various standards and best practices. (See, [https://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/VCR_std.pdf.](https://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/VCR_std.pdf))

This is excellent news for pro bono attorneys. Now, depending on the kind of court proceeding, pro bono counsel can appear by phone or Zoom. For their part, courts should do whatever they can to continue to facilitate this. With the likely exception of jury trials, many court proceedings by telephone or videoconferencing will often continue after the pandemic ends.

Those who spend time on pro bono work give up a part of their lives — time they would otherwise spend with their families or friends or on work that would generate income. With virtual access to the courts now the rule rather than the exception, pro bono attorneys can accomplish more in less time.

In "The Prophet," Khalil Gibran, wrote:

"You give but little when you give of your possessions.

It is when you give of yourself that you truly give

Work is love made visible."

Gerard V. Mantese is a business attorney at Mantese Honigman PC in Troy, with a national practice focused on shareholder and LLC member issues. In 2017, the State Bar of Michigan conferred on him the Roberts P. Hudson Award, the state's highest award for service to the public and the legal profession.

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