

Volunteer ATTORNEY

Professionalism & Pro Bono Publico

By David Cook, President, Memphis Bar Association

[Where] there be many discords, many laws, many law-suits, many lawyers ... it is a manifest sign of a distempered, melancholy state ... for where such kind of men swarm, they will make more work for themselves, and that body politic diseased, which was otherwise sound. A general mischief in these our times, an insensible plague, and never so many of them ... a purse-milking nation, a clamorous company, gowned vultures, who live by violence and bloodshed, thieves and seminaries of discord; worse than any pollers by the highway side, gold-hawks, gold-borers, money-fishers, temple thieves, market-jinglers, horrible wretches ... a company of irreligious harpies, scraping, griping catchpoles ... without art, without judgment, that do more harm ... than sickness, wars, hunger and diseases.¹

The referenced quotation is nearly 400 years old, and clearly demonstrates that the public's antipathy for lawyers is by no means a new phenomenon. The question, then, is how to address the issue.

The Memphis Bar Association theme for the year 2007 has been "Professionalism, Civility and Courtesy." The idea of performing pro bono publico work is absolutely and inexplicably intertwined with the concept of professionalism. The term "professionalism" is vastly overused in current parlance. A professional is one who, by definition, has professed an oath to pursue an occupation governed by mandatory and enforced rules of conduct. Practicing the profession of law is a privilege; concomitant with it is the obligation to undertake representation of persons who could not otherwise afford legal services.

More than making this article a plea for more lawyer involvement in pro bono publico work, I want to address the effect that performing the work has both on the public perception of the legal profession and on the lawyers themselves who do the work.

It is my firm belief that the two things that members of the legal profession can do to enhance how we are viewed by the public is to conduct ourselves with professionalism, civility and courtesy in

our dealings with each other, the bench, and with the public. The fact that law is an adversary method of dispute resolution does not mean that we must demean ourselves in carrying out our duties. If we conduct ourselves properly, public perception of us will improve.

Perhaps even more important, considering the relationship between the public and the legal profession, is the concept of pro bono publico work. Nothing, in my estimation, can soften the public's perception of us and enhance our reputations more than the performance of pro bono publico work. In my own limited experience in performing pro bono publico work, I have seen the eyes of numerous indigent clients light

It is axiomatic that we, all of us, lawyers and everyone else, are judged by our actions, not by our words.

up when informed of the very thought that a lawyer is willing to donate his or her time and expertise, without any expectation of compensation, to assist a needy client in a legal matter. The benefit to legal practitioners who engage in pro bono publico work is more subtle. What many of us do in our areas of the legal practice can fairly be defined as trafficking in human misery. Performing good works is a reward in and of itself. As Shakespeare wrote, the "quality of mercy ... blesseth him that gives and him that takes." Showing some mercy and kindness on your law practice is the most valuable form of psychological therapy, in my view, available to any legal practitioner.

It is axiomatic that we, all of us, lawyers and
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TENNESSEE BAR
ASSOCIATION

Opportunities for In-house Pro Bono Expand

By Andy Branham

Why are we here but to better serve one another? To hold each others' hands as we walk across life's slippery road.

— Anonymous

I come from a tradition of service. I was lucky enough that when I started in private practice, I was surrounded by lawyers who served on boards, belonged to civic clubs, were active in their religious lives, were on the pro bono call lists and made themselves available to help when they could — all for free and for fun.

This changed when I went in-house and the focus was very much on the bottom line. I missed the service aspect of my private practice days. I started searching for ways to engage and was relatively successful in bar and board work with legal service providers, but the pro bono part — the boots-on-the-ground opportunities to represent the poor — was still fairly elusive for the corporate lawyer.

Last year, the TBA made an effort to expand the pool of pro bono opportunities available to in-house attorneys in the form of a statewide seminar.

We wanted to provide corporate counsel in Tennessee concrete and easily accessible opportunities to deliver legal services to the poor. It was in working on this corporate aspect of the “Stand Up and Deliver” campaign that I met Esther Lardent and Eve Runyon with the Pro Bono Institute (PBI) out of Georgetown Law, who came to speak in Nashville. They unveiled the Corporate Pro Bono Challenge to which the PBI, in partnership with the Association of Corporate Counsel, had enlisted many national luminaries of Fortune 500 legal departments as mutual signatories. I enlisted my company, Counsel On Call, to provide our attorneys a platform from which to launch pro bono

work of their own.

With that background, I urged the TBA Access to Justice Committee, in partnership with the Tennessee Chapter of the Association of Corporate Counsel, to formulate plans for our own Corporate Counsel Pro Bono Initiative to highlight pro bono opportunities for in-house lawyers, provide partnering opportunities with law firms and proactive attorneys, and encourage legal departments across the state to enter into the Corporate Counsel Covenant of Service, aimed at allowing every in-house lawyer in Tennessee to address his or her ethical obligations under Rule 6.1

of the Tennessee Supreme Court.

The First Annual Corporate Counsel pro bono Initiative Reception and Dinner was held June 12, 2007 in Nashville. More than 20 corporations and law firms bought sponsorships for the event, raising almost \$72,000 in just

this first year of the event. The money raised will be distributed by the Tennessee Legal Community Foundation, the nonprofit arm of the TBA, to access to justice organizations across the state to develop pro bono projects for corporate and in-house legal counsel.

As follow-up to this First Annual Corporate Counsel pro bono Initiative Reception and Dinner, informational luncheons and breakfast events are being held in different communities around the state this month, and the Second Annual Corporate Counsel Pro Bono Initiative Reception and Dinner is already be planned for June 5, 2008, in Nashville — so mark your calendars! ■

**Mark your calendars for
June 5, 2008, for the
Second Annual Corporate
Counsel Pro Bono Initiative
Gala to be held in Nashville.**

**For more information about the
Corporate Counsel Pro Bono Initiative,**

or about sponsorship opportunities for 2008,

you can contact the TBA Access to Justice Coordinator

Becky Rhodes at: brhodes@tnbar.org

and/or check out the TBA Web site at:

http://tba.org/tlcf/probono_initiative/

THE POWER OF PRO BONO

The True Story of the Tennessee Justice Center

By Michele Johnson, Managing Attorney

The Tennessee Justice Center is a non-profit, public interest firm with five lawyers. The lawyers serve low-income clients across the state, working from offices in the basement of a Nashville parking garage.

So why has this small, low-budget law firm been engulfed in so much controversy? Why is it the target of politicians' polemics and talk radio rants? What prompted a governor to describe the organization as so powerful, and so perverse, that it made it impossible to run TennCare or manage the state budget? Why were state lawmakers so angry that they introduced a bill that would have imposed a special \$2,000 annual tax on every member of the Tennessee bar to punish the legal profession's support for TJC?

The attention focused on TJC is the result of nothing less than a remarkably effective expression of the pro bono spirit of Tennessee's legal community.

TJC was founded through the volunteer efforts of Tennessee bar leaders. It has been sustained by the contributions of lawyers throughout the state; contributions that help TJC provide millions of dollars in free legal services to the poor each year.

Since 1996, TJC has won judgments and negotiated class action settlements that have provided health care valued in the hundreds of millions of dollars to low-income Tennesseans. It has drawn attention — and hostility — for its representation of TennCare patients in class action suits against the state and its managed care contractors. Before those cases attracted so much notoriety, TJC had already won legal victories for clients ranging from abused foster children to the frail elderly in nursing homes. In a 2005 issue profiling the state's non-profit sector, *Business TN* magazine wrote, "Which Tennessee-based nonprofit is the most conspicuous and has directly affected the welfare of more Tennesseans? The Tennessee Justice Center, of course."

TJC, which has helped so many people in crisis, was itself created because of a legal crisis. In 1996, the Congress adopted budget amendments that banned many types of legal representation by local legal aid agencies that received federal funding from the Legal Services Corporation. The amendments prohibited LSC grantees from handling class actions, challenging welfare regulations on constitutional grounds, or handling a laundry list of other legal matters that Congress disapproved. The American Bar Association, as well as state and local bar groups throughout the country, lobbied vigorously against the restrictions. They pointed out that Congress would undermine the rule of law if it prohibited lawyers from asserting all claims, and seeking all relief, afforded their clients by law. The appeals fell on deaf ears. The restrictions took effect with little advance notice.

Howard Vogel, TBA President at the time, convened a statewide meeting of bar officials and Legal
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Board Affiliations

NAME	AFFILIATION
Vic Alexander	Kraft CPAs
Hon. Riley Anderson	Former Chief Justice Tennessee Supreme Court
Gail Vaughn Ashworth	Gideon & Wiseman
Benjamin Barton	University of Tennessee College of Law
Rev. Henry Blaze	Progressive Baptist Church
Mary Bufwack	United Neighborhood Health Services
Susan Spear Dyer	Associate Dean, Disciples Divinity House @ Vandy
David R. Esquivel	Bass Berry & Sims PLC
Bill Farmer	Farmer & Luna
Barbara Dale Holmes	Harwell, Howard, Hyne, Gabbert & Manner PC
Dr. Robert F. Miller	Hillsboro Medical Group
Robin Miller	Gearhiser, Peters, Lockaby, Cavett & Elliott
Dr. Dwight Montgomery	Annesdale Cherokee Baptist Church
A. Gregory Ramos	North, Pursell, Ramos & Jameson PLC
Arthur J Rebrovick Jr.	Nashville Management Group
Sandra Roberts	Retired Managing Editor, <i>The Tennessean</i>
Marilyn Robinson	Nashville Minority Business Center
Dr. Taylor Wray	Mid-State Cardiology Association
Cynthia R. Wyrick	Ogle, Gass & Richardson

THE PRO BONO PROJECT

Updates From Legal Aid of East Tennessee

CENTRAL REGION: THE PRO BONO PROJECT

Serving Blount, Knox, Loudon and Sevier Counties

Finding a Pro Bono Opportunity

Some potential volunteers are reluctant to participate in LAET's Pro Bono Project because they think that they lack experience in the "poverty law" issues that LAET's staff attorneys have. But LAET's clients face a wider variety of legal issues than our staff can address. The Pro Bono Project seeks to offer low-income persons access to a full range of legal services by accommodating the individual interests and unique skills of each volunteer.

We encourage volunteers to find the type of pro bono service that fits their schedules and complements their practices. These are some of the volunteer opportunities currently available:

- **Advice and Brief Service Clinics**
- **Self-Help Divorce Clinics** Volunteer lawyers assist pro se litigants complete form pleadings for agreed divorces.
- **Saturday Bar** Volunteers consult with clients about matters that can be resolved with advice rather than on-going representation. While lawyers in private practice often enjoy these clinics, this form of service is particularly appealing to government and corporate lawyers who do not accept private clients.
- **Domestic Violence Prevention Clinic** Volunteers assist survivors of domestic violence obtain orders of protection.
- **Landlord-Tenant Clinic** Volunteers answer questions from pro se litigants appearing in eviction cases in General Sessions Court.

Pro Bono Development Programs

- **File Evaluation and Referral** Volunteers interview prospective clients or review their files to determine whether a client's claim is meritorious. Usually, these volunteers go on to offer the client advice or refer the client to another volunteer for additional representation.
- **Mentoring/Consulting** Experienced lawyers mentor or consult with volunteers who serve as primary counsel on files.
- **Community Education** Volunteers conduct workshops for staff and clients of local social service agencies on issues ranging from employment law to estate planning.

Direct Client Representation

When a volunteer elects to provide direct representa-

tion to a client, that service can range from reviewing a contract to tackling complex litigation. In every case, the volunteer determines the scope of service he or she is willing to offer.

- **Contested Litigation** (e.g., tort defense, actions to recover personal property, boundary line disputes, will contests, custody disputes, divorces, and consumer claims);
- **Uncontested Hearings** (e.g., mediated divorces, emancipation, Chapter 7 bankruptcy, agreed adoptions, formalizing grandparents' custody rights, conservatorships, and probate);
- **Limited Client Representation Prior to or in Litigation** (e.g., negotiating a payment plan, review pro se pleadings, providing advice on procedure, or writing a demand letter);
- **Transactional Matters** (e.g., preparing a contract, interpreting a contract, filing an insurance claim, preparing a will, advising a low-income entrepreneur, or examining title);
- **Representation of Social Service Groups** (e.g., assisting groups that provide services to persons with limited financial resources, including assistance with organization [selecting and implementing a structure, such as incorporation, or developing governance procedures, such as bylaws], maintenance [e.g., annual minutes, reports, grant applications], and special projects [e.g., training seminars, acquisition and transfer of property, contracts, etc.]);

Reverse Referrals. We recognize that all lawyers are performing pro bono work, even if they are not reporting it to LAET. Providing pro bono service through an organized pro bono program is one of the few ways that lawyers can report their service to the public (through CLE reports and TBA surveys). Reporting this service strengthens the public's confidence in the legal system, so we encourage lawyers to tell us about the pro bono cases they handle outside of the Project. If the client is eligible for LAET's services, we can open a file for the client and report the volunteer's service.

Flexibility. Volunteers may enroll as a member of the Pro Bono Project without making a long-term commitment. Likewise, volunteers are not required to accept any particular file or a minimum number of referrals.

Listening to Our Volunteers

When volunteers tell us what LAET can do to make their pro bono service easier and more rewarding, we listen.

- **Forms** We provide forms and instructions for rou-

tine services, such as name changes, small estate administrations, uncontested relative adoptions, and conservatorships.

- **Liability Insurance** Volunteers have primary professional liability insurance coverage under LAET's \$1 million policy.
- **Research** Volunteers may use the LAET library, which includes a broad WestLaw subscription; and we recruit law students for research assistance.
- **Pro Bono Assistance from Other Professionals** LAET recruits court reporters, mediators and guardians ad litem to provide pro bono services in Pro Bono Project cases.
- **Continuing Legal Education** Our commitment to providing continuing legal education to our volunteers takes several forms:
 - Volunteers are entitled to Continuing Legal Education credit for pro bono service performed through LAET. When lawyers report their time to LAET, we certify it for credit to the CLE Commission.
 - At the request of any law firm, bar association, or other organization, LAET will present a program approved for 1.25 of dual CLE credit about how all members of the legal community can collaborate to improve access to the justice system.
 - The Tennessee Bar Association and some local bar associations waive tuition fees for LAET's volunteers at certain bar-sponsored seminars.

Making a Commitment

An exciting component of LAET's Pro Bono Project is The 50-50 Plan, which gives special recognition to lawyers who support the delivery of civil legal services to low-income persons by contributing \$50 per month and 50 hours per year in pro bono service through LAET. With current levels of public and private funding, legal aid programs are only able to handle between five and 15 percent of the civil legal problems facing low-income Tennesseans. If every lawyer participated in the 50-50 Plan, the legal community could give meaningful access to the justice system to those who face crisis-level legal problems.

Recognizing Extraordinary Service

LAET presented the 2006 Knoxville Law Firm Pro Bono Partner Award to **Wolf, McClane, Bright, Allen & Carpenter PLLC**, at the Knoxville Bar Association's annual meeting in December 2006. The firm was among the first of Knoxville's law firms to join the Law Firm Pro Bono Project in 1995. Since then, members of the firm have provided a full range of legal services to LAET clients, including preparing wills, assisting non-profit corporations, challenging wrongful lending and sales practices, and serving as volunteer

guardians ad litem. The firm also designates one lawyer to come to LAET's Knoxville office each month to assist in reviewing and referring files.

As the firm's pro bono policy says, "The firm believes that all persons are entitled to equal access to justice. The firm recognizes the need to create an environment in which each lawyer in the firm will be encouraged and supported in fulfilling their professional responsibility to provide pro bono legal services. The firm believes the providing of pro bono legal services benefits both the firm and its individual lawyers by providing a service to our community, presenting opportunities for professional development, enhancing the status of the profession as a whole, and contributing to personal career satisfaction."

Adrienne Anderson received the 2006 Knoxville Pro Bono Partner Award for an individual lawyer. Adrienne practices with **Kramer, Rayson, Leake, Rodgers & Morgan** in Knoxville. She has demonstrated an uncommon commitment and tenacity in representing low-income clients in consumer litigation; and she has been at the forefront in promoting pro bono service by her colleagues, not only as a member of the planning committee of Knoxville's Access to Justice Initiative and as president-elect of the Knoxville Bar Association, but also in the example she sets in the quiet pursuit of justice.

For more information or to volunteer, please contact Terry Woods at 865-637-0484 or at twoods@laet.org



LAET SOUTHERN REGION

Hamilton County

A new opportunity to volunteer has been established in Hamilton County. On the second Saturday of each month an advice-only clinic is being held at the St. Andrews Center. The St. Andrews Center is located in the Highland Park area on Union Street. The clinic is held from 9 a.m. until noon and is being staffed by Chattanooga attorneys with a member of Legal Aid of East Tennessee's staff assisting. In the fall of 2006, **Miller & Martin, Chambliss, Bahner & Stophel**, and **Shumacker, Witt, Gaither & Whitaker** attorneys staffed the clinics. In 2007, **Grant, Konvalinka & Harrison** attorneys staffed the February clinic, **Baker, Donelson, Bearman, Caldwell & Berkowitz** attorneys staffed the March clinic, members of the **Trial Lawyers Association** staffed the April clinic, members of SETLAW staffed the May clinic, and **Husch & Eppenberger** attorneys staffed the June clinic. The goal is to have different law firms, legal associations, or other attorneys groups to agree to staff a particular month.

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Bradley County

Franklin Chancey was awarded the Bradley County Volunteer Attorney of the Year award at the Bradley County Bar's annual Christmas Party. Franklin was chosen for the award for having represented 26 or more clients, many in difficult domestic cases. He has also advised clients at the Blythe Saturday Morning Legal Clinic, participated in the Divorce Default Clinic, volunteers at the Bradley County Campus Court, and he always takes the pro bono director's phone calls! Franklin is the kind of volunteer every pro bono program wants and needs.

For more information or to volunteer, please contact Nancy Pagano at 423-756-4103 or at npagano@laet.org



LAET NORTHERN REGION

The northern region has increased the number of attorneys participating on the pro bono program. We have recruited several newly licensed attorneys and attorneys who have transferred to the area.

The Bristol Tenn. Bar Association is still having Saturday Bar at the Bristol United Way Building.

A new program, "Painless Pro Bono," hopefully will begin this spring. We are in communications with the Washington County General Sessions Court judges to implement a program where private attorneys will be available on misc. days to give self-help advice to clients having cases in that court. We have gotten some support from the Washington County Bar and we are excited about this program.

LAET sponsored a recruitment luncheon at the Johnson City County Club in December. ■

For more information or to volunteer, please contact Carla Forney at 423-928-8311 or at cforney@laet.org

Memphis Area Legal Services Pro Bono Update

By Linda Warren Seely

MALS is very pleased to report that our pro bono participation rate has gone from 5 percent in 2004 to 8 percent in 2005. Most of this increase we would attribute to the new programs initiated such as the Attorney of the Day Pro Se clinic and the Disaster Legal Assistance Center that we opened in the face of an influx of citizens seeking refuge from the fury of Katrina and Rita. According to our own statistical data, MALS has seen a 236 percent increase in the number of pro bono cases and a 218 percent increase in the number of pro bono attorneys participating in MALS Pro Bono Projects.

MALS Board Member and Memphis Bar Association Executive Director **Anne Fritz** currently serves as the Chair of the MALS Private Attorney Involvement (PAI)/Bar Relations Committee. This committee has focused specifically on the development of new recruitment strategies to involve government and corporate attorneys in pro bono and creating new opportunities for attorneys to volunteer. This committee has been working on a new project, the Atticus Finch Network, to identify larger firms and secure their commitment to accepting case referrals through MALS.

Also, under the leadership of Ms. Fritz, the Memphis Bar Association sponsored a survey to assist the PAI/Bar Relations Committee in the development of recruitment strategies and new opportunity development. This survey generated some very helpful

information for the committee including:

- 56.5 percent of the attorneys indicated that shorter, more focused projects would encourage them to do more pro bono work;
- 61.9 percent were unaware they could get CLE credit for pro bono work;
- 39.9 percent did not participate because their practice setting is not conducive to pro bono but 33.3 percent did not participate because they were not asked.

The final page of the survey gave the attorneys a chance to say yes to pro bono by listing their name, address and e-mail to contact. 95 attorneys did just that.

This update would not be complete without a word of thanks to the newest President of the Memphis Bar Association, **David Cook**. You should find an article by David in this publication and though he is much too modest to say so, he received the Michael Cody Pro Bono Award at the Memphis Bar Association meeting last September. David is a true proponent of pro bono, participating regularly himself, but also encouraging members of his firm, **The Hardison Law Firm**, to also participate. ■

For more information or to volunteer, contact Linda Warren Seely at (901) 523-8822 or at lseely@malsi.org

Nashville Pro Bono Update

By Lucinda Smith

The Nashville Pro Bono Program marks its 25th anniversary in 2007. Having come into existence as a member service of the Nashville Bar Association with one part-time staffer, the Nashville Pro Bono Program now operates as a joint venture of the Nashville Bar Association and the Legal Aid Society of Middle Tennessee and the Cumberland with three employees dedicated to creating pro bono opportunities for lawyers in Nashville/Davidson County and Williamson County. The Program began this anniversary year celebrating the 645 lawyers who provided help to 1,214 people in 2006. At mid-year of this silver anniversary, Nashville pro bono lawyers have provided help in an additional 450 cases.

Legal help has been offered through extended representation and 45 legal advice clinics have been held since January 2006. The advice clinics include the Second Tuesday Walk-in Clinic staffed by firms each month including **Baker Donelson; Bass, Berry & Sims; Bone, McAllester & Norton; Boulton, Cummings, Connors & Berry; Gideon & Wiseman; Gullett, Sanford, Robinson & Martin; Neal & Harwell; Stites & Harbison; Sherrard & Roe; Trauger & Tuke; Waller, Lansden, Dortch & Davis**, and the **Woodbine Community Center Advice Clinic**, which serves Nashville's expanding Hispanic population with help from lawyers like Steve Cobb and John Griffin. In 2006 attorneys from the Downtown Rotary Club met on three dates with clients at The Bethlehem Center.

In 2007, the opportunities for people in need to meet with an attorney have been expanded by partnership with the St. Thomas Hospital's Dan Rudy Cancer Center and a monthly advice clinic staffed by **corporate counsel from Nissan and Dell**, supplemented with a quarterly community education project at that hospital's Seton Support Center. Beginning in August, retired attorney John Bailey will spearhead a project to provide legal advice and counsel weekly at The Martha O'Bryan Center to people with no place else to turn.

For the clinics to make a difference, extended representation has to be available and through the Nashville Pro Bono Program lawyers in Nashville and Williamson County continue to make that possible by providing individual representation in cases ranging from complex divorce litigation to name changes. This

service is epitomized by **Joseph Rusnak with Tune, Entrekin & White**, the Program's 2006 Volunteer of the Year. Joe handled more than 40 pro bono cases in his career, including 13 bankruptcies and who participates routinely at the Nashville Bar Association's monthly Dial-A-Lawyer, a free advice call-in service. Joe's comments on receiving the award reflect the incredible attitude of the Program's volunteers and highlights the important of the work of lawyers:

I'm grateful to the pro bono program. I get as much from it as the people I help, who are always very appreciative, even for small matters. For instance, it's a relatively easy thing to change someone's name, but it can have huge impact when you fear for your life because of an abusive relationship and need to establish a new identity.

As the Nashville Pro Bono Program celebrates 25 years of lawyers serving the community, we honor all lawyers who do the tough work required to assure that justice is a reality for people with no place else to turn. Lawyers like **Joe Rusnak, Donald Capparella** and **Gregory Buppert** of **Dodson, Parker & Behm**, recognized by the Legal Services Corporation for commitment that represents what is best about pro bono service and the legal profession. Donald and Gregory stepped in to co-counsel with Legal Aid Society attorneys to successfully challenge a hospital's refusal to treat a client at the emergency room. The client, because of severe and untreated mental illness, was often loud and threatening to medical personnel who tried to give him the kidney dialysis he needed three times a week. Local dialysis centers refused to treat him and his insurer would not pay for hospital-based dialysis so emergency room treatment was the only option. These pro bono lawyers not only saved the client's life but protected the future rights of others who need health care but may not be convenient to treat.

Their commitment to a difficult client represents what is best about pro bono service and the legal profession. It is matched by that of thousands of lawyers who have served clients over the past 25 years. ■

To volunteer or for more information, contact Lucinda Smith at (615) 780-7127 or lsmith@las.org

Community Legal Center Pro Bono Update

By Meg Jones

I know ethics rule 6.1 is only an aspirational goal, but that doesn't keep the Memphis Bar from aspiring to "do good." Much of their good is done through the **Community Legal Center (CLC)**. The CLC serves the working poor — clients above the poverty level who don't earn a living wage. With only one full-time staff member and three part-time staff who make up one full-time equivalent, it's obvious that CLC is very dependent on pro bono attorneys in the community to provide services to this population.

During 2006, pro bono attorneys accepted 164 pro bono cases through CLC and reported 769 hours of pro bono work to the Board of Professional Responsibility for CLE credit. This is only a part of the total pro bono hours spent. Many do not get reported for various reasons, such as the attorney having enough CLE ethics credit and not needing the additional hours. It is interesting to note also, that many of the hours are donated by smaller firms and sole practitioners.

CLC accepts uncontested divorce cases, guardianships and conservatorships, landlord-tenant cases, consumer cases, advanced directives, and a variety of other miscellaneous cases. Examples of cases we've had during the year include a man from Ethiopia against whom a local hospital got a judgment for unpaid medical bills. The client said the bills belonged to another gentleman from Ethiopia who had the same name.

The other man admitted that the bills were his, but the hospital said they couldn't do anything because it had already gone to collections. The attorney who represented him appealed the judgment and was able to get it overturned.

Another interesting CLC case was that of a single disabled mother with two young children. The family moved into a dilapidated house that the city was about to condemn. An absentee landlord agreed to let her stay there and deduct the cost of fixing the house from her rent. She saved the money for a down payment and the landlord signed a contract to sell her the house. When it was time to close, the landlord refused to do so. Her pro bono attorney took the case just as the landlord was trying to evict her. She was awarded specific performance on the contract to sell.

How rewarding to handle a case like one of these! **Hunter Lane**, retired attorney and long-time CLC volunteer, says that his father told him, "You go into the profession of law to help people." Hunter says of his father, "He meant to do good, and ended up doing well." ■

For more information or to volunteer, you can contact Meg Jones at (901) 543-3395 or at megclc@bellsouth.net

West Tennessee Legal Services Pro Bono Update

By Kathryn Tucker

I t is an exciting time at West Tennessee Legal Services Inc. as private attorneys are contacting WTLS to inquire how they can assist our clients. The importance of pro bono work is moving to the front of the line as positive publicity encourages every attorney to get involved!

The annual free Ethics seminar gave more than 90 attorneys the opportunity to fulfill their year requirement as **Jesse Joseph**, **Lewis Jenkins** and **Bruce Smith** presented the most current issues facing the bar. A special thanks goes to these men for their deep commitment to this annual event.

WTLS joined the Southwest Council on Children and Youth, the Administrative Office of the Courts, Tennessee Juvenile Court Services Association, Union University and Freed-Hardeman to host a conference on "Juvenile Status Offenders." This conference addressed issues unique to juveniles and their families. An hour-long panel discussion was led by

Commissioner **Steve Hornsby**, DCS attorney **Leann Rial** and **Christina Sawisza** of the University of Memphis Child Advocacy Clinic. This was very interesting and informative to all those who attended.

The Dyer County Bar Association and WTLS partnered to offer a three-hour seminar on Mediation. The presenters were **Mark Hayes**, **Cathy Clayton**, **James Hamilton III** and **Joe Riley**. The information shared with the attendees showed effective ways to achieve the most positive results for clients. Other collaborative efforts in community education and CLE include:

- Legislative Update featuring area legislators in an open forum;
- Parenting Plan Update and Practice Tips presented by **Chancellor James F. Butler** who presides over the 26th Judicial District;
- Domestic Violence: Nuts and Bolts presented by **Patty Borden**, Executive Director of Northwest Safeline; **Judge Danny Goodman Jr.** General

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What They (Obviously) Did Not Teach You in Law School: A Tale of Five CLE Programs

By Linda Warren Seely

Dave Shearon, the executive director of the Tennessee Commission on CLE, recently received his Masters in Applied Positive Psychology and took to the road to bring his message of how to be a more satisfied, professional lawyer to attorneys across the state. Joining forces with Counsel on Call, the Tennessee Lawyer Assistance Program, the Tennessee Bar Association, the Tennessee Lawyers Association for Women and the Tennessee Lawyers Assistance Program, this 4.0 CLE program was held in Memphis, Nashville, Chattanooga, Jackson and Knoxville. Speakers included Mr. Shearon, **Andy Branham** of Counsel on Call and **Laura Gatrell**, executive director of the Tennessee Lawyers Assistance Program.

The title of the program really is “Lawyering and the Good Life ... Positive Psychology — Tools to Move Forward.” The premise seems to be that if you increase your orientation to the positive in your life and in your work, you will not only feel better about being a lawyer, you will enjoy it more and become more productive. Shearon points out that it does matter whether or not you, your partners and your staff are happy, hopeful and optimistic and goes on to cite studies that demonstrate that success flows from happiness rather than happiness flowing from success. He states in his handout, “... a successful effort to increase attorney well-being would decrease rates of depression and substance abuse and increase both professionalism and contributions by attorneys to their communities. This conclusion is supported by research documenting

the correlation of superior functioning and more ethical behavior with higher levels of well-being.”

And while the good news that we do in fact, and can to some extent, increase our feelings of positivity that in turn will make our lives better, there were some disturbing statistics presented. Lawyers have the highest rate of major depressive disorders, two to four times that of the general population. Our rates of anxiety, phobia and interpersonal sensitivity are five to 15 times higher than of the general population. There is widespread career dissatisfaction and rates of suicide and substance abuse are extremely high. Even more disturbing is that this trend begins during law school. Starting law school, students report at less than 10 percent being depressed. By the end of their first year in law school, 30 percent of the students report being depressed and this rate increases to 40 percent by the end of the third year. This is the exact opposite of the trend for college students.

Shearon presents interesting data culled from a variety of scientific studies that find happy people live longer, have better marriages, and business teams with a higher number of positive expressions are more likely than their counterparts to thrive. In essence, to do better, you need to feel better. Shearon also offers a series of exercises you can use to increase your positivity including the “three good things” exercise and the Explanatory Style exercise. But don’t just read about it, check out www.authentic happiness.org and test yourself. Or, google Shearon, and check out his site and a list of recommended readings. ■

Memphis Area Legal Services Pro Bono Update *(continued from page 9)*

Services leaders. They established TJC to fill the vacuum created by the new restrictions. TJC would operate without government funding, ensuring that it would be free to accept the types of cases and clients that federally funded legal aid programs could no longer handle.

Riney Green, recognized by the ABA for his national pro bono leadership, led TJC through its first decade as board chair. The fledging organization was funded by a major grant from the Tennessee Bar Foundation’s IOLTA program. The board consisted of attorneys appointed by bar organizations around the state. The board has since diversified, but a majority of its members are still attorneys, including **Gail Ashworth**, current board chair, and former Supreme Court Chief Justice **Riley Anderson**, a board member recently appointed by the TBA.

In its second decade, TJC continues to demonstrate the power of pro bono to transform lives. TJC still receives crucial support from the IOLTA program. pro

bono colleagues have provided much of the actual client representation that has made TJC’s success possible. Nashville attorney **David Cañas** received the TBA’s Harris Gilbert Pro Bono Award this year for obtaining vital medical equipment for one of TJC’s clients. A national reputation for excellence and the importance of its work has enabled TJC to enlist pro bono assistance on major cases from private and public interest firms beyond Tennessee. Co-counsels have included **Kirkland & Ellis; Sonnenschein, Nath & Rosenthal; the Southern Poverty Law Center; the National Center on Law and Economic Justice; and AARP Litigation.**

In 2005, TJC leveraged \$1.7 million in pro bono services for its clients, in addition to the legal services provided directly by TJC staff. Because of the power and spirit of pro bono, this low-budget law firm, housed in the basement of a parking garage, is able to defend the legal rights of poor Tennesseans. ■



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West Tennessee Legal Services Pro Bono Update *(continued from page 8)*

Sessions and Juvenile Judge for Lake County and **Judge Tony Childress**, General Sessions Judge for Dyer County.

Each of these venues allows us to offer important information and CLE credits but also provides a venue

to share the opportunities available through our Pro Bono Project. ■

If you are interested in volunteering for the Pro Bono Project you may contact Kathryn Tucker at 731-426-1308 or kathrynt@wtls.org

Professionalism & Pro Bono Publico *(continued from page 1)*

everyone else, are judged by our actions, not by our words. If all lawyers would simply pitch in and do their fair share of the pro bono work that is required of them by virtue of their privilege to practice law, the beneficial effect on the public's perception of us all and the beneficial effect on our own perception of ourselves would be of immeasurable value.

I hope this writing may cause a few lawyers to rethink their commitment to pro bono publico work, and not just for altruistic reasons. There is a real benefit to the lawyer who undertakes the representation of clients who could not otherwise afford legal services, and it does not really matter if the motivation is somewhat selfish, so long as the benefit is conferred upon those who need it and the perception of our

profession is thereby enhanced. An otherwise very bad Australian Victorian poet, Adam Lindsay Gordon, wrote:

“[M]ost of life is froth and bubble;
two things stand like stone —
kindness in another's trouble;
courage in your own...”

Let us, all of us, exhibit kindness and thereby gain courage and fortitude. ■

NOTE

1. Burton, Robert. *The Anatomy of Melancholy* (New York: The Tudor Publishing Company, 1941), p. 69. (1561).