



## THE PRO BONO PRESS

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# PROJECT FORECAST

## Why Take a Pro Bono Case?

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Board Chair

Over 8,000 lawyers practice in the greater New Orleans area served by The Pro Bono Project. Yet, only 1,400 lawyers or 18% serve as Project volunteers. Why does this small percentage of lawyers shoulder the burden of providing free legal services to the poor?

The Pro Bono Project staff and volunteers spend countless hours trying to match pro bono cases with lawyers willing to handle them.<sup>1</sup> Calling lawyer after lawyer, the staff and volunteers are bombarded with excuses for not accepting the case. The excuses include "I have to bill more hours for my firm," "I don't know how to handle a child custody suit," "That landlord-tenant case will

take way too much time," "I'm not a litigator so I can't go to court," and "I have family commitments."

These excuses are valid and, in fact, could be used by practically every practicing lawyer. Why then do a small percentage of lawyers choose not to assert those excuses? Why do those lawyers instead agree to handle a pro bono case. What are the other 82% of lawyers missing by not handling a pro bono case?<sup>2</sup>

These lawyers, if asked, will give you a myriad of reasons why they choose to handle pro bono cases. **Meredith Cunningham**, for example, rightfully could assert every one of the above-described excuses. Meredith is a new mother with a seven-month-old son. She always needs to bill many hours for her firm. Her practice focuses on securities and insurance bad faith. Not areas typi-

cally the focus of pro bono cases. Yet Meredith embraces pro bono cases and even fights to take them on. Her reasons:

Handling a pro bono case is meaningful on a real-life level. When you resolve the case, you often have fixed a life-altering situation for someone. You don't have that kind of effect in most other cases.

Meredith presently is handling just such a life-altering case. She is representing an elderly widow who is fighting to keep her home in Westwego. Some years ago, unbeknownst to the widow, her grandson drafted an Act of Sale conveying the house to himself. The grandson, who is now deceased, forged his

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grandmother's name on the sale documents, had them recorded, and then borrowed \$100,000 secured by a mortgage on the home. The grandson's spouse contends she now owns the home and intends to sell it to satisfy the loans and get some cash.

Meredith filed suit in Jefferson Parish on behalf of the widow, against, among others, the mortgager, the grandson's spouse, and the grandson's estate. The mortgager recently agreed to release the mortgage on the home. Meredith then will ask the Court to nullify the forged Act of Sale and reinstate title in the widow's name.

Meredith has spent over 100 hours on this case while having a baby and toiling at her firm.<sup>3</sup> She would not have it any other way. "We lawyers occupy a place of privilege. This is a way of giving back to the community while providing meaningful representation."

So, you lawyers who quickly reach for an excuse not to take a pro bono case, you are missing out. You are missing out on an opportunity to do something meaningful and to give back to our community.<sup>4</sup> That is reason enough to take a pro bono case.

### FOOTNOTES

1. Some volunteers, like Judge Michael Bagneris of Civil District Court for the Parish of Orleans, fare much better at placing cases than other volunteers. Why Judge Bagneris achieves such a high success rate is a topic for another column.

2. This statistic is somewhat misleading because many lawyers handle pro bono cases in federal and state criminal proceedings.

3. The typical pro bono case handled by The Project takes an average of 7-10 hours.

4. You also are missing out on an opportunity to fulfill your professional obligation to perform pro bono work.