

YOUNG LAWYERS

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PRO BONO: A PROFESSION DOING WORK “FOR THE PUBLIC GOOD”

The Latin term *pro bono*, which has become known to non-lawyers to mean free legal work, actually translates into “for the public good.” As one of the world’s original professions, the practice of law has generally been, with some obvious exceptions, a vehicle for the public good, whether with or without charge. At its simplest, our profession is one of service: service to clients, service to the courts, service to the Bar and service to the community. The Preamble to the Rules of Professional Conduct prescribes the duties and responsibilities of lawyers, among other things, as they pertain to each of these constituencies. For example, lawyers are charged with being zealous advocates for their clients, working to be good citizens, ensuring the fair administration of justice and seeking improvement of the law, among other things. The Preamble formulates these duties in

a way that enshrines the principles of service into our profession. For certain, the Preamble charges us with these duties because, as lawyers, we are equipped with a special set of skills and resources that enable us to contribute to society through our standing within it and the service of our profession.

Beyond the ethical charge and the special skill set, lawyers tend to be predisposed to the notion of public service. Something about us, though possibly different for each of us, drove us to this profession, which as we know is one of service. Whatever that trait or desire is, it compels us to go beyond service in exchange for payment and into service for the greater good. In that regard, lawyers serve their community, their state and their country in a variety of ways.

Certainly, lawyers who take positions with public legal service

organizations are serving the greater good by providing vital legal counsel to those without the means to afford it, many of whom need it in the most desperate way. In West Virginia, we are lucky to have an outstanding group of dedicated lawyers staffing Legal Aid of West Virginia, West Virginia Senior Legal Aid and the several Public Defender Corporation offices around the state. These lawyers are to be commended for the dedicated work they do to provide legal counsel to the poor and less fortunate among us. These services are necessary to protect the promise of equal access to the courts.

Those lawyers who go to work for the government are also dedicated, not only to serve the greater good, but also to serve the good of the republic. Government lawyers, whether it be with local, state or the federal government, provide an invaluable service to our society.

Among other things, government lawyers work to ensure public safety and government accountability. Each is to be commended for their dedication to public service.

Lawyers also tend to run for and hold public office in larger numbers than other professions or occupations. A 2015 study by the National Conference of State Legislators and the Pew Charitable Trust showed that 14% of state legislators were lawyers.¹ That number is much higher when it comes to Congress: nearly 36%, or 192 of the 535 members of the 116th Congress, report law as their occupation (outside of politics, of course).² Many would argue that being a politician is not public service; maybe I am naïve, but I still believe that it is. Regardless, lawyers are drawn to this type of service, and, in larger percentages than other occupations, the public chooses them to represent their interests.

Private practice lawyers often meet the Preamble's charge by offering free legal work — or what we colloquially know as *pro bono* work — to those who cannot afford it or to charitable organizations. There are currently nine states that have mandatory *pro bono reporting*; West Virginia is not one of them. ABA Model Rule 6.1 sets a goal of at least fifty (50) hours of *pro bono* work each year.³ Despite it being voluntary, many lawyers in West Virginia and around the country meet or exceed this goal.

Lawyers and law firms also tend to either complement or supplant their legal service or *pro bono* work with charitable service. The boards of directors and fundraising committees of charities and philanthropic organizations, large and small, include many lawyers. The same can be said for other nonprofit organizations with a charitable focus, like foundations, hospitals and other health care organizations. Beyond their legal knowledge, lawyers use their leadership and advocacy skills to serve these organizations in particular roles, advancing the cause.

Additionally, lawyers, who tend to be some of the more affluent members of society, serve their communities with the power of financial giving. We often see charity and fundraising events sponsored by lawyers and law firms. (Yes, it's good advertising, but it's usually a very worthwhile cause, too.) Beyond the charitable ad buys, though, many lawyers and law firms who have achieved great success have set up foundations to spread the wealth to a wide range of worthy causes. We should be proud to have several such foundations in and around West Virginia.

Further, I am proud of the work of the Young Lawyer Board. We are the unofficial charitable arm of The West Virginia State Bar. In my six years of service on the Board, we have conducted several community service projects around the state, including the Wills for Heroes program (where lawyers draft wills for first responders and law enforcement), the donation of flood relief supplies in the wake of the 2016 flood, a diaper drive, a personal hygiene supply drive, the adoption of at least one family every year for Christmas, providing lunch for essential workers around the state during the pandemic and numerous monetary donations to charitable causes around the state. In the month of May 2020, the Board was recognized as The West Virginia State Bar's "MoreThanALawyer" for some of this charitable work. Through my service as chair and beyond, the Board will continue to seek out and conduct service projects around the state.

Although the efforts of lawyers in West Virginia for the public good are commendable, we can always do more. West Virginia is one of the poorest states in the country. West Virginians deserve fair access to and administration of the justice system — both criminal and civil. If we all commit to meeting the charge of the Preamble — working for the public good — we can achieve that constitutional mandate and do some work for the greater good at the same time.

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If you are looking for some ways you can help, visit The State Bar's website at <https://wvbar.org/members/volunteer-opportunities/>, where you can sign up to participate in one of The State Bar's legal help services: the Lawyer Referral Service, where lawyers receive referrals from citizens seeking legal help; Tuesday Legal Connect, where volunteer lawyers answer telephone calls from those seeking legal advice (a service in conjunction with Legal Aid of West Virginia); or West Virginia Free Legal Answers, where volunteer lawyers answer private online questions. **WVL**

Endnotes

1. https://www.ncsl.org/Portals/1/Documents/About_State_Legislatures/Occupations.pdf
2. <https://fas.org/sgp/crs/misc/R45583.pdf>
3. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service/