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PRO BONO SERVICE: IT IS A WIN-WIN SITUATION

For no apparent reason, lawyers do not enjoy a positive public image. Lawyers are routinely the butt of “jokes” that we generally don’t find funny. There are probably more jokes about lawyers than any other profession that imply lawyers are sneaky, greedy or lack care and compassion for those with whom we come in contact.

These characterizations of lawyers are nothing new. In the New Testament passage in Matthew 22:28-34, Jesus was approached by a group of Pharisees, and one of them, a lawyer, is reported to have tried to trick Jesus by asking which of the 613 commandments (i.e. laws) was the greatest. I will leave it to you to read the answer. But the negative public image of lawyers has been around for more than 2000 years.

However, lawyers are compassionate and caring people. Most of us decided to pursue the profession and attend law school with the desire to help others. We do a great deal of good work for our clients, including those less fortunate who cannot afford our services.

In addition to the long-standing Pro Bono Project of Legal Aid of East Tennessee whereby lawyers volunteer their time to help individuals who cannot afford a lawyer, our association is actively involved in many pro bono activities. On February 3, 2018, the Bankruptcy Section of the KBA conducted its first debt relief clinic of 2018. U. S. Bankruptcy Court Judge Suzanne H. Bauknight made opening remarks to orient those pre-screened attendees with an overview about debt issues and the process of the bankruptcy system. Twelve candidates were paired with twelve volunteer lawyers to assist with and evaluate possible debt relief alternatives for those candidates. This was the first of four debt relief clinics scheduled for 2018.

The Knoxville Barristers, in conjunction with Legal Aid of East Tennessee, Knox County Public Defenders Community Law Office, The University of Tennessee College of Law and the local VA office have planned a free legal advice clinic for veterans from noon to 2:00 p.m. on February 14, at the Knox County Public Defenders Community Law Office. Clinics are also on the calendar for all remaining ten months of 2018.

The KBA Access to Justice Committee also has plans for numerous Interfaith Legal Clinics throughout the year. The next one is scheduled for April 7 at Second United Methodist Church at 1524 Western Avenue from 9:00 to noon. The committee continues to recruit new faith communities from all backgrounds and neighborhoods to participate.

These are just a few examples of KBA lawyers donating their time and talents to aid those who cannot otherwise afford a lawyer.

In 2008, the Tennessee Supreme Court declared Access to Justice its number one strategic priority, thereby launching its Access to Justice Initiative. The Court appointed an Access to Justice Commission and made the Commission responsible for developing the strategic plan for educating the public about the legal needs crisis, identifying parties who are improving access to justice, and recommending projects and programs to enhance access to justice. Beginning in 2011, the Commission decided to compile statistics of pro bono work that aids low income Tennesseans on an annual basis. Tennessee lawyers have responded to the civil legal needs gap by donating time, talent and treasure to pro bono services, programs, and projects.

To capture these statistics, pursuant to Supreme Court Rule 9, Section 10, every attorney required to file an Annual Registration Statement with the BPR is requested to voluntarily file a statement reporting the attorney’s pro bono service and activity during the preceding year. Beginning with the 2010 BPR Registration Statement, a box was added to allow self-reporting of pro bono service and hours.

When this initiative first began, I was skeptical that the request for volunteer reporting of pro bono services was a precursor to mandatory pro bono service. I have always felt that it is my professional opportunity and obligation to give back through pro bono service to the community that has served me so well and has given me great opportunities as a lawyer. Having observed the work of the Access to Justice Commission,

I now realize that it is not a precursor to mandatory pro bono legal services, but rather is an encouragement to all lawyers to perform pro bono legal services and a means to change the public image of lawyers.

In 2016, 49.54% of Tennessee’s attorneys reported that they provided pro bono legal services by checking the box on their annual report. Those lawyers donated on average 72.77 hours for a total of 591,064 hours of pro bono legal services with a value, estimated at an average hourly rate of \$200.00, of \$118,212,800.00. These are the lawyers that voluntarily reported pro bono service activity during the preceding calendar year. That amounts to 8,122 attorneys of the 16,395 total reporting who performed pro bono legal services. What is striking about the report is the percentage of attorneys voluntarily reporting they performed pro bono legal services hovers just under 50% in each year since those statistics were first published in 2012. Observing all of the lawyers that I know who perform pro bono legal services in the KBA leads me believe there are many practitioners who do not report but actually perform more than 50 hours of pro bono services per year.

In preparing to write this article, I was talking with a fellow lawyer about the topic and the importance of self-reporting as a way to change the public image of lawyers and to acknowledge the effectiveness of the Access to Justice Initiative. She indicated that she does not check the box even though I know she performs well more than 50 hours of pro bono service per year. She said she felt like it was bragging. I contend that it is not bragging but rather a way to encourage pro bono service and allow the public to see lawyers from a different perspective. I encourage us all to provide pro bono legal services, and when it comes time to file your BPR Annual Registration Statement, check the box to share the good news. It is a win for our profession and those we serve.

DICTA EDITORS' NOTE

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