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## Report of Working Group #7

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## REPORT OF WORKING GROUP #7

*S. Chris Church*

All participants in the group discussion of pro bono and service obligations readily agreed that all attorneys have a responsibility to perform acts of service to the needy. The group, however, could not agree on the basis of that responsibility. Some members of the group based the duty in religious precepts. Others felt the duty was purely a professional one, stemming in part from Rule 6.1 of the American Bar Association Model Rules of Professional Conduct. Still others felt a personal duty independent of religion and profession. All participants, however, agreed that their respective religions imposed a duty of service to others.

One issue repeatedly addressed by the group was the narrow spectrum of religious traditions represented in the discussion. The vast majority of the group spoke from a Christian perspective, representing several different denominations. Judaism and a Native American tradition each had one representative. Owing to this lack of diversity, the group was unable to determine whether all religions encourage the provision of service to others.

Given the consensus of the religious traditions represented that service to others is an important responsibility, and given the context of legal practice, the discussion initially focused on practical methods of increasing legal representation of the needy. One of the issues debated was the desirability of making performance of pro bono service mandatory. This option raised concerns that any forced service would be dispatched without zeal, in contravention of Canon 7 of the American Bar Association Model Code of Professional Responsibility. Also, from a religious perspective, the exhortation to render service to the needy generally implicates an exercise of free will. The imposition of a mandatory pro bono provision might therefore prevent performance of the pro bono service from constituting the act of stewardship contemplated in religious doctrine. Even if performance of mandated pro bono service constituted fulfillment of religious stewardship requirements and the mandatory provision contained a buy-out provision—which would allow an attorney to pay a certain amount of money in lieu of performing the requisite number of pro bono hours—would such a payment constitute performance of religious stewardship? Some participants felt a tension between a poor person's legal needs, which could be satisfied by an attorney giving money to a legal services organization, and the spiritual growth of the individual attorney from actually performing the work.

Some participants felt that a distinction should be drawn between the “deserving poor” and the “undeserving poor” within the context of a discussion of the religious aspects of pro bono service. One par-

ticipant voiced concern that in some cases intervention in the form of legal assistance enables "social refuse," described as including "the homeless, drunks, teen mothers, and homosexuals." Other participants disagreed with this characterization. Some participants felt that there is no duty to perform pro bono service in such cases. Other members of the group strongly objected to any categorization of the needy into groups of "worthy" or "unworthy."

One of the opinions expressed from the Christian perspective was the sense of a personal affront to God's associating himself with "the worst of society" during his ministry on Earth. One participant viewed helping the poor as a purely religious responsibility and expressed resentment for the imposition of such a duty, stating, "I don't like the poor." In response to these statements, another participant averred, "judgmentalism is the curse of religious people."