

1998

Agenda: Pro Bono and Service Obligations: Group #7

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Recommended Citation

Agenda: Pro Bono and Service Obligations: Group #7, 66 Fordham L. Rev. 1629 (1998).

Available at: <https://ir.lawnet.fordham.edu/flr/vol66/iss4/52>

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AGENDA:

PRO BONO AND SERVICE OBLIGATIONS

Group #7

- I. *Issues to be further analyzed from a religious perspective*
 - A. Is there a personal and communal responsibility in every religion to help the poor?
 - B. Are there concrete definitions of “needy” in religious traditions?
 - C. To what extent do religious traditions incorporate a distinction between the “deserving” and the “undeserving” poor?
 - D. From a religious perspective, is mandatory pro bono preferable to voluntary service?
 - E. To the extent that there is a religious duty to engage in pro bono service, does a pay-out option (monetary contribution in lieu of legal services) fulfill this duty?
 - F. From a religious perspective, is the definition of “pro bono” limited to legal services or inclusive of other uncompensated services?
 - G. To what extent can pro bono service be viewed as a form of tithing?
 - H. To what extent can pro bono service be viewed as a form of stewardship?
- II. *The Individual*

(Note: the issues under this heading must also be examined on an institutional level.)

 - A. To what extent should we recognize a moral, spiritual obligation to help those in need, using our individual talents?
 - B. To what extent should we recognize a moral, spiritual underpinning to Model Rule 6.1?
 - C. How can we engage in and encourage more pro bono service by lawyers, being mindful of extreme problems faced by children, battered women and the elderly?
 - D. How can we communicate the extreme need for legal service to the poor to other lawyers and the public at-large in a more effective, accessible manner (e.g. television)? Currently, only 15-20% of the legal needs of the poor are being addressed (source: A.B.A. Committee Report supporting 1993 Amendment).

- E. How can we increase the effectiveness and efficiency of delivery of pro bono service?
- F. One obstacle to the active participation of some people might be the assignment of a political ideological identity (*e.g.* liberal Democrat) to the rendition of legal services to the poor. Does recognition of a religious underpinning to pro bono service avoid political partisanship? We must each articulate what it means to deliver pro bono services to the indigent given our personal disciplines, religious traditions, and political paradigms.

III. *Institutions*

A. *Religious Organizations*

1. How can religious organizations motivate and encourage lawyers to perform more pro bono service?
2. Are people more amenable to performing duties assigned by their religion than duties imposed by other institutions (bar associations, etc.)?
3. How can religious organizations help communicate to the attorney the value of pro bono service not only to the recipient, but also to the donor: personal satisfaction, spiritual wholeness, mitigation of dehumanizing elements of the practice of law, lawyer experiencing the role of healer? To what extent can this personal enrichment counteract the traditional economic cost/benefit analysis often raised as an obstacle to pro bono efforts?
4. How can religious institutions provide an organizational basis for a more efficient provision of legal services? For example, can local religious units (parishes, etc.) which already have a system for needs-assessment and outreach be used to match people in need of legal services with an attorney in that congregation or a neighboring congregation?
5. Can more efficient delivery of legal services to the needy be achieved through participation in regional interfaith conferences bringing together lawyers and religious leaders to discuss common values, promoting service to the needy, and possibilities for cooperation?

6. How can the messages shared in such an interfaith conference be further communicated through intra-faith conferences and serve to motivate religious leaders to convey these messages to their congregations?
 7. How can religious services and other programs on a local level be used to communicate existence of a need, spark interest, imbue a sense of ownership, and motivate lawyers to provide pro bono service?
- B. *Law Schools*
1. How can law schools communicate to the entire law school community the plight of the needy?
 2. How can law schools provide a forum for faculty, students, and alumni to discuss these needs?
 3. How can law schools provide greater curriculum coverage on the subject of pro bono work (e.g. courses on the subject of poverty law, clinical offerings, etc.)?
 4. How can law schools more actively encourage (mandate?) students to participate in pro bono services?
 5. Could fostering such a commitment to pro bono service in the students influence law firms to participate more actively in pro bono work?
 6. How can law schools more actively encourage faculty members to participate in pro bono work?
 7. How can law schools, which do not already have loan remission programs in place, feasibly institute such programs for students who commit to work in the public service?
 8. How can law schools with religious affiliations publish a bibliography of writings expressing the religious values underpinning pro bono service?
- C. *Bar Associations* — How can bar associations provide organization and an administrative framework to make provision of pro bono service more efficient and effective?
- D. *Government*

1. To the extent that pro bono service alone cannot meet the need for legal services, what additional measures can the government take to ensure provision of legal services for the poor?
2. How can systemic changes be implemented to reduce the burgeoning need for legal services (ensuring that the poverty stricken have housing that meets the applicable codes, etc.)?
3. How can the government provide more support for legal services corporations?
4. Should lawyers for the poor have all the same ethical rights and obligations as other lawyers, or continue to be somewhat restricted?
5. Does a better lawyer/client relationship exist when the lawyer receives some compensation?
6. How can the government create a system at the state level for rendering legal services which allows lawyers to represent clients at a set amount, similar to Medicaid?
7. How can the government create an allowance for court awarded fees in some pro bono cases?
8. How can the government institute a right to counsel for the needy in some civil cases (landlord/tenant, divorce, child custody, etc.) as in defense cases?
9. Should the government move away from the adversarial system toward a system of alternate dispute resolution, which is less expensive for all parties involved?
10. How can the government implement tax credits for pro bono work by firms & practitioners?
11. Do prohibitions on judges not to lend the title of the judge's office effectively prevent judges from engaging in pro bono or other service oriented capacities?