

UNITED

We Do More Good Better

by David A. Kutik

Here is a brief tale, appropriate for Cleveland. Two lawyers come across a car stuck in a snow drift. They offer to help push the car out. But as the driver steps on the accelerator, one lawyer starts pushing from the front, while the other pushes from the back. The car remains stuck.

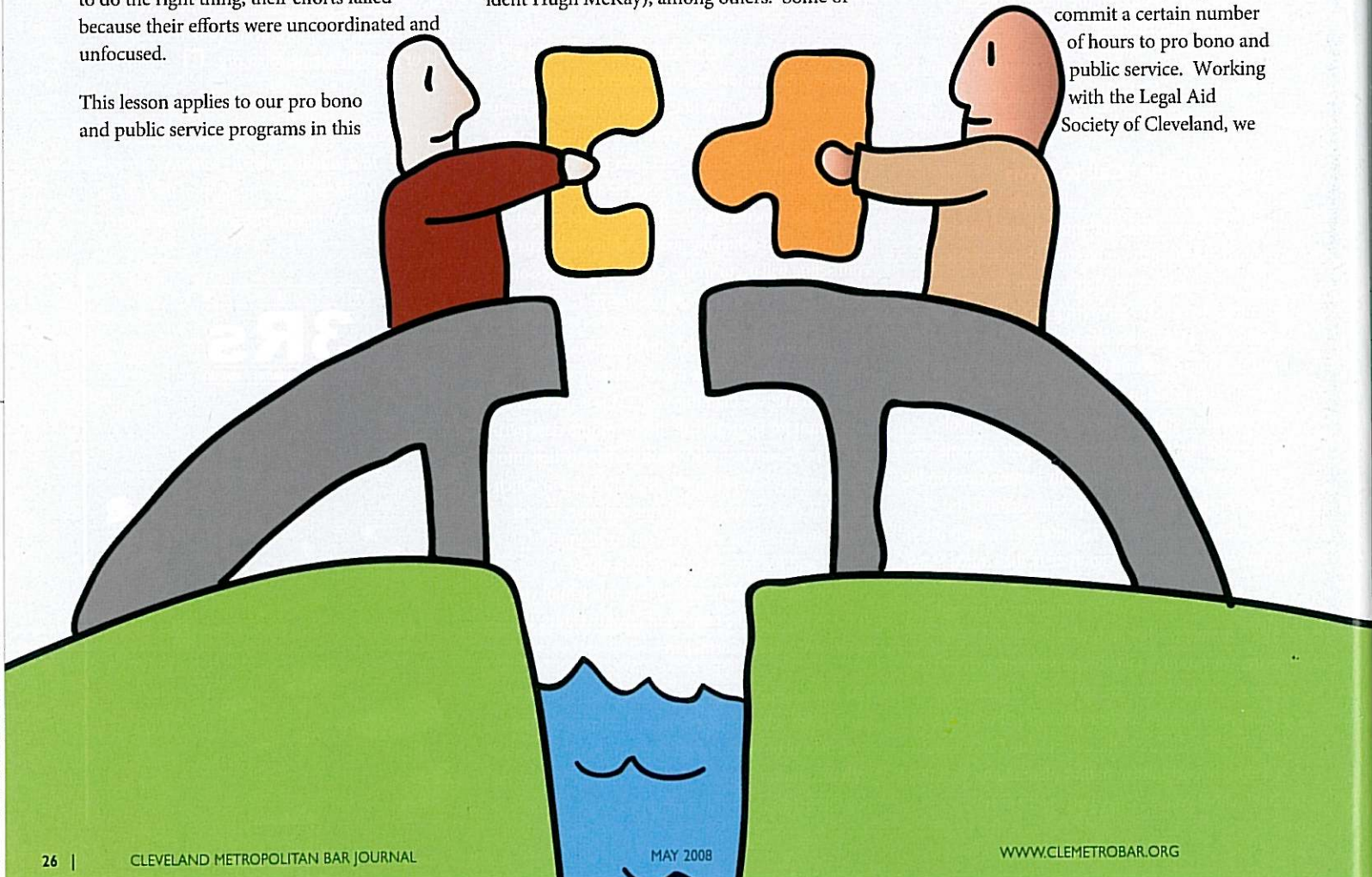
The above story may or may not be true. Given my faith in the intellectual prowess and problem-solving skills of lawyers, I doubt it is. But take it as a parable of sorts. The point of the story is this: Although the lawyers wanted to do the right thing, their efforts failed because their efforts were uncoordinated and unfocused.

This lesson applies to our pro bono and public service programs in this

city. In their respective histories, the bar associations in Cleveland have developed programs to serve the public. In my 28 years as a lawyer and member of the Cleveland Bar, I have seen Cleveland Attorneys Seeking Equity (CASE) (developed under CBA past president Gerry Gold), the Street Law Program (the brainchild of CBA past president Jack Liber), Justice for All (started under CBA past president Barbara Smith), the Juvenile Justice initiative (begun under CBA past president Bob Weber), Our Commitment to Our Community (OCTOC) (implemented in 2004, when I became president) and the 3R's (initiated by CBA past president Hugh McKay), among others. Some of

these programs live on; others have morphed into something else; some no longer exist. The sad fact of bar associations is that the real push and excitement surrounding many public service initiatives often start and end with the term of the president who initiated it. What's more, in a "split bar" town, not all of us were pushing in the same direction.

This lesson was made real to me in 2004 and 2005 when I had the privilege of serving as president of the Cleveland Bar. One of the highlights of that year was the beginning of the award-winning OCTOC program. OCTOC asked lawyers to pledge to commit a certain number of hours to pro bono and public service. Working with the Legal Aid Society of Cleveland, we



also developed a menu of pro bono programs for law firms and lawyers.

In the previous year, the Cuyahoga County Bar had started a pro bono bankruptcy program under president Diana Thimmig. It was a promising program, having the full support of the Bankruptcy Court here in town.

In the spring of 2004, before I took office as president, I met with my counterpart, the soon to be incoming president of the Cuyahoga County Bar, Justin Madden. At our meeting, we talked about the fact that, although the two bars were competitors, we could—and should—cooperate and coordinate our pro bono and public service programs. Although Justin agreed in concept, we were never able to get our bars together in any coordinated way. For example, for my part, as I recruited lawyers to become part of OCTOC, I asked lawyers in the Cleveland Bar's Bankruptcy Section to consider signing up for the Cuyahoga County Bar's bankruptcy pro bono program. Although some lawyers did, many didn't. There may have been many reasons for lawyers not to join that program, but my bet is that one of the reasons why it didn't attract more lawyers was that it was not a Cleveland Bar program.

Similarly, because OCTOC became identified as a Cleveland Bar program, we couldn't effectively recruit lawyers who were members only of the Cuyahoga Bar. Notwithstanding that difficulty, OCTOC was a successful program, and its legacy lives on in the many partnerships between law firms and non-profits or Legal Aid as a result of the making and fulfillment of the pledges made in the first two years of OCTOC. But we missed a great opportunity to get more lawyers involved simply because the program was in the "other" bar.

Now, as a unified bar, we have the opportunity to "push" in the same direction and to share the great public service traditions of our foundation bars. The legacy of our separate bars has given us a variety of programs for potential volunteers to consider. For example, in partnership with Legal Aid, there are volunteer opportunities to become part of:

- **Brief Advice and Referral Clinics** where lawyers meet with drop in clients for two to three hours on a Saturday morning to provide, as the name implies, brief advice and referrals. In the last three years, Legal Aid has sponsored over thirty of these annually and expects to sponsor over fifty in Cuyahoga County this year.

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- **Law Firm Clinics** where law firms agree to meet with clients (usually on a week night), review cases and, if appropriate, agree to provide extended service.
- **Volunteer Lawyer Program** where individual lawyers agree to take a case or two every year. Legal Aid very much needs lawyers who will agree to take cases dealing with housing, consumer law, domestic relations and immigration.
- **Bankruptcy Pro Bono Program** where lawyers agree to take cases screened and initially prepared by Legal Aid.

Legal Aid is also in the process of working with the Bar's Sections to develop specific programs tailored to the interests of the members of those sections. For example, the Women in Law Section is working on a program to provide assistance to women in need of domestic protection orders.

Legal Aid has other pro bono programs that need volunteers:

- **Housing Advocacy Program.** Started as a pilot program with Jones Day last year, lawyers get training from Legal Aid attorneys on private landlord-tenant issues, and take eviction cases from Legal Aid. These cases are ideal for younger lawyers in need of "stand up" experience.
- **Foreclosure Legal Assistance Program (FLAG).** A program started by the Ohio Department of Development, the Ohio Attorney General, the Ohio Treasurer and the Ohio State Bar Association, among others, lawyers would agree to receive training regarding foreclosure issues and

to provide service as a pre-foreclosure counselor, a mediator at common pleas court in a foreclosure case or as an attorney defending a homeowner in such cases.

Our Bar is also working with the Ohio State Bar Association Pro Bono Task Force to develop additional programs in Cuyahoga County through the Eighth District Pro Bono Committee, led by U.S. District Judge Christopher Boyko. In addition to the Legal Aid programs described above, we are working to develop a program directed towards senior citizens to provide advice regarding probate, wills and trusts, durable powers of attorney, healthcare powers of attorney, living wills and similar topics.

Our bar also inherits other vibrant programs from our legacy bars, including:

- **Homeless Legal Assistance Program** where attorneys visit homeless shelters and provide brief advice to individuals.
- **Pro Bono for Non-Profits**, which matches attorneys with non-profit organizations in need of legal counsel
- **Volunteer Lawyers for the Arts** where attorneys provide legal advice to income-eligible artists and arts organizations.

In light of the work that both bars have done in the last few years, Cleveland now is recognized as one of the better cities for pro bono activity in the country. But there is more to do. Legal Aid still turns away about 80 percent of the people who call for help. As the economy in Cleveland suffers and as the plight of those in many of our neighborhoods becomes more desperate, we must redouble our efforts to help those who cannot get help. Our talents as lawyers have never been more needed and

there has never been a time when we have the ability to do more.

For those lawyers who have not gotten involved, there is no reason for you to stay that way. The primary reason why lawyers hesitate to get involved is, frankly, inertia. You haven't done it before; you don't know if you can do it; and you're not sure that you have the time. But the Bar and Legal Aid have been working to make getting involved easier. We have retooled programs to provide "quality" cases or clients (i.e., deserving people who really could use a lawyer and can't afford one) and resources to help you help these people. All it takes is a call to either Mary Groth (216-696-3525) at the Bar or Ann Porath (216-861-5332) at Legal Aid. Tell them that you'd like to get involved in one of the programs that have been mentioned above. They will explain how easy it is to help.

One of the things that I have found over the last five years recruiting lawyers to pro bono programs is that lawyers who do pro bono, usually do it again—and again. The reason why this happens is simple: there is tremendous satisfaction in helping those who cannot otherwise get help. And while we all feel good about helping our paying clients achieve successful results, the satisfaction that arises from pro bono is unmatched because you have the opportunity to have a profoundly positive effect on people's lives. In December 2004, I wrote an article encouraging lawyers to get involved. In that article, I said, "Sometimes giving feels good and sometimes it feels very good." Those words are still true.

Try pro bono. You'll like it. ■

David A. Kutik is a partner with Jones Day. He was the 2004-05 president of the CBA.

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