

Advantages of the *Pro Bono* Clinic by D. Christie

Pro bono work done from a *pro bono* clinic has a number of advantages over *pro bono* work done at a lawyer's office:

1. **The time is better spent.** Claims for relatively small amounts that are handled in the usual way from a lawyer's office can take up disproportionate amounts of time from the well-intended lawyer. By the time disbursements are added in, the costs can exceed the amount involved! We lawyers often do not calculate the cost of our time in situations where a bill is not required. On the other hand, if the lawyer attends a *pro bono* clinic, the client does the work with the advice of the lawyer. The lawyer does not draw the documents, but devotes his/her time to giving advice and helping the client prepare the documents. In Small Claims Court there is often no real need for the lawyer to go into court. Typically, in such a situation the clinic lawyer will give four half-hour sessions at a *pro bono* clinic to prepare the client for court. The net cost to the lawyer in such a situation will be approximately two hours. The end result is that the lawyer's sacrifice of time bears some relation to what is at stake. The client pays nothing for fees, learns how to make the court process work, and will probably say "Thank you" at the end of the day! The lawyer's time can be more usefully spent on a multitude of other *pro bono* clients who would not otherwise be able to see a lawyer. The secret to *pro bono* work is for lawyers to maintain such viable "boundaries" and avoid disproportionate sacrifice for the few clients lucky enough to see them.
2. ***Pro bono* clients in the clinic are often more deserving than the office *pro bono* clinic clients.** I know from my own practice that all kinds of clients would find their way into my office asking for my free time that I thought were a cross-section of the "poor." However, since leaving practice and having now set up many *pro bono* clinics (both at the Salvation Army and now at Access Justice), I know that the clients I used to see are by no means representative of all the low-income clients who are in need of legal services. On the whole, there is a contrast between most *pro bono* clients in the law office and those in the clinic. A client expecting the lawyer to give time for free from the office tends in my experience to be more demanding and more likely to be a "professional litigant" than the client seeking half an hour's advice at a clinic. The clinic client often has a more straightforward solvable problem (e.g. "How can I get my money back?") and is more open to advice than the office client, who is more likely to be in protracted litigation.
3. **The clinic "*pro bono*" clients are as a rule genuinely "needy."** Most lawyers who take on free work at the office usually do not have an effective way of screening clients to ensure that priority is given to the very low-income clients. In fact, the process tends to be the reverse. Someone on welfare or mothers with children who cannot afford a babysitter are less likely to present themselves at a lawyer's office than at a clinic.

We have clinics for women with family law problems, some of whom have been traumatized by a man. Hence, one of our clinics is attended only by women lawyer volunteers who are experienced in helping such traumatized women. Our Family Law clinics (we have six in the Greater Vancouver area) have facilities for children to use while the parent is obtaining legal advice. Other special needs of the clients (such as counseling) are often available there.

In Criminal Law clinics (we have four in the Greater Vancouver area), the particular needs of the clients have to be met. A client who is trying to rid himself of a heroin addiction and is living in the downtown East Side may feel uncomfortable visiting a criminal lawyer in Vancouver's downtown core, where most lawyers have their offices. Furthermore, the lawyer will often lack the tools or resources to deal with the client's problem in an effective manner.

An Aboriginal person trying to rid him/herself of a drug or alcohol addiction and who is the victim of a serious assault causing brain damage will often not be able to recover damages against the assailant (even if he has money) because the victim cannot obtain a lawyer. Downtown lawyers visiting such clinics in the East End can be of tremendous benefit to such clients.

- 4. Office *pro bono* work requires expenditure on overhead.** Lawyers seldom, if ever, calculate the cost of overhead that should be attributed to doing *pro bono* work in their office. I know from my own practice that it was virtually impossible for me to see a client in the office without volunteering my secretary's time to photocopy, arrange client appointments, type letters, etc. (It seemed too "cheap" to tell a client that my secretary cannot look after his or her needs.) The secretary's time for such tasks usually gets lost in the firm's general overhead, as will the cost of stationery, postage, and copying. *Pro bono* work can be a substantial and often indeterminate drain on the law firm's resources.

There is the further problem that *pro bono* clients who are truly deserving may not be presentable. If they are waiting in a prestigious law firm's waiting room and a lawyer comes out to see them while a paying client is present, there may be a misunderstanding! Clients may draw an adverse inference against a lawyer (or the firm) from the appearance of a scrofulous client in the waiting room.

- 5. Standards of *pro bono* law.** In the absence of a *pro bono* clinic, it is tempting for a lawyer in a law office to offer second-rate legal assistance to persons who are in genuine need but whose problems are outside the area of expertise of the lawyer. For example, some years ago I attempted to assist a client who had no money in a criminal matter; however, at the time I only had a scanty knowledge of criminal law. That young man would have been much better served if he had been directed to a *pro bono* clinic where a lawyer primarily dealing with criminal matters would attend to his problem. Unfortunately, in those days there were no such clinics and I could not find a criminal lawyer to take this case for nothing. I had no alternative. Now that there are many *pro bono* law clinics, I can refer needful people to a clinic where they will get advice from a lawyer skilled in the appropriate area of law.
- 6. *Pro bono* clinics help the profession's image.** Last but not least is the importance of letting the public know that lawyers really care! To help a client quietly and without fanfare is the expected norm in our profession, but what good is that to our reputation if we do not "let our light shine?" Lawyers at *pro bono* clinics are visible and the effects are indisputable. It is time that lawyers come to be regarded as unpaid champions of the poor and the afflicted!

Conclusion: This paper by no means disparages lawyers who help clients for little or nothing from their offices. Most lawyers rightly do such work. However, the *pro bono* clinic has many advantages. Furthermore, there is many a lawyer who has found that he or she has more time in the office to attend to paying clients if he or she can refer low-income clients to a *pro bono* clinic.

February 12, 2004 - Dugald E. Christie, President
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