

THE KANSAS CITY STAR.

FREE LEGAL HELP | Services have nearly doubled since '99

PRO BONO WARRIORS

By RICK MONTGOMERY
The Kansas City Star

Lawyer Kristen A. Page is making a house call to Tamaron Smith, a man in need of legal help to enroll his son in a Kansas City charter school.

The boy's name is Malachi, and being only 5, he has no idea why Page and another attorney from Shook Hardy & Bacon are seated at the dining room table. But Dad understands.

"I'd exhausted all my options," Smith says, rubbing his chin. "And these people have been backing me 100 percent."

For free.

Pro bono work by major law firms across the country has been ticking up the last several years, but especially so since the economy went sour.

In the face of swelling demand for assistance in settling landlord disputes, helping nonprofit groups serve the needy and guiding the homeless or disabled into the world of work, lawyers are lending their services as never before.

"This one honestly appealed to me," Page says of Smith's case, which could culminate in a disability-discrimination lawsuit over little Malachi's health issues. The boy has a bleeding disorder called von Wil-



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Tamaron Smith (left) is getting pro bono legal help from Kristen Page and Jennifer Oldvader (far right), lawyers with Shook Hardy & Bacon. Smith wants his 5-year-old son, Malachi Smith, who has health issues, to attend a charter school. They discussed their options on Dec. 21 at Smith's Kansas City home.

librand disease, and the school that his father believes is best equipped to educate Malachi has denied admission.

Smith – who is single but adopted Malachi and five other foster children, mostly siblings, in May – hasn't the money or expertise to haul the school into court on his own. So Children's Mercy Hospital, which has been treating his son, directed the family to Legal Aid of Western Missouri, which referred Smith to Shook Hardy, one of the city's most

illustrious companies of legal eagles.

"A lot of really good people in the legal profession get excited about pro bono, just to network and broaden their experience," said Gregg Lombardi of Legal Aid's Kansas City office.

At some firms the economy also has cut into billable business.

"Some of the most depressed people in the career world are lawyers who don't have work to do," Lombardi said.

Nationwide, 134 of the largest law

PRO BONO: Legal teams' free assistance is making big difference

firms contributed nearly 5 million hours of free work in 2009, according to an annual tracking survey by the Pro Bono Institute, a Washington-based nonprofit organization. The same year – the last for which data are available – the trade journal *American Lawyer* found that lawyers in the nation's 200 highest-grossing firms spent, on average, more than 60 hours on pro bono matters.

That non-billable workload reflects almost a doubling of pro bono services since 1999, when the American Bar Association and other groups began monitoring and imploring law firms to step up their benevolence – pro bono publico. The Latin phrase means “for the public good.”

In the hot economy of the late 1990s, firms fixated on billable clients to help cover the exorbitant salaries being offered the best young lawyers, said Esther Lardent, Pro Bono Institute president.

“What we've seen in the past is that, in some ways, the most vulnerable time for pro bono work is during a strong economy,” Lardent said.

But if 2011 is a year of recovery, Lardent doesn't expect firms to cut back on pro bono.

“What's changed is that law firms have really institutionalized pro bono work into the fabric of what they do,” she said.

Once an unwritten practice that many lawyers chose to pursue on their own, pro bono work at many firms is now institutionalized in policy and outlined by formal committees.

Corporate clients that pay law firms to represent them expect pro bono to be high on their list of achievements, lawyers say. Charity work makes boardrooms look good, especially when times are hard and the need for free legal help is great.

“There's definitely been an increase (in pro bono activity) in the last year and a half, a lot of which can be attributed to unemployment, stress, financial concerns,” said Jenny Schwendemann, director of pro bono services for the Husch Blackwell law offices. “It all contributes to more domestic violence, housing issues, tenant-landlord disputes.”

In the Kansas City area, Legal Aid last year teamed with hundreds of volunteer lawyers on several fronts:

Many helped the indigent get traffic tickets and other warrants removed from their records to boost their chances of landing work.

Other lawyers worked to speed up the allotment of \$7 million in federal stimulus funds to rehabilitate vacant properties.

Swope Community Builders, a not-for-profit group committed to affordable housing, relied on free help from Polsinelli Shughart attorneys to file a nuisance suit against the owner of trashed and abandoned rental property near the VA Medical Center.

The owner settled by selling the property to Swope builders, who are converting the units for 48 families dealing with physical or mental disabilities.

“Candidly, this could not have happened had we not been successful in litigation,” said Swope president William Jones.

A team of lawyers from a variety of local firms has been working through the morass of banking regulations for months to develop a nonprofit, low-interest alternative to payday loan offices, said Lombardi of Legal Aid.

“From Polsinelli, we've got someone helping us who's skilled in the not-for-profit arena,” he said. “We have a really good banking person from Stinson Morrison Hecker.”

Shook Hardy currently is juggling nearly 500 pro bono cases. Focusing on children's rights, the Kansas City office employs a full-time pro bono staff that handles requests for cases ranging from juveniles charged with crimes in Jackson County Family Court to grandparents trying to obtain legal guardianship of their grandkids.

“Some of the older attorneys who typically deflected these cases in the past are taking them now” because of the increased need, said Matthew Keenan, chairman of the firm's pro bono committee. “For the younger attorneys, no selling is required. They know it's their profession, and they want to do it.”

“Some of our stars in pro bono are intellectual-property associates. Patent attorneys with engineering degrees – our science geeks, if you will – find themselves representing 15-year-olds charged with shoplifting and love doing it.”

Attorney Page said she was drawn to Malachi Smith's case because of her own ties to kids with special needs. Her younger sister has Down syndrome and, a year ago, Page's son was diagnosed as autistic.

In the last two months, she has spent five to 10 hours a week helping Malachi and his father “bridge the gap in communication” with school officials resisting the youngster's enrollment. (They declined to identify the charter school as negotiations continued.)

“I could never fight this on my own,” said Tamaron Smith, 36, before taking a seat in his dining room on South Benton Boulevard to review his legal options with counsel.

If a lawsuit is filed, his son's case could stretch on for months.

“The best thing, I don't feel like I'm on the back burner with these attorneys,” he said. “Not at all.”