

## Pro Bono - It Matters

by Patrick M. Kinnally, KCBA President

Illinois Supreme Court Rule 799 created the Commission on Professionalism five years ago. The duties of the Commission, include, but are not limited to:

Facilitating cooperation among practitioners, bar associations, law schools, courts, civic and lay organizations and others in addressing matters of professionalism, ethics, and public understanding of the legal profession. . . .  
(Ill. S. Ct. R. 799(c)(9) (eff. Sept. 29, 2005)).

Part of what we do as lawyers is to help others solve problems, which may be created by themselves, government or others; and, which they cannot decipher. This is done for a fee. Sometimes it is done gratis. The latter is true pro bono work. As lawyers this is part of our profession. It is that part of which makes us different from other professionals such as architects, engineers, or physicians. It should be something that is extolled, and at the forefront of how our profession is valued. Instead, we get lawyer jokes. This needs to end. Only we can alter that landscape.

The American Bar Association Model Rule 6.1 states:

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least 50 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should . . . provide a substantial majority of the 50 hours of legal services without fee or expectation of fee to . . . persons of limited means or charitable religious, civic community, governmental and educational organizations in matters which are designed primarily

to address the needs of persons of limited means . . . .

Of course, the delivery of pro bono legal services also can be performed by reducing the fees charged for normal service or making a contribution of financial support to organizations that provide legal services to person of limited means.

Now, as part of our yearly registration we disclose the amount of voluntary pro bono service in time and/or donations. (Ill. S. Ct. R. 756(f)). Our new Illinois Rules or Professional Conduct, although not adopting the ABA Model Rule 6.1, declare that it is our responsibility as lawyers to provide services to those who do not have the ability to pay. And, to those of us who are lucky enough to manage a law firm, it is our responsibility to promote this pro bono ethic. (Ill. Rs. Prof. Conduct, preamble para. 6(A) (eff. Jan. 1, 2010)). It is the rendition of such services which manifests the fact that we possess the character and fitness to be a lawyer in Illinois. For many of us, we made that pledge, long ago.

I believe providing pro bono legal services, as evidenced by these rules, is part of being a professional advocate. It is a quality which our Commission on Professionalism should make known to the public we serve. Perhaps one of the ways the Commission on Professionalism might promote active recruitment to pro bono services is to incorporate continuing legal education credit for this type of endeavor. A few states have adopted such a rule. For example, in New York, credit can be earned in those cases where the court appoints an attorney to work pro bono. A good idea, which can assist our judges. In other states, such as Colorado and Washington, credit can be earned for mentoring as well. Helping fellow lawyers, young or not so young, makes us better for those we serve. Finally it would be good for the public to know how many

hours of pro bono service are rendered each year as part of all Illinois lawyers registration statement. With 80,000 lawyers, the number clearly exceeds 1,000,000 hours on an annual basis. Do the math and figure what that equates to, not in days but years. We need to make this known. By showing all of the work that lawyers do for those less fortunate maybe we can show the real mettle of who we are.

Personally, I think pro bono is about what I do as lawyer-part of my profession. It is a matter which our Commission on Professionalism needs to develop, promote and make known to the public at large. This is one way, together, we can change the perception of society's view of what we really do and understand why we matter. Think about it. But more importantly, do it.



**Patrick M. Kinnally**

Patrick M. Kinnally, Esq. is a partner of Kinnally, Flaherty, Krentz & Loran, P.C., 2114 Deerpath Road, Aurora, Illinois 60506. He can be reached at (630) 907-0909 and [pkinnally@kfkllaw.com](mailto:pkinnally@kfkllaw.com). Web Page: [www.kfkllaw.com](http://www.kfkllaw.com).