

# INSIDE BUSINESS

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**SPECIAL REPORT**

## **LAW**

### **Pro bono cases are teaching tools**

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The National Pro Bono Survey study conducted by the American Bar Association from November 2003 to November 2004, found that 66 percent of lawyers reported doing some level of free pro bono services for people of limited means.

Like most firms, Hunton & Williams LLP, an international law firm with an office in Norfolk, provides pro bono services to people who can't afford legal services. The firm has offices in Richmond, Charlottesville and Atlanta that handle only pro bono cases.

"The firm has a commitment to support the community and to help people who can't afford lawyers," said John Holloway, partner and director of pro bono cases for the Norfolk office. "It's part of our professional commitment to the profession and the community."

"It's a terrific feeling being able to help somebody," Holloway said. "The core value of it is helping gain justice for someone."

"The firm's lawyers spend about 60 hours each per year on pro bono work," said George Hettrick, chairman of the community service committee and managing partner of the firm's pro bono offices in Charlottesville and Richmond.

"We keep track of lawyers' hours spent on representation," Hettrick said. "About 45,000 hours firm-wide per year are logged."

Pro bono cases are used as learning tools for some firms. Lawyers gain court time and the opportunity to work on a variety of cases. According to Holloway, up-and-coming attorneys gain experience working with witnesses, which is a valuable tool for professional development.

In Virginia, there are no mandatory laws requiring firms to report or take pro bono cases, said Dorothy Jackson, pro bono coordinator for Troutman Sanders LLP.

It's considered more of a guideline for some law firms rather than a rule, said Jackson.

Maryland and Florida are two of just a handful of states that require law firms to report hours spent on pro bono work to the Supreme Court, she

said.

The Virginia State Board voluntary pro bono public service clause states that lawyers should render at least 2 percent per year of the lawyer's professional time to pro bono public legal services.

Hunton & Williams ask their lawyers to find the time to commit to pro bono work. The message across the board is that it doesn't hurt to give a little of your time to someone who isn't financially stable enough to afford a lawyer.

"It is not a requirement," Hettrick said. "It's an expectation. We encourage lawyers to do it."

The firm handles a variety of pro bono work such as civil, domestic relations, civil rights and death penalty cases.

Litigators Vance Salter, of Hunton & Williams' Miami office, and T. Thomas Cottingham III, managing partner of the Charlotte office, are handling a death penalty case in Alabama.

In 1998, Thomas Dale Ferguson, 33, was convicted of capital murder. The sentencing jury voted 11 to 1 to give him life in prison without parole. The elected trial judge of Alabama, who didn't need additional evidence, overruled the jury verdict and sentenced him to death.

The Ferguson case stands out because the public school system classified him as mentally retarded, said Salter. In 2002, the Supreme Court ruled that the execution of a mentally retarded criminal was considered cruel and unusual punishment.

The American Bar Association Death Penalty Representation Project wanted Salter and his colleague to represent Ferguson, so they volunteered for the case.

"We take on cases like these because we think it's necessary for everyone to have a lawyer," Salter said. "We take an oath to help people who don't have representation. Ferguson had no money and couldn't afford counsel."

Salter and his partner have been working on this case since 2003.

"Of all the cases I've done, none of them have been as dramatic, compelling or pressured filled as his," Salter said.

Donna Bausch, executive director of the Norfolk and Portsmouth Bar Association, finds that while most lawyers handle pro bono work for individuals, many also voluntarily give charitable hours a year to nonprofit charities.

The association recently worked on a project called Wills for Heroes that came about after 9/11.

"Over a hundred of our lawyers, paralegals and secretaries volunteered to write simple wills and power of attorneys for firemen, EMTs and the police department," Bausch said. "If something happened to them, their family

would be taken care of.”

One lawyer is helping out on a global scale.

Thomas Kleine, partner at Troutman Sanders LLP, serves as one of the commissioners of Helping to Enhance the Livelihood of People Around the Globe (HELP).

Appointed by the president and bipartisan Congressional leaders, commissioners are tasked to look at all U.S. Development Assistance programs to help eradicate hunger, starvation and poverty issues worldwide.

Kleine has experience in this area because he previously served as chief counsel to the U.S. Senate Committee on Foreign Relations.

“We use our legal expertise to help draft legislative changes in law to make foreign aid programs more effective,” Kleine said.

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