

PRO BONO

HONOR ROLL

The State Bar of Nevada Board of Governors and the Access to Justice Commission extend a special thanks to the following attorneys who generously accepted cases in January 2016, through the Legal Aid Center of Southern Nevada, Washoe Legal Services, Nevada Legal Services, Volunteer Attorneys for Rural Nevadans and Southern Nevada Senior Law Program.

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Attorneys who participated in clinics, Ask-A-Lawyer or Lawyer in the Library programs:

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SMALL ACTIONS

BY EDMUND J. GORMAN, JR., ESQ.

In Harper Lee's 1960 novel "To Kill a Mockingbird," lawyer hero Atticus Finch is the archetype of the thoughtful, ethical small-town lawyer, taking the case of Tom Robinson, a young black man accused of the rape of a white woman, in the segregated 1930s south. Defending the rule of law and due process in the face of a racially-charged rural town bent on mob justice, Atticus demonstrates the singular role that attorneys can play as bulwarks of reason against the tyranny of inequality. And what's more, Atticus performs the ultimate act of ethical self-sacrifice: he agrees to represent his client pro bono.

While the character of Atticus Finch as the consummately ethical attorney has inspired generations of civic-minded, starry-eyed lawyers, the most important decision he makes in the novel is total business suicide — the decision to take a capital felony case through trial, without pay. One has to wonder at Finch's judgement, taking such a case as a single father with mouths to feed. However admirable, taking a pro bono case requiring months of work, against the mores of one's community, requiring

◀ BOLD honors multiple cases accepted and/or sessions conducted within the month. ▶

FOCUS



CAN MAKE A BIG DIFFERENCE

significant out-of-pocket costs and with no prospect of payment is this author's law practice *nightmare*.

I have learned, however, that one need not demonstrate the selflessness of Atticus Finch, or his lack of business sense, in order to make significant, lasting impact in the lives of clients through pro bono work. In fact, sometimes all it takes is a few minutes. Take, for example, the case of "James." A man in his mid-20s, James had grown up in the region but left after high school to pursue various bad ideas elsewhere, before returning to Reno as a single father. Although he now had a steady job, his income was not enough to cover his and his son's expenses; he struggled with bills, and homelessness was a constant threat.

James knew that his grandparents had established a custodial account for him when he was a teenager. Now that they and his parents had passed away, this account was in the care of friends of his parents who did not agree with James' past lifestyle decisions and did not intend to turn the funds over to him as required by law. The amount was sufficient to cover a down payment on a modest home, with enough still left over to provide a small cushion of savings. However, the custodians refused to turn the money over, believing it would be best kept for James' son; James had, in their view, forfeited his rights to the fund established for his benefit.

James sought help from a local legal services organization, who referred the case to me. Although the legal and factual issues were clear, and I believed the cause to be just, I must admit to dreading what I thought was certain litigation of unknown duration and complexity. I was hardly willing to be Atticus Finch that day, and James, deserving as he was, was no Tom Robinson. Even so, I penned the obligatory pre-suit demand letter, setting out the issues with all the restraint and courtesy I could muster, indicating a deadline for a response, and making threats of legal proceedings I was committed to seeing through, even if I hoped I wouldn't have to.

I was pleasantly surprised then, when two weeks later I received a letter from the opposing party asking, in effect, where they could send a check for the entire amount. With just four-tenths of an hour of my time, I had turned the prospects of a single father and his son

completely around, ensuring them housing, security and hope for a better, more stable future. It may have been the only time in my professional experience that a single demand letter had led to complete capitulation and resolution of the case. It didn't take a trial or reasoning with a mob, and it didn't torpedo my law practice. And yet, such a resolution could not have happened without an attorney's help — help that James could simply not afford.

Attorneys juggling the time demands of a law practice are understandably wary of committing to the possibility of lengthy, time-consuming pro bono litigation. However, any amount of time that an attorney can commit to a pro bono case, or to a legal services organization, can be invaluable to a client.

Even if the commitment is only for a consultation, or a demand letter or simple document preparation, it can make a world of difference to a person of limited means. Attorneys do not need to take on a capital case as Atticus did in order to stand up for equal access to justice; they just need to give as little as a few minutes of their time and expertise — and to never forget the power of a carefully-crafted letter. **NL**

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EDMUND J. "JOE" GORMAN is a graduate of Tulane University (B.A. 2003, *summa cum laude*), the University of New Mexico (M.A. 2006, with distinction), and Stanford Law School (J.D. 2009, with pro bono distinction). Joe is licensed to practice in all courts of the state of Nevada, United States District Court for the District of Nevada, and the United States Bankruptcy Court for the District of Nevada. He serves as the 2015-2016 chair of the Executive Committee of the Solo and Small Practice Section of the State Bar of Nevada, and is an active member of the American Bar Association, the Washoe County Bar Association and the Probate Bar Association of Washoe County. In addition to providing comprehensive legal services for Nevada families and businesses of all sizes, Gorman is committed to serving Nevada's neediest residents and was named "2015 Pro Bono Attorney of the Year" by Nevada Legal Services.