

Enrich Your Life in 2017: Easy Pro Bono

by Keith A. Call

“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.” Utah R. Prof'l Conduct 6.1.

In May 1997, I met Charlotte Martinez at a *pro bono* landlord-tenant clinic. Charlotte's landlord had just issued a three-day notice to vacate her apartment for failure to pay rent. Charlotte went to the Matheson Courthouse for a possession bond hearing. She was scared, lost, and baffled. She was particularly distressed because she believed she had a valid defense: she had timely tendered the full amount of rent due, but the landlord has refused to accept it.

My fellow associate, Adam Price, and I agreed to represent Charlotte at the bond hearing. The judge was sympathetic to our story but, somewhat tied by then-existing landlord-tenant law, required Charlotte to post a \$1,000 bond to avoid eviction. Unable to post the bond, Charlotte lost her apartment even though she did nothing wrong.

That did not sit well with Adam and me so we agreed to continue representing Charlotte. We continued to guide her through the process, filed a counterclaim for abuse of process, and proceeded to get an expedited trial setting. Adam discovered that the landlord, a business entity, was not properly registered to do business in Utah. At the trial, Adam successfully argued that the complaint should be dismissed on that basis, and the court agreed. We then proceeded to a short trial on Charlotte's counterclaim, in which we won a modest award of \$700 for Charlotte, plus attorney fees.

That experience, nearly twenty years ago, truly remains “one of the most rewarding experiences in [my] life [as] a lawyer.” Utah R. Prof'l Conduct 6.1, cmt. [1]. It is equaled only by other similar experiences helping disadvantaged people who were in high distress because of a legal issue.

Limited scope representation at *pro bono* legal clinics is an easy and a rewarding way for lawyers to fulfill their *pro bono* obligations. In most such cases, the lawyer's representation will typically last for a few minutes or, at most, a few hours. In these few minutes, the lawyer can often help another human being through what may be

one of the most difficult and stressful moments of his or her lifetime.

Relaxed Conflict Rules

The Utah Supreme Court has also made participation in such clinics easier by relaxing the conflict of interest rules. Rule 6.5 provides:

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(a)(1) is subject to Rule 1.7 [conflicts of interest-current clients] and 1.9(a) [duties to former clients] *only if the lawyer knows that the representation of the client involves a conflict of interest*; and

(a)(2) is subject to Rule 1.10 [imputation of conflicts] *only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified* by Rule 1.7 or 1.9(a) with respect to the matter.

Utah R. Prof'l Conduct 6.5(a) (emphasis added).

In other words, when you participate in qualified *pro bono* legal clinics, you don't have to worry about conducting a regular check for conflicts of interest. You only have to apply what you know at the time of the limited representation. You simply need to identify the client and the adverse party, and then search your mind for actual knowledge of a conflict, including any conflict

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you know exists in your firm. If you don't know of any conflict at that moment, you are permitted to proceed with the limited scope representation. Be careful, of course, to fully inform the client of the limited scope and nature of your representation.

Dozens of *Pro Bono* Clinics Exist

These limited scope *pro bono* clinics are about the easiest way I know to provide meaningful *pro bono* service. For those who live or practice in Utah's most populous areas, such legal clinics abound. They include the following:

Matheson Courthouse Debt Collection Calendar

Wednesdays, 1 p.m. To sign up, please contact Charles Stormont at cstormont@fabianvancott.com.

Matheson Courthouse Landlord-tenant Calendar:

Wednesdays, 1:30 p.m. This clinic will soon be operating in conjunction with the debt collection calendar; contact Tyler.Needham@utahbar.org for more information.

West Jordan Landlord-tenant and Debt Collection Calendars:

Tuesdays, 8:30 a.m. To sign up, please visit <https://goo.gl/forms/QIIDRkKqn8rlAlpE2> or contact Tyler.Needham@utahbar.org.

Bountiful Courthouse Debt Collection Calendar:

Thursdays, 8:00 a.m. This clinic will be operating soon; contact Tyler.Needham@utahbar.org for more information.

Family Law Clinic at Matheson Courthouse:

Schedule varies. Contact Virginia Sudbury at virginia@lovs.biz for more information.

Family Law Clinic at West Jordan Courthouse:

Second and Third Wednesdays at 1:30 p.m. Contact Virginia Sudbury at virginia@lovs.biz for more information.

In researching this article, I learned that there are literally dozens of free legal clinics throughout the state that serve Utah's citizens on a wide variety of issues. Make 2017 the best year of your professional life by donating even a small amount of time to one of these great causes. For a list of additional opportunities, go to <https://www.utcourts.gov/howto/legalclinics/>.

Every case is different. This article should not be construed to state enforceable legal standards or to provide guidance for any particular case. The views expressed in this article are solely those of the author.