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STATE BAR OF GEORGIA'S ANNUAL MEETING  
GEORGIA COMMITTEE ON CIVIL JUSTICE

PRO BONO:  
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# Pro Bono: Committee on Civil Justice

## Civil Justice for Georgia's Most Vulnerable

By Jane Hansen  
Public Information Officer  
Supreme Court of Georgia

When Haley Schwartz arrived at the Atlanta hospice last August, it was hard to look into the woman's face. She was so young, and she was dying.

Schwartz, a lawyer, had gotten the call the day before from a social worker at the DeKalb Medical Center. The social worker told Schwartz that a patient named Janis couldn't afford a lawyer but needed her help. The 43-year-old woman was in the final stages of breast cancer and was being transferred that day to hospice. The social worker had sat with Janis, assuring her that she could let go. No, Janis said, she couldn't. She had an 11-year-old daughter, and she hadn't made arrangements for her.

Schwartz, who directs the Breast Cancer Legal Project for the *Atlanta Legal Aid Society*, arrived at the hospice armed with guardianship paperwork and a will that named Janis's sister as her child's guardian. Janis, who was clearly in pain, had held onto life weeks longer than anyone expected. Janis signed the papers, and Haley was struck by the sense of peacefulness that seemed to wash over her. Before she left, Schwartz held Janis's hand and assured her everything would now be OK; her daughter would be taken care of.

Soon after returning to her office, Schwartz got a call from Janis's sister, thanking her for putting her sister at peace. Janis had died a couple of hours after Haley left.

In recent years, the focus in Georgia has been on the need for an indigent criminal defense system. But throughout the state, a growing number of poor and working poor citizens are struggling with civil legal needs that aren't being met. They're people like Janis, sick and dying from cancer or AIDS who need help with end-of-life planning or who are seeking disability or who can't qualify for Section 8 housing because they're too sick to work. They're the mother whose child is on a ventilator but her electricity has just been cut off; they're the elderly man who, faced with mortgage foreclosure, signs over the deed to his house to a scam artist; they're the woman who's trying to protect herself and her children by getting out of her marriage to an abusive man.

"These are fundamental human rights issues," says Chief Justice Leah Ward Sears of the Supreme Court of Georgia.

For the last year and a half, the Committee on Civil Justice, created by the Supreme Court and chaired by the chief justice, has been working to improve access to civil justice for Georgia's most vulnerable citizens -- children, the elderly, veterans, the disabled, domestic violence victims. Anne Lewis, a law partner with *Strickland Brockington*, and Teri McClure, senior vice president and general counsel of *United Parcel Service*, share the role of vice chair over the committee of nearly two dozen attorneys, judges, legislators and a minister -- all appointed by the Supreme Court. Among their goals: to recycle law firms' used equipment and get



Anne Ware Lewis  
*Strickland Brockington  
Lewis, LLP*



Teri Plummer  
McClure  
*United Parcel Service*



Chief Justice Leah  
Ward Sears  
*Supreme Court of  
Georgia*

it to organizations and shelters that need it; to increase the pool of pro bono attorneys around the state; to set up kiosks in courts and forms on line to help people who choose to represent themselves; and to educate state leaders and the public on what civil legal services are available and what are still needed.

Georgia ranks in the bottom third in the amount the state spends on indigent civil justice. The Georgia legislature has provided some funding for targeted programs, including about \$140,000 for a senior citizens legal hotline, \$250,000 for legal services for grandparents who are raising their grandchildren and about \$2.2 million for legal services for the victims of domestic violence. But unlike many states, Georgia has no general fund for civil legal services for the poor.

Law firms are trying to help, but they can fund nowhere near the need. To demonstrate and prove that need, the committee has contracted with the A.L. Burruss Institute at Kennesaw State University to do a statewide needs assessment, surveying not only poor and middle-income citizens, but also judges and lawyers. The Atlanta Bar and a number of law firms have contributed to the survey's \$165,000 cost. Charlie Lester, Jr., of *Sutherland Asbill & Brennan*, says he hopes the committee will have final results by June.

"I think there's a substantial number of people who could use legal services but aren't getting them," says Lester, who heads the subcommittee overseeing the assessment. "The big objective of the committee is to coordinate and increase quality services for everybody who needs them."

One piece of information Lester is hoping to learn from the assessment is why some lawyers do pro bono work and others don't, with the end goal of increasing their ranks.

Chief Justice Sears says that as she's learned more about the many legal problems people face, she's become passionate about the need for a response. She believes the Committee on Civil Justice is making strides.

"Now we're really off to the races. I feel good about the momentum," she says. "But we're not there yet. We need lawyers from all over the state to get in this race and stay in it with us."

## **Preliminary Findings of the Legal Needs Assessment Project**

In 2007, the Georgia Supreme Court Committee on Civil Justice decided to undertake a comprehensive survey of civil legal needs in the State of Georgia. The Committee contracted with the Burruss Institute of Kennesaw State University to conduct this study. Over the first months of 2008, over 1500 poor and middle income Georgians have been surveyed, along with legal services providers, judges, and other court personnel. In addition, approximately 300 attorneys throughout the state were surveyed regarding their participation in pro bono legal services.

At the State Bar Annual Meeting (June 5—9:00-12:00), the Committee will share preliminary findings of this comprehensive Legal Needs Assessment Survey. The following is a brief summary of some of those findings.

### ***Who Does Pro Bono Work?***

Approximately 40% of attorneys responding to the survey report that they provide pro bono legal services. There were no statistically significant differences based on gender, age, income, and the number of years practicing law between those who provide pro bono work and those who don't.

A couple of factors were statistically significant. The size of the law firm in which an attorney practices is related to whether an attorney engages in pro bono work. Lawyers in larger firms (those with more than 25 attorneys) were less likely to do pro bono work, as only 27% of respondents at these firms engaged in pro bono work. Nearly half of the attorneys in solo practice or in firms with five or fewer attorneys (48.5%) reported that they had engaged in pro bono work. And lawyers in private practice report doing pro bono at a higher rate (50%) than those who work in in-house corporate practices (21%).

### ***Motivations To Do Pro Bono Work***

For those attorneys who do pro bono work, the most common reason cited was their sense of professional responsibility. A majority of those attorneys also indicated that awareness of the legal needs of poor people is a strong factor in why they do pro bono work. As one attorney stated, "There is a wealth of untapped energy in young lawyers very committed to pro bono who have not been connected to the needs. We need to start getting them involved in law school."

Employer support is also critical; as one attorney put it: "There are a lot of young lawyers who would participate if their firm was committed to it. If their employer supported it they would heavily participate because they would gain skills, notoriety, and other things."

### ***Problems Faced by Unrepresented Litigants***

Several judges and clerks told of the difficulties faced by pro se litigants. "It is always hard for a clerk to tell a self-represented litigant that we cannot assist them and then tell them that **only criminals** get free representation." Another judge stated: "It is difficult to make litigants understand that they can't just come in and 'talk' to the judge and have the judge or personnel fill out their forms for them. They see me as 'someone they voted for' and can't understand why I can't 'help' them."

Many attorneys noted that clients with needs in the domestic relations area seem to go unrepresented most often. Lack of expertise was cited as a factor for not engaging in certain areas of practice. Significantly, however, many attorneys who already provide pro bono services state that they would be willing to handle other areas of law if they were provided additional training in those areas.

**The Georgia Supreme Court Committee on Civil Justice would like to thank the following sponsors for their generous support to the Legal Needs Assessment. It is through these contributions that the first step in improving Georgia's civil legal delivery system was made possible.**

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