

Let's face it.

Helping out can seem like an overwhelming task.

Our family, our friends, our jobs and ourselves give us more than enough to worry about. As it is, there already seems to be too little of those resources that make up life—time and money. The idea of helping out or giving back to the community can seem impossible, a task best left to others.

Despite this, some Arizona attorneys devote themselves to community organizations and volunteer lawyer programs that change lives. These attorneys have learned to balance their pro bono endeavors with their work and personal lives.

It is not because they are superhuman. It is because their pro bono work energizes them. That work can be the reality-based reminder that democratic law exists to help people. It is an area of law where individuals can positively affect the lives of those in need.

RELATING TO CLIENT NEEDS

“You have to redefine *victory* in this area

of law,” says **Alyce Pennington**, domestic relations attorney with DeConcini, McDonald Yetwin & Lacy, PC. This past president of the Pima County Bar Association finds victory and vitality in her voluminous volunteer work: coordinator and speaker for the program *Considering Divorce*, judge pro tem, guardian ad litem and a pro bono lawyer for Southern Arizona Legal Aid and Pima County.

“I remember as a little kid reading to a little old lady in our neighborhood,” she says. “I think I have always done some of that. Through the years, it has just kind of grown to be a bigger part of my life.”

But is a volunteer or community service background necessary to be an effective pro bono lawyer? No, believes Pennington, who recruits for the PCBA and other community boards: “Some people have always been doing volunteer things all their lives, and some people need to be asked. We see a lot of ‘Oh gosh, I didn’t think you would want me.’”

Besides the benefits of giving back to your community and changing lives, doing

pro bono work can greatly benefit your practice, says Pennington.

“I have gotten referrals because you are their lawyer, whether you see them at a clinic, or whether you are giving a public talk. You often can’t remember what the connection is to that person who referred you, but you know that it is through being out in the community that your name is known to somebody who trusted you for some reason.”

Her firm also has seen the benefits of promoting pro bono work. “Many firms are starting to recognize that it is not just aspirational but it is important,” she says. “It is a must for our profession to give back to the community in one way or another. Our firm encourages volunteerism and community involvement. Just being out in the community, we have a lot of connections with people who may need a lawyer.”

Pennington leads courses at Casa De Los Niños, a “temporary foster care for kids who are experiencing a crisis in their family situation,” to help families who might be at risk. The course, which is 8 to

LENDING A HAND: PRACTICAL PRO BONO

BY LESLIE ROSS

PHOTOGRAPHY BY MICHAEL MERTZ

10 weeks long, provides valuable legal information on how to stay out of the system. The series also has been adapted for at-risk categories, such as prisoners who are returning to the family setting and high school students who may be dealing with family issues. Preventative law in the area of domestic relations saves money and time.

“The reality is that we lawyers are very expensive, and when people are getting a divorce they have half as much as they used to have. Many people cannot afford the luxury of a lawyer from beginning to end.” By sitting as a judge pro tem, Pennington can be part of an intermediary court system providing family law clients with a less expensive and time-consuming option: “One of my fears,” says Pennington, “is that some people think that family law, elder law, and juvenile law should not be real law and does not deserve a day in court. There are those cases where you cannot reach a resolution. ... On Mondays, we have settlement conferences before every divorce trial takes place. A huge number of cases are set-

tled there. A lot of them are *pro pers* who just needed to have their stories heard.”

MAKING FAMILIES WHOLE

The expense of hiring a lawyer also troubles **Lisa Bibbens**, a domestic relations attorney at Liberty, O’Neill & Bibbens in Tucson.

“In some of the cases, I have met a client and maybe we quote them a \$3,000 retainer to take the case,” recalls Bibbens. “I have some people just break down in tears. They realize they can’t afford an attorney and their only other option is to represent themselves.”

When she is able to take on a case pro bono, she can reverse that trend.

“I had a case where a woman came in and she had horrible life circumstances. A child had died; her marriage had fallen apart. It was very sad, but it felt good to be able to address the issues that we needed to address to keep her and her remaining child safe—to award her child support and a property division that could allow them, given the circumstances, to go on in a positive way in life. When I think about it, it touches me.”



DeSHON PULLEN

Cases like that have altered the way in which Bibbens views her day-to-day life. “Ever since I have had kids, it’s really made me realize how much of an impact these issues can have. I have seen horrible cases where the parents use their children as pawns and really don’t care about them; they are primarily concerned with their own interests.”

Her concern for the welfare of children

been doing it ever since.” As a small firm, balancing pro bono cases and pay cases can be a struggle. However, Lisa says, “For me it has been a life-changing and such an enriching experience to help other people. To realize that you are making this very small difference in the world, but you are making a real difference in the person and the family’s life. For me that has been an incredible motivator.”

PRO BONO WORK CAN BE THE REALITY-BASED REMINDER THAT DEMOCRATIC LAW EXISTS TO HELP PEOPLE.

doesn’t end with her pro bono cases. She is also involved with Wingspan, a Tucson gay, lesbian, bisexual and transgender community center, and she is the director of Rainbow Families, a group for GLBT families. “The idea behind the group is primarily to assist the children in meeting families that have parents like theirs.”

Bibbens’ determination to help GLBT families led her to a custody case involving a gay father. “We were quite concerned that the judge might view his sexual orientation negatively.” However, at least in that case, the court’s understanding of GLBT families is evolving. Bibbens feels that the emphasis should be put on a healthy family rather than a traditional one. “What a child needs is a loving, concerned parent. I guess too often you see cases where parents have other issues going on, substance abuse, alcoholism or domestic violence. ... It reinforced my belief that children need quality parents, instead of a certain traditional family unit.”

With her partners Nancy O’Neill and Pam Liberty, Bibbens takes on many pro bono cases. The firm was doing work with the Navajo Reservation and Southern Arizona Legal Aid before Lisa joined the firm. “When I came along, I just kind of joined into the program with them. I have

KEEPING THE HOME SAFE

“The cases that I think are memorable are landlord-tenant,” says **DeShon Pullen**. “It is just because the issues are your home; you are going to *lose your home*. The people almost always have kids and they are not making a lot of money. It is not like the person who gets evicted can afford to go to another apartment. They can’t afford another deposit.”

This attorney at Pullen Law Group PC recalls her start in pro bono work: “The first case I took was a lady who lived in a mobile home that she was trying to purchase. ... They were evicting her not for late payments, but because she hadn’t trimmed her trees in a timely matter. In her case she couldn’t afford to move her mobile home. She had tried to purchase it, put all this money into it. She didn’t have extra money. She was living on public assistance.”

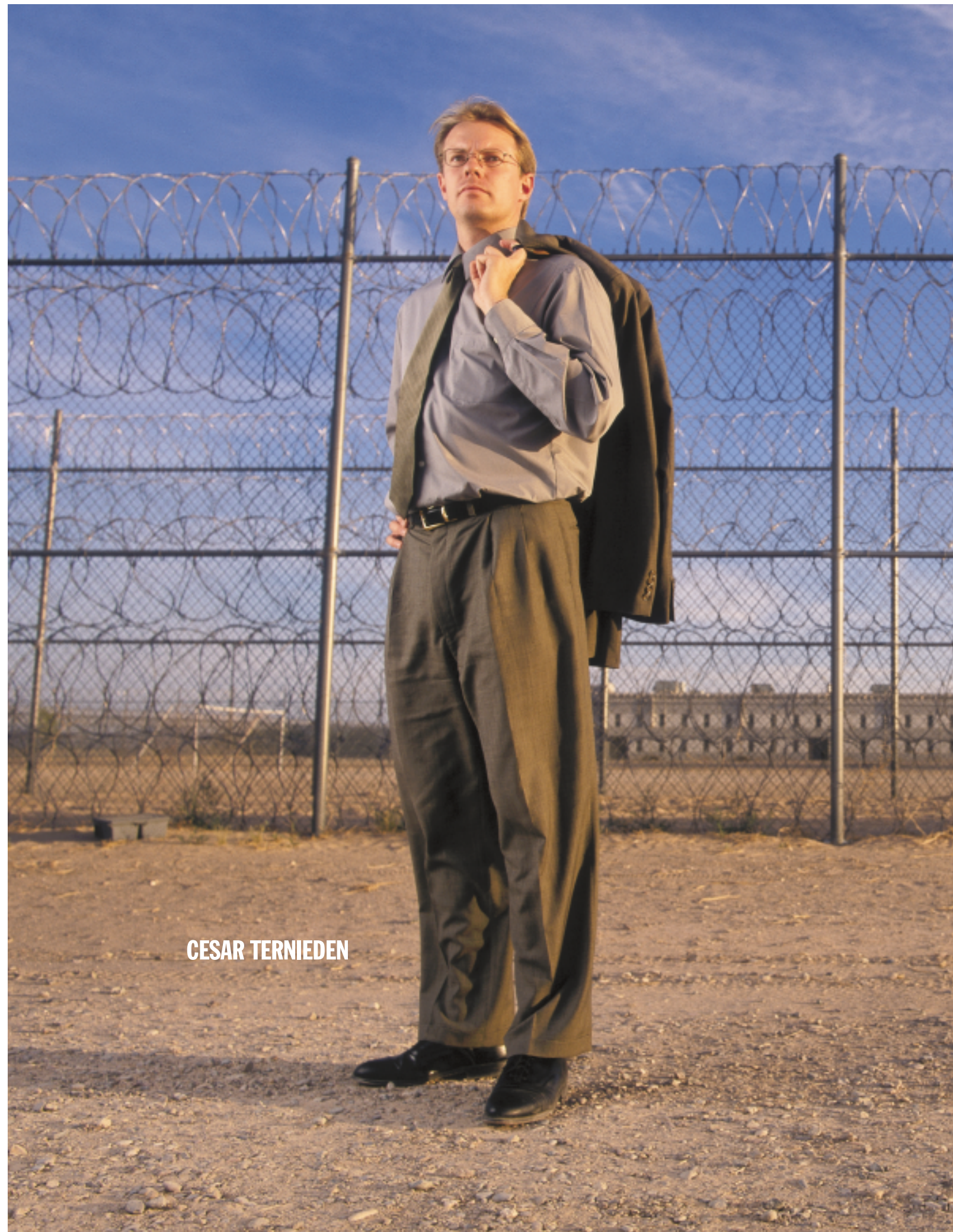
“If she would have been evicted, the landlord essentially just keeps her trailer. The money she put into it and everything, she gets none of it back.” That was the case that got Pullen involved in the landlord-tenant clinic at Community Legal Services. After receiving an e-mail from Michael Rafford of Snell & Wilmer, Pullen’s former employer, she decided to

delve into the clinic. Although this was not her practice area, she learned what she needed to know from Rafford and CLS. If nothing else, she felt more confident knowing that CLS has malpractice insurance.

Pullen discovered that the time involved in landlord-tenant disputes differs from other cases. Before a case, the attorney's preparation is minimal. However, it may be an entire day in court before the case is heard. "The client doesn't have a car to meet you at your office, so they just meet you at the courthouse a half hour before their trial. They don't have the resources to fax you back and forth, so your preparation time is actually small, but if you do take a case, you don't expect to be back in an hour. You have to give up the afternoon and just accept that you are not going to be back to work before five." Once, she acquired a second case while she was waiting for her first one to be seen. She sympathized with a woman waiting with a small child. The woman had seen the judge already and seemed confused. She was being evicted due to a domestic violence issue. Pullen spoke with the opposing attorney and worked out a deal.

"I haven't seen anything that really surprises me. I think I just knew that was how it was. I grew up in a family where there was domestic violence. My mom was a single mom with three kids. We didn't have a lot of money. I knew sometimes what it was like to be poor, what it was like not to have resources."

Her personal experiences have led her to community service work. Along with her mother, Pullen has spoken to groups about the dynamics of domestic violence for the Arizona Coalition Against Domestic Violence. "I don't think you have to grow up poor to want to help people who really need your help. It just turned out that that is how it was with me. I think there are a lot of people who grew up and had money and didn't have the types of issues that these people have, but they can still relate to the problems they are going through. There are as passionate about it as I am."



CESAR TERNIEDEN



GROOMING PRO BONO LAWYERS

Andy Silverman, a Professor and Director of Clinical Programs at the University of Arizona is energized by his pro bono work.

“I consider it part of my responsibility both as a professor and as a lawyer. I also like to think that I don’t do it out of just responsibility, but I do it because I like doing it. I get gratification from doing it, and maybe along the way I can help someone or some organization or some cause.”

He brings his passion for pro bono to his work with U of A law students: “I think we are exposing our students to doing pro bono work and the responsibility that lawyers have in doing such work. Right from the beginning of their law school career, what I really like to think of as their legal career, they’re being exposed to such work. I would assume that students now graduating from law school are going to be much more inclined and oriented to doing pro bono work.”

When he was a law student, Silverman became involved in the Post Conviction Legal Assistance Clinic, a program that represented inmates in state prison. Now, as a professor and Director of Clinical Programs, he again is working on one of his previous cases; this time, however, he is the professor working with a group of students.

“The case is one in which we represent a woman who has been in the Arizona State Prison since 1963, I think longer probably than any woman has been in the state prison. We are trying to assist her to become eligible for parole.” That case, like others, is under the banner of the Justice Project, a volunteer project within the statewide organization Arizona Attorneys for Criminal Justice. Headed by Larry Hammond, a private attorney in Phoenix, the Justice Project has volunteer lawyers as well as students and professors from both the University of Arizona and Arizona State University working on cases.

Like his father who was involved in community organizations, Silverman is passing down his legacy of pro bono and political activism. He feels positive about the future of pro bono work for the grad-

uating students.

“I think with the emphasis put on pro bono within the law school setting and once one graduates law school, if law students are not born with it, they’re surely indoctrinated and influenced by what other lawyers are doing. Hopefully if they are not born with it, at least we are making them into people who see pro bono as part of their responsibility as a lawyer.”

IMMIGRATION ARIZONA-STYLE

Cesar Ternieden’s tenacity for pro bono immigration law may look like an expected result. Although he moved from Brazil to the United States with his family when he was a high school senior, he had ample opportunities to walk a different path. In his first year as a law student at Boston University, Ternieden realized that his coursework didn’t satisfy his need to help others. To compensate for this, he set out to find an internship.

With his desire for pro bono along with

his knowledge of multiple languages, Cesar obtained a translator position with the Boston Political Asylum/Immigration Representation Project. During his first summer as a law student, Cesar applied for the civil clinic. With his ability to translate, as well as his past experiences doing pro bono, Cesar was an asset to the program. “We handled a number of cases of all sorts of stories of torture and persecution. It was just too compelling. Each one of the cases was so compelling that I loved doing the work. It was too beautiful to see how people are glad when you give them the time and if ultimately you win, you are able to change their lives completely.”

Though he was offered opportunities to work in large Boston firms, he decided to partner with Anthony Pelino in a law firm based in Florence, specializing in immigration law. “It is so different. ... Generally in Boston the individuals were released already. The cases have a different dimension. Here, we have individuals in prison.

They call it detention; whatever you want to call it—there are bars. That just throws a whole new dimension into it that I don’t think I was prepared for.”

Recently the two lawyers worked on a case involving a man from Mozambique who as a child was forced to be a soldier. His parents were tortured and killed. He fled Mozambique and lived in Tanzania. He then left Tanzania for Mexico and crossed over the border into the United States. He sat in jail for years before the lawyers heard about the case.

The project was a daunting task. The man spoke only Swahili and some English. He also suffered from post-traumatic stress disorder. After having been detained for six years, the man was reluctant to speak in court. “Even in the court, the client told the judge that he had lost trust in the system. So this is the system that we have. It is a system that puts someone who is coming in and asking for help in jail. This is the kind of system that tells me that I have to do pro bono because there are these people out there, people who have never had a chance in life. They deserve some of my time to at least have the bare minimum. All he wanted was the opportunity to work and live when someone would not be harassing him.”

“Just seeing the plight of those in detention makes you appreciate your liberty more,” says Ternieden. “I think that goes without saying. But my view of this country as a country being open to immigrants definitely has changed.”

Although they won the Mozambique case, there was still much to be done. Like



For more information about the organizations mentioned in this article, contact them directly:

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For more information on volunteer opportunities, contact the Arizona Volunteer Lawyers Programs. The Arizona Bar Foundation, through funding from IOLTA and the State Bar of Arizona, is proud to support the following four VLPs.

Community Legal Services

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DNA People’s Legal Services

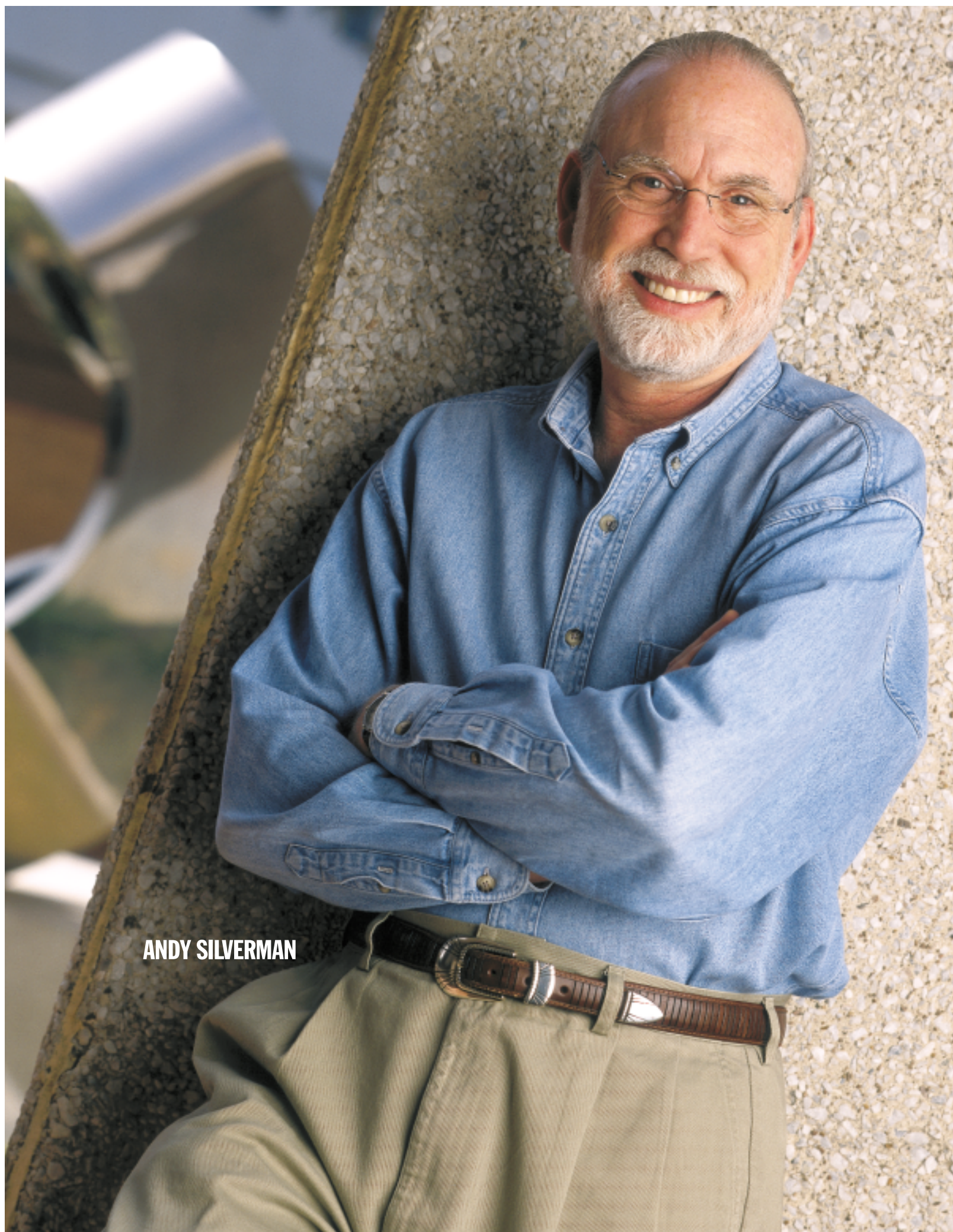
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ANDY SILVERMAN

most pro bono cases, the verdict may be in, but the case isn't over. How would this man now survive in the United States? How would he find a place to live and food to eat? What would prevent him from returning to jail and having his asylum revoked? These are questions that must be resolved.

"We tried to put together a program that was able to receive this person and help this person develop," Ternieden says. "In this case we had the Lutheran social ministries organization here in Phoenix that worked with us down to the details of 'This is the day when he is coming out so they have to make a rental agreement, and buy food that you put in the refrigerator, and have pots and pans so that the day he gets there he will have something to eat, because once he is released he has nothing.'"

The importance of having a social worker involved is unquestionable. "It turns out that pro bono work is also dealing with the families, dealing with the individuals, dealing with the law, but also following up on social care—making sure that once they get out they are not going to be back in the same situation that caused them to act in that way."

Many attorneys hesitate to become involved in pro bono work. It is difficult to find balance between money and time allotted to paying clients, firms, families and oneself. But Ternieden rejects that calculation.

"If I have a lot of paying clients, I am so busy that I can always explain myself that the reason I am not doing pro bono today is because I am so busy. I might be able to donate some money to a local nonprofit organization. On the other hand, if I have very few paying clients then it is very difficult for me to financially afford to go out and spend so much time, while I could be using the time to develop other clients. There is always an excuse for not doing pro bono.

"So it turns out, I believe, that practicing pro bono has no relationship to how your firm is doing, how many paying clients you have or have not. The bottom line is it is a direct reflection of how you view yourself as a professional and whether or not you are willing to help and give." ▀