

The Unexpected Pleasure of Pro Bono Work

By Patricia Thompson



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The most beautiful Christmas card I received as an attorney was from a partially blind, third-grade educated, elderly former construction worker whose inner-city home we saved from foreclosure by negotiating a new reverse mortgage and the reduced payment of various hurricane repair-related liens on his home. When I called to thank him for the lovely card and its touching message, he explained he had asked his sister to buy it especially for me. Because of his age, I always called him Mr. Russell and he always called me Mrs. Thompson. He was a pro bono client, referred to me by the local legal aid service. It was an honor to represent him. His thoughtful gesture captures one of the unexpected pleasures of working pro bono publico.

In my 34 years of commercial litigation practice in various areas of law, I have been blessed with success and few regrets. I like what I do. Yet, on reflection, I believe there are at least four reasons why my pro bono work has been particularly meaningful and rewarding.

First, it allows me to be of assistance to clients who likely have no one but me to whom to turn assistance. If I did not help them, they would be lost in a complex system they did not understand and likely could not successfully navigate. Second, in some instances, my clients likely would have been taken advantage of by opponents who do not care about justice or what is right. Representing the otherwise defenseless against those who would do harm is thrilling. Third, pro bono litigation often involves legal issues that are both of vital importance to my clients and

intellectually challenging. For example, I have argued issues of church and state separation, defended non-profits against humiliating charges of discrimination, defended an elderly widow and her mentally disabled son against wage claims by their caregiver, and set aside a default judgment against a church to foreclose a fraudulent construction lien. Finally, and possibly because of the first three reasons, there is nothing quite as satisfying as a pro bono victory. At several levels, this work speaks to the heart of why I became a lawyer and a litigator.

how well we did in a case that he still remembers; he had been predisposed to rule against us. After all, the case hinged on my jailed clients' word against that of two attorneys.

As I think about my pro bono work over the years, I realize that I have discovered a truth. Commercial disputes come and go. While some may be serious and high-profile and may even threaten a company's existence, I know that my commercial clients forget the details of the disputes that—important as they are at the time—are, in the end, only busi-

My commercial clients forget the details of disputes that are, in the end, only business. This is not true of my pro bono clients and matters.

By way of illustration, one such victory came after a year of nasty litigation, a full non-jury trial, an appeal, and hundreds of hours of work. In that case, we successfully argued that a mortgage on our Haitian clients' home in favor of their prior attorneys was void for fraud and breach of fiduciary duty. The circumstances of this case were challenging. Unfortunately, the foreclosing attorneys, who represented themselves, often were discourteous and rude. I tried the case when I was eight-and-a-half months pregnant and wrote the appellate brief while on maternity leave. My clients were in prison for most of the lawsuit. Nevertheless, the pleasure of winning after an uphill battle on issues that go to the very integrity of the attorney-client relationship was so strong that I still experience it viscerally when I think about it 17 years later. As an added bonus, to this day, when I see the judge who tried the case, he comments about

ness. Similarly, over time, the specifics of some of the issues I have litigated in such cases have faded in my own memory.

This is not true of my pro bono clients and matters. For many of them, the litigation I handled may have been a watershed event in their lives. I still remember the details of their cases and feel a special satisfaction in my work on their behalf. There is something very good for one's soul in serving justice one person at a time under such circumstances. Pro bono cases seldom make news, but, in the end, our profession should not be about promoting ourselves. It should be about service to others for the public good.

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