



It's Not Just about Pro Bono

By Jeffrey A. Ernico

In the last year I have sought a better understanding of and appreciation for all of the good that lawyers do for society. It is impressive, and I would like to share with you what I have learned.

U.S. citizens — we and our clients — embrace and exhibit a culture of philanthropy far greater than in any other country in the world. This commitment to philanthropy is seen in our financial and estate planning and spans all age and income groups. Consider these statistics:

- Donors in the United States gave more than \$306 billion to charity in 2007, 83 percent of which came from individual donors during life or through bequests.
- Eighty-nine percent of all households give to charity annually, yet only 35.62 percent itemize and get a tax benefit from those contributions.
- Forty-four percent of all adults volunteer.

- A 2006 survey found that 19.8 percent of individuals considered as having high net worth (assets of more than \$1 million and income of more than \$200,000) have created a foundation.

Matt Frei, a British Broadcasting Corp. writer and Washington correspondent, shared the following perspective, gained when his child attended an American university and he was solicited by the school, in a 2006 “Washington Diary” column titled “Culture of Giving”:

It is impossible to imagine modern America without philanthropy, because so many of the institutions funded by the state in Europe are financed by private citizens in this country. ... Whether it is the quest for a legacy, the desire to change the world, the determination not to spoil one's children or simply the tax code, Americans — wealthy and not so wealthy — are giving their dollars away by the lorry load. And the rest of the world has a long way to catch up.

With most families, charitable giving is a part of the value system perpetuated from generation to generation and used to communicate the role and standing of the family in the community. For the organized bar, there is a panoply of charitable organizations that have sprung up over the last several years that address many law-related issues that affect disadvantaged people in our society. Most of these organizations are substantially supported by lawyers through cash gifts and pro bono services.

But we as lawyers need to be more aware of bar charities — and by this I am referring to charitable efforts to help people in need, efforts that have a relationship to lawyers, the legal system or the professional organizations representing attorneys or paralegals. Few of us know about these. We ought to be proud of them. *And* we ought to provide more support to assure the sustainability of the many projects and charities that have been created and supported by our legal community.

Yes, we all do more for free than we get credit for. There was a time when I was promoting pro bono at the bar level, but I would get feisty and disagree with some of my colleagues who would state that they were already providing too much in free legal services. I would distinguish pro bono from bad business practices. There is some truth to that. But there is also truth in the fact that we lawyers often willingly do things knowing that we won't get paid. We do it often because of our empathy and sense of justice for our clients. And that's good and worthy of note as well.

So what does that make us? A bunch of great guys and gals who get no respect? Hardly. We are citizens of the world and, of course, the United States. And like most people we help our fellow man in need. So, are we doing enough? Of course not. We need to do much more. And I don't mean pay more taxes so government can solve the problems of the world.

We lawyers are a helping profession, whether in the form of a domestic relations custody attorney or a patent attorney. But the average person out on the street sure doesn't see things this way. They often don't trust us and rank our integrity slightly above that of politicians and used-car salesmen.

I definitely know that the general public doesn't know about many of the charitable efforts related to the bar and courts. I know because I have tried to raise money from many lay people and corporations, reaching out into the community instead of just to lawyers. Virtually no community members — this includes the philanthropic members of the community — are aware of the programs that many of us know, such as legal services organizations (legal aid). Frankly, I have run into stone walls trying to secure funds from the general community for bar charities, primarily because the public is simply not aware of all the good that is done by many of these organizations.

What can we do about this? Well, first we ought to make sure that we, the legal profession as a whole, are aware of bar charities. I have been going around the commonwealth seeking to assist many such charities secure funds through planned giving — through wills and trusts — usually a deferred gift that takes effect at some time in the future after the death of the donor or some other defined event. I have discovered that many of even the most notable and well-recognized members of our bar really know about only a few of the bar charities.

Although many of the names of these entities will sound familiar or look familiar (see the accompanying list), there are far more of them than most of us realize. Each of them contributes to the social fabric and to the stature of all attorneys. These are all organizations that have been created by local bar associations or are nonprofits that relate to the legal entitlements and rights of others or are educational organizations focusing on legal rights and entitlements. I submit to you that all of these projects and programs have significance and a right to be recognized and known among the members of the bar. As a matter of fact many of them are struggling to make ends meet. Virtually all of these organizations owe their existence and much of their funding to the legal system and the legal profession itself. This is commendable.

But there is one way in which we attorneys have not really contributed toward the bar charities in a very effective manner. This is through planned gifts, either a bequest in a will, a charitable remainder trust or charitable lead trust or another form of gift annuity or planned gift.

While many of us have heard of these instruments and may have been approached by our college or law school or church about one, most of us have not given much thought to using them with reference to bar charities. There is no reason why we attorneys who have spent our

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entire professional lives working with the law and the legal community should not acknowledge some of these charitable endeavors in our wills or as a part of our ultimate estate planning. They deserve our support; they deserve the opportunity to be well funded over time through this form of giving.

I am not asking you to write a check for anything right now. I am simply asking you to think about bar charities when doing your will or when planning to make a gift to a charity that will take effect at some time in the future. It could be a simple dollar amount. It could be a fraction of the total value of your estate. It isn't going to interfere one iota with your cash flow while you are living. I am not suggesting that you deny your children or your family anything of significance. Rather I am simply suggesting that you give a token in your will or trust to a bar charity. If many of us lawyers give serious thought to this, it would go an incredibly long way to building endowments for the future sustainability of many programs.

As you know, some of the bar charities receive state, federal or other public funds; however, we also know that those funds tend to fluctuate from time to time and are subject to political pressures and the impact of public debt and budgets. Consequently, some of our bar charities find it necessary to lay off employees in years when they are not adequately funded, causing havoc not only among the communities they serve but also among the rest of the legal profession that is called upon to pick up the slack and help the people who are otherwise unserved. A well-endowed legal services program can

assure itself that it will be able to continue to provide services through thick and thin.

I am not saying that other charities don't deserve your attention as well; however, this is an area where we as a profession have a unique ability to underwrite our bar charities, thereby lifting our own reputations and doing a great deal of good for people in the Commonwealth of Pennsylvania.

Thank you for being so generous with your time, your wallet and your caring for people and causes in need. Please pat yourself on the back for all that you have done — and give serious thought to a planned gift for one of our many bar charities. ♦



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Jeffrey A. Ernico, a shareholder with the law firm of Mette, Evans & Woodside in Harrisburg, is a former president of the Pennsylvania Legal Aid Network (PLAN) and MidPenn Legal Services and a former co-chair of the PBA Task Force on Legal Services to the Community. He currently provides pro bono assistance as a planned giving officer to the Pennsylvania Bar Foundation, Pennsylvania Bar Institute and PLAN.

If you would like to comment on this article for publication in our next issue, please email us at editor@pabar.org.

Bar Charities in Pennsylvania

- Loan Repayment Assistance
- Scholarships (named or unnamed), such as the James Stoudt Law School Scholarship Fund or Opportunity Fund
- Pro se training
- Art Birdsell Award, used to fund county bar projects
- Mock Trial Fund
- Child advocate groups/advocacy
- MLK Scholarships
- Pro bono training/expansion (PBI and others)
- Community Legal Services Inc.
- Legal Aid of Southeastern Pennsylvania
- MidPenn Legal Services
- North Penn Legal Services
- Northwestern Legal Services
- Community Justice Project (Harrisburg and Pittsburgh)
- Friends of Farmworkers (Philadelphia County-based statewide program)
- Pennsylvania Health Law Project (offices in Harrisburg, Philadelphia and Pittsburgh)
- Pennsylvania Institutional Law Project (offices in Lewisburg, Philadelphia and Pittsburgh)
- Pennsylvania Legal Aid Network Inc. (statewide program based in Harrisburg)
- Disaster Relief Project (Allegheny County)
- Divorce Law Project (Allegheny County)
- Federal Court Prisoners Civil Rights Pro Bono Project (Allegheny County)
- Federal Probationers ECSEL Program (Allegheny County)
- Flood Assistance Program (Allegheny County)
- Indigent Birthparent Attorney Project (Allegheny County)
- Juvenile Court Project (Allegheny County)
- Military Personnel Pro Bono Project (Allegheny County)
- “Save Your Home” Mortgage Foreclosure Conciliation Project (Allegheny County)
- Pittsburgh Pro Bono Partnership
 - Anti-Predatory Lending Clinic
 - Catholic Charities Legal Clinic
 - Child Custody Guardian Project
 - Custody Conciliation Pro Bono Project
 - Education Law Center — School Board Expulsion Hearing Pro Bono Project
 - Family Law Mentor Volunteer Program
 - HELP Project — Homeless Experience Legal Protection
 - McKees Rocks Clinic
 - Millvale Wellness Center Community Clinic
 - Veterans Project
 - Wills Project
- Christian Legal Aid of Pittsburgh (Allegheny County)
- Court of Common Pleas of Allegheny County, Family Division, Adult Section Pro Se Assistance Program
- Education Law Center
- Equity Protection Legal Clinic (Allegheny County)
- Greater Pittsburgh Arts Council Volunteer Lawyers for the Arts
- Jewish Family & Children’s Service (Allegheny County)
- KidsVoice (Allegheny County)
- LawLinks, A Program of the Bayer Center for Nonprofit Management at Robert Morris University (Allegheny County)
- Mental Health America (Allegheny County)
- Court Appointed Special Advocates (CASA) of Allegheny County
- North Hills Community Outreach Inc.
- Pittsburgh AIDS Task Force Legal Committee
- Uptown Legal Clinic (Allegheny County)
- Pennsylvania Bar Institute
- Pennsylvania Bar Foundation
- Philadelphia Bar Foundation
- Allegheny County Bar Foundation
- Berks County Bar Foundation
- Blair County Bar Foundation
- Bucks County Bar Foundation
- Butler County Bar Foundation
- Chester County Bar Foundation
- Cumberland County Bar Foundation
- Dauphin County Bar Foundation
- Delaware County Bar Foundation
- Erie County Bar Foundation
- Lackawanna County Bar Foundation
- Lancaster County Bar Foundation
- Wilkes-Barre Law and Library Society (Luzerne County Bar Association Charitable Foundation)
- Lycoming County Bar Foundation
- Montgomery County Bar Foundation
- Schuylkill County Bar Foundation
- Washington County Bar Foundation
- Westmoreland County Bar Foundation
- York County Bar Foundation
- Goffman Award
- PBA Diversity Summit
- PBA Young Lawyers Division Pajama Program
- AIDS Law Project of Pennsylvania
- ACLU of Pennsylvania
- Atlantic Center for Capital Representation (Philadelphia)
- Consumer Bankruptcy Assistance Project (Philadelphia)
- Court Appointed Special Advocates of Philadelphia County
- Custody and Support Assistance Clinic (Philadelphia)
- Defenders Association — Pennsylvania Capital Representation Project
- Disability Rights Network of Pennsylvania (formerly Disabilities Law Project)
- Face to Face Inc. (Philadelphia)
- HIAS and Council Migration Service of Philadelphia
- Homeless Advocacy Project (Philadelphia)
- Juvenile Law Center (Philadelphia)
- Legal Clinic for the Disabled Inc. (Philadelphia)
- Mazzone Center (Philadelphia)
- Nationalities Service Center (Philadelphia)
- Pennsylvania Immigration Resource Center
- Pennsylvania Innocence Project
- Pennsylvania Prison Society
- Pennsylvanians for Modern Courts
- Philadelphia Legal Assistance
- Philadelphia Volunteer Lawyers for the Arts
- Philadelphia Volunteers for the Indigent Program (VIP)
- Public Interest Law Center of Philadelphia
- Regional Housing Legal Services
- Laurel Legal Services
- Neighborhood Legal Services Association
- Southwestern Pennsylvania Legal Aid Society
- SeniorLAW Center (Philadelphia)
- Society Created to Reduce Urban Blight (SCRUB) (Philadelphia)
- Support Center for Child Advocates (Philadelphia)
- Women Against Abuse Legal Center (Philadelphia)
- Women’s Law Project
- Women Organized Against Rape (Philadelphia)
- Franklin County Legal Services
- Lackawanna Pro Bono Inc. (Lackawanna County)
- Legal Services for Immigrants & Internationals (Southwestern Pennsylvania)
- Women’s Center & Shelter of Greater Pittsburgh—Civil Law Project (Southwestern Pennsylvania)
- Montgomery Child Advocacy Project (Montgomery County)
- Protection from Abuse Coordinated Services (Northwestern Pennsylvania)