



“This article was originally published on ABTL Report and is republished here with permission”

<https://media2.mofo.com/documents/190800-recommitting-to-pro-bono.pdf>

# The Benefits of Recommitting to Pro Bono

By Christian G. Andreu–von Euw & Mark Zebrowski

August 2019

*While most people set resolutions in January, there’s no better time than August to readjust your yearly goals. That is especially the case for pro bono. Our state bar “urges” us to devote 50 hours a year to pro bono work,<sup>1</sup> and many lawyers do that and more. Others have every intention of giving back to their communities through pro bono, but the challenges to doing so get in the way.*

We write to offer two perspectives designed to encourage you and your colleagues to make a renewed commitment to pro bono. Pro bono work can be personally fulfilling and, as Mark Zebrowski describes, a tradition of pro bono can also strengthen a firm. Christian Andreu–von Euw describes how pro bono provides enriching career development opportunities.

## **Mark Zebrowski: Pro Bono Can Help Your Firm**

Pro bono work is one of Morrison & Foerster's core values, and lawyers in our offices around the world live out that tradition every day. Each of our offices has made a commitment to pro bono, which in 2018 resulted in providing over 78,000 hours of free legal services.

There are many reasons for our strong commitment to pro bono work. First, it is the right thing to do. There are many people in our communities who cannot afford counsel and thus are left to tackle legal issues alone. This not only affects their chances of achieving a positive outcome, but also puts a tremendous strain on our judicial system, which was not designed for *pro se* litigants. Second, it is our duty in exchange for the privilege we have to practice law in our state and our country. As lawyers, we have a monopoly on the practice of law; not everyone can be a legal advocate. Third, pro bono allows us to use our skills and training in areas in which we have personal interests, such as the environment, youth, education, poverty, and the like. Fourth, it gives us the opportunity to accomplish truly life-changing outcomes for individuals, organizations, and society at large. It is some of the most personally rewarding work a lawyer can do.

Pro bono work provides many benefits for our firm as well. Pro bono provides a cultural bond that resonates in different parts of the world and with both staff and attorneys. It creates a justifiable pride in our institution. It is also a great recruiting tool, and it cannot be overlooked that individuals who are interested in doing pro bono work are the types of people who make great members of any team.

As one aspect of our commitment to pro bono work, each year one of our lawyers who has made an extraordinary commitment to pro bono work is recognized with the Kathi Pugh Award for Pro Bono Service, named for our firm's first full-time pro bono counsel. Our San Diego office is particularly proud of past award recipient Christian Andreu-von Euw. As Christian explains below, pro bono gives young lawyers great opportunities to gain valuable experience in all aspects of client representation and to develop their skills under partner supervision. This is just one more reason to support pro bono.

## **Christian Andreu-von Euw: Pro Bono For Professional Development**

One of the reasons I decided to leave engineering and become a lawyer was the legal profession's long tradition of pro bono work.<sup>2</sup> I got what I wanted: I have been able to use my professional training to help people in need, while simultaneously building an IP litigation practice. I also think that doing pro bono work has made me a better lawyer.

I brought my first pro bono cases with me from law school. I had worked in a law school immigration clinic, and I asked my firm if I could bring my clients with me. They said yes, and I was able to try a case in my first few months of practice. It was not a hard case, but it was a big deal for my client and for me. My client was allowed to stay in the country, and I got first-chair trial experience. Trials are hard to come by for junior associates in large law firms, especially during their first year.



Over and over again, my pro bono practice offered me early opportunities. I was the first person in my cohort to take or defend a deposition, to argue a summary judgment motion, to mediate a case, to cross-examine a witness, and to pick a jury. These experiences accelerated my career. When similar opportunities came up in non-pro bono cases, I could often raise my hand and say, “Pick me, I’ve done that before.” My pro bono cases have also presented me with the opportunity to overcome big challenges. One example occurred in a case that I accepted only a week before trial. The deadline to serve discovery had passed, and I was forced to go to trial based only on the complaint and on what my witnesses had told me. On the morning of trial, I saw a police officer in the hallway and asked if he would be willing to talk to me. He was, and he even offered to show me the video interrogation that proved that my intended “star” witness was not credible. Fifteen minutes before opening statements, I dropped that witness and changed my entire theory of the case. Thankfully, my other witnesses were well-prepared, and my backup theory prevailed. Not only did this experience reinforce for me the importance of discovery, but it also reminded me of the need to be able to think on my feet. I hope I never need to recast my entire case on the morning of trial again. But, having had to do it once, I am now better prepared to tackle the unexpected. In another case, I learned that my client had significantly embellished his case before I started representing him. Not only that, he had done so under oath. Unwilling to allow him to make the same mistake again, I prepared him to tell the truth and to apologize to the Court. I then explained that his prior testimony had been rooted in a very real fear, and presented an expert witness who showed that, despite my client’s previous lack of candor, his claim was valid. This is another situation that I hope to never encounter again—but it prepared me to deal with tough issues. Every case has its problems, and this case reminded me that I need to face those problems head-on and find a way to deal with them. My pro bono practice also has made me a better lawyer because my pro bono cases are so different from my other cases. The fact that I always have one open pro bono case means that I always have one case that is outside of my comfort zone. Over and over again, I have had to learn new areas of law and to deal with wholly new environments. This reminds me to try to look at every case with fresh eyes, and gives me experience I can draw on in other cases. It also makes my work more interesting and allows me to practice an adaptability that I try to bring to all my cases.

Some of my pro bono cases have been short and easy, and others have lasted years and gone through multiple appeals. What they all have in common is that someone needed a lawyer. And, whether the cases were easy or hard, I am confident that these people would have lost if they had not found someone willing to speak up for them. That is the real reason I do pro bono work. It has been good for my career, but it has been better for my soul. I have stopped an unjustified eviction; helped women who stood up to their abusers; and helped people fleeing threats to their lives in Algeria, Haiti, Mexico, and Zambia find safety here in the United States. I am immensely proud of that. When it comes down to it, I do pro bono because it makes me happy. I am confident

you will find the same satisfaction in taking up a pro bono case or two. If you would like to take on a pro bono case, but don't know where to start, here is a list of some of the local organizations that are always looking for volunteers. They provide opportunities, training, and mentorship.

- Legal Aid Society of San Diego (<https://www.lassd.org/>)
- San Diego Volunteer Lawyer Program (<https://www.sdvlp.org/>)
- Casa Cornelia (<http://www.casacornelia.org/>)
- Veterans Legal Institute (<https://www.vetslegal.com/>)

## Footnotes

1. June 22, 2002 Pro Bono Resolution.
2. See 11 Hen. VII. C. 12 (1495) (appointment of free counsel for unrepresented civil litigants).



Mark Zebrowski is a commercial litigation partner with Morrison & Foerster and a past president of ABTL.



Christian Andreu-von Euw is a commercial litigator at Morrison & Foerster. His practice focuses primarily on patent and trade secret disputes.