



Ethics Column

FULFILLING ETHICAL OBLIGATIONS

AND FINDING HAPPINESS BY GIVING BACK

BY AMY DEVAN

When I first started working in the field of legal ethics, I was surprised to discover that the Colorado Rules of Professional Conduct contain one aspirational rule — a rule that isn't really a "Rule" but rather an attempt to get us to be the best version of ourselves by embracing the power of our position as lawyers and addressing needs that we may not otherwise be aware of. The rule in question is 6.1, the Voluntary Pro Bono Publico Service rule. The rule begins by stating "[e]very lawyer has a professional responsibility to provide legal services to those unable to pay [...]."

I have talked to lawyers who say they feel like access to justice is discussed in every other article they read or CLE they attend. Maybe we are experiencing some fatigue over the topic, but it's brought up for good reason. It is indisputable that we

have an issue in Colorado and elsewhere in this country, where those who are most in need of legal advice and assistance are the ones who can least afford to pay for it. As noted by the Colorado courts, two thirds of litigants in domestic relations cases from 2013 to 2016 were unrepresented. In county court civil cases, 98 percent of the litigants appeared pro se. At the same time, the resources of Colorado Legal Services are stretched to the limit, and they turn away far more people than they can help. When I talk to lawyers about this, I always ask them, "If you got in trouble, could you afford legal assistance yourself?" For many, I would suspect that the answer would be a resounding "no."

While there may be other solutions to the problem, there is no denying that lawyers play an important role in filling the gap in access to justice.

There is also a need for many other types of pro bono ser-

vice that may not fit into the access to justice category but are nonetheless in high demand. In our uncertain political and economic climate, many nonprofits, organizations, and individuals find themselves in need of legal advice or assistance they simply cannot afford.

We love our dogs in this state, but many small-scale rescue organizations start out as concerned individuals who want to help animals. They don't know what it means to be a 501(c)(3) or how to go about obtaining that status. What about insurance or liability protection? For these individuals, the focus is on feeding, housing and obtaining medical care for abandoned animals; extra dollars to be spent on lawyers are not in abundant supply,



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if they even exist. Lawyers who volunteer their time help ensure that fundraising money goes directly to helping even more animals. The same principles apply to environmental organizations, religious groups, people who want to bring First Amendment or civil rights claims but haven't the slightest idea how to do it, and any number of other worthy causes. The issue isn't that there is no place for us to give of ourselves and our time, it's that there are so many options to choose from. So, how do you decide?!

We can also give our time to each other. I often choose to spend my pro bono time working and talking with other lawyers, primarily solo practitioners or small-firm lawyers, who need help ensuring that they are practicing in compliance with the Rules of Professional Conduct. In so doing, I am not only forming relationships with my fellow lawyers, giving them a resource to call on when the need arises, but I am also helping the public by working with lawyers to be better lawyers. This, in turn, helps me. I have never walked away from a conversation where someone asked me for advice without feeling like I also learned something and benefited from the exchange.

This brings up an important point: Giving of yourself and your time not only makes you a good person and a better lawyer, it also serves to make you happier. It's a win-win! There are roughly as many studies about the profession as there are lawyers, and they all tell us that we are among the most depressed people, generally speaking, and that we have the highest depression rates of any professional occupation. *Super!* However, studies have also shown that lawyers, like other humans, experience elevated levels of happiness when they are doing good and giving back.

A May 1, 2015 *New York Times* article by Douglas Quenqua, “Lawyers with Lowest Pay Report More Happiness,” is exception-

ally thought-provoking; it has stayed in my mind since I read it two years ago. The author states that lawyers and law students are focusing on the wrong rewards:

Researchers who surveyed 6,200 lawyers about their jobs and health found that the factors most frequently associated with success in the legal field, such as high income or a partner-track job at a prestigious firm, had almost zero correlation with happiness and well-being. However, lawyers in public-service jobs who made the least money, like public defenders or Legal Aid attorneys, were most likely to report being happy. [...] The problem with the more prestigious jobs [...] is that they do not provide feelings of competence, autonomy or connection to others — three pillars of self-determination theory, the psychological model of human happiness on which the study was based. Public-service jobs do.

We can't all be public defenders nor should we be. There is a need for lawyers at each end of the spectrum, from the public defender or solo family law practitioner to the associate or partner handling high-pressure litigation on behalf of large corporate clients in a big firm. We all serve a vital need in the legal market. But no matter where we earn our paychecks, we can still contribute on a very basic level by giving back to people, organizations or causes that need us. And we need them to bring us the fulfillment that comes from knowing that we made a difference.

We're fortunate; we can't forget that. And if honoring what that means also brings us back to where we started and allows us to fulfill our professional and ethical obligations, whether aspirational or not, that is a good place to be. Let's embrace the expectations of Rule 6.1 and uphold our obligations as legal professionals who have something very valuable to offer. We are at our best when we give back to those who need us.

In closing, I would like you to think about this quote from that great life philosopher Goldie Hawn: “Giving back is as good for you as it is for those you are helping, because giving gives you purpose. When you have a purpose-driven life, you're a happier person.” These are words to live by, today and every day. **D**

Amy DeVan works as Conflicts and Resource Staff Counsel with the law firm Wheeler Trigg O'Donnell LLP. She can be reached at devan@wtotrial.com.

