

**DO GOOD FOR OTHERS AND HELP YOURSELF:  
Take a *pro bono* case and improve your litigation skills too**

U.S. District Court Judge Robert N. Scola, Jr.,  
U.S. District Court for the Southern District of Florida

and

Randall C. Berg, Jr., Esq.,  
Executive Director, Florida Justice Institute, Inc.

The opportunities for lawyers to help others in need, while also furthering their own professional development, are few and far between. Accepting a *pro bono* case from the Volunteer Lawyers' Project for the Southern District of Florida (VLP) offers these benefits and more. The VLP allows attorneys to make a difference, and occasionally earn a fee. It also provides the chance for attorneys to try cases and improve their federal litigation skills.

**Benefits of Taking a VLP Case.** Your participation in this Court's *pro bono* program benefits your community, the legal profession, you, and this Court. Many *pro se* litigants are poor, destitute, uneducated, and unable to afford counsel. They are also unable to adequately represent themselves. Even though they were able to file a lawsuit, many times they cannot adequately articulate their claims and the issues involved. Nonetheless, the litigants feel very strongly that their rights are in need of vindication, and they are determined to have their day in court. You can assist them by clearly articulating their claims and issues, and being their strongest advocate.

As a volunteer attorney, you are given an avenue to fulfill your professional obligation to ensure all citizens have meaningful access to the courts without regard to economic status. You will also be provided with a broad exposure to a variety of federal court litigation. In this era of increased alternative dispute resolution, attorneys are getting few chances to go to trial. The VLP offers you the opportunity to get into court and try a case before a federal judge and jury, with a real client that has tangible interests at stake. In return for giving your time and dedication to your client's cause, you will have the satisfaction of helping these litigants receive excellent representation and, at the same time, obtain valuable and rare trial experience. The Court is benefitted because regardless of whether the litigant prevails, he or she will have his or her day in Court, with his or her case presented by a competent professional, ensuring that our justice system operates as it should.

Thus, in taking a VLP case, lawyers benefit in three ways: First, they earn the gratitude of the Southern District of Florida federal judges for enabling the Court to more efficiently administer justice. Second, they fulfill a significant professional obligation to ensure meaningful access to the courts and, in doing so, they help to make equal justice under the law a reality. Third, they obtain invaluable experience managing a case and acting as lead counsel in a jury trial.

**History of the VLP.** The VLP was created in 1993 at the suggestion of the Civil Justice Advisory Group for the Southern District of Florida, formed pursuant to the Civil Justice Reform Act of 1990, to recommend ways of reducing expense and delay in civil litigation. In the course of examining our docket, the Group discovered that over 20% of all civil filings are *pro se*, and these cases were crowding the civil docket and impacting cases going to trial and being resolved. It was also formed to provide meaningful access to court for those who cannot afford counsel.

**Litigation Opportunities.** The VLP offers a wide range of *pro bono* opportunities. Volunteer attorneys are offered a variety of cases at various stages. Some may be just after eligibility is determined and before initial disclosures have been made pursuant to Federal Rule of Civil Procedure 26(a)(1). For these cases, volunteer attorneys simply enter a Notice of Appearance. Alternatively, one can utilize Special Local Rule 4(c) and make an *ad hoc* appearance for the limited purpose of discovery. Once the discovery is complete, the volunteer attorney can withdraw from the case without penalty, although the Court deeply appreciates attorneys continuing through to trial. Other cases may be near the end stage, such as those which have survived summary judgment and mediation, and are headed towards trial. And there are appeals, for those desiring to write briefs and possibly appear before the Eleventh Circuit Court of Appeals.

As most know, the opportunity of having a civil jury trial these days is quickly disappearing. Fifteen years ago, around 10% of all civil cases filed went to trial. Startlingly, today that number has decreased to less than 1%. Many of the VLP cases do not settle, so the chances of having a federal jury trial are much higher. Plus, how often do you get the opportunity to not only pick the type of case to be tried, but also select the judge you want to appear before? Taking a case through the VLP may provide you with that opportunity. For young lawyers, it is also a great way to obtain valuable trial experience and become board certified. In many instances, discovery has closed or there is little or no discovery to be taken. All that is required is participation at a pretrial conference, jury selection, and trial itself.

Other volunteers may wish to review cases to help the VLP determine eligibility and referral to other volunteer attorneys, to become a mentor, or to prepare forms, handbooks, or seminar materials. The opportunities are endless, and the need is great.

**Types of Cases and Successes.** The VLP has referred out numerous civil rights cases involving employment discrimination, police misconduct, and prison conditions of confinement, often with successful outcomes. Other matters involve, for example, social security appeals and student loan disputes. Since the VLP only deals with filed pro se cases, the project is limited to ongoing cases.

Some of the VLP's successes include:

- Employment discrimination claim against the Department of Homeland Security. VLP lawyers were successful in obtaining a jury verdict of approximately \$715,000, with interest. The lawyers were also awarded statutory fees and costs. The grateful plaintiff also generously donated a portion of his award to the VLP. (The Court's policy is for the attorneys who recover attorneys' fees, to pay back any litigation costs the VLP advanced and to provide 25% of any fees awarded to the VLP, with the attorney keeping the remainder.).
- An inmate alleged he was handcuffed when physically assaulted by two deputies, while the other deputies watched and did nothing. As a result, he sustained serious injuries. He further maintained that when the paramedics arrived, one of the deputies instructed them to leave before treatment was administered. The VLP lawyers were successful in winning an appeal before the Eleventh Circuit regarding qualified immunity. Subsequently on remand, the lawyers secured a substantial settlement.

**Administration of the VLP.** Although the VLP serves, assists and is overseen by the Court, it is an independent project at the Florida Justice Institute, Inc. ("FJI"). The VLP is housed in the Miami offices of FJI, in space donated by the law firm of Carlton Fields. Among other things, with the assistance of its two staff paralegals, the VLP:

- screens all *pro se* civil cases for merit through "post-complaint discovery";
- send notice of eligible cases to all attorneys who are members of the Southern District of Florida through the CM/ECF system;

- provides *pro bono* attorneys with resources such as sample pleadings and forms, supplementary malpractice insurance, and litigation assistance from staff attorneys at FJI;
- offers a mentor program to pair those seeking federal practice experience with seasoned litigators;
- operates a “Revolving Litigation Loan Fund” to reimburse attorneys and their clients for pre-approved out-of-pocket litigation expenses; and
- conducts free CLE seminars teaching valuable skills to successfully litigate *pro bono* cases.

The VLP is modestly funded through Bench and Bar funds, a portion of attorneys’ fees in successful cases, and by donations.

**Finding Cases.** For those lawyers who are interested in becoming involved with the VLP, there are three ways to find cases:

- *CM/ECF.* All members of the Southern District of Florida are now receiving “*Pro Bono Opportunities*” directly from the Court. Many of these cases are quickly taken, particularly those that are “trial ready.” Do not delay if you want one. If not a member of this Court, consider joining.
- *Advance Email Blast.* You can notify the VLP of your interest in taking a *pro bono* case, and request advance notification of available cases before it is sent out on CM/ECF. You may send an email requesting advance notice to: [BForbes@VolunteerLawyersProject.org](mailto:BForbes@VolunteerLawyersProject.org).
- *Web Site Postings.* Available cases with case synopses are now posted on the Court’s website at [www.flsd.uscourts.gov](http://www.flsd.uscourts.gov), under the link for “*Pro Bono Opportunities*,” with the “Lady with the Scales of Justice,” and also on the Miami-Dade County *pro bono* website: [www.DadeCountyProBono.org](http://www.DadeCountyProBono.org).

**Conclusion.** In conclusion, we ask that you please strongly consider helping persons of need, while also taking the opportunity to advance your own legal career and professional development. The VLP offers a unique and rare platform for doing so. When lawyers lend themselves to the VLP, the Court wins, you win, and, most importantly, your client wins. He or she will be forever grateful for your assistance, and that is priceless.