

## **Doing the Right Thing for the Right Reason**

By Tim Titolo

When the phrase “pro bono” is put into the Westlaw search engine under Law Review Journals, you are prompted to select the following “related terms:” Benevolence, Charity, Gift, Gratuity, Largess and Philanthropy. Microsoft’s Encarta Dictionary defines “pro bono” as “done or undertaken for the public good without any payment or compensation.” In the legal profession, “pro bono” is typically credited to the provider of services by a third party like a state bar agency. However no credit is given for services provided without third party assignment. Of course the obvious problem of manipulating free services “gratuitously” to those who do not need it, verses indigent parties, is real; so may be the incentive to voluntarily decline helping someone without resources if it is not credited as “pro bono.” The point is that doing the right thing for the right reason is always a good thing.

Some attorneys are very accomplished in particular and specific areas, others practice in a more general way. It may not be particularly helpful or wise for a real estate attorney to take on a large medical malpractice trial; and visa versa. It may not be wise for a lawyer with virtually no experience in tax law to represent a client in an IRS hearing. The examples here are many; but the point is made.

On the other hand, a tax lawyer would be very useful in doing free legal work for an individual with IRS problems who can not afford legal services. A criminal defense lawyer may be able to provide competent representation for an accused person without resources. A lawyer with specific training and experience in particular medical areas could readily provide representation to a victim of injury when compensation is unavailable. In fact this area is fertile for gratuitous service.

I have a personal injury litigation practice. I try to keep the majority of my effort in the areas of brain injury. I have spoken publicly about the 3 things all brain injury cases require: liability, Injury and coverage – an acronym I created “*LIC*”). Typically I do not get involved in handling cases where commercial insurance coverage is not available. It is simply too expensive to properly prepare a brain injury trial and the value of the losses frequently exceed individual auto policy limits.

That said, I feel it incumbent on my practice to help severely injured people and their families whose cases lack insurance funds, when, for instance, that person is comatose in the Emergency Room and physicians simply do not know what to tell the family. I will sit at the hospital and wait with these people for a good sign. I will ask the physicians if the coma will result in permanent damage (which I know it will) and then I prepare the family for the reality of the impending death or, sometimes worse, so called recovery.

After the recovery (from coma) I try to help the family with government benefits, health insurance, if any, medical arrangements and care for the

injured family member. I do this in addition to obtaining confirmation of assets, lack of insurance, or recovery of inadequate insurance “limits” from a tortfeasor. I do not take a fee for my service.

Pro bono work is needed by indigents all over. As Christ said when his apostles questioned his motive for allowing Mary Magdalene to waste fragrance on him when they could have sold it and used the money to help others, “the poor will be with you always...” Not for profit groups, like churches, shift providing for individual needs from indigent families to itself and thus relieve the government (other people of the state) from providing them. Likewise, lawyers should, when appropriate, relieve the public’s need for legal service (funneled through government agencies) by providing legal service for no profit to folks who are not otherwise able to receive that service. This may shift part of the burden from the state agency to the not for profit provider – the lawyer. This in turn will promote meeting the needs of the state’s pro bono needs by lawyers qualified to provide those needs.

The butterfly effect provides that a fluttering of a butterfly’s wings on one side of the globe can cause a hurricane on the other. The interconnectedness of everything is supported by the latest knowledge in the fields of physics and the cosmos. Doing your part, however small or large, can benefit the greater good.

Neither Clark County, the State of Nevada or anyone, other than the family helped, formally realizes that services were provided “gratuitously.” But no matter, doing the right thing for the right reason is reward itself. If getting a pat on the back for caring and doing is motive for doing, it may inhibit some from doing good things when no one is looking. Hopefully the moments when something good is done when no one is looking, in my or any lawyer’s life, helps make up for some of the shortcomings in other parts of our lives. I hope so.

*Timothy Titolo is a personal injury trial attorney representing clients with brain and spine injury. He is a frequently invited speaker at various brain injury associations around the country. He is the recipient of the 2002 Aurora Award, 2003 Award of Excellence, 2004 Jade Award, and 2005 Aurora Award for brain injury cases he has been involved in. He is a member of the Million Dollar Advocates and has obtained the largest verdicts and settlements in Nevada for persons with mild to moderate brain injury.*

[www.titololawoffice.com](http://www.titololawoffice.com)

[info@titololawoffice.com](mailto:info@titololawoffice.com)