



THE LAW OF CHARITY: Providing Legal Services To The Poor¹

When people think of the word “charity,” *legal services* is generally not the first thing that comes to mind. Just mention *legal services* in the context of charity, and you are likely to be met with blank stares.

Yet legal services are often what the poor need the most.

While the root causes of homelessness and poverty are complex, legal issues clearly are significant, yet seldom recognized, facets of the problem. Take for example, Rafael, a restaurant worker who barely makes enough to pay rent for his family of five. He discovered that the leaky plumbing in his apartment has caused mold, which is harmful to his child with respiratory problems. Despite repeated requests for help, the landlord neither fixed the plumbing nor remediated the mold. Not having any legal help, Rafael simply withheld his rent payment. But rather than inducing the landlord to fix the problem, it actually resulted in his family’s eviction. And given the utter lack of affordable housing in Rafael’s city, he and his family

now have no place to live. Sadly, a simple letter to the landlord from an attorney might have kept his family from homelessness.

In nearly 70% of the approximately 17 million lawsuits filed each year, defendants are unrepresented by counsel.² This means that each year, nearly 12 million defendants face the daunting task of navigating the legal system on their own (and this does not even include plaintiffs fighting to rectify grievances against them). Yet many of these *pro se* litigants face dire life situations such as evictions, foreclosures, and aggressive debt collections—matters that lead to homelessness and poverty.

Despite these staggering statistics, most courts provide little to no help to *pro se* litigants. The American legal system was simply not designed for unrepresented parties.

Attorneys, of all people, ought to understand the importance of legal help as a form of charity. Although “*pro se*” literally means “representing oneself,” it is an obvious falsehood that ordinary citizens can “represent” themselves. Rather, as former California Court of Appeals Justice Earl Johnson, Jr. once said, “Poor people have access to the American courts in the same sense that Christians had access to the lions when they were dragged into a Roman arena.” Unrepresented litigants lose cases at a considerably higher rate than individuals who are represented by counsel. If you are a survivor of domestic violence, for example, your odds of obtaining a protective order fall by over 50% if you are without an attorney.³



We *Christian* attorneys should understand most the importance of legal help, as well as our biblical mandate to provide legal help to the poor.

God commands us to “Defend the weak and the fatherless; uphold the cause of the poor and the oppressed” (Psalm 82:3) and to “Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow” (Isaiah 1:17).



Anyone can ladle soup in a soup kitchen or hammer nails for Habitat for Humanity. As important as those forms of help are, only one type of person can provide legal help—attorneys. In every one of the 50 states, lawyers have a monopoly on providing legal services. If we attorneys don’t donate our legal skills and knowledge to the poor, *no one else can*.

So, we have both a biblical command to serve the poor, as well as a professional ethical obligation. The American Bar Association’s Model Rule of Professional Conduct 6.1 calls on every attorney to:

1. render at least 50 hours of pro bono service each year, with a majority of those hours to persons of limited means (or organizations that serve persons of limited means); and
2. voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Donations of our legal skills and time are far more valuable than other forms of charity because we possess a commodity no other Americans have. Only attorneys are can donate legal services.

For some attorneys, their economic calculus might lead to the conclusion that it is more cost-effective to donate their money to support legal aid attorneys to do the work than to donate their own pro bono time. If that conclusion makes sense for you, then by all means, please do it! We need to support legal aid organizations to provide greater representation of low-income clients. And of all people, it is we fellow attorneys who should be giving the most to support such programs. Christian Legal Society has a growing network of clinic programs and locations (*see* ChristianLegalAid.org for the Christian Legal Aid Directory). All of these programs rely on the generosity of faithful donors to support their work.



In our selfish nature, we always ask (in our heads, if not out loud), “So, what’s in it for me?” God knows this about our hearts, so he has provided a response. “Whoever is kind to the poor lends to the Lord, and he will reward them for what they have done” (Proverbs 19:17). What a great promise this is!

- 1 This article is based on Ken Liu, “The Law of Charity,” *The Christian Lawyer*, vol. 13, issue 2 (2017).
- 2 *2015 Civil Justice Project: Landscape of Civil Litigation of State Courts*, National Center for State Courts, p. 6.
- 3 Jed S. Rakoff, “Why You Won’t Get Your Day in Court,” *New York Review of Books*, Nov. 24, 2016.



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