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### APRIL 2015 - Pro Bono

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## A Passion for Pro Bono

*Reviewed by Mary McKelvey*

When was the last time that you, as a lawyer, felt the deep satisfaction that comes from applying the principles of justice to right a wrong or been moved to tears by emotional gratification that flows from successfully advocating for a worthy individual who lacks a voice? If nothing comes to mind immediately, it may be time to consider taking on a pro bono project. When I made the decision to leave a successful career in finance to pursue a law degree, I confess I was an idealist. I was a bit mesmerized by principles of justice and fairness – the notion that there is an underlying fundamental order and goodness that is upheld and maintained through the application of the law. The reality is that I found great passion in the study of and philosophical discussions about the law but, once out of law school, found it

somewhat challenging to achieve that same inner satisfaction during my initial practice of litigating construction defect, employment and products liability cases. Please don't get me wrong – I am a litigator and I love litigating and I thrive on the challenges of navigating the presentation of a case in the courtroom. There is great satisfaction in persuasive advocacy, in arguing fine points of the law, in a great cross examination and those magic moments when pieces of the case fall into place. But, while winning a case for a corporate client elates me in certain way, it has yet to move me to tears the way helping others who have suffered some type of injustice has.

Over the course of my legal career I have taken on several matters on a pro bono basis that have opened my eyes to the realities of others in my own community and educated me on issues I may never have been exposed to at this level. Importantly, it has provided me with that sense of high purpose and inner fulfillment that I experience only when I am helping someone who requires assistance in a troubling time.

I took on my first pro bono case about eight years ago when I agreed to represent a single foster mother of a severely disturbed and disabled teenage boy in receiving the benefits she needed for the child's special needs. I had no experience with this area of law but was compelled by the courage of this single woman who voluntarily took on the daunting task of raising an infant born with a hole in his heart and addicted to drugs and had stayed committed to the task through many years. The child had been abandoned at birth by my client's brother, a 16 year-old gang member, and his girlfriend. With the guidance of The Alliance for Children (the agency that referred this case to our firm), I was able to secure an increase in benefits to which my client mother was entitled but denied for years and secure the retroactive application of these benefits. Most importantly, I learned about the quiet giants living amongst us – the heroes who take on the raising and parenting of the children no one wants. It was a privilege to be a small part of this woman's life.

In another situation, I handled an immigration case on a pro bono basis for a client (Daniel) who was facing deportation after 25 years in the U.S. because he entered the country illegally. This was another area of law I knew absolutely nothing about. Again, I was compelled by the client - an altruistic, hard-working father whose family consisted of a wife and three children who were exemplary students and had a recognized history of helping others in the community. The family had retained an immigration attorney who happily took their money, provided extremely poor legal service and ultimately left them in a legally precarious position. With his quiet humility and consistent gratitude for every moment I spent with his family, I often felt I was in the presence of a saint when visiting with Daniel. With the guidance of a woman who specialized in immigration law who was incredibly generous with her time, I was able to find a grandfathering provision in the immigration law that permitted my client to petition for citizenship instead of facing deportation. In coming to know Daniel and his family, I had the opportunity to witness firsthand the enormity of what people risk for an opportunity to simply live in the country that I had the privilege to be born into.

But the case that has changed, and continues to change, my life most significantly, is my representation of a client on death row in San Quentin in his state habeas proceedings. I am lead counsel overseeing a team representing Michael who, with others, participated in the alleged attempted robbery and shooting of a highly intoxicated man who was in the process of entertaining solicitations by prostitutes. Michael, an African American, was 18 years and 1 month at the time of the 1994 shooting. He was charged with capital murder, found guilty, and sentenced to death in Riverside, California – a jurisdiction known at the time for its incredibly high rate of death penalty verdicts against minorities.

Michael was raised by a crack-cocaine addicted mother. He grew up in the gang-infested neighborhoods of Los Angeles and Riverside. Only a few witnesses were called during the penalty phase, including his mother, whose testimony negatively impacted his case. During investigation, our team discovered numerous constitutional violations, including a blatant and documented incident of juror misconduct.

Through investigation and getting to know Michael's family, I have come to understand the dynamics and the horrors for a black child born to a crack-addicted mother growing up in South Central Los

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WLALA SCGA Golf Club:  
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4/30/2015  
Van Nuys Courthouse Power  
Lunch

4/30/2015  
An Urban Kitchen Experience  
to Benefit Food from the Bar

5/2/2015  
WLALA Winter/Spring Golf  
League

5/5/2015  
Rainmaker Roundtable

Angeles – a far different reality and a mere ten miles from where I grew up in Manhattan Beach. I have learned that courage comes in many packages and Michael's life on the streets was in many ways a life of courage. Despite the atrocities around him from a very early age, he always ensured that his younger brother and sister were safe and always had enough to eat even when it meant stealing to provide food or shoes.

In sum, doing pro bono work has allowed me glimpses into realities I would not otherwise have encountered. It has allowed me a multi-dimensional perspective on important issues such as immigration policies and the effectiveness of our criminal justice system. It has allowed me to assist others that I would never even have had the privilege of encountering but for my handling of their matter on a pro bono basis. It has made me a better lawyer and a more informed and compassionate human being. I am very fortunate to work for firms who have and continue to encourage and support pro bono work. There are many great opportunities for pro bono work – large and small. Public Counsel Law Center is a very good source and publishes opportunities regularly. In addition, I am happy to share some of my other favorites. Please do not hesitate to contact me at any time at [mmckelvey@polsinelli.com](mailto:mmckelvey@polsinelli.com).

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