

The Pro Bono Project

Mark Smith is a young associate who recently passed the bar and joined a large corporate firm. A consistent high achiever, he graduated at the top of his class and was someone his peers often looked to for guidance in law school. When the offer came from such a prestigious firm, Mark was both thrilled and deeply flattered. Though he had always been motivated by the ideal of using the law to advance a more just society—and had never pictured himself as a corporate defense attorney—this opportunity felt impossible to decline. He told himself he could bring his core values to bear in this new setting and still make a difference. Mark also planned to stay connected to mission-driven work through pro bono cases. One such opportunity arrived sooner than he expected.

One evening, over dinner with his brother Dave, the conversation turned personal. Dave shared a troubling story about a colleague at his office—a well-liked member of the custodial staff—who was facing eviction along with his young family, under what appeared to be dubious circumstances. As Dave elaborated, Mark began to feel that something wasn't right. The series of events Dave recounted struck Mark as being not just heavy-handed, but potentially unlawful. When Dave asked if Mark could help, he readily agreed, telling Dave to put him in touch with the employee.

Privately, however, Mark had some reservations. Landlord-tenant law—particularly housing court practice—was far outside his wheelhouse. He also lacked personal experience in this area as he had only recently moved into his first apartment on his own, one that wasn't part of graduate housing. Compounding the issue, the new position was demanding, and his transactional workload was at capacity. Still, the situation struck him as unjust, and the matter seemed relatively straightforward. Mark felt confident that his broad legal experience and analytical skills would suffice. He managed vast amounts of work during law school, and he knew he could do so again.

Over the following weeks, Mark devoted his off-hours to the case, but he increasingly felt overwhelmed and out of his depth. Stretched so thin, it never occurred to him to run a conflict check. What he really needed was guidance from someone experienced in this area of law—but asking for help felt like admitting he couldn't handle the work. He doubted that anyone, including the pro bono coordinator, would care much about the case anyway. Most of his colleagues seemed focused entirely on billable hours and bonuses, and pro bono work was generally treated as an unwelcome obligation. Believing the legal issues to be relatively straightforward, Mark decided to move ahead without outside input. Though he occasionally worried about missing nuances in housing statutes or local ordinances, he remained convinced that his general legal training—and his commitment to doing the right thing—would see him through.

As the case progressed, Mark grew increasingly frustrated with a system with which he was unfamiliar and with the opposing counsel, a seasoned attorney with deep experience in housing

law. As time went on, it became more and more clear that Mark would have to recommend that the client seek legal help elsewhere, from someone more experienced in this area.

Discussion Questions:

1. How does Mark's attitude affect his ability to effectively represent his clients?
2. What are the risks of approaching a case with preconceived notions of its simplicity?
3. How could Mark have demonstrated intellectual humility in this situation?
4. What is the difference between confidence and hubris in the legal context?