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Comment:

In my personal opinion, I agree with the proposed changes in principle, but I don't think it's broad enough. This should not only be applicable in pro bono cases as clients not having adequate funds to fully access the legal system is also an issue in cases where the lawyers are getting paid, but the client still has limited resources. Lawyers should be able to provide that type of assistance (meals, food, dress attire, etc.) to any client that needs it, provided appropriate measures are taken to prevent abuse (such as the proposed restrictions on advertising this assistance). I don't think it is appropriate to draw a hard line where if it is a pro bono case then it is ok to call an Uber to bring your client to court, but if it's a struggling client during a lengthy divorce or criminal proceeding (where the client may be paying the lawyer, but it's a small fee or the lawyer knows the bills won't get paid in full but is continuing representation anyway) then the lawyer cannot pay for transportation to get them to court, even if that client is unable to get to court otherwise.

Furthermore, oftentimes people are unable to find an attorney, or even a legal aid organization, to take the case pro bono for a multitude of reasons, including the case not qualifying under the rules of the organization, the case being too complex, or the client technically having too much money even if they still struggle financially. In these cases, they are forced to find the money to hire an attorney to defend/assert their legal rights, but often still have access to justice issues due to their limited resources.

Consider two criminal cases with identical defendants. In one case, a family friend is taking the case pro bono. In the other, the family retains a lawyer, but has to scrape together money to do so. Both defendants are without the resources to get dress clothing or get to court. This rule would allow the first lawyer to provide a suit to his client and call a taxi for him in order to allow him to be appropriately dressed for and present at his trial. Meanwhile, the second lawyer would be prohibited from providing the needed assistance to his client, which could negatively impact his client and cause him to be disadvantaged.

Ultimately, access to justice is a serious issue that affects many people, including those who are not being represented pro bono. This type of aid is about improving access to justice, and it is appropriate beyond cases where the lawyer is not getting paid at all.