

Down with avoidance



I'm not really a dog person. Probably more accurately, I'm not really a pet person. But I think that what that really means is that I've never been exposed to pets (unless you count a guppy, which I don't think you can). Now it's not that I don't like animals, it's just that I'm completely unfamiliar with the whole animal-in-my-face thing. And unfamiliarity = discomfort = avoidance.

Nobody who knows me would have ever thought they'd see me with a dog. But something happened in March. My 10-year-old, who had been asking for a dog for at least five years, got serious. Her 11th birthday was approaching and there was just one thing that she wanted. She took all of our standard reasons for not getting a dog (e.g., daily care required, potential allergies, costs, busy household, travel complications), did her research, and made a PowerPoint presentation to the family providing detailed solutions to each family member's concerns, including her proposed 51 percent ownership interest in the family dog with commensurate responsibilities and financial stakes.

How can you not reward such tenacity, resourcefulness, and sound advocacy? And with that, my young daughter pushed me out of my state of avoidance, discomfort, and unfamiliarity when it comes to pets.

In fairness, it's human nature that we avoid the unfamiliar. It's safer. It may have nothing to do with whether or not we see value in something or someone or whether we might enjoy the experience or interaction; the sense of unfamiliarity and uncertainty is usually enough to keep us at bay.

Lawyers are no exception. As lawyers, we pride ourselves in being knowledgeable, having the answers, and being confident in what we do—all things that can dissipate in the face of the unknown and unfamiliar.

But that is often what we are called to do in providing pro bono service: Take on matters that go outside of our regular practice areas, outside of our normal comfort zones, and find answers to things we don't know and didn't ever think we would need to know.

And there is no avoiding the fact that there is unmet legal need and a huge demand for pro bono legal services. In Minnesota, there is one attorney available for every 366 paying clients, but only one legal services attorney available for every 2,977 low-income individuals. Surprisingly, one out of four Minnesota citizens are eligible to receive legal aid services because they earn up to 185 percent of the federal poverty level (i.e., \$44,862 for a family of four in 2015). When these people have legal issues, they cannot afford to hire attorneys, and state and county volunteer legal programs cannot keep up with demand. As a result, three out of five individuals who qualify for legal service programs are turned away because there are not enough resources to serve them.

The areas in which there is the highest need for help are areas in which many of us do not practice: family law, housing, orders for protection, immigration, and consumer debt. And here is where "unfamiliarity = discomfort = avoidance" can easily come into play. But the truth is, even with our limited experience in some of these particular legal areas, we have training and skills that outweigh our own sense of discomfort and vulnerability. Our abilities certainly outweigh the ominous alternative faced by individuals completely unfamiliar with the legal process of having no one to advocate for them and to help them navigate the system.

So, if you've said "no" to pro bono service for the last several years because you didn't have time, your practice was too demanding, you have a growing family, you're still young in your career, you're getting close to retirement, or it's just plain difficult tackling the unfamiliar, it's understandable. I myself have been on a pro bono hiatus for about four years. But there is no good time; and the unfamiliar never becomes comfortable. So, down with avoidance; let's take action.

I wouldn't ask my colleagues to do something I myself am not willing to do. So, I'm taking on a pro bono file myself this year. If you are willing to do the same, shoot me an email (smillervanoort@mnbar.org). We can collaborate, commiserate, and conquer avoidance together.

In the meantime, I'll continue my transformation into a dog person. ▲



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