

Our Highest Calling

*Testimony of William Harold Albritton, III of Alabama, to be
a U. S. District Judge for the Middle District of Alabama (April 24, 1991)*

BY W. HAROLD ALBRITTON, III

Senator KOHL: In *The Alabama Lawyer*, the state bar publication, you wrote that you “strongly oppose the idea of mandatory pro bono.” Could you explain your position? Also, how do you respond to critics who say that we need mandatory pro bono, since without it, legal advice is unavailable to many who cannot otherwise afford it?

Mr. ALBRITTON: Mr. Chairman, I do oppose mandatory pro bono. Philosophically, I think that it is just as wrong for the government or the bar to require a lawyer to, in effect, give his property without compensation, as it would be to require doctors to give free medical attention or to require farmers or grocery stores to give free food.

The context of that article where I opposed mandatory pro bono was a strong support of a voluntary pro bono program that we have begun in the State of Alabama. In addition to the

philosophical problems with mandatory pro bono, I think that it would create an administrative headache that would be almost unmanageable, and, frankly, I am not sure about the quality of legal services that someone would receive if they were being required of someone.

What I said was that for people who do oppose mandatory pro bono, as I do, there is a particular burden to make sure that voluntary pro bono works, because I strongly believe that it is an ethical responsibility of a lawyer to provide legal services to the poor.

One of the programs that we have instituted in Alabama is a new voluntary pro bono program. We have just hired a statewide coordinator to organize the program throughout the state, and I hope that by this summer we will have in place a program where we are asking all lawyers in the state to voluntarily submit a certain number of hours of direct delivery of legal services to the poor. So, I strongly favor pro bono, but on a voluntary basis.

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Senator KOHL: Senator Thurmond.

Senator THURMOND: Thank you, Mr. Chairman.

Mr. Albritton, in reviewing your file and, as you stated, you served as president of the Alabama State Bar. I am sure that, in your capacity, one of your concerns is the rendering of pro bono service by members of the bar. Would you please tell the committee what advice you would give young attorneys concerning their responsibility in providing this type of legal service?

Mr. ALBRITTON: Yes, sir, Senator, I would tell them and have told them that the delivery of pro bono services to the poor is the highest calling of the lawyer, is something that should not be done grudgingly, but should be embraced willingly.

At the risk of some people thinking that this might sound overly sentimental, I would say to them that they will never receive a fee during their entire career that will make them feel more pride in being a lawyer than they will by the grateful tears on the cheek of someone who cannot afford legal services benefiting from their help.

(U. S. Senate Judiciary Committee, Confirmation Hearings on Appointments to the Federal Judiciary, S. Hrg. 102-506, Pt. 1, 218-219 (1991)).

The article to which Senator Kohl referred was my “President’s Page” in the January 1991 issue of *The Alabama Lawyer*. This article, written 15 years ago, announced the kickoff of an exciting new project of our state bar—the Volunteer Lawyers Program. I invite you to take a look now at what we envisioned then in the article reproduced below:

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Pro bono publico: For the public good

The providing of free legal services to the poor has long been referred to as our profession’s highest calling. The Alabama State Bar is launching an exciting new program that will allow us to expand such services in a organized manner, on a statewide basis. It is called the Volunteer Lawyers Program, and I want to share some thoughts about it with you. First, a little background.

Lawyers, more than any other profession, have always been in the forefront of giving themselves to community service. Look at civic clubs, United Fund drives, municipal boards, Little League and Scouting programs, and numerous other civic endeavors and you will see lawyers, giving freely of their spare time to help make life better for others.

Most lawyers are also generous with their professional time in cases of need. Free legal services to non-profit corporations of various types are a common occurrence, and it is rare for a lawyer to practice very long without developing a number of “pets” who cannot afford a lawyer but who know where they can go for legal advice, without charge and without fanfare.

Legal Services Corporation provides a network of free attorneys for the poor throughout the country, including many hardworking attorneys in Alabama, paid for by federal tax dollars and grants. Pro bono programs are in existence through local bar sponsorship in Mobile, Montgomery, Huntsville, Birmingham, and Tuscaloosa.

It might surprise many of you to know, however, that a statewide survey conducted in 1989 by a professional research firm on behalf of the Alabama State Bar Committee on Access to Legal Services concluded that there exists in Alabama a vast amount of legal needs of the poor not being adequately met by our current system. The survey also found that many of the poor do not even recognize problems they are experiencing to be legal problems for which there may be a solution.

Certainly, the poor will always be with us, but that does not mean that we should close our eyes to their needs.

Some feel that meeting these needs is primarily a responsibility of the federal government and that this should be done by a new influx of federal money into existing programs. Others feel that this should be considered a requirement of a lawyer’s admission to practice and that delivery of free legal services to the poor should be mandatory for those who are given the privilege of earning a living by practicing law. Your state bar has taken a different approach, and that brings us to the Alabama State Bar Volunteer Lawyers Program.

Our Committee on Access to Legal Services believes that when the lawyers of this state are made aware of the great needs in this area and given an opportunity to help they will wholeheartedly respond. Last summer the board of bar commissioners approved the committee’s recommendation for a coordinated approach to this problem, based on enlisting volunteer lawyers throughout the state, and endorsed an application for IOLTA funds to hire a state coordinator.

The first step in making this important new program a reality has now been taken. I am happy to announce that with IOLTA funding, Melinda Waters of Montgomery, a member of the state bar, has been hired as the coordinator of the Volunteer Lawyers Program. Her initial task will be to organize the program on a statewide basis, working with existing local pro bono organizations and developing a structure for delivery of needed services where no local organizations currently exist. Next will come recruitment of volunteers.

This effort is an excellent example of how different segments of our organized bar work together for the public good: several years of hard work by a dedicated committee resulting in a plan, consideration and approval of the plan by the board of bar commissioners, and funding made possible by the directors of the Alabama Law Foundation and lawyers who have made their trust accounts a part of the bar’s IOLTA program.

The success of this new program, of course, will ultimately depend on you. Exciting in concept, the Volunteer Lawyers Program has now moved into the organizational stage. You will be kept fully informed of details as the program develops. When the time comes for recruitment of volunteers I believe that you will want to be a part. And, through being a part, you will be accepting the opportunity to make a personal contribution to our profession’s highest calling — *pro bono publico*.

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I am proud to say that the Volunteer Lawyers Program has been a resounding, award-winning success. The percentage of Alabama lawyers participating in organized legal help to the poor substantially exceeds the national average—not because our lawyers have to, but because they want to. But, we can, and should, do more.

If you have read this far, this is my challenge to you. If you are not already a member of the Volunteer Lawyers Program, pick up the phone before you put this magazine aside and forget it, and call the ASB at (334) 269-1515 or (800) 354-6154 to get information and join. Or, go to www.alabar.org and sign up online. You will finish this day feeling good about yourself—a more complete lawyer for having answered “our highest calling.” I guarantee it!

JUDGE W. HAROLD ALBRITTON, III

Judge W. Harold Albritton, III is a senior judge with the U.S. District Court, Middle District of Alabama, in Montgomery. Judge Albritton received his undergraduate and law degrees from the University of Alabama. After serving in the Army, he practiced with the Andalusia firm founded by his great-grandfather in 1887. Judge Albritton served as president of the Alabama State Bar from 1990-91. He was appointed a U.S. District Judge by President George Bush in 1991 and became chief judge in 1998. He served in that position until taking senior status in 2005. Judge Albritton is a Life Fellow (American Bar Foundation), a Judicial Fellow (American College of Trial Lawyers) and a member of the Federal Judges Association, the American Judicature Society, and the Montgomery Chapter, American Inns of Court. Judge and Mrs. Albritton’s three sons are all practicing attorneys.