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# fair comment

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## A lawyer's compensation

Leon Jaworski, a name partner of the well-known Houston firm, Fulbright & Jaworski, interviewed new hires about the plan to provide needy people with free legal help. He considered it a duty of the profession. (For those too young to remember, Jaworski is known to history as the special prosecutor in Watergate.)

My practice began with a similar lecture. It was in a law firm of a contrasting size – I joined a sole practitioner – but the interview was the same. My partner was from the first part of this century, and his counsel was quaint in contrast to modern practice. The distinction between a professional and a tradesman, he told me, is that a professional gives away a percentage of his time.

A recent survey reporting the public attitude toward lawyers was published in a national news magazine. No surprises, but it is grim. A majority of those surveyed think the worst. Lawyers are considered to be liars and crooks. The news about emphasis on money by lawyers has done it.

The rewards of a practice can be other than money. If it is *pro bono*, it has to be other than money. There are lessons that may be learned. Among my *pro bono* clients was the most memorable, and she taught me a lesson. It was not a big case, but it was everything to her. She sought me out because she had been denied Social Security benefits.

When this client appeared, she was blind. She was not just visually impaired; she had two glass eyes. The benefits she sought were as a survivor. The problem was that the man she survived was not her husband but a live-in. At that time Indiana law recognized only the obligations of a formal marriage, a status that justified denial of benefits to her. Despite her appalling handicap, she maintained a home with the man. Every day of the year, summer and winter, she was barefoot. She walked through the house checking for what her man had dropped. The appearance of her housekeeping could be judged

by her appearance. Absolute minimum. She was clean, but her dress was a one-piece thing pulled over her head, and her hair style was matted, patted down with wet hands. Was she a survivor? You bet she was.

The appeal was filed, and a hearing date was set. When I arrived for the hearing, my client was already in place seated at the table opposite the hearing officer. I sat down beside her and she began to tell her story, how she cared for the deceased for several years, kept house, the whole thing. She could not see the astonished face of the hearing officer as he listened to the incredible tale. In a few moments, he shot me some amused glances, and we, the two sighted people, were conspirators. It was apparent that he would rule for her.

After she finished her statement, he left. Then she leaned over to whisper to me. If glass eyes could twinkle, they did. Do you see that person in the back of the room, she asked. I looked. At the back of the hearing room was a man, sitting idly, gazing out of the window. She leaned closer to confide in me.

“That’s my new man.”

Discretion draws a veil over the events that followed. There followed a little discussion about the statements she just made and the requirement to be candid in the claim. There could be no misrepresentation that she was left a dependent upon the deceased. Choose the award or the new man.

Sightless, uneducated and poor, she gave me a lesson. When I told her that an alliance with a new man would cost her the award, she shrugged. She knew penalties worse than any government regulation. When life dealt her cards, she sat down to play and made the most of the hand she drew. No one else would be permitted to play it for her, and she would not throw it in because it was bad. Life is to be enjoyed, not endured. Many lawyers are never treated as well as I was at that moment.

Thank you, blind lady, wherever you are. ♪