

To Old Lawyers: Never Die or Simply Fade Away, Switch to Pro Bono.



Currently, in my retirement, I am embarking on developing different skills, specifically taking a stab at play-writing. I even have a subject in mind. What would a conversation sound like between Eve, the first woman from man, and Mary, the mother of men? What would their interactions look like?

One of my rituals when writing is listening to music. Be it Latin, jazz, soul, blues, folk from the '50s and '60s, standards from the '40s, Big Band, Gregorian chants, classical or every now and then, a dash of hip-hop, rap, country, or disco.

Why Latin music? Actually, Latin music is what revs up my creative funny bone.

Professor Christopher Muscato, MS, University of Northern Colorado, in a history course describes Latin music as follows:

Latin music has roots in Southern Europe, Africa, and the indigenous cultures of Latin America, so it's a pretty cool synthesis of world music. It is motivated by emotion and passion, rhythm and movement, so get up on your feet because you can't take Latin music sitting down. As they say in Latin America, ¡Baila!

So, if and when you write for any reason, try it with a mug of music.

That brings me back to the idea of trying something new in retirement. I bring up the idea of learning a new skill for the purpose of sharing a way for retired lawyers who do not wish to fade away to practice law on a smaller but rewarding scale. ("Fade away" refers to General Douglas MacArthur's famous line, "Old soldiers never die, they simply fade away.") But before I elaborate on my alternative to fading away, allow me to lay some groundwork.

Most parents of baby boomers were firm believers that the three R's, (reading, (w)riting, (a)rithmetic,) served as the foundation to a good education. My parents, who were teachers, were no exception. However, I recall that my parents also emphasized the three A's as part of our personal development. The three A's are academics, athletics, and the arts. To my parents, studies were important, but physical exercise and an appreciation of art were as significant to a child's growth.

I remember spending almost every summer day at the City Park Swimming Pool, where my father was a swimming

instructor and head lifeguard. My seven brothers and sisters and I all participated in sports, whether intermural, intramural, recreational, or the neighborhood free-for-alls. In fact, my sister who is developmentally disabled participated in the local Special Olympics. Two of my brothers, two of my sisters, and I played one or more musical instruments and half of the eight of us are vocalists. My parents, as well as extended family and family friends, provided us the opportunities to learn about and participate in the arts. You may have guessed that I am partial to the performing arts, which explains my interest in acting as a playwright. (No thoughts of grandiosity here.)

By-products of my personal development under the three A's include an affinity for charity and compassion (humbly speaking). In combination with spirituality, morals, or ethics, personal development based on the three A's supports the practice of giving back to our community. Consider the philanthropic work of numerous athletes and artists including but not limited to Eli and Payton Manning, our very own Bronco Vaughn Miller, LeBron James, the late Kobe Bryant,

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Beyonce, Lady Gaga, the late Chick Corea, and the Marsalis Brothers.

This is where we retired lawyers come in. Recalling my parent's admonition to never forget from where I came, I ask you to do the same. One of the best ways is by doing good deeds for others, especially those who do not have access to the justice system for various reasons. I would not be able to provide legal service to others had I not been on the receiving end of the good deeds of others. As I alluded earlier, for retired attorneys who do not wish to fade away and are up to giving back to the community, consider pro bono service.

In the preamble to the Rules Governing Admission to the Bar in chapters 18-20 of The Rules Governing Admission to the Practice of Law in Colorado are the following tenets:

- The legal profession serves clients, courts, and the public.
- The Supreme Court establishes essential eligibility requirements, rules of professional conduct, and other rules for the legal profession.

Objectives under the rules include, but are not limited the following:

- Increasing public understanding of and confidence in the rule of law, the administration of justice, and each individual's legal rights and duties.
- Promoting access to justice.
- Promoting consumer confidence.
- Helping lawyers throughout the stages of their careers successfully navigate the practice of law and thus better serve their clients.
- Promoting diversity, inclusion, equality, and freedom from discrimination in the delivery of legal services and the administration of justice.

One rule adopted by the Supreme Court, which I would like to share with my retired colleagues is Rule 204.6, Pro Bono Counsel Certification, which provides for limited provision of legal services. The rule, in part, provides as follows:

- (1) General Statement and Eligibility. In its discretion, the Supreme Court may certify attorneys ... to practice law in Colorado to provide pro bono legal services under the auspices of an entity described in C.R.C.P. 260.8(2), in accordance with Colo. RPC 6.1.

(a) To act in such a capacity, the applicant for pro bono counsel certification must be either:

- (i) An attorney, including a retired attorney, admitted to practice law in Colorado who:

- (A) Is now on inactive status
- (B) Is a member in good standing of the bar of all courts and jurisdictions in which he or she has been admitted to practice
- (C) Has no pending formal disciplinary or disability proceeding; and
- (D) Limits his or her practice to acting as pro bono counsel as set forth in this rule and, notwithstanding the reduced fee provisions of Colo. RPC 6.1(b), will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered ...

(2) Filing Requirements. An applicant under this rule shall file an application for pro bono counsel certification. The applicant shall pay a fee in an amount fixed by the Supreme Court. The fee must be paid when the application is submitted. The fee shall be made payable to the Clerk of the Supreme Court.

The application shall include a certification that the applicant agrees to the provisions of subsection (1)(a) above.

(3) Scope of Authority. An attorney certified under this rule has the authority to act as pro bono counsel for clients as defined in section (1) of this rule. The attorney may not act as counsel for a client until certified under this rule.

(6) Registration and Fees.

- (a) An attorney certified under this rule shall not be required to pay an annual registration fee if the attorney has provided pro bono legal services under this rule within the prior twelve-month period. In order to be exempt from paying an annual registration fee, the attorney shall

file a registration statement on or before February 28, identifying the entity or entities, as described in section (1) of this rule, for which the attorney has volunteered in the prior twelve-month period.

(b) An attorney certified under this rule who has not provided pro bono legal services under this rule within the prior twelve-month period is not required to file the registration statement described in subsection (a) above, but the attorney must pay the registration fee that was applicable in the prior calendar year for registered inactive attorneys pursuant to C.R.C.P. 227(A). By paying that fee, the attorney may remain a certified pro bono counsel under this rule.

I have been retired since 2017 and in 2019 I began volunteering with the Metro Volunteer Lawyers, participating in their Family Law Clinic and the Power of Attorney Workshop. I am now a board member, representing the Adams and Broomfield County Bar Association, which is a co-sponsor of MVL. MVL's mission is "to bridge the gap in access to justice by coordinating the provision of pro bono legal services by volunteer lawyers within the Denver metro area to people who could not otherwise afford legal services for their civil legal issues." For additional information and volunteer opportunities, see the MVL website <https://www.denbar.org/mvl>.

Baila y escribe! 🌐

PATRICIA ROSALES-CHAVEZ is a proud Colorado native who retired after thirty-five years of practicing in the public sector. Pat served as a Colorado legislative lawyer, an administrative law judge and member of The Colorado State Parole Board, an assistant county attorney for Pueblo and Adams County Attorney's Office, and a deputy district attorney for the 10th and 19th Judicial District Attorney's Offices. After participating in the civil legal clinic at the University of Colorado Law School, Pat began her legal career working for Colorado Rural Legal Services (NKA Colorado Legal Services.)