



## Defining Pro Bono

The term “pro bono” derives from a Latin term that means “for the public good.” Although the term is used in different contexts to mean “the offering of free services,” it has a specific meaning within the legal profession. Rule 6.1 of the Model Rules of Professional Conduct states that every lawyer has a professional responsibility to provide legal services to “those unable to pay.”

To meet the most critical needs, legal aid and pro bono programs provide pro bono help to people whose income is less than 125 percent of the federal poverty level. In line with this practice, Crowley’s pro bono program uses the federal poverty guidelines to determine which cases qualify for pro bono, allocating our services to those with the highest need. Our program will vary upward from 125 percent to 200 percent of the federal poverty guidelines only to assist people who are elderly, disabled, victims of domestic violence, enlisted in the military, or in other special circumstances.

In a 2017 Justice Gap Study, Legal Services Corporation found that 86 percent of civil legal problems that low-income Americans reported received inadequate or no legal help from any source. According to the 2020 Justice Index, a nationwide survey, there are just 1.12 civil legal aid attorneys for every 10,000 people in the United States with incomes below 200 percent of the federal income poverty level (this is in comparison to 40 attorneys for every 10,000 people in the general population).

In the face of these huge gaps in access to civil legal aid, it is the responsibility of pro bono law programs to allocate resources meaningfully and purposefully to meet the needs of those with the most at stake—for the public good. Crowley is proud to play a role in closing the gaps that would otherwise disadvantage our pro bono clients, who are working hard to do the most with the least and deserve any support we can offer them.

—Morgan E. Dake, Senior Pro Bono Counsel  
—Saige Smith, Pro Bono Associate



## Who are our clients?

Our pro bono clients work if they are able. They are raising children and grandchildren—sometimes by themselves. They are enrolling their children in daycares with the assistance of competitive community scholarships. They are doing all they can but are financially drained.

In our region, a single parent working full-time for minimum wage might have a household income of as little as \$1,250 per month. Rent for a two-bedroom apartment is at least \$900. Then there is a car payment, car insurance, gas, groceries, utilities, a cell phone, an internet plan, new clothes for growing children, activities’ fees, and incidentals.

Between bills and necessities alone, an average family in poverty is still behind more than \$300 every month. That means having to choose which bills get paid which month, and which might not get paid at all.

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## Building Ties in Wyoming



In late 2021, Crowley extended the reach of its inhouse pro bono program by adding Saige Smith as a fulltime pro bono associate to its Sheridan, Wyoming office. Prior to joining Crowley, Saige worked as a prosecutor for the State of Wyoming. In that role, she witnessed the intersecting needs of families caught up in the justice system. Moving to the role of pro bono counsel offered Saige

the chance to address those complex issues through a more multifaceted approach. To that end, as Saige expands on our pro bono foundations in Wyoming, it should be no surprise that her caseload has been diverse, ranging from parenting plans and orders of protection to expungements, civil commitments, and immigration matters. Crowley is excited to be able to help meet the assorted legal needs of the communities in which we find ourselves.

## Regional Immigration Needs Are High

There is a high demand for immigration attorneys throughout our region. For immigrants whose livelihood falls within the federal poverty guidelines, immigration status is often highest on their list of legal concerns. And it's no wonder—immigration status impacts not only the ability to work, drive, and secure housing, but it also impacts a families' sense of security.

Although studies show that immigrants represented by counsel are five times more likely to win their cases than those without representation, most proceed through legal processes with little to no assistance from an attorney—even in cases with significant language barriers.

Crowley has seen an increase in pro bono referrals involving individuals and families with high priority immigration needs. To meet the demand, firm attorneys have volunteered with formal programs designed to provide mentorship and support.

In 2022, in coordination with the Afghan Refugee Project, under the lead of Montana Legal Services, Upper Seven Law Firm, and the State Bar of Montana, several Crowley

attorneys have taken on asylum matters for Afghan clients who came to the United States after U.S. troops were removed from Afghanistan. Many Afghanistan citizens assisted in the safe removal of U.S. troops, and we are happy to be part of the movement to protect them in return.

### Crowley's Teamwork Model Benefits Pro Bono Clients

The attorneys and staff who come to work at Crowley bring with them diverse talents and skills beyond their legal practice. Those talents were put to work when 'Alice'\* came to Crowley needing assistance to set aside a default from a dissolution and parenting plan that went into effect without her knowledge.

Alice came to Montana from a Spanish-speaking country after having a son with her U.S. citizen husband. Alice relied on her husband for translation and financial support. After the police and CPS became involved due to domestic violence, Alice was served with divorce papers while still living at home with her husband. Because he was her primary interpreter and she had no other support system in Montana, if he chose not to tell her things, she had no way of knowing what was going on. Using the legal process, her husband removed her from the marital home, and she was forced to live in a shelter, without basic legal assistance and without access to her son.

This case proved an uphill battle for Alice. By the time she learned she had been defaulted, it was past the one year mark that dissolution orders may normally be set aside for any reason. A Spanish speaking attorney painstakingly interpreted legal documents for Alice to fully understand what occurred. Then, it took a myriad of Crowley employees, including staff, paralegals, associate attorneys, and partners, to fight for access to Alice's immigration, CPS, court, and police records, all of which were necessary to establish a fair timeline and sufficient proof of everything Alice had been through.

We are fortunate at Crowley to have had the human-power and resources to help Alice. The group effort succeeded in bringing Alice's case to have the default against her set aside, even though it had been over 2 years since the dissolution originally occurred. That first step allowed the parties to go to mediation, where Alice was supported and protected throughout, to a fair result. Against all odds, Alice was finally treated equally and fairly in a foreign system which previously let her down.

*\*Client's name and identifying information has been changed.*

## SPOTLIGHT: Never Too Late to Belong



Alex\* always thought of James\* as his dad. Although our pro bono program was able to assist James in securing a legal guardianship over Alex when he was a minor, Alex's biological parents' rights were

never terminated, and James was unable to legally adopt Alex. But we made a promise that when Alex turned 18, they could come back. And they did.

The adult adoption process allows a person 18 or older to adopt another adult when both parties consent. This process can benefit people in a variety of situations, such as former foster children, stepchildren, or children who find their birth families later in life. The process recognizes that it is never too late to belong to a family.

We all fulfilled our promises and, finally, James is legally recognized as the father he has always been to Alex.

*\*Names and identifying information have been changed.*

## SPOTLIGHT: Protecting Families

When Crowley was appointed counsel for a woman opposing the termination of her parental rights, magic happened for an entire family. Our client was a criminal justice success story, having overcome addiction, in part, through her involvement in Helena's family drug court. Her fight continued, however, when her daughter's paternal grandparents moved to terminate her parental rights through a private adoption proceeding.

In anticipation of trial, the witness list in support of our client included judges, court appointed advocates, social workers, YWCA advocates, treatment specialists, and counselors. Perhaps in the face of that witness list, or due to the comprehensive discovery responses, the opposing party entered mediation already doubting their position.

After several hours of excruciating back and forth, after our attorneys stopped everyone from walking away, the parties finally agreed to a reunification process that allowed our client to be the mother her child deserves. More miraculous, the grandparents and our client ended the mediation with a hug and a commitment to work together to support little girl who was the very loved subject of this action.

## Update: Family Law Mediation Project



Through Crowley's Family Law Mediation Project, coparents sit down together to mediate a parenting plan that they believe is in the best interests of their children. This process allows

them to make the final decision on how they will coparent, rather than submitting themselves to the final decision of a judge. To date, attorneys in our Billings and Helena offices have provided pro bono mediation services to more than 170 families. In early 2022, renowned mediators Art and Kitty Lusse conducted a follow-up full-scope mediation training, revitalizing our veteran volunteers and welcoming Crowley's largest group of new mediators to date.

## Better Access for Prisoners

In early 2020, it was brought to Crowley's attention that women at the Montana Women's Prison were consistently reporting a lack of access to legal resources, including the self-help forms approved by the Montana Supreme Court. Concerned about this gap in access, our pro bono team met with the prison warden to discuss strategies. That meeting led us to develop a basic legal presentation that walks inmates through the civil litigation process, from filling out the right self-help forms to strategically preparing for court. While our attorney presenters don't provide legal advice to inmates, they do engage in meaningful conversations about their right to access the courts. Thus, our clinical presentations provide more than information: they provide affirmation.

## Helping The Community: Not Just for Attorneys

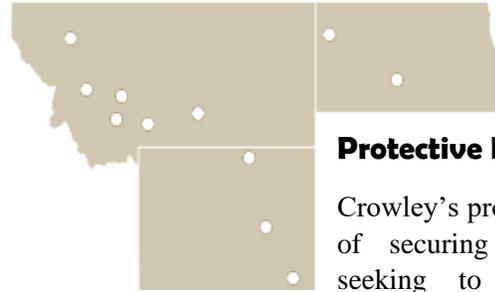


Each Christmas, Crowley staff get into the holiday spirit by adopting a local family in need and showering them with gifts. In 2021, staff surprised one hard-

working mom with the chance to take her children to dinner and the movies (and get treats); a single father with gift cards to choose and buy his own gifts for his two young daughters; and an 18-year-old young man, who left an abusive home situation for a full-ride scholarship to Montana State University, a gift card to buy food for the weekends. Legal troubles are particularly overwhelming during the holidays, but our wonderful staff remind us that it is sometimes the little things that matter most. Make sure to keep an eye out for opportunities in the giving season for 2022!

## By the Numbers

In 2021, our Helena office opened as many pro bono cases as it has attorneys. Most other offices opened one distinct pro bono case for every three to five attorneys, with many cases assigned to multiple attorneys. Interestingly, although many people automatically think of family law when they think of pro bono, the firm covered 15 different areas of law. From nonprofit advice and veteran benefits to lease issues and estate planning, our attorneys were able to apply their expertise to provide exceptional legal representation on a wide variety of matters.



## Congratulations to Gary Connelley on his retirement!

Gary Connelley, pictured right above with Billings partner Bill Lamdin on the left, led the firm's pro bono program with heart and laughter for 25 years, mentoring the firm's attorneys along the way. Morgan Dake and Saige Smith will continue as the pro bono program's fulltime counsel, and North Dakota partner Ben Sand will be joining the pro bono team as co-practice group leader. They look forward to continuing Gary's legacy of treating clients with dignity, respect, and a touch of good humor.



Crowley was presented with the 2022 Champion of Justice during the Wyoming State Bar's annual conference in Casper.

"The firm received the award in recognition of its long history of pro bono work, its leadership, generosity, and many contributions to access to justice in Wyoming," the Wyoming State Bar said in its press release.

## Protective Power of Guardianship

Crowley's pro bono program has a long history of securing guardianships for individuals seeking to protect minor children and incapacitated adults.

Guardianship is a legal process used to protect individuals who are unable to care for their own well-being due to infancy, incapacity, or disability. Guardianships offer protection in the most limited way feasible so that the ward who is subject to the action can maintain as much independence as possible based on their given situation.

In 2022, the program continued to dedicate resources in Montana, Wyoming, and North Dakota to ensure the most at-risk members of our community are protected under the law. Attorneys acted on behalf of guardians, wards, and even as court-appointed visitors.

The pro bono program anticipates it will see an uptick in its North Dakota guardianship practice as firm attorneys continue to match their expertise to community needs.

For more information about our program, visit our website at:  
<https://crowleyfleck.com/practice-areas/pro-bono/>

Please direct any questions about our program to:  
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