

New lawyers, hard-up clients benefit each other

Attorneys gain trial experience; defendants get free representation



Natalie Caudill/The Dallas Morning News

Robert Manley (right) of McKool Smith leads associates Lindsay Martin, Kristi Thomas and Brad Caldwell through a program that combines new attorneys with poor defendants.

By Cheryl Hall

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On a recent Friday morning, Dallas lawyer Robert Manley leads an entourage of young associates to the Frank Crowley Courts Building.

They've come to meet with a woman accused of harassing her ex-boyfriend's current girlfriend and another client charged with shoplifting. The legal foursome won't be paid a dime for their combined eight hours of work, which would routinely fetch about \$3,000 at their firm, McKool Smith LLP.

These are hardly typical clients for McKool Smith, which specializes in complex business deals and intellectual property litigation. "Big companies fighting over a lot of money" is how Mr. Manley puts it.

The cases are part of a program that connects McKool's newly minted attorneys, who need real-life courtroom experience, with poor defendants who aren't poor enough for public defenders.

Mr. Manley, 39, a partner at McKool, conceived it while doing pro bono defense work at the courthouse four years ago.

"We have a supply of young lawyers dying to learn how to try cases. But our cases are so big that if they go to trial, first-, second- or even third-years aren't going to be the people standing up before the judge and picking the jury," he says as we walk through the crowded second-floor courthouse hallway. "And there's this demand over here from people who have small cases, who can't afford lawyers but desperately need one.

"So I just put the two together."

In the last four years, McKool attorneys have taken on nearly 40 cases. A little more than half of those made it to a verdict. All but a handful of those decisions went in their clients' favor.

None of the working stiffs they've helped could afford the bare minimum of \$4,000 to \$5,000 routinely charged by criminal lawyers to take on a case.

It's unethical to solicit clients even if the service is free. But these young legal guns don't have to advertise their presence. Their suits do that for them.

"People will come up and ask if we're attorneys," says Mr. Manley. "Before we can even say yes, they'll start talking about their cases."

When the attorneys chat with these strangers, they look for people who are charged with misdemeanors and have plausible grounds for their innocence.

"You say, 'OK, here's what you're charged with. Tell me what the actual story is,'" Mr. Manley says. "Sometimes they'll say, 'Yeah, well that's kinda what happened.' There's not much you can do for them."

Some clients are referred to McKool by the pro bono criminal justice clinic at Southern Methodist University or by local criminal defense attorneys.

Learning experience

Criminal defense lawyer Barry Sorrels of Sorrels Udashen & Anton LLP put together a two-day seminar for the civil attorneys at McKool and presented it with three other attorneys.

"We videotaped it," says Mr. Manley, "and now that's a requirement that everybody take."

Brad Caldwell, a 28-year-old associate who got his law degree from the University of Texas in 2003, and Lindsay Martin, 25, who's just out of SMU, are working on several cases together, including the previously mentioned shoplifting case.

"The firm usually takes large commercial cases, so that a young attorney like me would never get to speak before the judge or pick a jury until several years down the road," says Mr. Caldwell.

Ms. Martin adds: "There's just not enough public defenders to give the time that these people need. It's nice to be able to do that."

Young associates initially volunteer because they think it will help their careers, Mr. Manley says. "Then they meet the people and become true believers."

That's what happened to Kristi Thomas.

She and Mr. Manley represented a Hispanic construction worker who hitched a ride home from a party with guys he didn't know. The car was pulled over by the police. The driver and the three other passengers ran. He didn't, but he was charged with resisting arrest along with the rest.

Afforded a break

Without legal help, the defendant, who supported his family of three on \$450 a week, probably would have pleaded guilty and paid a fine he couldn't afford. He might have even faced jail time and lost his job.

"The relief on his face after that trial made it all worthwhile," says Ms. Thomas, who's working on two new cases.

One former client, a 35-year-old single mother of two, speaks passionately about her gratitude. She doesn't want her name used because she doesn't want her business clients to know.

Three years ago, she convinced Mr. Manley that she'd been wrongly accused of driving drunk.

She had caused a two-car accident by speeding down the Dallas North Tollway after a Super Bowl Party. No one was seriously injured, but she left the scene to take her boyfriend to the hospital for his bleeding nose.

"She did a lot of things wrong, but I don't believe she was driving while intoxicated, and that was what she was charged with," says Mr. Manley, who along with his colleague, David Anderson, persuaded the six-person jury of her innocence.

The woman won her case and had her record expunged.

After the trial, the judge shook his finger at her and told her how lucky she was to have the help of high-caliber attorneys.

She couldn't agree more.

"Robert took such good care of me. For pro bono, it was amazing."

For himself and others

Mr. Manley, who earned his law degree from SMU in 1993, is a big-time attorney with an underdog's heart.

He made his mark at McKool Smith eight years ago when he landed a multimillion-dollar settlement for a small entrepreneur whose technology had been ripped off by a major corporation. Mr. Manley's success gave him the opportunity to ask for flex time, which he used to volunteer in the Dallas district attorney's office's attorney-on-loan program for three months.

"I'd get up at 5 and go to work at the Crescent for a few hours. I'd be at the DA's office by 8 o'clock, work there all day and then come back to work at the office for a few more hours."

He prosecuted 20 cases, won all 12 jury trials and lost a few where the judge handed out the verdict. And he had a blast.

That's also when he discovered the disturbing side of blind justice: people taking a plea deal because they couldn't afford legal help.

"That seemed unfair to me, so I started doing a few pro bono defense cases each year."

He still does.

Why?

One reason is selfish.

"It gets me in front of a jury, and I love trying cases. I learn, and I get better."

The other is less so.

"I don't have a whole lot of time, and I'm not very good at a whole lot of things," Mr. Manley says.

"But I'm pretty good at trying cases. It's a way to tie the thing that I love to do with a way to give back."