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Pro Bono Work and the Impact of Growing Inequality

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Pro bono work regularly makes a meaningful difference in people's lives, whether by securing a favorable outcome for an individual or resolving a class action case affecting thousands. While it's important to recognize and support pro bono efforts in and of themselves, we also need to be able to take a step back, look beyond the individual case, and acknowledge the root issues driving the explosive demand for free legal services.

Fundamentally, the demand for pro bono work has less to do with the law than it does with broader trends in society. The most important one, in my view, is the enormous growth of inequality over recent decades. While society widely shared the benefit of a growing economy immediately following World War II — as demonstrated by a decline in income and wealth inequality — the past 40 years has been quite a different story. During this period, dubbed "the great U-turn" by economists, we have experienced immense growth in top-end wealth and income. The average income of the richest 0.01% grew 17 times faster than the bottom 20%. To complicate matters, inequality is not only an issue between high- and low-end earners, but a racial issue as well. According to the United States Census Bureau, White, non-Hispanic households are ten times wealthier than Black households.

The effects of growing inequality are far-reaching. Indeed, the American Dream itself becomes increasingly imperiled as inequality increases. The "Great Gatsby Curve," a term coined by economist Alan Krueger, demonstrates that the concentration of wealth in one generation leads to decreasing income mobility in the next. In other words, as inequality increases, it becomes more difficult for people to move up the economic ladder. Significantly, as wealth and income inequality has grown, the country has experienced increasing disparities in housing, education, and healthcare, among other things. This is where pro bono work comes in.

Some of our pro bono matters arise directly out of the disparities I described, such as our lawsuit against the State of New York to provide mental health services for poor children or our lawsuit to overcome egregious living conditions in a Washington, D.C. apartment building. Even more troubling are matters that reflect disparities so severe that they infect our government and the legal system itself. Take, for example, matters involving child protective services. A report issued two years ago by the New York State Bar Association found that "only a quarter of child protective cases involve intentional, harmful acts by parents. Most cases involve parents who cannot meet their children's basic needs due to poverty, and these families are disproportionately Black families." We observed this for ourselves in a recent Family Court case handled for a client who had her baby temporarily removed from her care, even though it was undisputed that she was a great mother. She sometimes lacked access to a stable living environment, did not get the services or guidance she needed from the authorities in a timely fashion, and then had to navigate an unsympathetic court system. The economic instability in her life not only made her case more challenging but, in fact, was the very cause of her legal issues.

Looking beyond the individual case enables us to focus our resources where they are most needed, inspires us to advocate for change in the law, public policy, and the courts that better protect people of limited means, and serves as an important reminder of the vital role that the private sector must play in securing equal access to justice. Pro bono work should never be considered in isolation or as an act of charity, but as an essential counterweight to the impact of growing inequality.

Intern Ava Black contributed to the drafting of this blog post.

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