

# Tech dean recognized for commitment to 'pro bono'

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Lawyers call it "pro bono" — free legal work, generally for low-income clients.

W. Frank Newton's commitment to it played a key role in his recent recognition as one of the 10 most influential lawyers in the state in the past 10 years.

The newspaper Texas Lawyer chose the dean of the Texas Tech law school as one of the 10 people whose actions had the greatest impact on the Texas legal profession from 1985 to 1995.

Texas Lawyer cited Newton as being instrumental in leading the Texas State Bar to adopt its pro bono policy and for being the most important force in the Interest on Lawyers' Trust Accounts program, which distributes money for pro bono services.

Newton sees the recognition as more than a personal honor. "What pleases me most about it is the recognition it affords to the fact that lawyers are actively and effectively engaged in providing pro bono legal services. Highlighting that pleases me greatly."

In 1988 the Texas Supreme Court appointed Newton to chair the Texas Equal Access to Justice Foundation, which administers the IOLTA program. Under

IOLTA, interest money on lawyers' trust accounts in amounts too small to be attributed to clients is collected and submitted every month to a statewide nonprofit corporation.

Then the money is distributed to support programs designed to deliver pro bono services, Newton said.

IOLTA started as a voluntary program in 1984. Three years later, Newton headed a study committee to determine whether it should be made mandatory.

The committee came out in favor of the change, and the Texas Supreme Court accepted the recommendation.

Newton also presided over a committee for the Legislature to decide whether pro bono requirements for Texas lawyers should be mandatory.

The committee did not recommend mandatory pro bono services, but its report resulted in the adoption of a 14-point program designed to increase voluntary pro bono work, he said.

Newton said he believes voluntary pro bono work has increased, but he does not think that definitive statistics are available to confirm it.

He noted that 78 percent of attorneys reported performing pro bono work recently in a voluntary reporting program.

However, he pointed out that only 21,000 of the state's 50,000 lawyers chose to respond.

Another contribution of Newton's that was noted by Texas Lawyer was his involvement with the Texas Lawyer's Creed,

which was adopted by the Texas Supreme Court and Texas Court of Criminal Appeals in 1989. Newton drafted the creed and served on a committee that designed it.

The creed grew out of what is often called "Rambo" litigation, in which lawyers on opposing sides are extremely uncooperative and try to make life as hard as possible for each other.

"The concern was twofold," Newton said. "First, that this kind of activity really was inconsistent with what our judicial system and legal system are designed to do. They are designed to solve problems, not cause people to behave boorishly.

"The second concern is that clients and the legal system pay a disproportionately heavy cost — that it contributes to court congestion, that it contributes to delay in resolution of disputes and that it makes the delivery of legal services harder."

Newton noted that in extreme cases one litigant could stall indefinitely and cause the other side to run out of money and not be able to continue the legal process — even if they had a valid claim.

"The desire to curtail that kind of activity is what led to the formulation and adoption of the Texas Lawyer's Creed, which is an admonition and, hopefully, an inspiration for lawyers to take seriously their obligation to the system and the clients collectively and, therefore, to make sure the system works smoothly and well," he said.

Newton is a member of the Texas Center for Legal Ethics and Professionalism, which also addresses how lawyers should behave.

"One of our most important projects is that we have put together both a book and a program at each of the Texas law schools' third-year programs," Newton said. "It (the program) provides legal ethics and issues (third-year law students) will

face when they first get into practice."

Newton edits the textbook that is used in the program, and the textbook is updated and changed every year. Newton estimates that about 30 percent of each annual edition is different from the previous edition.

The textbook, in addition to being distributed at Texas law schools, is sent to law firms and county law libraries.

Newton is a Texas native who earned undergraduate and law degrees from Baylor University. He earned advanced law degrees from Columbia Law School and New York University Law School.

He returned to the Baylor Law School in 1972 as a faculty member.

He taught there until 1985, when he accepted the position of law school dean at Tech.



Newton