



Pro Bono Case Grew in Complexity and Rewards — (Almost) Everybody Won

Kahle Becker

In early 2009 I had just opened the doors to my own practice.¹ I had plenty of free time as I slowly developed my clientele.

A senior attorney suggested that I take on a pro bono case to gain some experience and put my idle time to use. He assured me that the case he proposed would be a quick and easy one.

I represented the Idaho Military Historical Society in their quest to seek the return of a historic World War II PT-23 airplane that was being wrongfully held by a board member of another aviation historical society, the Idaho Aviation Hall of Fame. The late Steve Appleton had donated the plane to the Idaho Aviation Hall of Fame for eventual display to the public in a museum. In the interim, a board member of the Hall of Fame offered to store the plane in his hangar. When the Hall of Fame board of directors voted to donate the plane to the Military Historical Society, the board member who had been storing the plane began ignoring requests for its transfer. Eventually, the disgruntled board member claimed that he was owed over \$10,000 for what was to have been gratuitous storage.

I put dozens of hours into the case in the first year with no thought of being compensated. I was urged by members of the Bar to account for my time and submit it, along with work I had done on other pro bono cases, for consideration of the 6.1 Challenge. Ultimately, I was awarded the 2009-2010 4th District 6.1 Challenge Award.

The case then slogged on for several additional years, during which I put in hundreds of additional hours. Counterclaims for lien foreclosure and storage charges were asserted by the Defendant. All the while, my clients asked for the return of the airplane and even made token offers to pay the opposing party. Ultimately, a trial became necessary and Jon Steele signed on the same pro bono basis to assist me as trial counsel. Following a four-day bench trial, the Court ordered the immediate return of the airplane to my client. An award of \$73,820 attorney's fees and costs under I.C. 12-121 followed thereafter. The airplane is now on display at the Idaho Military Museum near the airport in Boise.

The Defendants appealed. I briefed and argued the case before Idaho's Supreme Court. The Supreme Court issued its decision in the summer of 2014 upholding the award of my fees.² With post-judgment interest and costs on appeal, the total judgment amount was \$84,311. I executed on a supersedeas bond the Defendants posted and ultimately collected the full amount in August of 2014.

I spoke with the Bar regarding my fee award and offered to return the 6.1 Challenge Award. Instead the Bar applauded my efforts and we discussed sharing my story to other attorneys. I made a sizeable donation to the Idaho Volunteer Lawyer's Program, Veteran's Legal Clinic which provides legal services to Idaho veterans free of charge on a monthly basis.

Pro bono service has not always turned out as well as it did for me in this case. I have taken other matters in which my clients did not prevail but were grateful nonetheless that someone took the time to plead their case. I have learned many lessons in my pro bono service; I was able to take a civil case from inception through trial and on to appeal, have been introduced to some really great people, and I was able to do what I imagine most attorneys envision the practice to be like on their first day of law school, fighting the good fight for those who are unable to do so on their own. In the end I will continue to take on pro bono cases when my schedule allows and I encourage other attorneys to do the same. You just never know where good deeds will lead you.

Endnotes

1. See March/April 2010 Advocate "From the Concrete Canyons to the Granite Peaks, A Young Sole Practitioner's Perspective."
2. Idaho Military Historical Soc'y, Inc. v. Maslen, 156 Idaho 624, 329 P.3d 1072 (2014), reh'g denied (Aug. 6, 2014)

About the Author

Kahle Becker is a graduate of the Pennsylvania State University, and the University of Pittsburgh School of Law. He has a solo practice in Boise, Idaho focusing on commercial and personal injury litigation as well as natural resource law.

