This is the third and final installment of a series focusing on Source of Income (SOI) discrimination in the Chicago metropolitan area. Click to read our Part
Q: Where did you grow up?
JB: I was born in Hyde Park. When I was nine years old we moved to Evanston, which is actually where I live now. I grew up in a civil rights family. My parents were very active; my father was a sociologist and my mother was a school teacher. One of the first things we did after we moved to Evanston in 1967, I remember, was marching around the Evanston civic center demonstrating for an open housing ordinance.

Q: How did you become a lawyer?
JB: After college, I went to work on Capitol Hill for Congressman Abner Mikva, who is a progressive legend and was my mentor. My uncle was a law professor at the time, and I met with him as I was thinking about going to law school. He knew how active I’d been in political causes, and he said, “Lawyers make very poor revolutionaries, because they never believe in anything with total conviction.” And so I’ve tried to be not that kind of lawyer.

Q: How did you first get involved with Chicago Lawyers’ Committee?
JB: In the late 80s, I got a job with Sidley Austin when they agreed to let me set one third of my

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time aside for pro bono work in exchange for lowering my salary to two-thirds of the usual. That's where I did my first work with Chicago Lawyers’ Committee. I became Chairman of the Board in 2004.

Q: In 1993, you were hired by Katten to direct their pro bono program, becoming the first law firm partner in the Midwest to focus exclusively on the delivery of pro bono work. What does the job entail?
JB: My job involves personally litigating pro bono matters, as well as coordinating and facilitating the pro bono work of our firm at all of Katten’s offices around the world. Most of my work has been in housing, hate crimes, and public accommodations discrimination – meaning discrimination in restaurants, theatres, hotels, etc.

Q: What are some interesting cases you’ve handled?
JB: There are two interesting cases I did that come to mind. One involved an African American mother and her son who frequented a fast food restaurant. They began to notice that every time they wanted to use the restroom it was “closed for repair,” but people who were not black were being buzzed into the bathroom on those same days. And this was the 90s! In Chicago! So we sued them and got a settlement.

Another case involved a young Hispanic boy

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who had been seriously injured in an accident. His parents wanted to have a fundraiser to help cover his medical bills, and they decided to rent out a restaurant for the event. The restaurant was lined up by one of their friends who was white, but most of the people who showed up were Latino. So on the night of the event, the manager went ballistic and said “everybody out!” and shut down the event. So we sued them, and we actually made more money in the settlement than they would have raised in the fundraiser.

Q: What’s your experience with Source of Income (SOI) discrimination cases?  
JB: I am personally handling Latonya English’s case, which is actually my first Source of Income (SOI) case. It’s so obviously tied to race. When I met with Ms. English and heard her story and her experience, it confirmed for me that SOI discrimination is grounded in stereotypes. People think, “I don’t want a person who gets a voucher to live here because this is what voucher holders are like.” In her case, she was told the landlord didn’t like Section 8 renters because they don’t keep up the property, they are a bad credit risk, and other stereotypes. She filed her own complaint with the Chicago Commission on Human Relations. The landlord responded, and in our response we laid out our very strong legal arguments.

I remember one Chicago Lawyers’ Committee case we took on behalf of an African American was in the 90s! In Chicago!
woman who saw a listing for an apartment on the Gold Coast. She made an appointment over the phone to go see it, but when she arrived they said, “Oh, it’s been rented.” So she got really suspicious and called them again, and they said “Come on over and check it out!” We had to get testers, and of the three white testers and the three black testers, only the three white ones were asked to come check it out. We got a substantial settlement in that case. As usual I sent an email around the firm telling people about the victory. The single most common response I got to that email was “Oh, you mean things like that still go on?” This work keeps you grounded.

Q: Why does fair housing work speak to you?

JB: There are a few basic necessities to live, like food and shelter. Housing is a basic thing you need. And there’s a lot of discrimination that flows from housing discrimination. For example, schools. If you can’t live in certain places, you also miss out on all of the services, especially education, that you’d get in that neighborhood. It has a ripple effect.

Housing discrimination personally offends me because of my background. Evanston was a very different community in the 60’s. When I was a kid, there was a lot of prejudice. When my parents looked for a house in north Evanston, they experienced steering because they were
Jewish. It’s just wrong, and it has been going on for so long.

**Q: What are the challenges for an attorney who wants to take on pro bono work?**

JB: The biggest challenge is that there are only 24 hours in a day. Some firms require pro bono work, which I’ve never been a fan of. I think that the natural instincts of attorneys to do pro bono work are strong enough that if you facilitate and support them, the work will happen and will be stronger than if you require it.

**Q: What are the biggest rewards of doing pro bono work?**

JB: In a survey I saw, the most common reason people gave for not doing pro bono work was that they didn’t have time. The most common reason for doing it was that it made them feel good about being a lawyer. That’s consistent with my experience. I can tell you that after the travel ban came down, I had people flocking in asking how they can help refugees. The election really has been a boon for pro bono work. Partly because people feel that the rule of law is being threatened. Many lawyers of varying political views believe that the rule of law is on the line.

**Q: What’s your advice for an attorney who is taking on a pro bono case?**

JB: View it as a real case. Don’t think it won’t require research, effort, and analysis. The law is the law, and many pieces of civil rights litigation
are much more intellectually challenging than commercial litigation. You have to be prepared – good intentions are not enough. You have to apply your best legal skills and attention as you would for a paying client. Being realistic, you also have to think about scheduling. In the moment, there may be a time pressure on both a paying and a pro bono case – you’ll have to figure out how to do both. That may mean longer hours at the office and less hours with your family for that stretch of time.

**Q: What is the value of partnering with organizations like Chicago Lawyers’ Committee?**

**JB: Organizations like Chicago Lawyers’ Committee are indispensable to our pro bono work. You provide the essential infrastructure to engage in that kind of work by having people who are steeped in the substance of civil rights law and are connected to the communities where the cases come from. Those are all functions we cannot do. We piggyback on efforts by organizations like Chicago Lawyers’ Committee, from getting and screening clients to the wisdom on how to proceed. That’s why at the end of the day, we always donate our fees back to Chicago Lawyers’ Committee, because that allows you to do more cases.**

**Q: Where do you see pro bono firm culture going over the next decade?**

**JB: There are no permanent victories. Pro bono...**
volunteerism really ebbs and flows. Partly it's a reflection of the national culture and who's coming out of law school. During the Reagan years, people were coming out of law school with no interest in pro bono work. That's certainly not true now. And sometimes you have people running law firms that are more sympathetic than others. I was the first one, but there are now 13 or 14 people at Chicago law firms who do what I do. There are almost 150 across the country. Pro bono work is becoming institutionalized, and I think that's a good sign.