

Minutes

Connecticut Judicial Branch

Access to Justice Commission

Subcommittee on Legal Aid/Civil Representation

November 14, 2011

1:00 pm.

**225 Spring Street, Room 4B
Wethersfield, Connecticut**

The Subcommittee on Legal Aid/Civil Representation met at 1:00 p.m. on November 14, 2011 in Room 4B at 225 Spring Street, Wethersfield, CT.

Committee members in attendance: Attorney Steven Eppler-Epstein, Chair; Attorney Eric George, Roberta Palmer, and Dean Jeremy Paul, who attended from 1:30 p.m. to 2:00 p.m.

The meeting was called to order at 1:07 p.m. by Attorney Eppler-Epstein.

1. Atty. Eppler-Epstein welcomed the subcommittee members and each member gave a brief description of their background.
2. The subcommittee discussed their charge and questioned the timeline for their work. They agreed that their report must outline the present environment of legal aid/civil representation in Connecticut courts and recommend a direction for the future.
3. The subcommittee reviewed the funding crisis that exists for legal services organizations. Attorney Eppler-Epstein outlined the present primary funding sources and how these have changed from the past. He then suggested that the subcommittee consider categorizing their recommendations into short-term, medium-term and long-term strategies. He expressed the belief that there may be some capacity for future funding growth. These might include a short-term strategy of increasing court filing fees or the amount of fees that is provided to legal services funding. Attorney Eric George posed the question: what else are legal service agencies doing to raise money? This led to a discussion on IOLTA accounts and interest rates, the contribution of federal stimulus money which is now winding down, and charitable donations/foundations.

4. The subcommittee discussed the work of the Judicial Branch's Pro Bono Committee. Since Attorney Eppler-Epstein is a member, he gave a brief overview of the committee's work and specifically the recent Pro Bono Summit. It was agreed that with the shrinking of legal services funding, coordination of Pro Bono services may suffer. The subcommittee reviewed the method used by law firms to give credit for pro bono work done by staff and the various case types most amenable to pro bono services.
5. Attorney Eppler-Epstein outlined various delivery mechanisms which could be used to categorize the subcommittee's recommendations. These might include legal services, pro bono services, state-appointed counsel and law school clinics. The subcommittee might want to explore ways of identifying which clients and cases are best suited for a particular delivery mechanism. This led to further discussion concerning the way that the court appoints counsel in certain cases.
6. The subcommittee discussed limited scope representation and limited appearances in the context of its charge to develop goals and strategies to meet the changing legal needs of those unable to afford representation by addressing existing and proposed court rules, procedures and policies. The subcommittee discussed the concerns about limited scope representation and limited appearances that are often cited which are: how do you ensure competency? and, will it affect the attorneys' bottom line? The possibility of a rule change which allows for a separate type of bar admission for lawyers who work in corporations so that they may engage in pro bono work was also discussed.
7. Finally, the subcommittee reviewed how it might help to prioritize the areas of greatest civil legal need and posed the question: who is not showing up in court at all? Certain groups were identified including home-bound people, the disenfranchised as well as non-citizens.
8. The next meeting will be scheduled and notice posted.
9. The meeting adjourned shortly before 2:00 pm.