

~ Minutes ~
Pro Bono Committee
February 02, 2016
3:00 pm
231 Capitol Avenue, 2nd Floor
Attorney Conference Room

The Pro Bono Committee met on Tuesday, February 2, 2016 at 3:00pm at 231 Capitol Avenue, Hartford in the Attorney Conference Room.

Those in attendance: Honorable Ingrid Moll, Chair, Attorney Timothy Johnston, Attorney Alfred Casella, Attorney Steven Eppler-Epstein, Attorney Dwight Merriam, Attorney Charles Ray, Attorney Sharon Dornfeld, Professor Timothy Everett, Attorney Karen DeMeola, Attorney Sarah Sia, Attorney Lester Arnold, Attorney Patricia Kaplan, Attorney Mark Nordstrom, and Attorney Jonathan Shapiro.

Attorney Joe Del Ciampo from Judicial Branch Legal Services was also in attendance.

The meeting was called to order at 3:04 pm.

1. The Committee voted to unanimously approve the minutes of the November 10, 2015 Pro Bono Committee meeting.
2. The Committee discussed the interim pro bono survey results from the voluntary pro bono survey that was posted on the annual attorney registration page in E-Services and emailed to all active, registered Connecticut attorneys. As of February 2nd, over 3,400 attorneys had responded to the pro bono survey. Among other areas, the survey inquired about the length of time the responding attorney has practiced law, their firm or office size, whether or not they have performed pro bono service for persons of limited means or charitable organizations, and the nature of the pro bono work and how many hours.

Additionally, as provided in RPC 6.1, the survey also inquired whether the responding attorney had provided financial support for organizations that provide services to persons of limited means in the past year. Lastly, the survey inquired whether any of the responding attorneys were interested in obtaining information on training and pro bono opportunities in other areas and, if yes, what areas were they specifically interested in. The areas of interest were very diverse, ranging from family law, immigration and special education to tax and elder law and veteran's rights and estate planning.

The Committee further discussed the preliminary survey results and observed that the highest percentage of respondents came from small and solo practitioners. As a result, the Committee questioned whether its focus should more heavily concentrate on this population of attorneys versus large firm and in-house attorneys. The Committee inquired whether there was an electronic mechanism available to cull out the larger firm responses to survey questions 11 & 12 and see where the remaining responses were concentrated. This more narrow view of the survey results might better enable the Committee to focus resources on the pro bono areas of interest expressed by the small firm and solo practitioners in Connecticut. Pro Bono Committee staff will confer with Judicial Branch IT staff to discuss the logistics of extracting this data.

3. Next, Judge Moll asked each of the Workgroup chairs to report out on their progress since the last Pro Bono Committee meeting.

Recognition: Workgroup chair, Attorney Merriam reported out for the Recognition Workgroup and acknowledged new Workgroup member Pat Kaplan. He reported that one of the agenda items discussed by the workgroup was the possibility of creating a perpetual award or trophy named after someone of some significance and prominence in the ongoing fight for equal access to justice. One of the names discussed by the workgroup was former Governor, Chief Justice and pro bono champion, Simeon E. Baldwin. He participated in forming the ABA in 1878 and led the adoption of the Code of Professional Ethics in Connecticut. The Workgroup learned that an award already exists in Simeon Baldwin's name, and a suggestion was made to consider naming the perpetual award after a more familiar, contemporary person such as former Chief Justice Ellen Peters or perhaps a more generic "Chief Justice's Access to Justice" award.

Attorney Merriam also discussed the draft self-executing criteria developed by the Workgroup for a recipient to qualify for the perpetual award including creating a tiered approach to recognition commensurate with the number of pro bono hours performed. In addition, attorneys who make financial contributions to legal aid organizations may "purchase" up to 25% of their pro bono hours for this purpose. The Workgroup plans to meet again to finalize the formal recognition proposal.

Follow-Up Summit: Workgroup chair, Attorney Shapiro reported on the discussion held at the December 2015 meeting conducted via conference call. Workgroup member Attorney Steve Eppler-Epstein briefly updated the Committee on the status of the 2016 Mission of Mercy Dental Clinic and the pending proposal to staff a legal needs table at the event which will be held in Hartford this year. The Workgroup is awaiting a response from the Mission of Mercy folks, and Attorney Jamey Bell will reach out to them soon if the Workgroup does not receive a definitive response.

Attorney Shapiro also reported on the Workgroup's primary endeavor to compile and develop a set of pro bono best practices. Attorney Shapiro in cooperation with former Committee member, Attorney Heath, sent out a survey to the large firm pro bono partners to ask if they would be willing to share their respective firm pro bono policies.

Attorney Shapiro reported that all of the contacted firms have been very forthcoming about sharing their policies and he hopes to hear back from all of the firms and collect their policies by the end of February 2016. The Workgroup's goal is to develop a working best practices draft by the end of March 2016 for consideration and approval by the full Pro Bono Committee.

Attorney Eppler-Epstein also reported on the Workgroup's discussion from the December meeting about collaborating with the public libraries. Attorney Eppler-Epstein reported that in addition to Greater Hartford Legal Aid's ongoing efforts to explore a closer, on-site relationship with the Hartford Public Library, similar initiatives are also being explored with the public libraries in Stamford and Groton.

In addition, the issue of holding small, local pro bono summits with each bar association was discussed, as well as the importance of having dignitaries such as Chief Justice Rogers or Judge Moll in attendance at these events to reaffirm the critical nature of the message. The Committee also discussed the need to convene with the counsel of local bar presidents in order to effectuate these mini-summits and engender bar support.

Lastly, the Pro Bono Committee will reach out to the managing partners of the larger Connecticut law firms to gauge areas of interest for the development of a signature pro bono project at their firm. Committee staff will draft an email for Judge Moll's signature for this purpose.

Law School: Workgroup co-chairs Professor Everett and Attorney DeMeola reported to the Committee on the discussion held at the Workgroup's January 2016 meeting. The Workgroup discussed the variations in the definition of pro bono service at the four (4) area law schools and agreed that a definition of what constitutes pro bono for law students would be helpful to the Workgroup's endeavors moving forward. For example, both Western New England and UCONN require students to perform 20 hours of pro bono work prior to graduation, however, the University of Connecticut School of Law's definition of pro bono does not include clinic work or any other activities for which students earn credit. In order to accurately capture the depth and breathe of pro bono work being performed by law students, an appropriate, possibly uniform definition of what constitutes pro bono service needs to be developed.

The co-chairs also reported on the Workgroup's discussion concerning planning a law school pro bono summit which would include inviting a judge speak to the first year law students about the importance of pro bono. Judge Bright indicated that he would be happy to meet with the law students at an organized event at UCONN law school where the pro bono video could be shown and a discussion could be had with the students about how they can contribute to pro bono. Attorney Ray offered to attend with Judge Bright to provide the firm perspective on pro bono to the students. Attorney DeMeola thought that planning an event for the fall might be feasible for a gathering of first year law students with representatives from the Judicial Branch, the CBA and private firms to discuss the benefits, opportunities and the professional obligation to pro bono service. The Workgroup agreed that a similar event at Yale, Quinnipiac and WNEC would be appropriate.

Additionally, the co-chairs reported the recent changes to New York's bar admission rules. New York requires bar applicants to complete 50 hours of pro bono service before admission to the bar is permitted. The most recent revisions to New York's bar admission rules have been amended to include an experiential component. New York has been one of the leaders in the movement to overhaul law school curriculum in order to produce more "practice ready" attorneys.

Under the new rules, which are effective for new bar applicants who begin their study after August 1, 2016, applicants for admission in New York State must complete a skills competency component requirement, choosing one of five pathways to meet these requirements:

- Pathway 1 allows an applicant to satisfy the requirement by submitting a certification from the applicant's law school confirming that the school's curriculum incorporates the teaching of skills and professional values required for participation in the legal profession, and that the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values. This pathway recognizes that law schools should be permitted the freedom to identify and articulate the necessary skills and professional values, as well as the ways in which the schools will measure their students' attainment of these skills and understanding of these values.
- Pathway 2 permits an applicant to meet the requirement by submitting proof from the law school that the student completed 15 credits of practice-based experiential coursework designed to foster professional competency training. Students may earn as many as six of the 15 credits for law school certified non-credit bearing summer employment programs, provided those programs meet certain criteria. At least 50 hours of full-time employment is required for each substituted credit.
- Pathway 3 provides that any applicant who has successfully completed the Pro Bono Scholars program will be deemed to have satisfied the skills competency requirement. The Pro Bono Scholars Program, implemented in New York in 2014, gives law students the option to take the bar exam early and spend their final semester of study performing pro bono work.
- Pathway 4 allows applicants to complete a post-graduation six-month apprenticeship in the United States, or in a commonwealth, territory or country outside the United States, under the supervision of an attorney authorized to practice and in good standing in the jurisdiction where the work is performed. The apprenticeship can be paid or unpaid.
- Pathway 5 allows an applicant who has been authorized to practice law in another state, or in a commonwealth, territory or country outside the United States, to meet the skills competency requirement by establishing that the applicant has been in good standing and practiced law full-time for one year or part-time for two years.

The co-chairs also reported on the Workgroup's discussion regarding New York's Court Navigator program and whether the program might be worth looking at for Connecticut. The Navigator program trains college students, law students and other persons deemed

appropriate by the Program to assist self-represented parties, who are appearing in nonpayment proceedings in the Resolution Part of Housing Court or the Consumer Debt Part of the Civil Court. The goal of the Court Navigator Program is to help litigants who do not have an attorney have a productive court experience through offering non-legal support. Participating volunteers work in the courtroom under the supervision of a Court Navigator Program Coordinator. Some of the ways the Court Navigator may assist court patrons are by:

- Helping persons find resources in the courthouse and outside the court to assist in resolving their cases.
- Help persons collect and organize documents needed for their cases.
- Accompany persons during hallway negotiations with opposing attorneys.
- Accompany persons in conferences with the judge or the judge's court attorney.
- Respond to a judge's or court attorney's questions asking for factual information on the case.

Court Navigators **do not** give [legal advice](#) or get involved in negotiations or settlement conferences. Generally, court navigators also do not give out legal information except with the approval of the Chief Administrative Judge of the courts.

Lastly, Committee and workgroup member Attorney Nofi gathered information and reported on Illinois Legal Aid Online Pro Bono matching system as it pertains to law students. The "pro bono mentor match and case pairing system" partnered with the Public Interest Law Initiative (PILI) on developing the system and the results were somewhat less than optimal. The mentoring system was used, but it had a supply/demand problem - the number of mentees far exceeded the number of mentors. Subsequently, Illinois began offering professional responsibility credit to experienced lawyers who mentored newer attorneys through circuit-court-based programs.

4. The agenda item regarding the online pro bono model update was tabled until next meeting.
5. Attorney Eppler-Epstein provided the Committee with a report on the status of the pro bono Colloquium. The Colloquium will convene about 30 key stakeholders to discuss how to improve delivery of services to low-income people through pro bono legal help. This will be an invitation-only colloquium, aimed at gathering people with the capacity to identify problems and opportunities, and to design a plan forward. The conversation will largely focus on:
 - What pro bono opportunities will deliver the most impact for low-income people, encourage the greatest number of lawyer participants, and encourage the greatest depth of pro bono service.
 - How to improve and coordinate communication from the various non-profit agencies to the lawyer (and paralegal?) market, to increase participation in pro bono.

- How to achieve efficiencies; and
- Given the trade-offs of limited legal aid staffing, how much of that resource should go towards building pro bono systems vs. handling cases within the non-profit structure.

The Committee engaged in a general discussion about the future of pro bono services which included a discussion about Civil Gideon and where the greatest areas of need are for pro bono services. Attorney Merriam discussed areas such as eminent domain and opined that Civil Gideon might be appropriate for homeowners involved in eminent domain disputes. Attorney Merriam also reported on other states such as Missouri, Virginia and Utah and their use of Ombudsman for this purpose and to generally serve as intermediaries before cases are filed in court to reduce litigation and negotiate resolutions. If there were fewer cases filed, the need for pro bono services would lessen too. The Committee also discussed the use of ADR and mediation and how these conflict resolution models fit into the pro bono picture.

6. The next meeting of the Pro Bono Committee will be held on Tuesday, May 3, 2016 at 3:00pm.
7. The meeting was adjourned at 4:16p.m.