

Minutes
Public Service and Trust Commission
Pro Bono Committee
February 19, 2013

The Pro Bono Committee met on Tuesday, January 19, 2013 at 3:00pm at 231 Capitol Avenue, Hartford in the Attorney Conference Room.

Those in attendance: Attorney Steve Eppler-Epstein (acting Chair), Attorney Norman Janes, Attorney Sylvia Rutkowska, Attorney Jill Seaman Plancher, Attorney Catherine Mohan, Attorney Mark Nordstrom, Attorney Jonathan Shapiro, Attorney Sharon Dornfeld, Attorney Dwight Merriam, Attorney Alfred Casella, Attorney Jan Chiaretto, Attorney Edward Heath, Attorney Mark Dubois, Attorney Timothy Johnston, Hon. Timothy Keeney, and Attorney LJ Arnold.

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

The meeting was called to order at 3:02 pm.

Attorney Eppler-Epstein chaired the meeting in Judge Bright's absence and he asked all of the members of the Pro Bono Committee to introduce themselves as new Committee members had been added since the last meeting.

1. The Committee voted to approve the minutes of the December 13, 2012 Pro Bono Committee meeting. The following members abstained: Attorney Mohan and Attorney Dornfeld.
2. Attorney Eppler-Epstein provided the Committee with an update on the creation of the pro bono video that's being produced by Northeast Legal Video. The video will focus on why it's important for lawyers to provide pro bono services. Working closely with paralegal Claudia Magnan, Attorney Eppler-Epstein reported that 2 full days of taping had been completed which included interviews with both clients and attorneys. In January, both Governor Malloy and Chief Justice Rogers taped their respective segments for the video and spoke frankly about the need for and the importance of increased pro bono services in Connecticut.
3. Attorney Janes reported to the Committee on the status of the emeritus pro bono project in Small Claims whereby retired attorneys provide advice to self-represented parties about small claims. It anticipated that the program will run on Tuesdays in the Centralized Small Claims courthouse located at 80 Washington Street in Hartford in a courtroom designated for this purpose. A small workgroup has been meeting to work out such logistical issues as training, insurance, staff and space. With respect to the malpractice insurance for the volunteers, the group hopes to secure coverage under a CBA umbrella policy;

however, there may be a conflict if all of the volunteers are not active CBA members. The workgroup has also had discussions with Jan Chiaretto, Executive Director of Statewide Legal Services about the possibility of obtaining malpractice coverage for the program, however, stringent auditing regulations require that all participants be screened and income qualified. The workgroup endeavors to keep working on this issue and will report back to the Committee at the next meeting.

4. The Committee discussed updates on law students and pro bono and reported that UCONN Law School recently added the condition of completing 40 hours of pro bono work before graduating. Similarly, Western New England Law School in Massachusetts added a 20 hour pro bono requirement to their curriculum. The Committee discussed the types of activities that constituted “pro bono” and whether the pro bono activities could include research projects or more broadly defined tasks and how these pro bono requirements might be able to help the legal aid agencies.

The Committee further discussed the recent article published in the NY Times that bemoaned the drop in law school applications and discussed potential changes to law school curriculum, including cutting the curriculum, requiring far more on-the-ground training and licensing technicians who are not full lawyers.

The Committee also discussed the role of paralegals, paraprofessionals and other non-lawyers as they relate to the future of pro bono service. The on-line legal website *Legal Zoom* was discussed in the context of contributing to the changing legal culture and the shift in consumer’s perceptions of lawyers and the practice of lawyering. A suggestion was made to contact *Legal Zoom* to see if they would be willing to provide pro bono legal services in Connecticut.

The Committee discussed how both Quinnipiac and UCONN Law Schools are currently in the process of selecting new Deans and the pro bono commitment for each school may largely depend on the priorities of the new Dean. The Committee discussed the competing priorities within the legal community to provide legal services that are affordable to potential clients and to ensure that perspective clients can afford competent representation. The law schools have recognized the need to be part of the changing landscape of the future of the legal profession.

Attorney Eppler-Epstein reported to the Committee on the status of the Branch’s proposed rules to permit Limited Scope Representation (LSR) in Connecticut. The proposed rules are on the February 25, 2013 agenda of the Rules Committee and two representatives from Massachusetts have been invited to address the Committee regarding how LSR has benefited the legal community in Massachusetts.

Attorney Rutkowska reported to the Committee that the *Crime After Crime* pro bono event held at Yale University School of Law in November 2012 is being formally recognized by the ABA and the State of Utah is looking into replicating the event in their state.

Attorney Rutkowska also reported to the Committee that the YLS pro bono campaign has received 45 separate pledges from large firms, sole practitioners and firm sizes in between. She reported that the campaign was about 100 hours away from its goal and the focus had shifted away from securing pledges and has moved towards ensuring that the pledged hours are able to be completed.

The Committee discussed the true definition of “pro bono” and clarified that representing a client that does not pay their legal fees or taking on a case at a significantly reduced fee, does not constitute pro bono service. There was some concern expressed about the voluntary pro bono reporting and data collection being done through the annual attorney registration process and how some of the reported pro bono work might not fit the true definition of pro bono service as defined by the CBA: *“Pro bono is providing legal services to indigent persons without the expectation of payment. This includes provision of legal services to organizations whose principal purpose is providing services to indigent persons and which organizations lack funds or have no practical means of obtaining funds for legal services”*.

Attorney Heath reported to the Committee on the status of Robinson & Cole’s Pro Bono restraining order project in Middletown. The R&C volunteers were trained by legal services and assist applicants with their restraining order applications and if appropriate, will represent the applicant at a subsequent hearing. The firm hopes to expand this very successful program to the Hartford Judicial District two days per month, while remaining in Middletown for the remaining weeks.

The Committee also discussed the need for the pro bono restraining order program in the Danbury Judicial District as there isn’t a strong legal service presence in Danbury at this time. Attorney Heath was enthusiastic about the potential to further expand the program to Danbury and will look into the possibility of recruiting other firms and attorneys who might be more local to the Danbury area to assist.

The next meeting date will be selected and announced at a later date.

5. The meeting was adjourned at 4:11p.m.