

Minutes  
Pro Bono Committee  
April 23, 2015  
3:30 pm  
231 Capitol Avenue, 2<sup>nd</sup> Floor  
Attorney Conference Room

The Pro Bono Committee met on Thursday, April 23, 2015 at 3:30pm at 231 Capitol Avenue, Hartford in the Attorney Conference Room.

Those in attendance: Honorable William J. Bright, Jr., Chair, Honorable Ingrid Moll, Attorney Sara Sia, Attorney Sharon Dornfeld, Attorney Timothy Johnston, Attorney Susan Nofi, Attorney Jan Chiaretto, Attorney Alfred Casella, Attorney Mark Nordstrom, Attorney Steven Eppler-Epstein, Attorney Edward Heath, Honorable Timothy Keeney, Attorney Jamey Bell, Attorney LJ Arnold, Attorney Jonathan Shapiro and Attorney Charles Ray.

Attorney Joseph Del Ciampo, Judicial Branch Legal Services was also in attendance.

The meeting was called to order at 3:37 pm.

1. The Committee voted to approve the minutes of the February 5, 2015 Pro Bono Committee meeting.
2. Judge Moll and Attorney Sia reported to the Committee on the Judicial Branch's current Administrative Policy 605 regarding licensed Judicial Branch employees engaging in pro bono services. The policy, which was last revised in 2008, states:

*"Except as may be prohibited by a specific statute or Practice Book Rule and subject to the provisions of the Code of Ethics and of this policy, employees occupying permanent positions in the Judicial Branch who are members of the Bar of the State of Connecticut are encouraged to engage in pro bono legal work and in other law-related public-service activities and may practice law privately for financial gain."*

In reviewing Connecticut's policy, Judge Moll and Attorney Sia reviewed New York's pro bono policy for Judicial employees as a model. New York's policy encourages employees who are licensed attorneys to do pro bono work and creates an advisory panel with oversight responsibility for approving proposed pro bono opportunities. The policy further encourages supervisors to establish a

permissive environment whereby licensed employees are able to engage in appropriate pro bono activities.

Judge Moll will tweak the revisions to Connecticut's policy 605 to include the New York provisions and present the proposed changes to Judge Bright, Judge Carroll, Judge Solomon, Executive Director Joseph D'Alesio and finally Attorney Martin Libbin at Judicial Branch legal services for review and approval. The expectation is that licensed employees would only handle pro bono matters that were outside of their own judicial district location and would be unlikely to come before the Superior Court such as Federal Court matters. These types of discretionary issues would be taken up by the newly formed advisory committee.

3. Attorney Eppler-Epstein reported that the training for the Carmody and Torrance TRO pro bono program volunteer attorneys took place on Friday, April 17th. The Carmody program is scheduled to begin in June and is modeled after the Robinson & Cole TRO program in Middletown and Hartford.

Attorney Eppler-Epstein also reported to the Pro Bono Committee on the Mission of Mercy Dental Clinic on Friday, March 20<sup>th</sup> in Danbury. This clinic is operated annually by the Connecticut Foundation for Dental Outreach and the clinic sees about 2,500 people each year to provide free dental care. Eight legal aid staff from Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Aid and Statewide Legal Services conducted a legal needs survey among the patients waiting in line at the clinic to explore the need for and the possibility of a pro bono legal tent at the 2016 dental clinic.

Of those 118 dental patients who were interviewed, 97% were from Connecticut, 88% said they would utilize a free legal help tent if one was available at the Mission of Mercy Dental Clinic and 77% identified at least one specific legal problem. The next step in the process is to connect with the Mission of Mercy folks and present the survey data to see if there's room for a legal tent at the 2016 event.

Attorney Nofi reported to the Committee on the status of the video gaming simulator for self-represented parties. Two co-design meetings were held with law library, Court Service Center staff and self-represented parties to talk about areas where self-represented parties have difficulty when they come to court. Attorney Nofi reported that many non-lawyers find the courthouse hallway to be a very intimidating place. The attorneys all know one another and they're talking amongst themselves and it's a very loud, chaotic, intimidating place. This is especially true when the self-represented party has just left the courtroom and

they're uncertain as to what happened, didn't understand what the judge said and are unsure as to what to do next.

The next step in the process is to create a paper proto-type of a court environment, complete with "mock-ups" of a diverse, representative court population.

A brief discussion was held regarding resuming the mini-summits now that the pro bono video is completed. A suggestion was made to present the video to the individual bar associations and do a presentation regarding pro bono signature projects that may be of interest to the bar. Another suggestion was made to show the video at the CBA Annual Meeting in June. Attorney Eppler-Epstein will talk to Bill Clendenen about this and report back.

4. Judge Bright led a discussion regarding pro bono reporting in other states and noted that while Montana is a voluntary reporting state, their response rates are much higher possibly because the reporting is part of the IOLTA reporting process. The Committee speculated that Connecticut's low reporting rates may in part, be a result of the attorneys at larger firms delegating their annual registration to their paralegals and therefore, the pro bono contributions are not accurately reported. The Committee discussed the CBA's pro bono honor roll and also the possibility of doing another pro bono survey through e-services to find out about pro bono contributions/service during the prior year. Staff will look into the logistics of distributing a pro bono survey through e-services. If a survey can be done through e-services, the Branch will keep track of the results. In addition, the committee will review the past 5 years of the CBA's pro bono honor roll and compare these results to the Branch's survey to see if there's a pattern.
5. Attorney Eppler-Epstein discussed the recent article that he co-authored with Attorney Kevin Brophy on the pro bono efforts of the CBA's Elder Law Section. The article highlights the desire of many pro bono attorneys to provide legal assistance to more low-income elders on a pro bono basis. The Elder Law Section polled its membership and found that many would be willing to take on additional pro bono referrals that come into the legal aid programs as a result of the relationship that legal aid has with Connecticut's five Area Agencies on Aging (AAA's). So far, 28 attorneys have signed up to participate in this project and the participants range from small firm practitioners to large firm attorneys.

This "customized" approach to pro bono works because busy attorneys are not being asked to learn or practice in an area of the law which is unfamiliar to them. Instead, they can take on clients on a pro bono basis and offer their existing

subject matter expertise to help satisfy the client's legal needs. Pro bono projects that follow this model tend to be more successful because they require less training, oversight and time and they are therefore, more attractive to already busy practitioners.

Judge Bright briefly discussed the Committee's efforts towards recognition of pro bono service and also the Connecticut Law Tribune's (CLT) awards which asked each Judicial District Administrative Judge to identify one attorney in his or her district that should be recognized for their pro bono contributions. This year, however, the Judicial Branch will not be participating in the CLT pro bono recognition awards as there was some concern that judges should not be singling out any one attorney for recognition and perhaps the more objective criteria of firm size, etc., can be adhered to identify pro bono attorneys who are worthy of recognition.

Lastly, Judge Bright discussed the recent revisions to the Limited Scope Representation (LSR) rules that were passed in 2013. A proposal was made by the Chief Court Administrator's office to expand the LSR rules to include all civil cases. The proposed rules are on the May 18, 2015 agenda of the Rules Committee for public comment and will be presented to the judges for a vote at their annual meeting in June.

Before adjourning the meeting, Judge Bright thanked the Committee for their hard work and dedication and he asked the members to consider whether they wished to remain on the Pro Bono Committee. Judge Bright understands the time commitment involved in the Committee and he further realizes how busy the members are. Current members were asked to email Judge Bright and staff if they wished to rescind their membership.

6. The next meeting of the Pro Bono Committee will be held on Thursday, June 25, 2015 at 3:30p.m.
7. The meeting was adjourned at 4:27p.m.