

~ Minutes ~  
Public Service and Trust Commission  
Pro Bono Committee  
November 10, 2015  
3:00 pm  
231 Capitol Avenue, 2<sup>nd</sup> Floor  
Attorney Conference Room

The Pro Bono Committee met on Tuesday, November 10, 2015 at 3:00pm at 231 Capitol Avenue, Hartford in the Attorney Conference Room.

Those in attendance: Honorable Ingrid Moll, Chair, Honorable William J. Bright, Jr., Attorney Timothy Johnston, Attorney Jan Chiaretto, Attorney Alfred Casella, Attorney Sylvia Rutkowska, Attorney, Attorney Steven Eppler-Epstein, Attorney Dwight Merriam, Attorney Charles Ray, Attorney Sharon Dornfeld, Professor Timothy Everett, Attorney Karen DeMeola, Attorney Jamey Bell, Attorney Sarah Sia, Honorable Timothy Keeney and Attorney Jonathan Shapiro.

The meeting was called to order at 3:03 pm.

1. The Committee voted to approve the minutes of the April 23, 2015 Pro Bono Committee meeting.

Judge Moll thanked Judge Bright for all of his hard work and dedication to the cause of pro bono and access to justice during his tenure as chair of the Pro Bono Committee.

Judge Moll also welcomed and acknowledged new Committee members Charles Ray, Karen DeMeola and Pat Kaplan and asked each Committee member to take a brief moment to introduce themselves to the new members.

Additionally, Judge Moll congratulated Dwight Merriam on being one of 25 lawyers and judges recognized by the Connecticut Law Tribune during the presentation of their Professional Excellence Awards. Attorney Merriam has distinguished himself over the course of his legal career and was awarded the Lifetime Achievement Award by the Law Tribune. On behalf of the entire Pro Bono Committee, Judge Moll congratulated Attorney Merriam for this noteworthy accomplishment.

2. For the annual attorney registration period commencing January 2016, the Branch's pro bono survey has been revised and expanded significantly. The survey, modeled after Montana's pro bono survey, drills down more specifically into areas such as the size of the attorney's firm, type of pro bono work, number of hours, financial contribution(s) in lieu of pro bono and also, if the reporting attorney has not done any pro bono in the prior year, an explanation as to why.

Another significant difference with the 2016 survey is that in addition to being posted on the attorney registration site, the Committee has worked with JIS and Statewide Bar Counsel's office to email the survey to both active attorneys and inactive attorneys who opted for revocable retirement under the 2014 revision of 2-55 and therefore maintain pro bono practice rights.

The Pro Bono Committee hopes that a direct email versus a link posted on the annual registration webpage will increase the response rate and effectiveness of the survey so more accurate data can be captured on pro bono service in Connecticut.

3. The Recognition Workgroup chaired by Dwight Merriam reported that it has not met but plans to re-group to finalize the draft proposal summarized as follows:
  - A tiered approach is being looked at that measures the number of pro bono hours per person per year in full-time equivalent. Recognition would be given to firms and corporations who performed 25 and 50 hours of pro bono service in a given year. There will be **three categories** of recognition based on the number of hours:
    - If an organization performed 25-49.9 hours of pro bono during the year, they would be given a pro bono service award;
    - 50+ hours of pro bono service in a year, would earn an a pro bono distinguished service award;
    - The top 3 organizations in terms of average pro bono hours per lawyer, (including solos, organizations, corporations, large firms, etc.) would receive an additional recognition/award.
    - Additionally, the Judicial Branch will provide certificates for the 40-50 organizations that qualify for recognition and individual lawyers in these organizations will be given individual certificates if their organization qualifies for a distinguished service award.
  - The Workgroup is also examining the recognition of pro bono service through cash contributions as permitted under RPC 6.1, *"A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means."*
  - The Workgroup agreed that up to 25% of the pro bono hours may be "purchased" by making financial contributions to legal aid organizations.
  - The Workgroup is also considering several ideas regarding appropriate forms of recognition for distinguished pro bono service including plaques, certificates, pins, and website logos.
  - The possibility of having a perpetual trophy engraved with the names of the top 3 organizations who have distinguished themselves through pro bono service displayed in the foyer of the Supreme Court is being considered.
  - The Workgroup is also considering other benefits such as parking, luncheons and a formal recognition ceremony by the Supreme Court.

The Follow-up Summit Workgroup chaired by Jonathon Shapiro is charged with examining the existing body of pro bono outreach following the 2011 and 2014 Pro Bono Summits and will study ways to reinforce the goals and philosophies of the Summits and make recommendations to further build upon the broad foundation established by these events.

The Workgroup also reported that it has not met but is working to develop a series of pro bono “best practices” and will survey the pro bono partners at Connecticut’s firms on a variety of topics including intake, supervision and training. The responses from the pro bono partners will be summarized in a report to Judge Moll.

In addition, the Follow-Up Summit Workgroup is pursuing the following initiatives:

- The Workgroup is examining the need for a legal services tent at the Mission of Mercy annual Dental Clinic. This clinic treated 2,295 patients in 2014 at their Danbury 2015 event.
- With permission from the Mission of Mercy staff, members of the Legal Services community collected data on the unmet legal needs of this population.
- 118 dental patients were canvassed and asked: 1. Do you have a legal issue/problem where it would be helpful for you to talk to a lawyer? 2. What’s the legal issue/problem?
  - 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 Workgroup will connect with the Mission of Mercy staff and present the survey data to see if there’s room for a legal tent at the 2016 event.
- The Workgroup will work with local bar associations to resume the “mini-summits” using the pro bono video that was created for the 2014 Pro Bono Summit. The video will be presented as an introduction to the discussion regarding signature projects that may be of interest to the local bar associations.

Judge Moll announced that the Law Schools Workgroup was being reconstituted and asked that any Committee members who wanted to be on this Workgroup let her know. The Law School Workgroup is charged with exploring innovative ways to involve law students and professors in pro bono with an eye towards creating more opportunities for experiential learning for law students. This workgroup will be chaired by Professor Timothy Everett and Attorney Karen DeMeola.

Additionally, Judge Moll asked that the three workgroups meet before the next full Pro Bono Committee meeting in February 2016 and be prepared to report their recommendations to the full Committee.

4. Attorney Eppler-Epstein reported to the Committee on the expansion of Robinson & Cole’s pro bono Temporary Restraining Order (TRO) program to other court locations and firms. Robinson & Cole administers the Hartford and Middletown TRO Programs and the pro bono model and program have expanded to the Waterbury Judicial District

spear-headed by the Waterbury based firm of Carmody & Torrance. Two separate training sessions for new volunteer attorneys both inside and outside of Robinson & Cole were held in November 2015 in an effort to encourage other firms and attorneys to expand this program to surrounding Judicial District locations. All of these TRO programs represent TRO applicants and the volunteer attorneys receive their referrals directly from the local domestic violence (DV) shelters.

The programs utilize the Limited Scope Representation (LSR) rules which permit an attorney to enter a limited appearance for a court event or proceeding and subsequently file a Certificate of Completion once the representation has been completed.

5. Attorney Chiaretto reported to the Committee on the planning of the CBF's Pro Bono Colloquium. The Colloquium is seeking to create a cohesive vision for pro bono in Connecticut where pro bono providers, attorneys, volunteers and the Judicial Branch are united in their vision of what pro bono should look like. The Colloquium seeks to achieve a united vision in the following areas:
  - Kinds of pro bono services provided;
  - Best method(s) for the flow of information;
  - Identification of where the efficiencies are in the administration of pro bono;
  - How best to gather data about pro bono in Connecticut
6. Attorney Eppler-Epstein reported to the Committee on Rule 6.1 of the RPC and whether the message about the importance of pro bono should be delivered at the new attorney swearing in ceremony by a legal aid attorney.

*Rule 6.1 Pro Bono Publico Service states, "A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means."*

The Committee thought this was a good idea and Pro Bono Committee staff will find out which entity is in charge of the swearing in ceremony and determine if legal aid might be able to say a word or two about pro bono at the next ceremony.

7. The Pro Bono Committee has discussed the possibility of conducting smaller, local pro bono meetings with the local bar associations utilizing the pro bono video that was created for the 2014 Summit. One suggestion was to connect with CBA President Attorney Bill Clendenen, and the Council of Bar Presidents about the interest of legal aid providers, the Branch and the CBA in conducting such meetings to help encourage pro bono activity. The Committee will look into the next steps in facilitating these local meetings.

Attorney Jamey Bell reported to the Committee on a new endeavor between Shipman and Goodwin and GHLA to create an advice clinic for summary process matters. The pilot program would identify defendants in summary process actions and invite them to

meet with a Shipman and Goodwin attorney before their court date to try to work out an agreement. Similarly, the firm of Edwards Angell handles eviction cases in Norwalk after being trained by Connecticut Legal Services (CLS). CLS co-counseled the first few cases with the Intellectual Property firm and now the firm takes a few eviction cases each month. A suggestion was made to combine the two firm's programs so that more attorneys are available and can become involved in taking on these housing actions across the state.

Attorney Eppler-Epstein reported briefly on the status of the Mission of Mercy dental clinic which is being held in Bridgeport in 2016. Attorney Eppler-Epstein spoke with the staff responsible for the event and expressed interest in attending the Bridgeport clinic to staff a legal needs table. He indicated that a representative from the Pro Bono Committee would be available to attend one of Mission of Mercy's planning meetings to talk more and answer any questions and he is waiting on a response from the organization.

Attorney Chiaretto reported to the Committee on the status of Online Tennessee Justice (OTJ). OnlineTNJustice (OTJ) has experienced incredible growth in recent years, with six other states implementing websites, all based on and supported by the team that created OTJ in 2011. Arizona and Mississippi are launching their sites this month, joining established programs in Indiana, Minnesota, South Carolina and West Virginia. The ABA has made the OTJ software been available free of charge to entities willing to use it for pro bono service.

This initiative has been on hold for about a year as a result of a variety of factors including not having a "host entity" in Connecticut for the program. However, there have been some new, positive developments which may increase the likelihood that Connecticut can once again pursue this pro bono model. In other states who have adopted this model, the administration of the program is assumed by the state bar association, bar foundation or legal aid.

Statewide Legal Services (SLS) has shown interest in administering the program and LSC, SLS's major funder is very supportive of this model of delivering legal services. There are still some logistical and financial implications that will need to be explored and remedied, including the cost of purchasing hardware and additional costs associated with marketing the program, dedicated staff time, however, SLS is giving this pro bono model strong consideration for implementation.

8. The next meeting of the Pro Bono Committee will be held on February 2, 2016 at 3:00p.m.
9. The meeting was adjourned at 3:57p.m.