

Minutes
Public Service and Trust Commission
Pro Bono Committee
December 4, 2014

The Pro Bono Committee met on Thursday, December 4, 2014 at 3:30pm at 231 Capitol Avenue, Hartford in the Attorney Conference Room.

Those in attendance: Honorable William J. Bright, Jr., Chair, Attorney Timothy Johnston, Attorney Susan Nofi, Attorney Jan Chiaretto, Attorney Sarah Sia, Attorney Alfred Casella, Attorney Sharon Dornfeld, Attorney Dwight Merriam, Attorney Lester Arnold, Attorney Sylvia Rutkowska, Attorney William Clendenen, and Attorney Mark Nordstrom.

Attorney Joseph Del Ciampo, Judicial Branch Legal Services and Attorney Joseph D'Alesio, Executive Director of Superior Court Operations were also in attendance.

The meeting was called to order at 3:35 pm.

1. The Committee voted to approve the minutes of the October 2, 2014 Pro Bono Committee meeting. Attorneys Rutkowska and Arnold abstained.
2. On behalf of the Follow-Up Summit Workgroup, Judge Bright summarized the status of the workgroup's first meeting. The Follow-Up Workgroup reviewed the results of the break-out sessions from the May 2014 Pro Bono Summit where potential pro bono projects and areas of interest were identified by attendees. The Workgroup agreed that the best way to maximize already limited resources would be to focus on projects that would provide a small amount of help to a larger pool of recipients, since this model would provide help to more people and would require fewer resources to run and sustain.

The Workgroup also discussed the feasibility, time and resource investment of creating new pro bono programs versus expanding and building upon existing, established programs. Additionally, the group agreed to be mindful about potentially duplicating the efforts of the CBA Pro Bono Committee and to focus on the development of large-scale initiatives with larger firms to avoid duplicative efforts.

The Workgroup identified the following potential initiatives during its first meeting:

- A representative from McCarter & English and General Electric expressed interest at the Summit in partnering with in-house attorneys on a pro bono initiative.
- The Probate Courts seem to have a need for pro bono attorneys and the suggestion was made at the Summit that Legal Aid could provide training to any interested attorneys.
- Organize a one-day legal clinic at the XL Center in Hartford similar to the "Mission of Mercy" dental clinic sponsored by the State Dental Association. The dental clinic provides basic dental care and procedures to low-income people and is very well

attended. Judge Bright agreed that this initiative had a lot of potential to reach a large number of people in need of free legal services.

- Pro bono attorneys to assist in family court with post-judgment contempt matters. This issue was identified at the Summit by Judge Bozzuto, the Chief Administrative Judge for Family matters. There was some concern, however, that attorneys are already provided by the court for these post-judgment contempt matters where the party is facing incarceration. The group discussed whether this was a good investment of pro bono resources given that this population of individuals already has access to counsel. The Workgroup will follow up with Judge Bozzuto.
- Develop a pro bono program to appoint attorneys for defendants in “Fernando A” hearings where a defendant is entitled to an evidentiary hearing before a criminal protective order is extended. Judge Bright wasn’t sure that this was the best use of pro bono resources as most defendants in criminal cases have a right to counsel.
- Develop a co-counseling opportunity for law firms to collaborate with Legal Aid in civil complex litigation matters.
- Identify pro bono opportunities that might be appropriate for law students such as participation in the new live chat feature on CTLawHelp.org. A representative from Western New England Law School expressed interest in connecting students with pro bono opportunities particularly in light of the school’s 20-hour pro bono graduation requirement.
- Conduct outreach to Connecticut’s firms and corporations to see if the organization has a formal pro bono policy. Use this as a starting point for the pro bono discussion. The workgroup discussed the possibility of posting general pro bono policies on CTLawHelp.org so that interested entities can utilize these policies as templates and customize them to their own organization and pro bono needs. Judge Bright agreed that this was a good use of resources and an excellent starting point to approach firms/corporations about removing barriers to pro bono.

The Pro Bono Committee suggested that a group of law firm pro bono coordinators be assembled to develop a pro bono “best practices” manual or guide including intake practices, policy, etc. in order to make doing pro bono work more seamless and more ingrained in day to day business. This suggestion will be passed along to Attorney Shapiro, Chair of the Follow-Up Summit Workgroup.

Attorney Merriam, Chair of the Recognition Workgroup, reported to the Pro Bono Committee on the discussion held at its first meeting last month. The Workgroup reviewed the Washington D.C. “40-at-50” model of pro bono service. This model recognizes those firms where at least 40% of the attorneys perform 50 or more pro bono hours during the prior year. The Workgroup discussed whether this model was a good fit for Connecticut and how it could be adapted to encourage large firm, small firm, and sole practitioners to do pro bono work. One of the positive features of the “40-at-50” model is that the model may serve to stimulate competition among law firms and corporations and spur interest in pro bono service. The Workgroup also discussed the specific components of the YLS “\$1 Million Pro Bono Service Campaign” which was undertaken in collaboration with the Pro Bono Network. The campaign set a goal

of increasing pro bono service and awareness throughout the state by facilitating the performance of \$1 million worth of pro bono services from March 2013 to May 2013. The campaign surpassed its goal and provided over \$2 million dollars' worth of pro bono service.

In addition, the Recognition Workgroup also discussed different pro bono recognition efforts that have been undertaken in Connecticut including the Connecticut Law Tribune Honors Night earlier this year which featured stories on 13 Connecticut attorneys; one from each Judicial District, who were nominated for their contributions and outstanding pro bono efforts during the prior year. Each attorney was nominated by the Administrative Judge in their Judicial District location where the pro bono work was performed, and in addition to a feature story on their pro bono service, the Tribune also honored the attorneys at a formal recognition dinner. The Workgroup agreed that this type of recognition by the judges was very meaningful to attorneys, as was the presentation of a plaque or logo that could be displayed by the recipient of the pro bono award.

Lastly, Recognition Workgroup staff collected data from the ABA on pro bono recognition initiatives in other states. The Workgroup will review this data and submit a formal proposal to Judge Bright and the Pro Bono Committee for consideration. Ideally, the proposal will be distributed to the Pro Bono Committee in advance of the February 2015 meeting.

3. The report from Judge Moll and Attorney Sia on the pro bono policy for Judicial Branch employees was tabled until the next Pro Bono Committee meeting.
4. Attorney Clendenen provided the Committee with a brief report on the Modest/Moderate Means initiative. Some of the local bar associations have expressed concern over this initiative and its potential to reduce referrals through the Lawyer Referral Service. There is, however, some support for modest/moderate means amongst the bar sections, and in the interim there is interest in creating a formal program to teach lawyers how to incorporate modest/moderate means into their respective practices. A suggestion was made to reach out to individual bar associations instead of the CBA to avoid bringing this issue before the House of Delegates.
5. Judge Bright provided the Committee with an update on the YLS Appellate Advocacy Section's proposal to implement a Volunteer Attorney Program in order to facilitate greater access to justice in the appellate courts. The proposed program would be modeled after the Judicial Branch's Volunteer Attorney Programs in family and foreclosure where attorneys assist self-represented parties with discrete issues. Judge Bright met with Attorney Emily Graner Sexton, Chair of the CBA YLS and Attorney Anne Louise Blanchard, Litigation Director at Connecticut Legal Services to discuss the program structure and identify logistical issues such as staffing, space, language access and program administration. The goal is to provide training to volunteers in January and commence the program in February 2015. Pro Bono Committee staff will follow up with Attorneys Graner Sexton and Blanchard.

Next, Judge Bright provided the Committee with an update on the proposed Carmody & Torrance TRO Volunteer Attorney Program in Waterbury. Subsequent to the Pro Bono Summit, the firm expressed interest in replicating the Robinson & Cole TRO program currently underway in the Middletown and Hartford Judicial Districts. The Carmody &

Torrance program would run one day per month in the Waterbury Judicial District and will work in conjunction with Safe Haven, a domestic violence shelter in Waterbury for program referrals. Attorney Steve Eppler-Epstein will continue to work with the firm to facilitate training and support and will report back to the Committee at the February meeting.

Judge Bright and Attorney Clendenen reported to the Committee on the status of the online justice survey that was posted on the CBA's website. Eleven responses to the survey were received, however, the Committee speculated that this low response rate was likely due to the fact that most CBA members were unaware that the survey was posted on the website. Pro Bono Committee staff will inquire whether the CBA can email a link to the survey to its membership so as to invite a larger, more representative response rate. The CBA and the Judicial Branch will also post a notice on their respective websites to alert attorneys to the survey.

6. Judge Bright informed the Committee that the voluntary pro bono survey that's posted on the annual electronic attorney registration has been revised to comport with RPC 6.1 *Pro Bono Publico Service* which includes providing pro bono legal services to individuals or charitable groups/organizations and/or providing financial support to organizations that provide legal services to persons of low income. The revised anonymous survey will be posted on e-services for the January 2015 annual attorney registration process.
7. Judge Bright shared the recent announcement by the National Center for Access to Justice which ranked Connecticut first on the "Justice Index" in the country among state judiciaries in providing access to justice to the poor. Judge Bright noted that Justice Rogers, Judge Carroll and Judges Solomon and Kahn, Chairs of Connecticut's Access to Justice Commission, as well as countless others, have worked very hard to achieve this recognition.
8. Lastly, Judge Bright asked if any of the Pro Bono Committee members had any suggestions for proposed rule changes to further lessen barriers to pro bono. One topic of discussion was whether the Committee wanted to recommend a proposed rule which would allow retired, in-house attorneys who were not admitted in Connecticut to provide pro bono services. Some concern was expressed by Committee members about permitting this population of attorneys who are unlikely to have ever appeared in a Connecticut Superior courtroom to represent pro bono clients in court. Judge Bright pointed out that an in-house attorney's decision to represent a client in court wasn't any different than an admitted Connecticut transactional attorney deciding to file an appearance in a family or housing matter. The Committee discussed ways to identify this population of attorneys either through attorney registration or occupational tax records. After some discussion, the Committee tabled the decision to propose this rule change.

Attorney Nofi updated the Committee on the live chat feature that was being piloted on CTLawHelp.org. She reported that the chat feature was up and running and was currently being staffed by Quinnipiac law students who had been trained to provide this service.

9. The next meeting of the Pro Bono Committee will be held on Thursday, February 5, 2015 at 3:30p.m.

The meeting was adjourned at 4:39p.m.