

**Minutes**  
**Public Service and Trust Commission**  
**Pro Bono Committee**  
**March 23, 2011**

The Pro Bono Committee met on Wednesday, March 23, 2011, at 2:00pm in the Attorney's Conference Room, 231 Capitol Avenue, Hartford, CT.

Those in attendance: Hon William Bright, Chair, Attorney Edward Heath, Attorney Alfred Casella, Attorney Gregg Benson, Attorney Timothy Johnston, Attorney Janice Chiaretto, Attorney Barry Hawkins, Attorney Steve Eppler-Epstein, Attorney Dwight Merriam, Attorney Catherine Mohan, Attorney Mark Nordstrom, Attorney Ian Lodovice, Attorney Norman Janes, and Attorney Livia Barndollar.

Meeting was called to order at 2:04 pm.

1. The Committee voted to approve the minutes of the February 16, 2011 meeting. The following Committee members abstained: Attorney Catherine Mohan, Attorney Livia Barndollar and Attorney Norman Janes.
2. Judge Bright updated the Committee on the Pro Bono symposium he attended in Washington D.C. on March 4<sup>th</sup>. He indicated that the event was extremely helpful and informative as a number of the attendees offered to assist the Pro Bono Committee with its upcoming Summit in September.
3. Since the February Pro Bono Committee meeting, each of the seven (7) subcommittees met and began discussions regarding their respective charges. Judge Bright asked each subcommittee chair to report to the full committee a brief summary of their subcommittees work.

Logistics

Attorney Barndollar, chair of the Logistics subcommittee reported that the subcommittee's March 22<sup>nd</sup> meeting was cancelled due to lack of a quorum. However, Attorney Barndollar relayed to the committee an informal discussion she had with Judge Bright concerning the charge of the Logistics subcommittee, including tentative dates for the Pro Bono Summit of Wednesday, September 21<sup>st</sup>, September, 28<sup>th</sup> and October 5<sup>th</sup>. Attorney Barndollar reported that the Supreme Court courtroom was under consideration as the venue for the Summit and that the Summit would likely be a ½ day event commencing around 8:30am with no break-out sessions and a large group discussion format with speakers. The hope was that a shorter event that took place early in the morning would increase the likelihood of participation by the managing partners and general counsel from some of the larger Connecticut law firms and corporations.

In addition, Attorney Barndollar reported that the plan was to invite between 60-70 attorneys and judges to the Summit including representatives from the following groups:

- a. Managing CT partners and/or firm managing partners from larger CT law firms;
- b. General Counsel/managing attorneys;

- c. Leaders from local bar associations and CBA;
- d. Representatives from solo and small firm sections;
- e. Presidents of all county bar associations;
- f. CT Counsel of Bar Presidents representatives;
- g. CT law school Deans;
- h. Representatives from legal clinics;
- i. Representatives from Legal Aid;
- j. Representatives from the CBF;
- k. Representatives from the Superior Court Bench

A discussion was held regarding the goal of the Pro Bono Summit. Judge Bright explained that the goal was to obtain firm commitments from the attorneys who attend the Summit to perform pro bono work. Depending on what works best for the individual attorney, the commitment could include participation in a day clinic, staffing a hot-line, full client representation or participation in any of the other pro bono programs that may be identified and presented at the Summit.

A discussion was also had about obtaining press coverage for the Summit either through the creation of a streaming video web cast and/or through a broadcast by CTN. Additional discussion was had regarding other venues for the Summit including Quinnipiac Law School in Hamden or the Legislative Office Building in Hartford.

#### Programs

Attorney Steve Eppler-Epstein, chair of the Programs subcommittee reported that the subcommittee has focused on what the description of the pro bono opportunities should look like (e.g. what's required, what's the training, the commitment, etc). The issue regarding the limitations on pro bono work of authorized house counsel was once again discussed. Historically, there has been concern expressed by the Rules Committee that in-house attorneys at Connecticut corporations who are not admitted to practice law in Connecticut should not be permitted to perform pro bono work in Connecticut. The Committee believes that excluding this pool of attorneys significantly reduces the numbers of attorneys who are available to take on pro bono work. Judge Bright indicated that he would revisit this issue with Chief Justice Rogers and Justice Eveleigh, the Chair of the Rules Committee.

Attorney Eppler-Epstein reported that the Programs subcommittee will draft a list of current pro bono opportunities. In addition, the subcommittee discussed the types of current pro bono referrals throughout the state and categorized them into four basic models:

- 1) Traditional model where a direct referral is made to a law firm or Attorney;
- 2) Pro se clinics where volunteer attorneys are trained by legal aid staff;
- 3) Volunteer attorneys performing work in house at legal aid offices;
- 4) In-house law firm collaboration

The subcommittee also addressed some concerns regarding pro bono appointments made by the court that may result in the attorney being paid at state-rates either by the Judicial Branch or by the client. A further discussion was held regarding a definitional issue surrounding pro bono work, namely, if a pro bono attorney charges some nominal fee that

is substantially lower than the attorneys' traditional rate, is it still considered pro bono? Judge Bright clarified that for purposes of the Summit, the pro bono opportunities presented at the Summit should be opportunities for attorneys to provide free legal services as opposed to services at reduced rates. In addition, a suggestion was made to invite a client with a success story to the Summit. Specifically, an individual who was having difficulties navigating the judicial system on their own and could not get or afford an attorney, but who ultimately prevailed as a result of obtaining the services of a pro bono attorney. Legal Services will identify an individual that would be appropriate to present their success story at the Summit.

### Training

Attorney Gregg Benson, chair of the Training subcommittee reported that the subcommittee asked its members to compile lists of existing training programs so as not to duplicate existing, successful pro bono programs. The subcommittee also discussed the issue of authorized house counsel engaging in pro bono work. In addition, the subcommittee discussed including training materials along with information about the various pro bono programs in the packets that will be distributed to the Summit invitees.

### Communication

Attorney Jan Chiaretto, chair of the Communication subcommittee reported that the subcommittee discussed the use of the media and technology as ways by which to communicate with attorneys, and to also provide attorneys who are interested in doing pro bono work with a central location to access information about pro bono opportunities.

Attorney Chiaretto discussed the Legal Services' website and the possibility of creating a pro bono "portal" that can act as the central repository for all pro bono information. A suggestion was made to use the materials for the Summit on programs and training as a starting point for displaying pro bono information on the web. Attorney Chiaretto reported on several other ideas discussed by the subcommittee for outreach to attorneys including mailing newly admitted attorneys information about the importance and need for pro bono work, and including a question on the annual attorney registration which asks attorneys if they are interested in receiving information about pro bono opportunities. Regarding the latter, a discussion was held as to whether it was more effective for attorneys to "opt in" or "opt out" of the request to receive pro bono information.

### Recognition

Attorney Norman Janes, chair of the Recognition subcommittee reported on the subcommittee's brain-storming discussion about ways in which the court can recognize pro bono efforts by attorneys, such as recognition by the Chief Justice or by the Superior Court judges. Attorney Janes further discussed ways the court can provide benefits to attorneys who do pro bono work such as waiving the client security fee, holding a "brown-bag" luncheon with the presiding judge for attorneys who do pro bono work, and preferential Committee assignments and parking.

### Recruitment

Attorney Barry Hawkins, chair of the Recruitment subcommittee reported that the subcommittee discussed ways in which to encourage more attorneys, including retired attorneys to perform pro bono work. Attorney Hawkins discussed Bill 6605 that is currently pending in the legislature which requires individual attorneys to carry malpractice insurance and which states that those attorneys who are unable to afford to

purchase a policy may borrow money from the client security fund. Attorney Hawkins reported that while the Bill seemed to have some support, the CBA has testified against it.

In addition, Attorney Hawkins indicated that the work of the Recognition and Recruitment subcommittees were very similar in their focus. After a brief discussion, the Committee agreed that the two subcommittees should be consolidated. Attorney Janes and Attorney Hawkins will act as co-chairs of the newly consolidated subcommittee.

#### Metrics

Judge Bright, chair of the Metrics subcommittee reported on the subcommittee's discussion about how best to measure if the effort to increase pro bono work by attorneys was successful. He discussed the importance of being able to measure whether a particular pro bono initiative made sense and was working. Judge Bright further discussed the issue of self-reporting by attorneys and how the information would be used for recognition and protective purposes and not for punitive pursuits. Judge Bright talked about using the on-line attorney registration process as a vehicle to obtain information from attorneys about their pro bono efforts. Currently, only 501 attorneys are excluded from completing their attorney registration on-line. There was some concern discussed about the danger of having attorneys self-report on their pro bono efforts and the risk that it might turn into a call for mandatory pro bono work in Connecticut.

The issue was raised about whether staff attorneys at the Attorney General's office can perform pro bono work. Judge Bright said that he would look into this and would follow up with the Chief Justice.

4. The next meeting of the Pro Bono Committee will be held on Wednesday, April 27, 2011 at 2:00p.m. at 231 Capitol Avenue, Hartford in the Attorney's Conference Room.
5. The meeting adjourned at 3:42p.m.