Draft Minutes
Connecticut Judicial Branch
Commission on Access to Justice
Workgroup on Modest/Moderate Means Programs

Friday, February 21, 2014
3:00 p.m.

The Connecticut Judicial Branch Workgroup on Modest / Moderate Means Programs met on Friday February 21st at 3:00PM by telephonic conference.

Those attending: Atty. Patricia Kaplan and Atty. Chris R. Nelson (Co-Chairs), Atty. Jan Chiaretto, Atty. Alice H. Mastrony, Atty. Barbara S. McGrath, and Atty. Deborah R. Witkin.

Members absent: Atty. Jamey Bell, Atty. William H. Clendenen, Jr. and Atty. Mark Dubois.

Guests: Atty. Joseph D. D'Alesio

I. Introductions: The meeting was called to order at 3:05 p.m., and the co-chairs welcomed the members.

II. Discuss charge of workgroup

A. Assessment of existing Modest / Moderate Means Programs (New Haven, YLS/CBA proposal, etc.): The group discussed conducting a survey of existing modest/moderate means programs, asking questions about who these programs serve, how many cases are taken, what fees are charged, what major challenges they faced, and any lessons learned. Atty. Kaplan and Atty. Chiaretto will draft questions and circulate them among members of the work group for comment. Once the survey is developed, work group members can divide the existing programs and collect the information. It will be important to look at programs serving areas with demographics similar to those of Connecticut, and to factor in the size and population density of the areas served as well as the overall scope of the services offered in looking at each of the programs. The draft survey/questionnaire will be shared with the Access to Justice Commission at the February 27th meeting.

The group also discussed options for measuring the success of a moderate/modest means program, including the number of attorneys who sign up, the number of attorneys who take on cases, the number of cases taken, and the number of clients served. Atty. McGrath and Atty. Nelson will draft some possible measures of success and share it with the group.

The group then discussed what the goals of the modest/moderate means program are. This program is intended to meet two goals: (1) to provide affordable legal counsel for people who do not qualify for legal services or who do qualify, but cannot get an attorney; and (2) to provide business, jobs and training to unemployed and under-employed new attorneys, who are missing out on traditional training in a law firm. The group discussed that in order to be successful, the

program will need to provide incentives to attorneys to participate, and the program will, at the same time, have to ensure that the need of the client and the need of the lawyer are matched.

The group briefly discussed the New Haven County Bar program, and then Atty. Nelson discussed the proposal from the CBA/Young Lawyers Section, which is a combination of the incubator model and a resource center. The program includes both a resource center - providing meeting space, training, and equipment to attorneys where they could "bring their own firm," and an incubator - making one-to three-year fellowships available for new attorneys to operate as a "modest means firm." At the end of the fellowship, the participating attorneys would go out on their own. The important factor will be ensuring the program addresses the needs of the underserved population while making it profitable for the participants. These proposals will be discussed further at subsequent meetings.

B. Identification of areas with greatest need for legal assistance (family, housing, civil): Identifying areas of need is an important step in developing and implementing the program. Statistically, family and housing are areas where a majority of cases have self-represented parties. Considering the position of the practicing bar is crucial to the success of this program. Some backlash may be unavoidable, but the work group should consider options, such as utilizing law schools and providing services in broader practice areas, to minimize backlash, and encourage the bar's understanding and collaboration to meet the needs of the program's potential clients. Gathering information on the experiences of existing programs may provide some guidance in handling this potential issue.

C. Surveys of the members of various bar assoc. to gauge support or opposition to reduced fee structures: The consensus of the work group was to hold off on surveying the bar until more information on the goals and guidelines of the program has been developed so that the attorneys know what is being proposed. Atty. Kaplan suggested that the workgroup could draft an article about what it is doing to provide some information.

III. Discuss ways to encourage participation in Modest / Moderate Means Programs: The consensus is that this program cannot be a replacement for pro-bono. To make this program marketable and successful, it must be profitable for the attorneys who take these cases and beneficial to the clients who participate. The program should include some type of mentoring or partnership with people that are knowledgeable about running a practice. Providing that type of mentoring/training in addition to providing training/mentoring in substantive and procedural law and legal culture will be important.

IV. Timeline and future meetings (dates and locations): The co-chairs will attend the meeting of the Access to Justice Commission on February 27, 2014 and report out on the work of the group. After that meeting, the next meeting of the work group will be set up.

The meeting adjourned at 4:12 p.m.

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