

Minutes
Public Service and Trust Commission
Pro Bono Committee
May 14, 2013

The Pro Bono Committee met on Tuesday, May 14, 2013 at 3:00pm at 231 Capitol Avenue, Hartford in the Attorney Conference Room.

Those in attendance: Honorable William J. Bright, Jr., Chair, Attorney Steve Eppler-Epstein, Attorney William Clendenen, Attorney Mark Dubois, Attorney Mark Nordstrom, Attorney Jonathan Shapiro, Attorney Edward Heath, Attorney Dwight Merriam, Attorney Alfred Casella, Professor Timothy Everett, Attorney Timothy Johnston and the Hon. Timothy Keeney.

Attorney Joe DelCiampo from Judicial Branch Legal Services was also in attendance.

The meeting was called to order at 3:07 pm.

1. The Committee voted to unanimously approve the minutes of the April 2, 2013 Pro Bono Committee meeting.
2. Attorney Eppler-Epstein provided the Committee with a brief update on the pro bono video and reported that the video team hoped to have the video completed by the fall.
3. Judge Bright reported to the Committee on the status of the regional bar meetings. At this time, the New London bar did not wish to convene a regional meeting and the Tolland bar was waiting on the availability of Justice Rogers before scheduling their meeting. Additionally, the Danbury regional meeting was on hold, however, Judge Bright did participate in a regional meeting with the Windham bar. For future regional bar meetings, the Committee hopes to have the pro bono video available as an added incentive for the local bar associations.
4. Judge Bright led a broad discussion about the recognition of pro bono attorneys and how creating incentives ties into the Branch's long term goal for increasing pro bono service, but also relates to the formation of the five (5) new working groups.
5. Judge Bright and Judge Solomon, one of the Chairs of the Access to Justice Commission attended the 2013 Equal Justice Conference in St. Louis earlier this month and Judge Bright reported that much of the discussion on recognition for pro bono attorneys was centered around creating programs that fostered friendly competition amongst firms and law schools to incentivize the legal community to perform more pro bono work. Judge Bright suggested the possibility of a pro bono challenge from Chief Justice Rogers whereby the firm that completed the largest number of pro bono hours by the end of the year would receive an award

at a formal recognition ceremony. The recognition ceremony could be tied to the annual Law Day festivities in May, however, the Committee agreed that careful consideration should be given not to infringe upon or otherwise minimize the annual pro bono recognition efforts of the CBA and the Law Tribune.

A suggestion was made that the Recognition subcommittee develop a program that could be announced in the fall 2013 and participants would have six (6) months to meet the pro bono goal. A recognition reception with Justice Rogers would recognize the top 1 or 2 pro bono contributors in each Judicial District or county. An additional suggestion was made to involve the local judges in any recognition ceremony or program, particularly for the benefit of the smaller firms and/or sole practitioners. The Committee agreed and also stressed the importance of involving the family judge(s) and the Administrative Judge in each District. Judge Bright reported that Massachusetts created a special pro bono emblem which represented excellence in pro bono service. This emblem was electronically sent to the leading pro bono contributors to post on their individual, firm or office website as recognition of their outstanding service and contributions.

Next, the Committee discussed the scope of the Rules workgroup chaired by Attorney Mark Dubois. Prior to the formation of this workgroup, the Judicial Branch adopted a set of rules which permits in-house attorneys who are not admitted to practice in Connecticut to perform pro bono service under the supervision of an admitted Connecticut attorney in good standing or a recognized legal aid organization. In addition, rules permitting retired attorneys to perform pro bono work under the supervision of an organized legal aid society, a state or local bar association project, or a court-affiliated pro bono program were also passed by the Judicial Branch and will be considered at a public hearing on May 20th and by a vote of the Superior Court Judges on June 14, 2013.

The Rules workgroup will review different models of pro bono services that are provided in other states and determine if any rules changes would be necessary to permit a particular pro bono model in Connecticut. For example, Tennessee has a website whereby self-represented parties may log on and receive answers to their legal questions on-line. Connecticut provides a similar “chat” function through CTlawhelp.org; however, the assistance provided is procedural in nature and does not constitute legal advice. The Rules workgroup will look at the relevant portion(s) of 6.5 of the Rules of Professional Conduct, *Nonprofit and Court-Annexed Limited Legal Services Programs* to determine if the provisions of this rule and/or its commentary apply to on-line pro bono legal advice. The workgroup will also explore the issue of malpractice insurance for this type of program. The Committee also discussed how this on-line model of pro bono legal services provided self-represented parties who are otherwise unable to go to court or attend a week-end clinic, with access to legal advice and assistance from their homes and/or offices.

A brief discussion was held regarding proposed Limited Scope Representation (LSR) rules and Judge Bright explained that the rules, as proposed, would be limited to family court matters in a court location(s) and for a period of time to be determined by the Chief Court Administrator. Judge Bright further explained that if the LSR pilot went well, consideration may be given to expanding the rules to all family and civil matters at some point in the future.

The Committee then discussed the newly formed In-House Workgroup chaired by Attorney Mark Nordstrom and talked about strategies that might be used to better publicize the new rules pertaining to in-house attorneys. The Committee agreed that it would be helpful to obtain a list of all in-house attorneys in Connecticut and utilize this list to conduct outreach to this pool of attorneys.

Judge Bright provided the Committee with an update on the ABA Innovation Grant application that was submitted by Judge Solomon and Judge Kahn, the Chairs of the Access to Justice Commission. The grant application outlines the *LawyerCorpsConnecticut* fellowship program which provides in its first year, three (3) 3-year fellowships for new law school graduates who will work as staff attorneys with Connecticut legal aid providers. Corporate sponsorship for the fellowships has been provided by United Technologies (UTC) and General Electric (GE) who will fund the Fellows' salaries, health care costs and benefits. Judge Bright explained that the Judicial Branch is very supportive of this initiative; however, as the Branch is precluded from engaging in any fund-raising activities, it would be helpful if, long-term, large law firms could also participate as Fellows' sponsors.

Next, the Committee discussed the Law Schools Workgroup chaired by Attorney Susan Nofi-Bendici. Both UCONN (Timothy Fischer) and Quinnipiac (Jennifer Brown) law schools have new Deans, and Judge Bright reported that Justice Rogers and Judge Bright would be contacting the three (3) Connecticut law schools, including Yale, to set up meetings about how to better utilize law students in pro bono work. The Committee agreed that one of the Law School Workgroup's primary tasks is to develop new and inventive ideas to get law students and law schools more involved and invested in pro bono work.

The last workgroup discussed by the Committee was the Follow-Up Summit Workgroup chaired by Attorney Jonathan Shapiro. First and foremost, this Workgroup must decide on the scope of the next summit; should the event cast a broad net like the initial summit in October 2011, or should the issues and scope be limited and more focused on one or two particular issues? Additionally, the Workgroup should develop a loose timetable for the next Summit and the Committee thought that either spring or fall 2014 would work well.

6. Attorney Clendenen reported to the Committee on the Connecticut Bar Foundation's (CBF) grant to memorialize an oral history of legal aid. This historical perspective would begin with collecting all of the existing data about

the history of legal aid. Attorney Clendenen will keep the Committee apprised of the progress of this initiative as time goes on.

Judge Bright reported to the Committee about Massachusetts' implementation of an additional \$50.00 "opt out" fee as part of the annual electronic registration process. When the attorney registers and pays their registration fee, they can choose to "opt out" of the \$50.00 fee for legal aid. The money collected benefits the legal aid community in Massachusetts. Only about 1/3 of attorneys did not opt out.

Judge Bright also reported on another Massachusetts' initiative which created senior fellows who were retired attorneys who were well-respected and were willing to commit 10-20 hours per week to legal aid and/or a pro bono program sponsored by legal aid. Being named a fellow was a prestigious honor, whereby attracting more potential volunteers and raising the profile of pro bono work.

In addition, Judge Bright reported that as of May 1, 2013 the state of New York had adopted mandatory pro bono reporting. Each year, on the date of their birthday, registering attorneys were required to report on the amount of pro bono work they had performed during the prior year. Attorneys are also required to report on the amount of any monetary contributions made to legal aid during this same time period. While Connecticut was still not adopting a mandatory pro bono reporting policy, the Committee discussed the possibility of revising some of the questions asked on the electronic voluntary pro bono survey.

7. The next meeting of the Pro Bono Committee will be held on Tuesday, June 18, 2013 at 3:00p.m.
8. The meeting was adjourned at 4:10p.m.