

Minutes
Public Service and Trust Commission
Pro Bono Committee
September 19, 2013

The Pro Bono Committee met on Thursday, September 19, 2013 at 3:00pm at 231 Capitol Avenue, Hartford in the Attorney Conference Room.

Those in attendance: Honorable William J. Bright, Jr., Chair, Attorney Jonathan Shapiro, Attorney Lester Arnold, Attorney Timothy Johnston, Attorney Norman Janes, Attorney Susan Nofi-Bendici, Attorney Jamey Bell, Attorney Edward Heath, Attorney Alfred Casella, Attorney Mark Dubois, Attorney William Clendenen, Honorable Timothy Keeney, Attorney Sharon Dornfeld, Attorney Dwight Merriam, and Attorney Jan Chiaretto.

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

The meeting was called to order at 3:02 pm.

1. The Committee voted to unanimously approve the minutes of the May 14, 2013 Pro Bono Committee meeting.
2. Attorney Nofi-Bendici provided the Committee with a brief update on the pro bono video. The footage has been shot, and the video should be completed soon.
3. Judge Bright asked the chairs of each workgroup to provide an update to the committee on their progress.

Attorney Janes reported that the Recognition workgroup, which he chairs, met recently via teleconference. The workgroup discussed whether there is anything that the courts can do to make pro bono service easier for attorneys, such as scheduling, etc. The workgroup also discussed that a problematic issue is local home rules, so to speak. Attorney Janes further reported that the workgroup discussed ways to sweeten the pot to encourage pro bono service, such as free parking and two tiers of acknowledgment: (i) local, which most attorneys focus on; and, (ii) serious encouragement from the top. Judges should give attorneys the sense that pro bono service is appreciated, and the Chief Justice should make this clear. The foreclosure list was brought up, and local practice was discussed again. Judge Bright will look into this issue, and report back to the committee. Attorney Janes also emphasized that young lawyers need all of the help that they can get, and that making a little money can be an important incentive. This led to the committee's discussion of enhanced opportunities in probate court, and how lots of lawyers would be interested in the opportunity to make fifty dollars an hour.

Attorney Janes reported that the Recognition workgroup had also discussed the idea of a reception with global recognition for pro bono service, but, in Attorney Janes' experience, attorneys tend not to come and be recognized unless such receptions are held in a swanky venue or there is an impressive guest speaker. Judge Bright mentioned that a

reception for the Judicial Branch's Volunteer Attorney Program will be held in New Haven in November with the Chief Justice. The committee discussed the idea of doing events in individual judicial districts and/or having each judicial district identify one attorney or law firm whose commitment to pro bono service is outstanding. Such recognition could be incorporated into law day receptions. Atty. Merriam mentioned that the Connecticut Law Tribune does a lifetime achievement award for pro bono service, and that he can speak with the publisher about the idea of doing an award for each judicial district. Judge Bright will discuss these ideas with the Chief Justice.

Next, Attorney Dubois reported that the Rules workgroup, which he chairs, recently considered proposed amendments to Practice Book § 2-15A (c) (5) and the commentary to rule 6.5 of the Rules of Professional Conduct. The proposed amendment to Practice Book § 2-15A (c) (5) would address the situation where an attorney who is authorized house counsel retires, but still wishes to provide pro bono legal services. In that circumstance, the proposed amendment contemplates that the "organization" as defined in subsection (b) (2) shall be an organized legal aid society or state/local bar association project, or of a member of the Connecticut bar who is also working on the pro bono representation. The proposed amendment to the commentary to rule 6.5 of the Rules of Professional Conduct would add "chat rooms" or similar computer-assisted communications as examples of programs through which lawyers provide short-term legal services, for purposes of the rule. Atty. Nofi-Bendici recently met with UCONN law students to show them how such a forum works, and the students really enjoyed the experience. Judge Bright asked how we can get lawyers to sign up, and Atty. Nofi-Bendici discussed the training materials and opportunities available. Judge Bright also mentioned that the state of Tennessee has software that it is willing to share, and that the state of Indiana is currently trying to replicate the program.

In context of this discussion, Atty. Heath inquired about whether the attorney must systematically screen for conflicts, and Atty. Dubois mentioned that where the attorney's participation is anonymous, it suspends the conflicts rule. In other words, as long as you do not ask and are not aware of the conflict, it is not a problem. Judge Bright brought up that, in Tennessee, an attorney can choose to be anonymous or to provide their name and telephone number. Atty. Dubois reiterated that such an ephemeral relationship ends when you walk out the door, so to speak. Atty. Janes mentioned his participation in the Small Claims Volunteer Attorney Program, as well as the consent form that is administered. He reiterated that, under rule 6.5, you need not systematically check for conflicts. Judge Bright mentioned that on the website of Tennessee's program, attorneys log on and the questions appear on bulletin boards, where the attorneys can pick and choose which questions they would like to answer. Atty. Heath mentioned a program to assist veterans, but the challenge that was always faced of how to run conflicts checks. The Chinese wall contemplated by rule 6.5 could make selling the program easier. A further discussion ensued about conflicts, and Judge Bright asked what happens if it is inadvertent, even if the individual attorney is conflicted out. Atty. Dubois will look into this further.

With respect to allowing house counsel to provide pro bono services, Judge Bright brought up the Colorado/Virginia rule, which does not require supervision, and the Delaware rule, which requires supervision. The idea was discussed of broadening the whole house counsel rule regime. Atty. Dubois will research the issue further. The committee also discussed the issue of permitting law professors to do pro bono work. Judge Bright is currently working with Timothy Fisher, the dean of the University of Connecticut School of Law, and Jennifer Brown, the dean of Quinnipiac University School of Law, on this issue.

Attorney Shapiro, who chairs the Follow-Up Summit workgroup, reported that a save the date will be going out shortly for May 14, 2014 at the Legislative Office Building, from 1:00pm-5:00pm, with registration beginning at 12:30pm. Judge Bright mentioned the critical role that general counsel and managing partners play in reinforcing to associates the importance of pro bono service. The committee discussed identifying future leaders of law firms who will make pro bono service a priority. Speakers will be determined, and the committee also discussed young lawyers with their own practices and the Connecticut Law Tribune's "40 under 40," which identifies future leaders.

Attorney Nofi-Bendici reported that the Law School workgroup, which she chairs, met recently via teleconference. The workgroup is examining what law schools currently do with respect to pro bono involvement. Yale Law School and Quinnipiac University School of Law have active externship programs, and the University of Connecticut School of Law has a pro bono pledge. The issue of student led organizations was discussed, and the need for appropriate supervision. New York is the only state with a mandatory pro bono service requirement for applicants for admission to the New York bar. California and New Jersey are considering the adoption of a similar rule. Some law schools require a certain number of hours of pro bono service to graduate. The American Bar Association is going to be coming out with recommendations. It was also noted that the Connecticut Bar Association has formed a Task Force on the Future of Legal Education and Standards of Admission. Judge Bright will talk to the deans of the law schools and follow up with Atty. Nofi-Bendici.

Attorney Nordstrom, who chairs the In-House Counsel workgroup, was unable to attend the meeting. The workgroup had met recently via teleconference and discussed several items, including the idea of partnering with the Connecticut Association of Corporate Counsel.

4. Judge Bright informed the committee that the Massachusetts Access to Justice Commission has announced the selection of twelve Access to Justice Fellows who will partner with non-profit and legal service organizations on pro bono projects throughout the Commonwealth. The program is the first of its kind in the state, and a reception introducing the Fellows will be held on Thursday, September 26th at 5:00 p.m. at the John Adams Courthouse in Boston. Members of the committee may wish to attend to see if Connecticut can replicate a similar program.

The committee discussed additional pro bono programs in Connecticut and elsewhere. Judge Bright mentioned the American Bar Association's Legal Access Job Corps, which is seeking to connect the unmet legal needs of underserved populations and the unmet employment needs of young lawyers. The Lawyers for Connecticut program, which has 3 fellows a year, and the Young Lawyers Section of the Connecticut Bar Association were discussed. Skaden's Impact Project was also a topic of discussion, and Robinson & Cole has a similar domestic violence / temporary restraining order clinic. Attorneys have thoroughly enjoyed the Connecticut Bar Association and Statewide Legal Services' Thunderdome Divorce Clinic, and the next training session will be held on September 25th. The value of collaborative programs like Phone a Friend was discussed, where a pro bono attorney can reach out to a more experienced practitioner for help with questions and guidance. Such programs can encourage pro bono service where the attorney might not otherwise feel comfortable. Mentors on Call and the Eviction Defense Army were also mentioned. Atty. Nofi-Bendici reported that Legal Services' technology division has received a grant to enhance the library of pro bono training materials available. Atty. Janes reported that the Small Claims Volunteer Attorney Program, which is presently a pilot program in Hartford, is going extremely well, and that the exit surveys have been very favorable. Judge Bright suggested the involvement of law students in such programs. Lastly, Atty. Clendenen mentioned the wonderful work being done by Atty. Merriam and Atty. Janes on the legal aid history project.

5. Judge Bright indicated that the next meeting of the committee will be in October. Thursday afternoons seem to work well for most members, and the next meeting will most likely be held on the third Thursday in October.
6. The meeting was adjourned at 4:01pm.