

Access to Justice Commission
Workgroup on Online Pro Bono Assistance
Charge
January 2014

The Judicial Branch, led by Chief Justice Chase T. Rogers, has made increasing access to justice through the involvement of pro bono attorneys a priority for several years. In 2010, the Self-Represented Parties Workgroup of the Public Service and Trust Commission designed a Volunteer Attorney Day program and worked to recruit lawyers specializing in family law to donate time to a weekly program in Hartford Family Court.

The Volunteer Attorney Day program has now blossomed into eight programs in five judicial districts, operating weekly and providing free legal services in family and foreclosure cases. Since its inception in February 2010 in Hartford, nearly 5,000 people have met with 163 volunteer attorneys in Judicial Branch facilities.

In 2011, the Chief Justice established the Pro Bono Committee and charged its members with developing programs to increase volunteer legal service programs. The members worked diligently to identify existing pro bono opportunities and recruit new volunteers. In October 2011, the Committee hosted the state's first Pro Bono Summit at the State Capitol, bringing together Judges and Attorneys, as well as the Governor and legislative leaders, to learn about the need for pro bono attorneys *and* opportunities for volunteerism. The summit also served as the launch of a pro bono portal, CtLawHelp.org, which provides current and voluminous information on pro bono opportunities and training available for attorneys. The web page is a collaborative effort between the Judicial Branch and its justice partners at Statewide Legal Services of Connecticut, the Connecticut Bar Association, the Connecticut Bar Foundation, and Legal Services Corps.

Chief Justice Rogers and the Pro Bono Committee Chairman, Judge William H. Bright Jr., have also conducted direct outreach to law firms across the state, taking part in 'mini-pro bono summits' to encourage attorneys to give their time and expertise to people with civil legal needs. Over the last year, pro bono projects have been undertaken by larger law firms working with the Judicial Branch, including two, in Hartford and Middletown, assisting self-represented parties seeking Applications for Relief from Abuse (TRO). Another firm has encouraged its lawyers to serve in a Volunteer Attorney Program in foreclosure matters.

To encourage attorneys to provide pro bono services and help shrink the justice gap, the Rules Committee of the Superior Court, and the Judges of the Superior Court, voted to amend Practice Book Rules to allow in-house counsel with Connecticut corporations, who are not licensed to practice law in the state, to do pro bono work under the supervision of legal aid providers or other licensed Connecticut attorneys. The Rules

were amended again, in January 2014, allowing retired attorneys to take on pro bono work, with conditions.

Our legal system is designed to be an adversarial one but few would argue today that the growing numbers of self-represented litigants has tilted the playing field precariously, where those with attorneys are unquestionably better served than those without. Neighboring New York has, as a result of the overwhelming demand for free legal services that help keep courts running somewhat efficiently, instituted a policy requiring all new NY attorneys to complete 50 hours of pro bono work prior to their admission to that state's bar. Connecticut's attorneys are not required to provide pro bono services, but Rule 6.1 of the Rules of Professional Conduct states, "*A lawyer should render public interest legal service.*" \

The Rule is further explained in the Commentary: "*Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer as well as the profession generally, but the efforts of individual lawyers are often not enough to meet the need. Thus, it has been necessary for the profession and government to institute additional programs to provide legal services. Accordingly, legal aid offices, lawyer referral services and other related programs have been developed, and others will be developed by the profession and government. Every lawyer should support all proper efforts to meet this need for legal services. Law firms should act reasonably to enable and encourage all lawyers in the firm to provide the pro bono legal services recommended by this Rule.*"

With no mandatory reporting of pro bono service by attorneys, it is not known how many actually commit to the notion of the special obligation of lawyers to help. Therefore, the Access to Justice Commission is establishing a unique workgroup that will conduct a thorough assessment of an alternative form of providing pro bono assistance, one that it hopes will result in an increase in the number of people served by attorneys.

The Workgroup on Online Pro Bono Assistance will assess online legal service programs that allow people to receive free legal advice from qualified attorneys, via email. Specifically, the Workgroup will review OnlineTNJustice.org, which serves as a portal for financially-eligible people to post specific legal questions and receive a response from a volunteer attorney with expertise in that specific legal area.

The Workgroup shall contact the Tennessee Alliance for Legal Services, one of the co-sponsors of the website, which offers assistance to others who want to replicate the site (<http://www.tals.org/starting-online-justice-program>) and the program. According to the Alliance, as of Nov. 30, 2013, nearly 5,300 questions have been posted to the site. Further, OnlineTNJustice.org reports 369 volunteers are enrolled in the program, with 178 attorneys having answered questions. Most questions, the data show, are related to family matters, but also include housing, immigration, debt, senior citizens' issues, and property and probate concerns.

The Commission believes that more Connecticut attorneys may be inclined to volunteer their time for pro bono if they could conduct it at their own convenience. The appeal of a program like Tennessee's is that it can be accessed any time of the day or night, from anywhere with internet access. Further, the attorneys who volunteer with the program take questions in areas where they have expertise, eliminating the need to complete training to provide services in area-specific programs; and there is no attorney-client agreement or relationship, as the person posing the question(s) is known only by his or her name.

The Workgroup will consist of representatives from bar associations, legal aid providers, Judicial Branch staff and others whose expertise will help propel the assessment forward. The group will provide a report on its findings, and, if feasible, recommendations on how to duplicate the program in Connecticut, by the fall of 2014.