

Access to Justice Commission  
Workgroup on On-Line Pro Bono Legal Assistance  
February 19, 2014  
3:00 pm  
225 Spring Street, Room 204  
Wethersfield, CT

1. The Workgroup meeting was called to order at 3:02p.m. The following Workgroup members were in attendance: Chairperson Attorney Susan Nofi-Bendici, Hon. William H. Bright, Jr., Ms. Heather Collins, Ms. Claudia Magnan, Ms. Aisha Banks and Ms. Krista Hess.
2. Before reviewing the Workgroup's charge, Attorney Nofi-Bendici asked all of the Workgroup members to introduce themselves. A discussion was held regarding the Tennessee Online Justice Program (OTJ), an online program where qualified users can ask a lawyer for help with a legal issue. Qualified users post questions on the website and receive legal information and advice from a volunteer attorney who is knowledgeable in the practice area.

A staff person from the Tennessee Alliance for Legal Services devotes approximately 8-15 hours per week administering the program and the software that serves as the platform for the website was developed and donated by the IT department at the private law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz.

The Connecticut Access to Justice Commission has applied for grant funding through the National Center for State Courts (NCSC) to send Judicial Branch staff to Tennessee to observe the online program and learn more about replicating the effort in Connecticut. The Workgroup discussed how Indiana has also implemented the Tennessee model of online pro bono assistance and Judge Bright suggested that it might make sense to visit Indiana instead of Tennessee as Indiana successfully replicated the model and might be better able to speak to any challenges they encountered.

3. The Workgroup also discussed the issue of conflicts of interest and how they would be handled should this online pro bono model be implemented in Connecticut and whether the program would require a rule change. The Workgroup reviewed the section of the Commentary to RPC 6.5 which states in pertinent part, *“Legal services organizations, courts and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services—such as advice or the completion of legal forms—that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal advice hotlines, advice only clinics*

*or self-represented party counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation.* The Workgroup agreed that RPC 6.5 was sufficient as written.

In addition, Workgroup member Claudia Magnan discussed Call 4 Law program and how it is similar to online pro bono (brief advice only, no ongoing lawyer-client relationship, finite time commitment for the pro bono lawyer) and also how it is different (staff is more hands-on with Call 4 Law: Ms. Magnan matches up the person seeking advice with lawyers and also does quality control and follow up after advice is given).

The Workgroup discussed the issue of income qualifying self-represented parties who participate in the on-line program. Qualified participants in Tennessee must be low income (two-hundred fifty percent (250%) of the Federal Poverty Guidelines), are not incarcerated and have less than five thousand dollars (\$5,000) in total assets. If this program is successfully implemented in Connecticut, the Workgroup discussed running it through legal aid, so the requirement of participants being at or below 125% of the poverty level would apply.

Next, the Workgroup discussed how Tennessee vets and screens the potential volunteer attorneys. The attorneys must be in good standing and hold a current Tennessee license. Potential volunteers submit an application indicating the practice areas they're willing and able to take questions in. The volunteer attorneys can subscribe to one or more practice areas and can elect to have questions emailed directly to them or they can opt to go online and pull questions out of the queue themselves. The website is monitored by staff at the Tennessee Alliance for Legal Services to ensure that pending questions do not languish unanswered in the queue.

The Workgroup had a brief discussion about the possibility of non-attorneys participating in the program, answering questions that were more procedural in nature. A suggestion was made that these court procedural questions should be referred instead to Court Service Center staff for resolution.

In addition, the Workgroup discussed some of the technical aspects of the online program such as the code or platform the program uses to run. In anticipation of implementing the program in Connecticut, the Workgroup will ask Judicial Branch Legal Services to review Tennessee's Copyright License Agreement to be sure it comports with Connecticut law.

The Workgroup discussed the issue of lower-income self-represented parties, parties and their ability to access the internet. The group agreed that this was one

of the areas where the public libraries would be most helpful in bridging the access to justice gap for this and other demographics.

Lastly, if the Tennessee program is replicated in Connecticut, there was some discussion about legal aid's web portal, CTLawHelp.org providing the platform for the program to run on and the Workgroup inquired about the volume of web traffic the site received. Chairperson Susan Nofi-Bendici indicated that she would check with Kate Frank from New Haven Legal Assistance to see if she could extract this data.

4. The Workgroup agreed to meet again in mid to late March.
5. The meeting was adjourned at 4:01p.m.