

State of Connecticut Judicial Branch



Public Service and Trust Commission

Pro Bono Committee

Honorable William H. Bright, Jr., Chair

Annual Report
August 2013

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Introduction

"There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."
- U.S. Supreme Court Justice Hugo Black, 1964

It has been nearly two years since the success of the Pro Bono Summit in October 2011, and Judge Bright and the Pro Bono Committee have continued their work, reaching out to the legal community, listening to and addressing concerns; and broadening their scope through new and innovative approaches to pro bono. This sustained effort has demonstrated the Judicial Branch's commitment and steadfast dedication to the underlying principles of pro bono work - that is, providing access to justice to Connecticut's citizens who might otherwise find themselves lost in our justice system because their voices are too small and their resources too scarce. Nowhere has this dedication been more apparent than in the post-summit outreach to Connecticut's large firms and corporations, local bar associations and law schools. Chief Justice Rogers and Judge Bright have personally met with the managing partners and in-house counsel from many of Connecticut's large firms and corporations. They have convened with local bar leaders, attended regional pro bono summits, and have reached out to Connecticut's law school deans to establish an on-going dialogue about how law students, the future of Connecticut's legal profession, can make a difference through their contributions to pro bono service.

The Pro Bono Committee has fostered an environment of inclusion and collaboration, understanding that Connecticut's dynamic legal community would not benefit from a "one-size fits all" model of pro bono service. In fact, at this year's CBA Annual Meeting, Chief Justice Rogers addressed the attendees and stressed the need to respond to our changing legal landscape, *"The answer is clear: both the courts and the bar must continue to change the way we do business."* She added, *"In-action is not an option. In fact, to resist change is to risk irrelevance"*. So, the work of the Pro Bono Committee continues into its third year and with staunch support from the legal aid community, the Committee endeavors to create an environment where pro bono service is an ingrained part of our legal culture and a bedrock of the future of our legal profession.

Committee Membership

Some members of the Pro Bono Committee also serve as members of the Access to Justice Commission and the Committee reports annually to the Access to Justice Commission on the status and progress of their recommendations. The Pro Bono Committee also reports annually to the Chief Justice.

Committee Members

Hon. William H. Bright, Jr., Chair	Attorney Norman Janes
Attorney Lester J. Arnold	Attorney Timothy Johnston
Attorney Alice Bruno	Hon. Timothy R.E. Keeney
Attorney Alfred Casella	Attorney Dwight Merriam
Attorney Jan Chigaretto	Attorney Catherine Mohan
Attorney William H. Clendenen, Jr.	Attorney Susan Nofi-Bendici
Attorney Sharon Dornfeld	Attorney Mark Nordstrom
Attorney Mark Dubois	Attorney Jill Plancher
Attorney Steve Eppler-Epstein	Attorney Jonathan Shapiro
Professor Timothy Everett	Attorney Sylvia Rutkowska
Attorney Edward Heath	

A Year in Review

Pro Bono Initiative: A New Take

On November 14, 2012, the Connecticut Judicial Branch Pro Bono Committee, Connecticut Bar Association Young Lawyers Section (YLS), and the Connecticut Bar Foundation presented a new take on pro bono centered around the documentary film *Crime After Crime*. The film tells the story of Debbie Peagler, a victim of domestic violence, who was incarcerated for over 26 years for her involvement in the murder of her abusive husband. The film was particularly relevant to the work of the Pro Bono Committee because Ms. Peagler's habeas case was handled pro bono by two young land-use lawyers, underscoring not only the critical need for pro bono work, but also demonstrating that lawyers can make a difference even in an area of practice that may be unfamiliar to them.

The event, which included a brief reception and remarks by Chief Justice Rogers and Judge Bright, was held at Yale Law School and provided approximately 100 attendees the opportunity to not only watch the documentary film, but also a chance to attend the annual YLS pro bono fair to connect with the various legal aid vendors to learn more about the array of pro bono opportunities that are available. The fair was a great success in large part as a result of contributions by Attorneys Dwight Merriam, Sylvia Rutkowska and Jonathan Shapiro. It should be noted that this Pro Bono Initiative was formally recognized by the ABA, and the State of Utah expressed interest in replicating the event for pro bono attorneys in their state.

In addition, this event served as the kick-off to the YLS pro bono campaign to raise \$1 million worth of pro bono services from March-May 2013. In collaboration with the Pro Bono Network, the goal of the campaign was to collect pro bono pledges from firms and individual attorneys amounting to \$1 million worth of pro bono services - the equivalent of 4000 hours at a rate of \$250 per hour. The response was overwhelmingly positive - nearly 50 individuals and/or law firms signed the pledge committing to jointly perform 4211 pro bono hours during this three-month period. In fact, the number of pro bono hours performed in connection with the YLS campaign actually was double what was anticipated, equaling over \$2 million worth of pro bono services.

Pro Bono Video

In May 2012, Statewide Legal Services staffer Claudia Magnan attended the ABA Equal Justice Conference in Jacksonville, Florida where she watched a promotional pro bono video created in 2008 by the Florida Bar Foundation in conjunction with a paid consultant called the "One" campaign. The Florida campaign used the slogan of "One Client, One Attorney, One Promise" and was built on the premise that if every attorney took just one pro bono case, the positive impact on the number of low income clients who would be afforded legal representation as a result, would be overwhelming.

Hoping to create something similar for Connecticut, Ms. Magnan secured a commitment from Northeast Legal Video to film Connecticut's pro bono video at no cost. The concept of creating a pro bono video for Connecticut was whole-heartedly endorsed by the Pro Bono Committee and Attorney Eppler-Epstein, on behalf of the Pro Bono Committee and the legal services community began working with Northeast Legal Video to produce and create a pro

bono marketing video modeled after the Florida “One” campaign. Connecticut’s video will highlight the theme that pro bono work is meaningful for both the attorney and the client. Both Governor Malloy and Chief Justice Rogers have recorded segments for the video speaking about the need for and the importance of pro bono services in Connecticut. The video will also touch upon issues related to pro bono such as training, support and malpractice insurance. The Pro Bono Committee hopes to have the video completed by fall 2013.

Regional Bar Meetings and “Mini” Summits

Shortly after the Pro Bono Summit in October 2011, Chief Justice Rogers and Judge Bright attended several regional or “mini” pro bono summits sponsored by local bar associations. One such regional summit was held by the New Haven County Bar Association and was attended by approximately 50 attorneys. The summit attendees were given information on the pro bono portal and catalog and Judge Bright addressed the group about the importance of and the need for more pro bono service in Connecticut.

Judge Bright attended and participated in the Windham Bar Association’s regional meeting on April 8, 2013, however, while other local bar associations such as Tolland, New London and Danbury have expressed interest in holding regional bar functions of their own, coordination of these events has been slow as a result of logistical roadblocks such as scheduling and availability of attendees.

Post-Summit Outreach

Chief Justice Rogers and Judge Bright continued their outreach to many large law firms and corporations to determine if there were signature projects that might be of interest and how the Judicial Branch could help to facilitate the successful implementation of these initiatives. The goal of this outreach was to ask the firms and corporations what areas of the law they are interested in and to not be bound by the restrictions of their respective practice areas. Instead, Chief Justice Rogers and Judge Bright offered assistance with training the pro bono attorneys if the subject area was one that was unfamiliar to the firm or corporation.

For example, Chief Justice Rogers and Judge Bright met with the partners from Bingham McCutchen to discuss how they could participate in the Judicial Branch’s Volunteer Attorney Program for foreclosures. Also of note are signature projects implemented by Cummings & Lockwood to provide assistance in Probate Court with pro bono appointments for conservators and a cooperative pro bono project between Robinson & Cole, General Electric and Community Health Center in Norwalk to provide positive medical/legal intervention for indigent clients in domestic violence, housing cases involving children and employment cases. The post-summit outreach has additionally resulted in interest by the intellectual property firm Edwards Wildman in Stamford in taking on pro bono eviction defense cases and other pro bono initiatives undertaken by Halloran & Sage, Updike, Kelly & Spellacy, Day Pitney, Murtha Cullina and Robinson & Cole.

The Robinson & Cole project provides pro bono attorneys in the Middletown and Hartford Judicial Districts to assist applicants with their restraining order applications and, if appropriate, provides the applicant with pro bono counsel for their restraining order hearing. Since August 2012, twelve Robinson & Cole lawyers have devoted over 400 hours of pro bono time to assisting unrepresented parties through the restraining order process. The attorneys volunteer during two family short calendar days in Middletown and two family short calendar days in Hartford each month.

Although Robinson & Cole independently sponsors and administers the program, Chief Administrative Judge Lynda Munro has been instrumental in the undeniable success of the program. Judge Munro supported the program as a model for firms administering their own pro bono programs in our family courts. Beginning in early 2012, Judge Munro worked with members of the State's Judiciary, Family Relations, Court Operations and volunteer attorneys as the firm developed and put the program into action. She has been an instrumental part of the continual work of making sure that the program is consistent with the Judicial Branch's pro bono goals of providing access to justice to those who need it most.

Rules

On January 1, 2013, changes to Practice Book section 2-15A – *Authorized House Counsel* became effective and provide authorized house counsel with the ability to participate in pro bono programs in Connecticut under the supervision of an organized legal aid society, state or local bar association or a member of the Connecticut bar working on the same pro bono project. Similarly, a set of rules providing retired attorneys with the ability to participate in pro bono programs becomes effective on January 1, 2014. The provisions of these rules also require that the retired attorney providing pro bono services be subject to supervision by an organized legal aid society, state or local bar association or a court-affiliated pro bono program. These rule changes were a tremendous boon for the pro bono initiative in Connecticut as in-house attorneys and attorneys who have elected retirement status have historically been unable to participate in pro bono programs under the old rules.

In fact, even though the rules regarding retired attorneys are not effective until next year, several attorneys who have retired from the practice of law have started a CBA sponsored “lawyer for the day” program at the Centralized Small Claims courthouse in Hartford. The program provides the opportunity for self-represented parties with questions about small claims the opportunity to speak with retired pro bono attorneys. The Connecticut Bar Association provides malpractice insurance for the volunteers who participate in the program.

Also, on June 14, 2013, by a unanimous vote of the Superior Court judges, Connecticut adopted a set of rules which provide for the filing of limited appearances for specific court events or proceedings in matters designated by the Chief Court Administrator. Similarly, upon completion of the representation as described in the limited appearance, the rules provide for the filing of a Certificate of Completion which, upon filing, terminates the attorney's obligation to the client without the necessity for leave of court. In addition, under the newly adopted rules, attorneys in Connecticut who may assist clients in preparing pleadings, motions or other documents to be filed with the court, must insert a notation “prepared with the assistance of counsel” on any pleadings, motions or documents prepared by the attorney. These new rules become effective October 1, 2013. Legal aid providers believe that these rule changes will make it easier for attorneys to take on pro bono assignments without feeling overwhelmed.

Law Students & Pro Bono

So much of the work of the Pro Bono Committee has centered not only around increasing the awareness of pro bono service in Connecticut, but on ways to energize and involve larger, more dynamic populations of the legal community in pro bono service. This focus has naturally led the Committee to the doorstep of Connecticut's 3 law schools – University of

Connecticut, Quinnipiac University and Yale University School of Law. Since its inception, the Pro Bono Committee has fostered and nurtured relationships with the Deans of these law schools; calling upon them to integrate the message of pro bono into their law school curriculums and encouraging them to involve their law students in pro bono work as early as the first year. Chief Justice Rogers and Judge Bright continue to meet with the law school Deans to develop new and inventive ideas to get law students and law schools more involved and invested in pro bono work.

Pro Bono Reporting

In January 2012, the Pro Bono Committee developed a voluntary survey that became part of the annual electronic attorney registration. The purpose of the anonymous survey was to try to develop a baseline for how much pro bono legal work is being done in the state. The questions asked on the survey were intended to get a general sense of how many pro bono hours are being completed, and, the survey was kept intentionally short and simple so as not to discourage participation. The survey was posted again as part of the annual registration process in 2013.

During the first two month period in 2012 that the survey was posted, 18,551 attorneys responded. Of that total number, 12,603 attorneys reported that they engaged in “0” hours of pro bono service, 1,843 attorneys reported that they performed between 1-10 hours of pro bono service, 1,452 reported between 11-20 hours, 1,029 attorneys reported performing between 21-35 hours of service, another 616 attorneys reported 36-50 hours of service and finally, 1,008 attorneys responded that they performed 51 hours or more of pro bono service during 2011. 8,935 attorneys declined to participate in the survey.

In 2013, the survey results were remarkably similar. 17,350 attorneys responded to the survey. Of that total number, 11,294 attorneys reported that they performed “0” hours of pro bono service, 1,848 attorneys reported that they performed between 1-10 hours of pro bono service, 1,451 reported between 11-20, 1,120 attorneys reported performing between 21-35 hours, another 625 reported performing 36-50 hours of service and finally, 1,012 attorneys responded that they performed 51 hours or more of pro bono service during 2012. 11,010 attorneys declined to participate in the survey.

The goal of the survey is simply to see whether the Committee’s efforts (and those of others) have had any positive effect on the amount of pro bono work done in Connecticut. **See Appendix A**

Moving Forward

In April 2013, Judge Bright and the Pro Bono Committee formed 5 new workgroups under the broad pro bono umbrella. It is envisioned that these workgroups will carry the Committee through the next phase of its work; addressing the barriers to pro bono service and spreading the message across the legal community and beyond.

The following workgroups have been formed:

1. **Recognition** – this workgroup will study and recommend effective, concrete ways that the Branch and the Bar can formally recognize the contributions of pro bono attorneys;
2. **Rules** - this workgroup will study and recommend ways to increase awareness of recent rule changes through marketing and communication with the bar and will further recommend additional rule changes (Rules of Professional Conduct and Practice Book) to further the global cause of pro bono service;
3. **Follow-up Summit** – this workgroup will examine the existing body of work on pro bono outreach, post-summit 2011 and will study ways to reinforce the goals and philosophies of the Pro Bono Summit and make recommendations to further build upon the broad foundation established by this event;
4. **In-house Counsel** – this workgroup will study the unique relationship between in-house attorneys and pro bono service including effective outreach and communication, rules, and the impact of retirement on in-house attorneys in Connecticut and their ability to (continue to) perform pro bono services in the absence of in-house status;
5. **Law Schools** - this workgroup will study recent changes in law school curriculum in Connecticut and in other states, and will recommend ways to increase and foster pro bono involvement by law students.

Conclusion

The legal landscape as we know it is changing and the work of the Pro Bono Committee continues to be innovative in its approach to pro bono service through the constant collaboration with the legal aid community, law schools, large and small firms, solo practitioners and the business community. This collaborative approach to pro bono has, in and of itself, thrust Connecticut into the forefront of the pro bono message. Under Judge Bright's continued leadership, the Committee is casting an even broader net to ensure that the cause of pro bono and its underlying message of access to justice do not become obsolete. It is more important than ever, that Connecticut's legal community including our fledgling law students, our most experienced attorneys, retired attorneys and all ranges and demographics in between become part of the movement to provide access to justice through increased pro bono service. Retired U.S. Supreme Court Justice Lewis Powell, Jr. perhaps said it best during his tenure as President of the American Bar Association, *"Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice should be the same, in substance and availability, without regard to economic status."*

Appendix A.

<h1>Pro Bono Survey Statistics</h1> <p>Survey Period: January 1, 2012 – March 16, 2012 08:45 AM</p>	Report Date: March 16, 2012
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Number of Attorneys Responded To Survey	18551
Number of Attorneys Declined Survey	8935

Pro Bono Hours	No of Attorneys
0 hours	12603
1-10 hours	1843
11-20 hours	1452
21-35 hours	1029
36-50 hours	616
51+ hours	1008
Total	18551

Appendix A.

Pro Bono Survey Statistics Survey Period: January 1, 2013 – April 3, 2013 11:00 AM	Report Date: April 3, 2013
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Number of Attorneys Responded To Survey	17350
Number of Attorneys Declined Survey	11010

Pro Bono Hours	No of Attorneys
0 hours	11294
1-10 hours	1848
11-20 hours	1451
21-35 hours	1120
36-50 hours	625
51+ hours	1012
Total	17350