

**Minutes**  
**Public Service and Trust Commission**  
**Pro Bono Committee**  
**February 5, 2015**

The Pro Bono Committee met on Thursday, February 5, 2015 at 3:30pm at 231 Capitol Avenue, Hartford in the Attorney Conference Room.

Those in attendance: Honorable William J. Bright, Jr., Chair, Attorney Timothy Johnston, Attorney Susan Nofi, Attorney Jan Chiaretto, Attorney Alfred Casella, Attorney Sylvia Rutkowska, Attorney William Clendenen, Attorney Mark Nordstrom Attorney Steven Eppler-Epstein, Attorney Edward Heath, Honorable Timothy Keeney and Attorney Jonathan Shapiro.

Attorney Joseph Del Ciampo, Judicial Branch Legal Services was also in attendance.

The meeting was called to order at 3:35 pm.

1. The Committee voted to approve the minutes of the December 4, 2014 Pro Bono Committee meeting. Judge Keeney and Attorney Heath abstained.
2. Attorney Jonathan Shapiro, Chair of the Follow-Up Summit Workgroup facilitated a discussion on the status of activities. Attorney Eppler-Epstein began by reporting on the conference call with the staff at Mission of Mercy dental clinic. Each year, Mission of Mercy runs 2 dental clinics; one large clinic with 150 dental chairs and one “mini” clinic with 30 chairs. (The large clinic has been run for a number of years; the mini clinic is new starting this year, and will be aimed at communities that don’t have a big enough venue for the large clinic.) In 2014, the large clinic had record participation, treating 2,295 patients and relying on 1,594 volunteers. The clinic is a very large undertaking, with two full-time staff and a cash budget of around \$350,000 per year. Everything beyond that is donated labor (volunteers) and donated goods and services.

In 2014, of the 2,295 patients who attended the clinic, only 408 were repeat patients from at least one of prior clinics. They saw this as a very high number of repeats – but with only ¼ of the attendees being repeat clients, it highlights the huge number of people who are not getting annual dental care, and only get the services when they are somewhat local.

Since the Mission of Mercy dental clinics already have the infrastructure in place to organize and conduct an event of this magnitude, the Follow-Up Summit Workgroup would like to attend the March event in Danbury to canvas the attendees there for dental services to ask the following questions, 1. Do you have a legal issue/problem where it would be helpful for you to talk to a lawyer? 2. What’s the legal issue/problem? Gathering this information would help to determine if there’s an unmet need for legal services amongst this population of people. If the canvas determines that there’s a need for legal services at the dental clinic, the workgroup can think about approaching the Mission of Mercy about setting up a legal services tent for their 2016 event. Attorney Eppler-Epstein will follow up with the Mission of Mercy event organizers.

Attorney Shapiro reported to the Committee on the status of the pro bono best practices manual. Attorney Shapiro and Attorney Heath plan to conduct a survey of the pro bono partners at Connecticut's firms on a number of topics pertaining to pro bono including intake and supervision and training. The intent is to have a draft of the survey to Judge Bright and the Pro Bono Committee by mid-April and then reach out to the large firms and have responses back by the summer 2015. The responses from the pro bono partners will be summarized in a report to Judge Bright and the Pro Bono Committee and the final step is to meet with the pro bono partners to discuss the survey results. Attorney Clendenen volunteered to assist with the survey.

Judge Bright reported to the Committee that he spoke with Judge Michael Riley, Administrative Judge in the Windham Judicial District regarding developing a pro bono program for defendants in "Fernando A" hearings where a defendant is entitled to an evidentiary hearing before a criminal protective order is extended. The conclusion was that the relatively low number of these hearings would not support the investment of time and training by a firm to take these matters on pro bono. The consensus was that given the limited pro bono resources, there are more pressing matters where pro bono representation would be better utilized.

Attorney Rutkowska reported out on behalf of Attorney Merriam, chair of the Recognition Workgroup. The Workgroup had a general discussion about the different components of a pro bono pledge including the number of pro bono hours, developing a standard for converting pro bono hours into dollars, and pro-rating for part-time attorneys who do pro bono.

The Workgroup had an in-depth discussion about the YLS Million Dollar pledge and how the success of that program might serve as a blue print for future pro bono pledges. The Workgroup ultimately agreed that the pledge should include tiered goals of pro bono hours, measured by the number of hours per person per year in full-time equivalents (FTE). The recognition would be given to those firms/corporations who performed 25 and 50 hours of pro bono service in a given year. In addition, the top 3 firms who distinguished themselves would also receive recognition.

The Workgroup also agreed that for purposes of the 25 or 50 hour pro bono pledge, a "firm" /"organization" would be defined and include the following categories: solos, small, medium and large firms, Connecticut corporations of all sizes, governmental agencies, non-profits and inactive and retired attorneys.

There will be three categories of recognition based on the number of hours. If an organization performed 25-49.9 hours of pro bono during the year, they would be given a pro bono service award. 50+ hours of pro bono service in a year, would earn an a pro bono distinguished service award and the top 3 organizations in terms of average pro bono hours per lawyer, (including solos, organizations, corporations, large firms, etc.) would receive an additional recognition/award. Additionally, the Judicial Branch will provide certificates for the 40-50 organizations that qualify for recognition and individual lawyers in these organizations will be given individual certificates if their organization qualifies for a distinguished service award.

The Workgroup also discussed recognizing pro bono service through cash contributions as permitted under RPC 6.1, "A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public

*service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, **and by financial support for organizations that provide legal services to persons of limited means.***” It was agreed that up to 25% of the pro bono hours may be “purchased” by making financial contributions to legal aid organizations.

Several ideas were discussed regarding appropriate forms of recognition for distinguished pro bono service including plaques, certificates, pins, and website logos. The Workgroup discussed having a perpetual trophy engraved with the names of the top 3 organizations who have distinguished themselves through pro bono service. The trophy would be displayed in the foyer of the Supreme Court. The Workgroup also discussed other benefits such as parking, luncheons and a formal recognition ceremony by the Supreme Court, as well as the Connecticut Law Tribune’s annual awards event in the spring.

The Judicial Branch will announce the program through press releases and other announcements through the Connecticut Bar Association, affinity bar groups, county bar associations, Connecticut Bar Foundation and the Law Tribune would also be utilized.

In addition, the Workgroup envisions that participating firms and entities will self-report their pro bono hours utilizing the template that YLS created for their “1 Million pro bono service” campaign. It is contemplated that the Judicial Branch will take responsibility for collecting and tracking the pro bono hours that are reported.

3. The report from Judge Moll and Attorney Sia was tabled until the next meeting of the Pro Bono Committee.
4. Attorney Eppler-Epstein reported on the status of the Carmody and Torrance TRO pro bono program in the Waterbury Judicial District. The program will run one-day per month assisting TRO applicants in Waterbury with their application and subsequent show cause hearings.

Safe Haven, in addition to the usual assistance rendered to Temporary Restraining Order applicants (completing the application, submitting it to the clerk’s office for review by a judge, and obtaining service of process) shall each month identify those applicants who are assigned a hearing on the date that the Carmody attorneys are available. Safe Haven will obtain written authorization from the applicant to contact Carmody on their behalf and will advise applicants that a referral does not guarantee representation or assistance. Safe Haven will communicate with Carmody the information that is required to perform a conflict check. Applicants with no conflict will be instructed by Safe Haven on how to meet the Carmody attorney in court or if they will be contacted prior to court by Carmody. The firm shall be responsible for the execution of a retainer agreement by the applicant. Should Carmody represent the applicant in court, the attorney shall prepare & file a Limited Appearance for the day. Prior to leaving court, the attorney shall file a Certificate of Completion of Limited Appearance and have the client file their own Appearance. The firm hopes to start the program in May 2015.

Attorney Nofi reported to the Pro Bono Committee on the status of the gaming simulator being designed to assist self-represented parties in effectively advocating for themselves in court. Legal Services has partnered with Northeastern University’s game design

department and has sought input from Court Service Center staff, law libraries, 211 as well as self-represented parties, in developing the game so it's most useful.

Judge Bright reported that the first year of the Limited Scope Representation (LSR) pilot program for family matters went very well and the Rules Committee is considering a proposal by the Chief Court Administrator's Office to remove the pilot language from PB rule 3-8, whereby permitting limited appearances to be filed in all civil matters. If the proposed rule change passes, the new LSR rules would become effective in January 2016.

5. Judge Bright reviewed the preliminary results of the pro bono survey posted on e-services as part of the annual attorney registration process. So far, 60% response rate is similar to what was reported this time last year. The number of pro bono hours being reported however, is higher due to the additional "public service group or organization" category. Only 3,711 attorneys reported performing pro bono work on the survey and with nearly 30,000 attorneys in Connecticut, that's only about 10-15% of the attorneys. After some discussion, the Committee speculated that these numbers may not be accurate because many attorneys delegate the task of annual registration to their support staff who may decline the pro bono survey.

Judge Bright reported to the Committee on Montana's mandatory pro bono reporting where 70% of the attorneys report doing some kind of pro bono work. The Committee discussed whether this high rate of pro bono work was an anomaly or if Connecticut's lower reported numbers of 10-15% were more on par with other states. Staff will research other states' reported pro bono hours and how many other states have mandatory reporting of pro bono service.

6. The next meeting of the Pro Bono Committee will be scheduled for the 2<sup>nd</sup> week of April 2015.
7. The meeting was adjourned at 4:45p.m.