

# PRO BONO COMMITTEE

**RALPH J. MONACO, CHAIR**

## **PURPOSE**

The charge of this committee is to increase the availability of legal service to the indigent of the State through recruitment, support and training of private attorneys and by other appropriate and effective programs and projects.

## **ANNUAL REPORT**

The Pro Bono Committee, principally comprised of members of the private bar, executive directors, and other staff of the state's legal aid agencies, paralegals, and the Connecticut Bar Association (CBA) pro bono coordinator, met monthly (with the exception of December) with the objective of raising the consciousness of lawyers throughout the state as to their professional responsibility to ensure access of our judicial system for the neediest of Connecticut residents. Volunteer services are provided through the Connecticut Pro Bono Network, which is a list of lawyers maintained by the CBA who have indicated over the last several years a willingness to handle pro bono cases. Since the 1990s, over 3,800 lawyers have taken at least one case. In 2007, 864 members of the Network accepted cases. In 2008, 785 members of the Network accepted cases.

During this bar year, the Pro Bono Committee was very active. In addition to recruiting new pro bono volunteers, activities of the committee are discussed below.

### **Emeritus Project**

After extended discussion and analysis in 2007-2008, the committee successfully implemented the Emeritus Project this year. The focus of the project is to utilize lawyers over sixty (60) years of age who have been practicing for 15+ years, known as an emeritus lawyer, to volunteer at least 250 hours on pro bono services. The CBA House of Delegates approved the project in June 2008. During the fall 2008 the committee focused on implementing the project. Implementation included an article in the *Connecticut Lawyer*, a letter from the committee chair to every CBA member over the age of 60, a section on the CBA Web site devoted to the project, and media attention in the *Connecticut Law Tribune*. The project was launched in January 2009 and has 15 emeritus lawyers to its ranks. We anticipate that the chair will have to send out letters each year to appropriate candidates, as recruitment will be ongoing.

### **Foreclosure Prevention**

Jonathan Weiner and Keith Fuller chaired the Foreclosure Prevention Subcommittee of the Pro Bono Committee. The subcommittee met on a regular basis throughout the year and worked closely with the Attorney General's Office, the Department of Banking, the Connecticut Fair Housing Center, and Statewide Legal Services, each of which organization was very important to the success of the effort. The subcommittee also continued its training of lawyers to assist in the foreclosure mediation process. Moreover, the subcommittee monitored the progress of the foreclosure mediation program, which program was spearheaded by the Pro Bono Committee in 2008 and operates in each judicial district in the State. The feedback on the foreclosure mediation program is positive.

### **In-House Counsel Proposed Rule**

Continuing the work began last year, the committee refined its proposal to amended the Rules of Professional Responsibility to allow in-house counsel in Connecticut, who are not admitted in Connecticut but admitted in another state, to handle pro bono cases. Members of the committee presented the specific proposal to the House of Delegates (HOD), which approved the proposal at its January 12, 2009 meeting.

Committee member Priya Morganstern appeared before the HOD and was accompanied by CBA Past President Peter Costas, who along with John Kennedy, drafted the proposal. CBA President Livia DeFilippis Barndollar submitted the proposal to the Judicial Rules Committee, which is expected to report on the proposal in June.

### **Pro Bono Trainings**

A core activity of the Committee has been training lawyers. Toward this end, the Pro Bono Committee sponsored several successful CLE seminars, also referred to as “trainings,, which occurred at the CBA Law Center. These seminars included:

- a. October 7, 2008- Pardons
- b. October 17, 2008- Representing Home Owners in Foreclosure
- c. November 2008- Litigation 101
- d. February 5, 2008 Bankruptcy
- e. February 24, 2009- Unemployment Compensation
- f. March 3, 2009- Small Claims
- g. April 14, 2009- Beginners Family Law
- h. April 30, 2009- Social Security Overpayment

### **Legal Service Funding**

The committee kept a close eye on the problem with legal service funding that was exacerbated by decreased IOLTA revenue in 2008 and 2009. On February 23, 2009, the committee had a meeting at the legislature in preparation for a hearing that evening on legal service funding. Several members of the committee testified at the hearing and many members of the committee attended in the audience to express support for the State to assist in this crisis that has resulted in layoffs, reduced salaries, and reduced services to the poor.

### **Pro Bono Awards**

The committee voted to give awards to six outstanding pro bono attorneys whose pro bono work was exemplary. These attorneys are: Thomas Kasper, Clifford Rice, Mark Sank, Piper Paul, Theresa Madonna, and Alexander Cuda.

### **Civil Gideon**

The concept of *Civil Gideon* is to provide counsel to people who cannot afford attorneys in certain civil limited civil matters that deal with fundamental rights. The committee finalized its proposal, which involves a change to Connecticut General Statute § 46b-54 that will allow the Connecticut Superior Court to appoint counsel to litigants in certain child custody cases. The Legislative Review Committee recommends the change, which will be submitted to the HOD for consideration at its June 2009 meeting. Committee member Don Holtman will address the HOD on this issue.

### **Promotion of Pro Bono Activities**

The committee is discussing ways in which it can promote pro bono activities during National Pro Bono Week, October 25-31, 2009. In addition, the committee plans to have a “Pro Bono Column” in the *Connecticut Lawyer*, beginning in fall 2009.