

**Access to Justice Commission
13th Judicial District Local Pro Bono Committee
Annual Report for the Period
January 1, 2008 to December 31, 2008**

I. MEMBERSHIP AND ORGANIZATION REPRESENTED

Co-Chairpersons: The Honorable John F. Davis	Crystal Hyer, Staff Attorney
505-867-8050	505-771-7170
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Members:	Rosalie Chavez, Esq.	867-3391
	David Gardner, Esq.	867-4689
	Brad Hays, Esq.	892-1050
	Ira Karmioli, Esq.	892-9292
	Michael Martinez, Esq.	239-5754
	Bill Mast, Esq.	867-0076
	Terrill Muller, Esq.	867-3391
	Chris Pacheco	892-3607
	Nita Taylor	797-6077

II. MISSION STATEMENT

The Pro Bono Project's mission is to enhance and expand the delivery of legal services to the citizens in Sandoval County, New Mexico, who have limited means and to identify and develop "best practices", training and technical assistance to attorneys volunteering their services.

III. NEEDS ASSESSMENT AND PRIORITY AREAS

- a. The process used to determine the priority legal needs of persons of limited means in the district is by review of what type of civil cases are currently being filed by pro se litigants as well as the legal issues addressed by the staff attorneys from pro se persons by telephone, walk-ins and court clinics in all three counties of the district.
- b. The priority legal needs to be addressed by the district pro bono plan include: domestic relations, foreclosures, landlord/tenant, unemployment, kinship guardianship, wills and probate, consumer debt, school law issues, how to represent yourself in court and attorney representation at DV hearings.
- c. The district shall utilize the federal poverty guidelines and a form similar to the application for free process currently used in civil law cases.
- d. The district pro bono committee is currently able to address all needs.

IV. SHORT TERM GOALS AND PRIORITIES (NEXT 6 MONTHS) TO ADDRESS THE PRIORITY LEGAL NEEDS AND TO ENCOURAGE LAWYERS TO PARTICIPATE

- a. The plan to utilize voluntary pro bono attorney resources to address priority legal needs of persons of limited means began this year with a detailed survey sent to over 400 attorneys who had entered an appearance in any case in Sandoval County in a year's time. The 110 responses to that survey were entered into a spreadsheet describing each individual attorney's area of legal expertise and the pro bono activities in which each attorney wished to participate (including full case representation, limited representation, volunteer at court clinics, present workshops to other attorneys and/or the public on specific legal issues, etc.) Utilizing this spreadsheet, the 13th Judicial District is ready to go forward in 2009 assigning pro bono attorneys to clients. (spreadsheet attached)
- b. The plan to encourage more lawyers in the district to provide voluntary pro bono service and/or contribute to a civil legal aid organization includes: providing malpractice insurance covering pro bono activities (determined by the pro bono committee to be of utmost importance in attracting attorneys for pro bono work), free CLEs for pro bono attorneys where said attorneys can learn about areas of law that they don't generally practice in but are heavily utilized by pro se litigants, allow peer mentoring as a pro bono activity, and the district will generate an annual report for every attorney of the pro bono hours they contributed to the district.

V. LONG TERM GOALS AND OBJECTIVE (NEXT 2 YEARS) TO ADDRESS PRIORITY LEGAL NEEDS AND TO ENCOURAGE LAWYERS TO PARTICIPATE:

- a. As discussed in section IV(a), the 13th Judicial District currently has a list of 110 attorneys to assign to clients of limited means. The goal for the next two years is to pair pro bono attorneys to clients based upon the attorney's expertise and indicated level of participation in a pro bono case. From these assignments, the committee will maintain records and statistics to determine the efficacy of the pro bono program as well as to determine what improvements can be made to better assist the public and the participating attorneys.
- b. Any obstacles to voluntary pro bono service by lawyers in the district should be addressed by the information contained in IV(b). Long term recruitment plans shall be developed as we gather records and statistics from the actual implementation of the pro bono program in 2009. What difficulties may be encountered and what possible additional incentives can be offered to current and potential pro bono attorneys shall evolve as the program evolves.

VI. FUNDING REQUIREMENTS

- a. The pro bono committee unanimously agrees that providing malpractice insurance to attorneys who accept pro bono assignments for the 13th Judicial District is key to maintaining interest in the pro bono program. Therefore, the 13th Judicial District asks for \$1,000.00, the amount necessary to insure any and all attorneys participating in the pro bono program for one year.

VII. RESOURCES COMMITTED BY THE DISTRICT PRO BONO COMMITTEE PARTICIPANTS

- a. The Court itself, through its staff attorneys, will provide coordination and administrative support to pro bono attorneys in the district.
- b. There are numerous legal aid provider organization existing within the district. These providers have specific areas of law in which they are involved including guardianship issues, landlord/tenant issues, wills and probate issues, DV issues, etc. These providers will be tapped to provide pro bono services in these described areas creating cooperation and coordination that avoids duplication among such providers.

VIII. SUPPORT FOR PRO BONO ACTIVITIES

- a. In implementing the district pro bono plan, the following support services are available (check all available). Please provide brief description of activities for all checked responses.

Providing intake, screening and referral of prospective clients.

The staff attorneys and the judges of the district shall make the referrals. The administrator of the pro bono program (i.e., the staff attorneys) shall provide screening and intake services as well as prepare the letters to the client and the attorney alerting them to their assigned attorney/client. Further, every pro bono attorney shall be provided with a form contract to be used at the initial meeting with the client that expressly states the type and limits of service the pro bono attorney shall provide.

Matching cases with individual attorney expertise, including establishment of specialized panels. The attorney survey and subsequent spreadsheet specifies the expertise as well as the level of pro bono service participation each attorney can provide which simplifies matching a client with an attorney.

Providing resources for litigation and out-of-pocket expenses for pro bono cases.

The district will assist as much as possible such as providing photocopies of a file, for example, to pro bono attorneys.

- X Providing legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono legal services. See answer to IV(b).
- X Providing the availability of consultation with attorneys who have expertise in areas of law with respect to which a volunteer lawyer is providing pro bono legal service. See answer to IV(b).
- X Providing malpractice insurance for volunteer pro bono lawyers with respect to their pro bono legal service. This is key to recruiting and maintaining attorney participation in the pro bono program.
- X Establishing procedures to ensure adequate monitoring and follow-up for assigned cases and to measure client satisfaction. The staff attorneys shall handle the administration and statistics for each case. The district also intends to use two surveys. One survey shall be provided to client and the other to the pro bono attorney. In this manner, not only will the client pool be monitored, but the pro bono attorneys can also inform the district of what procedures and/or policies are working/not working.
- X Recognizing pro bono legal service by lawyers.
The district will recognize and quantify hours of service by letter for the pro bono attorneys.
- X Other. Provide standard form letters, contracts, etc. for use in the pro bono program. These forms have been drafted and await final approval for use in 2009.

b. The 13th Judicial District currently holds half day court clinics in each of the three counties of the district several times a month. The purpose of the clinics is for a pro se litigant to meet with a volunteer pro bono lawyer and discuss their legal options available as well as discuss the legal process and work on legal forms.

IX. PRO BONO SERVICE OPPORTUNITIES

- a. The district pro bono plan offers the following opportunities through which lawyers can participate in providing pro bono legal service to persons of limited means (check all that apply): Please provide brief description of activities for all checked responses.

- Representing clients through case referral.
- Interviewing prospective clients.
- Acting as co-counsel on cases or matters with legal aid providers and other pro bono lawyers.
- Providing consultation services to legal aid providers for case reviews and evaluations.
- Providing limited representation.
- Providing pro se assistance.
Currently, the staff attorneys for the district provide telephone/walk-in assistance to pro se parties. In 2008, the staff attorneys handled 2,573 inquires from pro se parties from telephone or walk-in questions.
- Conducting a clinic for self-represented litigants.
Currently, half day legal clinics are held twice a month in the three counties comprising the district. In 2008, 795 pro se parties were served at a total of 56 clinics for the year in all three counties. 66% of these issues were domestic, 20% were civil issues and 14% were categorized as other issues (e.g., probate, criminal, etc.)
- Participating in policy, systemic advocacy, and activities which improve the law and the legal system. Participation in the pro bono committee is an avenue to develop policy, advocate for delivery of legal services and improve the legal system. Any attorney is welcome to join the committee.
- Providing training to staff of legal aid providers and other pro bono attorneys.
CLEs and individual training are planned as needed are to acquaint attorneys with areas of law in which they may be inexperienced.
- Making presentations to groups of persons of limited means regarding their rights and obligations under the law.
The district has providers and attorneys who can present legal workshops on legal topics of interest to the public such as landlord/tenant issues, estate planning, etc.
- Providing legal research.

- X Providing guardian ad litem services.
The court has procedures in place for assigning GALs to pro se parties.
- X Providing mentoring to law students and new lawyers.
There are experienced attorneys willing to mentor others in their field of expertise.
- X Providing public education.
The district has providers and attorneys who can present legal workshops on legal topics of interest to the public such as landlord/tenant issues, estate planning, etc.
- ___ Providing assistance in the formation and operation of legal entities for groups of persons of limited means.
- X Participating in Bar committees or on boards of pro bono committees or legal service programs.
Our pro bono committee consists of attorneys from the local bar as well as from legal providers. Any attorney interested in participating on the pro bono committee is encouraged to become a member.
- X Serving as a mediator or arbitrator at no fee to the client-eligible party.
The district currently has an ADR program that allows for waiver of fees if the judge so orders the waiver, and, the district maintains a list of attorneys who agree to participate in the ADR program.

- b. List other pro bono service opportunities provided under the district pro bono plan: The 13th Judicial District currently holds half day court clinics in each of the three counties of the district several times a month. The purpose of the clinics is for a pro se litigant to meet with a volunteer pro bono lawyer and discuss their legal options available as well as discuss the legal process and work on legal forms.
- c. Describe the activities which encourage the division of responsibility of pro bono activities among the courts, the local bar association, the private bar, legal aid providers, and the public: no activities have been planned as yet.
- d. Describe the activities under the pro bono plan designed to encourage lawyers who cannot or do not choose to contribute their time to pro bono legal service to persons of limited means to make monetary contributions in order to satisfy their pro bono professional responsibility: no activities are planned as yet.

X. NUMBER OF PERSONS BENEFITTED BY PRO BONO EFFORTS

- a. Provide the number of persons seeking pro bono assistance during the report period. This year the district developed the list of pro bono attorneys willing to assist the public and developed the administration procedures of the pro bono program. 2009 is when the district will assist persons seeking pro bono assistance.

XI. PRO BONO ATTORNEY INVOLVEMENT

- a. Provide a list of lawyers who signed up to participate in the program to provide pro bono legal service to persons of limited means, and a list of lawyers who actually provided legal assistance to a person of limited means. As discussed above in IV(a), the spreadsheet of attorneys and their level of participation in pro bono activities is attached.

- b. Provide a list of lawyers who participated in conducting clinics.

Laurel Carrier
Leigh Anne Chavez
Delilah Tenorio Choneska
Elizabeth Collard
Michelle Dobro
Greg Gaudette
Diana Llewellyn
William Mast
Terrill Muller
Marissa Salazar
Alisha Thompson