

**ACCESS TO JUSTICE COMMISSION
SUMMARY OF 2010 PRO BONO COMMITTEE ANNUAL REPORTS**

The Chairs of 12 of the sixteen pro bono committees in New Mexico submitted an annual report responding to the ten questions posed to them by the New Mexico Commission on Access to Justice. In 2010, 619 attorneys participated in pro bono activities across the state serving 7300 individuals. Highlights included legal fairs, a week long spring break program with law students, pro se clinics and direct representation. Below is a summary of their responses identified by Judicial District. Both the 5th and the 11th Judicial Districts have pro bono committees in each county of the district and are identified as follows: 5th Judicial District - Chaves County (5^C); Eddy County (5^E); Lea County (5^L); and 11th Judicial District: McKinley County (11^{Mck}); San Juan County (11^{SJ}). The individual 2010 Pro Bono Committee Annual Reports, providing details of work accomplished by each committee, are posted on the State Bar of New Mexico's website at the following address:

http://www.nmbar.org/Attorneys/ATJ/10ATJ_juddistricts.html.

Thanks to the recruiting efforts of local ATJ pro bono committees around the state, volunteer attorneys provided 275,733 hours of pro bono services in 2009 to residents of New Mexico. (2010 pro bono service hour data was not available at the time of this report). The mandatory reporting of pro bono hours and monetary donations to legal service providers on the annual bar dues form showed an increase of over 50,000 pro bono hours and \$25,000 in monetary donations from the prior year (2008 to 2009). However, the number of unmet legal needs in the State by far exceeds available legal services; the most current report states that for every client accepted by a legal service provider, two are turned away for lack of resources to provide services. The number of people without lawyers is spiking even further in these difficult economic times as job loss leads to foreclosures, evictions, bankruptcies, and the inability to pay child support. The people who are turned away cannot afford an attorney, and therefore turn to the courts with their legal issues, desperately requesting court staff to help them. Therefore, with the establishment of the 16 pro bono committees, through the Access to Justice Commission, these needs are being addressed.

Reports were not submitted from the following committees: 5th- Eddy County, 8th, 9th and 10th Judicial Districts.

1. Provide a list of your committee members with phone numbers and e.mail addresses.

Collectively, the twelve pro bono committees, who submitted an annual report, have a total of 221 committee members. The 2nd Judicial District has a broad membership consisting of 28 members; with most committees consisting of 11-12 members and several small committees consisting of a membership of 6 or 7.

2. Has your committee been successful in developing programs that enable attorneys to assist your low-income population? Please describe the program(s). If not, why not?

The following programs have been launched and/or maintained by the Pro Bono Committees as referenced below:

- Provided settlement facilitation of family law matters prior to hearings on Motions for Orders to Show Cause (1st);
- Established/Refined Alternative Dispute Resolution Program for DM, CV and PB cases at reduced fee when a party qualifies for free process (1st);
- Established a voucher program for all attendees of the Pro Se family law clinics. Attendees receive a 30 minute consultation voucher after the clinic (1st);
- Established/refined routine Pro Se Clinics (1st, 3rd, 4th, 5^E, 11^{MCK}, 13th);
- Established a pro se foreclosure docket. Staff attorneys and volunteer attorneys are available to visit with homeowners (13th);
- Created a domestic relations instructional video for pro se litigants. The First Judicial District produced the video in Spanish. (1st, 11^{SJ});
- Provided legal assistance, including Advice & Counsel, Brief Services and Direct Representation, through the administration of the Bernalillo County Volunteer Attorney Pool (VAP) by Law Access New Mexico (2nd); the administration of other VAPs by New Mexico Legal Aid (3rd, 4th, 6th, 8th, 11^{MCK}, 12th); and of the San Juan County VLP by DNA People's Legal Services (11^{SJ});
- Developed alternative referral process that sends case to Pro Bono Committee's sub-committee for screening/referral should Legal Aid be unable to handle case for any reason (6th);
- Established/implemented a Courthouse help desk that utilizes volunteer attorneys to assist pro se litigants with cases that are filed in the district, 4 hours a week (6th);
- Established/implemented a Courthouse Booth Project that utilized volunteer attorneys to assist in early litigation status conferences in foreclosure cases (2nd);
- Conceived/created/conducted legal fairs, and/or series of seminars/workshops, *during New Mexico Pro Bono Week* that enabled low income individuals to receive free legal information and advice from volunteer attorneys (2nd, 6th, 8th, 9th, 11^{MCK}, 11^{SJ}, 12th, 13th);
- Developed/implemented legal workshops, i.e., Default Divorce Workshops (5^C, 6th, 11^{MCK});

2. Has your committee been successful in developing programs that enable attorneys to assist your low-income population? Please describe the program(s). If not, why not? (Continued)

- Created/implemented alternative Spring Break Program “Spring Into Action” that is targeted to enabling University of Denver law students to fulfill a public service requirement. Local attorneys are assigned supervisory roles (11st).
- Developed a “Morning to Mentor” program for newly licensed attorneys or attorneys new to the area to educate incoming attorneys about pro bono obligations and opportunities (11st);
- Created a 3 hour basic domestic relations law seminar for government and non-family law practitioners. These attorneys have agreed to assist the Court and DNA in giving brief basic legal advice during pro se clinics. The result should be opportunities for government, civil and criminal law practitioners to donate pro bono time without violating statutory restrictions (11st);
- Very few programs have been launched due to the issue of malpractice insurance. Volunteer attorneys ask that the district provide malpractice insurance for court appointed pro bono cases. The issue of how such insurance can be provided to pro bono attorneys has not been resolved (13th).

3. Have you formed a Volunteer Attorney Pool from a survey or other tool? Please list the names of the attorneys who have provided pro bono services through participation in one of your programs. If you have not formed a Volunteer Attorney Pool, why not?

<u>Judicial District</u>	<u>Yes/No</u>	<u>Attorneys Participating In VAP Programs *</u>
1 st	Yes	113
2 nd	Yes	300
3 rd	Yes	68
4 th	No**	
5 ^C	Yes	4
5 ^E	Did not report	
5 ^L	No	
6 th	Yes	17
7 th	No	
8 th	Did not report	10

9th	Did not report	
10th	Did not report	
11^{MCK}	Yes	17
11^{SJ}	Yes	60
12th	Yes	30
13th	No***	
Total		619

* See individual reports for names of participating attorneys.

** The 4th Judicial district reported there are not enough private attorneys in the district to form a VAP.

*** The 13th Judicial District reported the inability to provide malpractice insurance is problematic to forming a VAP.

4. Has your committee attempted to develop programs that have been unsuccessful in attracting assistance from pro bono attorneys? Please describe.

1st No

2nd Yes The Committee conducted two Law-la-Palooza events outside of Bernalillo County in 2010. They experienced some coordination difficulties and ultimately were unable to attract and serve as many low income persons needing legal assistance as anticipated.

3rd Yes. Very few Direct Representation referrals from NMLA were accepted by participating attorneys, due to the general inability to predict up front the time and resource commitment.

4th Yes In 2010, the committee met once, in April. The only attendees were Judge Mathis (committee chair at the time), Judge Sandoval, Nita Taylor (the State Bar ATJ Pro Bono Coordinator at the time), Janay Haas (the NMLA PAI Coordinator at the time), and Mary Ann Baker-Randall, NMLA Managing Attorney of the Las Vegas Office. No local private attorneys, government attorneys or other judges attended the April meeting.

5^C No

5^E Did not report

5^L No.

- 6th No
- 7th No.
- 8th Did not report
- 9th Did not report
- 10th Did not report
- 11^{MCK} No
- 11^{SJ} No.
- 12th No
- 13th Yes It has been challenging to attract a large pool volunteer attorneys to help at the court clinics. They have a small, core group of regular volunteers for the court clinics but have difficulty increasing the volunteer pool. Attorneys who state they will volunteer often do not show up.

5. Please quantify the number of your low-income population who have benefited from your programs. Provide detail by program, if possible (i.e., clinic attendance, direct representation, etc.).

The estimated number of the low-income population benefiting from attorney pro bono efforts is **7,300**. See individual Pro Bono Committee Annual Reports for details. This is an increase of 3,534 people receiving pro bono services since 2009.

1 st	423	5 ^C	62	11 ^{SJ} -	505
2 nd	2,960	6 th	124	12 th -	116
3 rd	1,082	7 th	111	13 th -	1407
4 th	288	11 ^{MCK}	222		

6. What do you see as the greatest impediment to securing pro bono assistance for your district's low income people? Please quantify the impediment, if possible.

- Attorney focus is on providing legal services; it has been difficult to get participation in planning efforts (1st);
- Matching interests and experience of VAP lawyers with needs of clients (2nd);
- Low number of attorneys with high number of individuals needing legal help (3rd, 4th, 7th, 11^{SJ});

- High number of government attorneys, but they are prohibited from doing direct representation of private clients (4th);
- Lack of significant participation (apathy) by members of the general bar (5^L);
- Limitation on amount of additional time attorneys from small firms can expend (5^C);
- Full representation of clients too costly for solo practitioners or small firms (5^C);
- Minimal number of attorneys specializing in legal needs of the poor (6th);
- Large geographical area to be covered by small number of attorneys (7th).
- Large geographical area limits clients of already limited means from traveling into town to visit with an attorney (7th);
- Closure of the local Legal Aid office in Socorro is anticipated to have devastating consequences as it is the primary source of representation to low-income individuals (7th);
- High proportion of government attorneys resisting participation (11^{MCK}, 11^{SJ});
- Lack of public awareness of available services (12);
- Lack of malpractice insurance (13th).

7. Do you anticipate your current pro bono program to maintain its current status and/or grow in subsequent years? Please explain.

- Growth is expected. The programs developed have made it easy for attorneys to sign up for a specific date and time, without consuming much of their time and taking them away from their practices for long periods of time. (1st).
- Great interest has been generated among the local Bar, and even attorneys who do not practice in the areas of law typically utilized in our programs have found deep satisfaction in serving the less fortunate (1st);
- Growth is dependent on the success of additional recruiting of new members to provide legal assistance (1st, 11^{SJ}, 12th, 13th).
- Growth plans include increasing the size of the VAP, conducting quarterly Law-La-Palooza Legal Fairs, expanding the Courthouse Booth project to address civil issues, and using volunteer attorneys to assist in early litigation status conferences in foreclosure cases (2nd);
- Growth plans include the continuance/expansion of offering CLE's to attorneys to make them more comfortable providing legal information and advice in areas outside their normal practice area (2nd).
- Growth plans include the continuance of soliciting attorneys by visiting large firms and other various legal organizations such as the NM Trial Lawyers Association and the NM Defense Lawyers Association (2nd);

- Focus will be on *consolidating* efforts to focus on small, successful core programs (or program) designed to meet the needs of low-income people in the most effective and efficient manner possible (3rd);
- The committee will focus on *maintaining* status of programs designed to meet the need of the low income population (3rd, 4th, 6th);
- Growth plans include increasing the number of legal fairs offered (5^C, 11^{MCK}, 12th);
- Growth plans include formalizing the Volunteer Attorney Pool (5^C, 5^L);
- The program itself is not likely to grow. However, we anticipate growth in services and pro bono commitment of the local attorneys. Even given the disruption in VLP coordinator services in 2010, there were an additional 1200 more hours reported in 2010 than in 2009. With the increased number of attorneys from government service to assist with clinics, the repeat of *Spring Into Action*, and the anticipated addition of more video instructional guides, it is hoped that the number of people served will also increase. (11^{SJ});
- Growth plans include developing public educational programs (6th, 11^{MCK}, 12th).
- Growth plans include recruiting additional attorneys on a one-on-one basis (7th);
- The program will remain stagnant without malpractice insurance (13th);

8. Did your committee participate in New Mexico Pro Bono Week and if so, were the public functions sponsored during that week successful? Please quantify public participation. If not, please describe why the public functions were not successful. Do you intend to include similar functions in your on-going future pro bono plans?

10 committees participated in New Mexico Pro Bono Week in varying degrees. Based on information provided in the reports, approximately **1265 consumers received legal information** during the week at the sponsored events, over **128 pro bono attorneys were recognized for their participation in the pro bono programs**, and **62 attorneys attended CLEs addressing pro bono responsibilities**. For the second year in a row, the Supreme Court Justices travelled to some of these events, on their own dime, and were happy to do so when possible, and were completely on board and supportive of pro bono efforts statewide. See attached *Bar Bulletin – November 22, 2010 – Volume 49, No. 47*, article, “New Mexico Attorneys Join National Celebration of Pro Bono Week” for a summary of events. Responses for the districts are broadly summarized below; see individual annual reports for details.

- 1st** The committee sponsored a volunteer recognition luncheon and CLE “*How to work with Pro Se Litigants*”, attended by 62 individuals. Guest speaker at the luncheon was Supreme Court Justice Patricio Serna.

- 2nd** The committee sponsored a *Law-La-Palooza* legal fair, served by 135 attorneys, 12 legal service providers, 30 or more UNM students and others, providing legal assistance to over 800 individuals. In addition, Supreme Court Justice Edward Chavez was present to thank the volunteers and he presented a local attorney, Judy Fry, with the Pro Bono Attorney of the Year Award.
- 3rd** Due to scheduling conflicts, the committee did not have any events during Pro Bono Week; however, they were able to hold a successful legal fair in November.
- 4th** This committee sponsored a recognition luncheon for local pro bono attorneys. Supreme Court Justices Richard C. Bosson and Patricio M. Serna spoke at the event. Judge Sandoval handed out five Certificates of Appreciation. The Mayor of Las Vegas issued a Proclamation in support of Pro Bono work, which was read at a City Council meeting and at the recognition luncheon.
- 5^C** Due to scheduling conflicts, the committee was not able to plan an event. The event was moved to March 2011.
- 5^E** No report submitted.
- 5^L** No events planned.
- 6th** The committee sponsored *Pro Bono Day*, during which 7 local attorneys made presentations to approximately 65+ individuals on various subjects; 60 persons received free legal advice in 15 minute blocks of time, from 14 volunteer attorneys. In addition, the committee sponsored a recognition luncheon for its volunteer attorneys.
- 7th** The Pro Bono Week concept was not well received by this Committee; they felt that due to poor attendance of 2009 activities and they challenged the significant impact that an event once a year can have on the community.
- 8th** The committee sponsored a *Free Legal Help Day* through the local Legal Aid office. Presentations and consultations were provided throughout the day.*
- 9th** The committee sponsored a legal fair*
- 10th** No report submitted.
- 11^{Mck}** The committee celebrated *Pro Bono Appreciation Week* by offering a public legal information table at the courthouse. In addition, information was disseminated at the two senior centers and an article was published in the local paper.

- 11st The committee hosted a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Supreme Court Justice Petra Maes. They also coordinated presentations at the three senior centers and held a Pro Se Clinic. They also created a “Morning to Mentor” program that was presented for the first in conjunction with Pro bono Week.
- 12th The committee sponsored *Celebrate Pro Bono Week* by offering a free legal fair in Ruidoso.
- 13th The committee sponsored a court clinic in Valencia county.

*Annual reports were not submitted by this district; however this information was reported in November from the district.

8. New Mexico Pro Bono Week was initiated as part of the national 1st Annual Celebrate Pro Bono Week. Would you support participation in another “New Mexico Pro Bono Week”?

- All committees support participation in another “New Mexico Pro Bono Week”.
- A few committees reported focusing their efforts on offering events throughout the year as opposed to focusing only on one week (7th, 11st);

9. Commission would like to use your work to build a resource guide for use by all committees. Please attach any forms, flyers, press releases, DVDs or other material you've used to implement your on-going programs or your participation in New Mexico Pro Bono Week.

- Material was provided by a number of the districts to enable the development of a resource guide. See individual reports for details. Materials included:

Attorney recruitment letters	Volunteer Intake Guidelines
Legal Fair Flyers	Client Intake Forms
Pro Se Clinic Flyers	Radio sound bites
Legal clinic brochures	Public Service Announcements
Media releases	Government issued Proclamations
Bar Bulletin articles	Letters of invitation
Newspaper articles	Newspaper Articles
Pro Bono Week flyers	Billboard Advertisements
Stipulated Order Regarding Motion for Order to Show Cause	Limited Representation Consent Form
Pro Se Clinic Consent Form	Foreclosure Mediation Program Flier

**10. Did you utilize any of the funds that were made available to your committee? If so, how?
How might you use these funds in the future?**

In July of 2010, the Board of Bar Commissioners at the State Bar approved and funded a budget of \$24,000 to help support the local committees in their work. This equates to about \$1,500 per committee. \$3038.55 was utilized to support pro bono efforts across the state. The committees have been creative in how to best use the funds in their district.

- 1st The committee has used funds for postage for the invitations for the recognition luncheon, paid for a few of the lunches for special guests of the event, and for food and beverages for the volunteers at the legal fairs.
- 2nd The committee was able to rent tables and chairs, easels and a sound system for the Law-la-Paloozas, purchase the award for its "Pro Bono Attorney of the Year and water for the volunteers at the events.
- 3rd The committee utilized the funds to pay for advertising for their event.
- 4th The recognition luncheon was paid for with these funds. In the future, the committee plans on using the funds for public workshops and events.
- 5^C No funds used. The future plans include paying for advertising for events and for food and drink for the volunteers of these events.
- 5^E No report submitted
- 5^L No funds used.
- 6th Funds were utilized to record the presentations by local attorneys and then subsequently made into DVD's to be used in a variety of settings. The volunteer luncheon was also paid for by these funds. Future plans include the same kinds of activities.
- 7th No funds used. Future plans include a fund for pro se packets, for mediation fees and for a dedicated computer and printer for pro se use to be housed at the Socorro Public library.
- 8th No report submitted
- 9th No report submitted

10th No report submitted

11^{McK} Funds we used for refreshments during Pro Bono Week. In the future, plans include paying for advertising, interpreters, a recognition luncheon and award to be presented the Pro Bono attorney of the Year.

11^{SJ} The volunteer recognition luncheon was paid for with these funds. In the coming year, the committee plans on using the funds for production of a DM instructional video.

12th A donation was made to the Senior Center where the legal fair was held. The plans include using the funds for similar things in the future.

13th No funds used