

**Access to Justice Commission
8th Judicial District Local Pro Bono Committee
2010 Annual Report for the Period
January - December, 2009**

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

Chairpersons: Judge Sam B. Sanchez
575-758-3173
105 Albright St., Ste H
Taos, NM 87571
taodsbs@nmcourts.com

Sue B. McDowell
575-758-1155
P. O. 1683, Taos, NM 87571
cmsue@taosnet.com

Members: Carol Neelley
575-751-4613
705 A. Paseo del Pueblo Sur
Taos, NM 87571
caroln@newmex.com

Stephen Natelson
575-758-4844
411 Placitas Road
Taos, NM 87571
natelsonstephen@qwest.net

Majia West
Nathan Puffer
575-758-2218
New Mexico Legal Aid
P.O. Box 2039
Taos, NM 87571
majiaw@nmlegalaid.org

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?**

Yes, the Taos County Pro Bono Committee has set up a referral system by which low-income individuals or groups can contact New Mexico Legal Aid. All referrals to pro bono attorneys occur through the Taos office of NMLA. Potential clients are screened by NMLA for financial eligibility and those who have incomes of 200% or less of the poverty level may be referred to a pro bono attorney if appropriate. NMLA oversees

the completion of the case and provides malpractice coverage for participating attorneys.

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?**

Yes, a volunteer pool of attorneys has been formed in Taos County. Because of the limited number of attorneys in Colfax and Union Counties, we are relying on the ad hoc system already in place that takes referrals from the State Bar.

The following attorneys have accepted one or more clients on a pro bono basis:

Jaime Kennedy
Catherine Oliver
Maija West
Elizabeth Musselman
Adam Baker
Bruce Kelly
Sue McDowell
Stephen Peterson
Dennis Sanchez
Carol Neelley

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

No.

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 Taos County Pro Bono Program has provided direct assistance to approximately 20 different individuals, some with more than one case.

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.**

Reluctance on the part of volunteer attorneys to take cases when NMLA attempts to make the referral. My understanding is that all cases that can be referred are, even if there is a delay in finding an appropriate attorney.

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

We are planning to attempt to expand the program to include representation of individuals in domestic violence cases where the opposing party is represented. We are discussing the possibility of utilizing volunteer attorneys at divorce clinics. Our next committee meeting will be a strategy meeting to discuss increasing the volunteer representation and other ways in which private attorneys may assist low income individuals.

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?**

The Taos County Pro Bono Program created and aired radio ads informing the public of the existence of the program. The success of these ads is unknown. The Taos County Bar hosted Chief Justice Chavez who gave an inspiring presentation on the need for pro bono participation and Sarah Singleton who presented a free CLE on pro bono participation. The committee hopes to expand on the public functions next year.

9. **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?**

Yes

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

The following documents are attached in regard to the volunteer referral program:

Introduction letter to all participating attorneys

Program Participation Explanation

Draft of Pro Bono Lawyer Survey

Taos County Pro Bono Program Plan

NMLA Malpractice Insurance Coverage for Pro Bono Attorneys

Notification Letter to potential client

Notification Letter to potential attorney

Pro Bono Private Bar Insurance Information Form

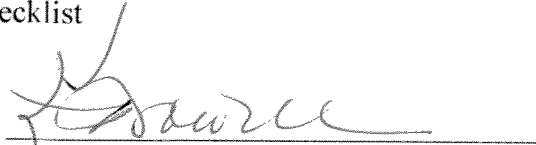
Client Referral Authorization

Initial Case Disposition Form

Final Case Disposition Form

Case Closing Form

New Mexico Legal Aid Tracking Checklist



SUE B. McDOWELL, Esq.
Crollett & McDowell, P.A.
P.O. Box 1683
Taos, New Mexico 87571
(575) 758-1155

TAOS COUNTY DISTRICT COURT PRO BONO COMMITTEE

The Taos County District Court Pro Bono Committee has begun its work but we need information from each of you. Please take a moment to answer these questions and mail your responses to Judge Sam Sanchez, Attention: Shena, no later than _____.

IT IS VERY IMPORTANT THAT WE HEAR FROM YOU. The Supreme Court has mandated that local districts come up with plans to provide pro bono assistance to indigent persons. If it is not done by us, with your input, it will be mandated by those who are not aware of our particular situation in Taos County.

1. NAME: _____ PHONE #: _____
MAILING ADDRESS: _____
E-MAIL: _____ FAX #: _____

2. What are you willing/able to do to assist indigent persons in obtaining access to justice?
Examples: free consultations, pro bono representation, lead seminars or classes, prepare brochures, etc.

3. PLEASE CHECK WHICH AREAS YOU WOULD BE WILLING TO REPRESENT A PRO BONO CLIENT:

_____ **FAMILY LAW**

- DIVORCES
- CHILD SUPPORT ENFORCEMENT
- ESTABLISHMENT/MODIFICATION OF CUSTODY & VISITATION
- PARENTAGE
- GUARDIANSHIPS

_____ **PROPERTY / PROBATE**

- DEEDS
- PROBATE
- WILLS
- QUIET TITLE DEFENSE
- EASEMENTS
- FORECLOSURES (ESPECIALLY MOBILE HOME)
- LANDLORD / TENANT

_____ **CONSUMER LAW**

- FAIR DEBT COLLECTION
- REPOSSESSIONS

_____ **OTHER** - Please list those other areas of legal expertise in which you would be willing to represent clients on a Pro Bono basis.

- _____
- _____
- _____
- _____

4. How would you suggest ranking/prioritizing legal needs of indigent persons? For example

you might see domestic violence and other safety issues as high priority; landlord-tenant issues with abuses by landlord; kinship guardianship or powers of attorney for emergent type care; will or Health Care Powers of Attorney for indigent elderly; etc.

HIGH PRIORITY: _____

MEDIUM PRIORITY: _____

LOW PRIORITY: _____

5. Would you be interested in being trained in mediation and participate for 2 hours every other month in a Pro Se Divorce Clinic?

_____ YES

_____ NO

6. Would you be interested in attending a Consumer Law Workshop for CLE credit?

_____ YES

_____ NO

7. Would you be interested in serving as a Court Appointed Special Master as part of your pro bono service?

_____ YES

_____ NO

SUPREME COURT ACCESS TO JUSTICE ATTORNEY PRO BONO COMMITTEE

PARTICIPANTS:

- SUPREME COURT ACCESS TO JUSTICE- PRO BONO REFERRAL
- EIGHTH JUDICIAL DISTRICT- Our District was chosen by the Access to Justice Commission as a pilot program for Pro Bono Services.
- LEGAL AID, TAOS OFFICE- New Mexico Legal Aid, Taos is a branch office of NM Legal Aid, a Statewide organization. Legal Aid provides free legal assistance to low income clients in certain areas of Civil Law. A coordinated program between the Taos County Bar and New Mexico Legal Aid would extend Pro Bono Legal Assistance to more low income people.
- TAOS COUNTY PRO BONO COMMITTEE- This Committee was formed in response to the Supreme Court mandate to develop a Pro Bono Program for Taos County.
- PRIVATE ATTORNEYS- Participating Attorneys are the foundation of the Taos Pro Bono Project.

LEGAL AID'S ROLE IN THE PROGRAM

1. Intake and Referral – Legal Aid will provide intake for Pro Bono clients.
2. Legal Aid will make a preliminary determination of whether legal services are appropriate, income qualification, the subject area, and which attorney to recommend. Legal Aid will make first contact with the volunteer attorney to confirm the Attorney's availability and will request the client to call the attorney directly.
3. Legal Aid will maintain records, will fill out an Attorney-Client Agreement form, will send initial letter to client and will monitor referred cases.
4. Monitoring will not be intrusive and will not involve reviewing legal decisions made by Pro Bono Counsel. Monitoring will include:
 - A. Whether the client and Pro Bono Attorney met and decided to pursue the case.
 - B. Whether the Pro Bono Attorney took follow up action.
 - C. Final disposition: judgment, order, advice only, brief service.

ATTORNEY PARTICIPATION

1. Participating attorneys will volunteer to be on a referrals and see client at their office.
2. Private attorneys will volunteer to be on a referral list indicating general willingness to accept Pro Bono matters in one or more subject areas.
3. The attorney, in consultation with the client, is responsible to decide the scope of representation.
4. All services will be rendered by the attorney at the attorney's office, in Court, or in other places, the same as for paying clients.
5. The attorneys will not receive any compensation from the client. The attorneys will be permitted, even encouraged, to accept cases where fees are recoverable from opposing parties or others, and in case of such recovery, the attorneys will be entitled to retain fees. Similarly, the attorneys should be permitted to receive contingency fees out of affirmative recoveries made for the client, in matters where contingency fees are normally permitted, and in customary amounts.
6. The participating attorney will have minimal reporting requirements. A simple Initial Case Disposition Form (See Attached) and a Final Status Report called the Case Update Form. Which asks what final action was taken.

Enclosed is a draft Application for Free Process approved by the Access to Justice Commission. This form may be utilized by your Pro Bono client if a filing fee is necessary.

The Taos Pro Bono Committee is looking forward to implementing this program, which will allow Taos attorneys the opportunity to do Pro Bono work in an efficient and significant way.

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PRO BONO LAWYER SURVEY

Under the New Mexico Supreme Court's mandate to increase and improve access to justice for disadvantaged residents of our state, we want to determine how to make pro bono legal assistance fit as well as possible with the skills, interests, and time lawyers can offer. We need input from lawyers who currently perform pro bono services and from those who do not. We thank you in advance for participating in this survey. **Although we ask for your contact information for the main part of the survey, you may submit the last page anonymously if you prefer.**

There are three main ways in which to approach the goal of equal access to justice: (1) by strengthening the infrastructure of organizations that serve the disadvantaged; (2) by providing community legal education that helps people make informed choices to prevent problems and recognize an existing legal issue and its remedies; and (3) by providing direct service (either comprehensively or in "unbundled" segments) to individuals and organizations that serve them. Which kinds of help are you able to offer?

1. I am willing to help build infrastructure at my local legal aid office by:

- Drafting pleadings and other court documents
- Participating in strategy sessions about systemic problems affecting low-income community
- Updating existing pleadings
- Drafting or updating legal memoranda
- Appellate brief mentoring
- Authoring or co-authoring appellate briefs
- Serving as mock appellate court judge
- Inviting a legal aid lawyer to attend my own firm's in-house training for new attorneys
- "Lending" support staff for special projects (typing recorded depositions, finalizing and duplicating appellate briefs, drafting special reports, etc.)
- "Lending" IT specialists to build, update website for use by pro bono lawyers

2. I am willing to help build infrastructure by conducting public interest lawyer training on:

- Client interviewing methods
- Confidentiality and professional ethics
- How to conduct depositions
- How to defend deponents
- Opening statements and closing arguments
- Legal research methods
- Trial preparation
- Drafting pleadings and court documents
- Rules of evidence
- Financial discovery
- Crafting QDROs
- The Hague Convention and family law
- Negotiation generally
- Negotiating with insurance companies
- Co-counsel in discovery
- Co-counsel at trial
- Co-authoring appellate briefs
- Substantive law training on _____
- Other: _____

3. I am willing to help build infrastructure for poverty-centered nonprofit organizations by:

- Training boards and officers about corporate duties and liability
- Writing training materials for boards and officers on duties and liability
- Drafting or reviewing nonprofit personnel policies
- Drafting or reviewing articles or bylaws
- Training boards and officers about charters and bylaws
- Training boards and officers about personnel management
- Training boards and officers to read budgets, administer grants
- Conducting other types of board training: _____
- Other activities: _____

4. I am willing to provide indirect services to individuals by creating brochures or other materials on:

- small claims court procedures
- acting pro se in district court

- expunging juvenile and criminal records
 - unfair trade practices
 - unfair debt collection practices
 - getting back a driver's license
 - other topics: _____
-

5. I am willing to conduct community presentations on these topics:

- identity theft
 - traffic tickets and accidents
 - reverse mortgages
 - predatory lending
 - dealing with debts and debt collection
 - alternatives to bankruptcy
 - risks of powers of attorney
 - housing rights of disabled persons
 - health care decision making
 - family violence remedies
 - other topics: _____
-

6. I am willing to prepare scripts/outlines for others to conduct community presentations on: _____

7. I am willing to provide direct client service to individuals:

- Interview clients
 - Advise clients
 - Present self-help workshops on uncontested divorce
 - Prepare clients, witnesses for depositions
 - Prepare clients, witnesses for trial
 - Co-counsel in discovery
 - Co-counsel at trial
 - Serve as guardian ad litem
 - Represents clients at trial
 - Represent clients at administrative hearings
 - Take segments of cases ("unbundled" services)
 - Take cases in their entirety
 - Handle appeals
 - Types of cases: _____
-
-

8. I am willing to provide direct client service to entities:

- Poverty-centered nonprofits on personnel issues
- Poverty-centered entities on other issues: _____
- _____
- Tribal entities on contracts
- Low-income community groups to develop micro-credit unions as alternatives to expensive banking and payday lenders
- Other: _____

9. My firm is willing to use typical legal-aid cases (residential evictions, domestic violence orders of protection) as an ongoing trial-training component for new associates

- yes no
- yes, if legal aid provides training

10. I feel most willing to accept cases/perform other individual client work for (check all that apply):

- Victims of domestic violence
- Persons with physical disabilities
- Persons with mental disabilities
- Victims of race/family status/sex/etc discrimination
- Veterans
- Abused children
- Persons at risk of homelessness
- Homeless persons
- Older persons generally
- Victims of elder abuse
- Other: _____
- _____

11. I am a:

- prosecutor
- criminal defense contractor
- public defender
- local, state, or federal government attorney
- sole practitioner
- in a 2-3 person firm
- in a 4-5 person firm
- in a 6-10 person firm
- in a firm with _____ persons
- other: _____

12. I accept pro bono representation more because

| everyone should have access to a lawyer
OR
 a case has merit

13. I think it is important unimportant

whether a person has been determined to be indigent before I will consider taking a case pr bono.

14. I would be

less likely
 just as likely

to take a pro bono case that has no significance beyond the impact it has on an individual client.

15. This survey has led me to consider new ways in which to provide pro bono legal assistance. Yes No

16. I would like more information about the areas I have checked in the questions above. Yes No

Name:

Firm:

Email:

Telephone:

Managing partner, if applicable:

TAOS COUNTY
PRO BONO PROGRAM PLAN

1. Cases go to legal aid (from law access, private attorneys, walk-ins, etc.).
2. Legal Aid determines eligibility: Financial 200% of poverty level. If undocumented, case referred to Law Access.
3. Legal Aid does conflict check for Legal Aid. If there's a conflict with Legal Aid, refer to Law Access.
4. Legal Aid does screening/triage for merit and laws. If outside of Legal Aid priorities or Legal Aid cannot handle, then refer to pro bono attorney.
5. Legal Aid has client sign referral authorization.
6. Legal Aid will contact attorney by telephone (either Bob or Janay). Fill out insurance form and check conflicts with attorney.
7. Legal Aid mails letter of referral with Initial Case Disposition and Final Case Disposition forms to attorney.
8. Legal Aid mails acceptance letter with attorney name and contact information to client.
9. Client calls attorney.
10. Attorney interviews client and returns Initial Case Disposition Form to Legal Aid. If client fails to contact attorney within 2 weeks, Attorney mails back Initial Case Disposition Form with appropriate box checked.
11. Legal Aid tracks cases. Janay to set up tracking and tickler system. Suggested tracking to happen every three months.
12. Attorney returns Final Case Disposition Form to Legal Aid.
13. Legal Aid (Bob) closes file.
14. Legal Aid (Janay) sends case referral information to Sue quarterly.

EIGHTH JUDICIAL DISTRICT PRO BONO PROGRAM

NEW MEXICO LEGAL AID MALPRACTICE INSURANCE COVERAGE FOR PRO BONO ATTORNEYS

Private attorneys who accept cases referred by New Mexico Legal Aid have access to NMLA's malpractice insurance for the cases referred. For attorneys who provide pro bono assistance, NMLA's insurance coverage can serve as their primary coverage for the cases referred. To be able to provide coverage under its policy, NMLA needs to provide the following information to its carrier:

Your name:

Your New Mexico bar member number:

The number of years you have been a member:

Other jurisdictions in which you are admitted:

1. Jurisdiction:

Bar member number: Status (active, inactive, etc):

Number of years a member:

2. Jurisdiction:

Bar member number: Status:

Number of years a member:

3. Jurisdiction:

Bar member number: Status:

Number of years a member:

Please return this completed form promptly by mail to Private Bar Involvement, New Mexico Legal Aid, P.O. Box 25486, Albuquerque NM 87125-5486, or by FAX to 505 764 8206. Thank you for your prompt cooperation.

Coverage will not take effect until NMLA receives this information.



NEW MEXICO LEGAL AID, INC.

**214 C Kit Carson
Taos, N.M. 87571
(505) 758-2218
Toll Free (800) 294-1823
Fax (505) 758-3222**

Date

Client name and address

Re: Access to Justice Commission
Taos County *Pro Bono* Program
Pro Bono Referral

Your *Pro Bono* Attorney is: name, telephone number and address

Dear

You have been found eligible for the Taos County *Pro Bono* Program. We have referred your case to the attorney whose name is listed above. This attorney has agreed to interview you to discuss your case. You should:

1. Call the attorney within seven days to arrange and interview. If the attorney does not hear from you within this time, we will assume that you do not wish to pursue your case. Please tell the attorney's office that you have been referred to the attorney by the Taos *Pro Bono* Program and that you need to make an appointment as soon as possible. If the Attorney cannot give you an appointment, call our office immediately.
2. Take all papers, forms, and other evidence you have with you to your appointment with the attorney.
3. Keep all appointments with your attorney. Remember that the attorney is volunteering his/her time to help you. If an emergency should arise which prevents you from keeping the appointment, please call the attorney's office and let him/her know what has happened, and try to reschedule the appointment.

4. There will be no charge for legal services as long as you remain financially eligible. You may have to pay certain fees charged by the court or similar costs, such as service or publication fees. The attorney will discuss these costs with you during the initial interview. Because of your limited financial resources, the filing fee for your case may be waived.
5. Please notify the attorney and our office if you decide not to pursue your case, if you move, change your phone number, change you address, or if your income changes.

A copy of this letter is being sent to the attorney. If you have any questions or problems, please call our office.

Sincerely,

Robert Torres
Attorney at Law

Cc: attorney



NEW MEXICO LEGAL AID, INC.

**214 C Kit Carson
Taos, N.M. 87571
(505) 758-2218
Toll Free (800) 294-1823
Fax (505) 758-3222**

Date

Inside address

Re: Access to Justice Commission
Taos County *Pro Bono* Program
Pro Bono Referral

Dear

Thank you for participating in the Taos County *Pro Bono* Program. We are referring _____ to you for representation. The client has been asked to contact you directly.

Please fill out the enclosed Initial Case Disposition Form and return it to New Mexico Legal Aid. Also, enclosed is a Final Case Disposition Form to be filled out and returned at the termination of the case.

If you have any questions, please do not hesitate to call.

Sincerely,



Attorney at Law

Enclosures

NEW MEXICO LEGAL AID, INC.

PRO BONO PRIVATE BAR INSURANCE INFORMATION

ATTORNEY NAME: _____

ADDRESS: _____

PHONE NUMBERS: _____

E-MAIL ADDRESS: _____

N.M. BAR NUMBER _____

NM BAR ADDMISSION DATE _____

OTHER STATE BAR ADMISSIONS

<u>STATE</u>	<u>DATE ADMITTED</u>	<u>ACTIVE OR INACTIVE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ACCESS TO JUSTICE COMMISSION
TAOS COUNTY *PRO BONO* PROGRAM
CLIENT REFERRAL AUTHORIZATION

I, _____, give permission to New Mexico Legal Aid, Inc. to refer my case to a volunteer private attorney working with the Taos County *Pro Bono* Program. As soon as I am notified, I agree to contact the volunteer private attorney to arrange an appointment.

1. I understand that the volunteer private attorney will decide whether or not to accept my case.
2. I understand that the volunteer private attorney referred to me by New Mexico Legal Aid, Inc. is volunteering his or her time.
3. I understand that once a referral to a volunteer private attorney has been made, New Mexico Legal Aid will no longer be responsible for handling my case.
4. I understand that I will not be required to pay any attorney fees.

DATE

CLIENT SIGNATURE

ACCESS TO JUSTICE COMMISSION
TAOS COUNTY *PRO BONO* PROGRAM
INITIAL CASE DISPOSITION FORM

Please send to:
New Mexico Legal Aid, Inc.
214 C Kit Carson
Taos, N.M. 87571
Telephone: 505-758-2218
Fax: 505-758-3222

PRIVATE BAR ATTORNEY: _____ NM BAR #: _____

CLIENT APPLICANT: _____

DATE _____

_____ I interviewed applicant and will provide representation in connection with
the NM Supreme Court *Pro Bono* Plan.

_____ I interviewed the applicant and will not provide representation because

_____ Applicant did not contact this office.

_____ Other: _____

SPECIFIC REPRESENTATION TO BE COMPLETED BY PRIVATE ATTORNEY:

NMLA REFERRING ATTORNEY _____

PRIVATE ATTORNEY SIGNATURE

DATE

ACCESS TO JUSTICE COMMISSION
TAOS COUNTY *PRO BONO* PROGRAM
FINAL CASE DISPOSITION REPORT

Please send this report with attachments to:
New Mexico Legal Aid, Inc.
214 C Kit Carson
Taos, N.M. 87571
Telephone: 505-758-2218
Fax: 505-758-3222

_____ (private bar attorney name) has completed all things necessary for the *pro bono* representation of _____ (client name) for _____ (specific representation agreed upon on referral). The *pro bono* representation was done in connection with the NM Supreme Court *Pro Bono* Plan under the authorization of the Taos County *Pro Bono* Program.

SPECIFIC REPRESENTATION COMPLETED (please attach final pleading or order).

PRIVATE ATTORNEY SIGNATURE

DATE COMPLETED

**ACCESS TO JUSTICE PRO BONO
CASE CLOSING FORM**

ATTORNEY: _____

DATE: _____

CLIENT: _____

TYPE OF CASE: _____

DATE CASE COMPLETED: _____

Check Major Reasons Case was Closed:

- _____ Counsel and Advice
- _____ Brief Service
- _____ Referred After Legal Assessment
- _____ Insufficient Merit to Proceed
- _____ Client Withdrew or Did Not Return
- _____ Change in Financial Eligibility
- _____ Negotiated Settlement w/out Litigation
- _____ Negotiated Settlement w/Litigation
- _____ Administrative Agency Decision
- _____ Court Decision
- _____ Other (Please Specify) _____
- _____
- _____

Total Pro Bono Hours Spent: _____

Comments and suggestions concerning Pro Bono Services:

ACCESS TO JUSTICE COMMISSION
TAOS COUNTY PRO BONO PROGRAM
NEW MEXICO LEGAL AID TRACKING CHECKLIST

Client _____

Attorney _____

Type of Case _____

Date Referred _____

Project Activity

Date

Referral letter sent to Attorney
with forms

Did attorney return Initial disposition
Form? Yes/No

If no form returned or contact, call
attorney

Ask attorney if he/she is
Representing the client.

Status of case: call attorney
every 3 mos.

Final Case Disposition Form
Returned? Yes/No

Close File
