

**Access to Justice Commission
Sixth Judicial District Local Pro Bono Committee
Annual Report for the Period
October, 2007 to January, 2008**

I. MEMBERSHIP AND ORGANIZATION REPRESENTED

Name of Organization: Sixth Judicial District Local Pro Bono Committee

Chairperson: Hon. H. R. Quintero, Chief Judge, Division I

Members: Barbara Raif & Alicia Clark, NM Legal Aid
Cynthia J. Patterson, Esq.
Amy DeLaney-Hernandez, Esq.
David M. Lopez, Esq.
Canon Stevens, DDA
Hon. V. Lee Vesely, Retired District Judge
Peter A. Keys, Esq.
Joy Goldbaum, Spc. Asst. Atty. General, CSED
Kathleen Price Watson, Esq.
Janay Haas, PAI Coordinator, NM Legal Aid
Nita Taylor, Pro Bono Coordinator

II MISSION STATEMENT

To provide legal services to persons of limited resources in the Sixth Judicial District as permitted by the legal resources located in this district and, in a community wide effort, hold legal education forums for the general public in an effort to inform the public of their legal rights, direct them to legal providers and assist them in representing themselves in appropriate cases.

III. NEEDS ASSESSMENT AND PRIORITY AREAS

a. Briefly describe the process used to determine the priority legal needs of persons of limited means in the district: **survey distributed to the public by distribution in public locations; newspapers and publicity of same by radio public service announcements (see English and Spanish versions attached along with proposed distribution list).**

b. List the priority legal needs to be addressed by the district pro bono plan: **survey results not yet compiled will be available by June 1, 2008.**

c. Describe the process by which “persons of limited means” will be established:
Legal Aid guidelines.

d. List any significant needs that the district pro bono committee is unable to address: **criminal matters; torts.**

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

a. Briefly describe the plan to utilize voluntary pro bono attorney resources to address priority legal needs of persons of limited means: **our plan is to use the Legal Services Office as the screening office to determine indigency and the legal need. That office will then make a referral to local counsel within the district to all cooperating attorneys on a rotating basis keeping in mind the practice limitations of counsel.**

b. Briefly describe the plan to encourage more lawyers in the district to provide voluntary pro bono service and/or contribute to a civil legal aid organization: **we expect counsel in the Sixth Judicial District to participate in one form or another. If in private practice we expect counsel to provide counsel on, at least, work requiring no litigation. If counsel is employed by a government agency, we expect those counsel to provide educational support in public interest forums (e.g., consumer rights, will preparation, guardianships, etc.).**

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

a. Briefly describe the plan to develop activities and programs to expand the utilization of voluntary pro bono attorney resources to address the civil legal needs of persons of limited means in the district: **with a combination of hours of legal services or hours in public forums on legal issues, we expect the public to either: 1) receive legal services not involving extensive litigation; or 2) be educated on their legal rights; and 3) be informed as to how and where to obtain counsel to be paid by contingency fee agreements or by the statutory fee provisions such as those in consumer protection statutes.**

b. Briefly describe the plan to address obstacles to voluntary pro bono service by lawyers in the district and describe long term recruitment plans: **few attorneys in this District, small number of practitioners.**

VI. RESOURCES COMMITTED BY THE DISTRICT PRO BONO COMMITTEE

PARTICIPANTS

- a. List the participant and nature of resources committed to the district voluntary pro bono attorney plan by all legal assistance providers that are to participate in the district pro bono plan and provide coordination and administrative support to pro bono attorneys in the district: **Legal Aid of New Mexico who committed both local attorneys to guide the Pro Bono Project and to be the screening agent.**
- b. Where more than one legal aid provider organization exists within the district, describe the plan for cooperation and coordination that avoids duplication among such providers: **not applicable.**

VII. SUPPORT FOR PRO BONO ACTIVITIES

- a. In implementing the district pro bono plan, the following support services are available:
 1. Providing intake, screening and referral of prospective clients.
 2. Matching cases with individual attorney expertise, including establishment of specialized panels.
 3. Providing legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono legal services.
 4. Establishing procedures to ensure adequate monitoring and follow-up for assigned cases and to measure client satisfaction.
- b. Describe any other significant services being provided for pro bono activities: **To be determined by Committee.**

VIII. PRO BONO SERVICE OPPORTUNITIES

- a. The district pro bono plan offers the following opportunities through which lawyers can participate in providing pro bono legal services to persons of limited means:
 1. Representing clients through case referral.
 2. Interviewing prospective clients.
 3. Acting as co-counsel on cases or matters with legal aid providers and other pro bono lawyers.

4. Providing consultation services to legal aide providers for case reviews and evaluations.
5. Providing unbundled services.
6. Participating in policy, systemic advocacy, and activities which improve the law and the legal system.
7. Making presentations to groups of persons of limited means regarding their rights and obligations under the law.
8. Providing guardian ad litem services.
9. Providing mentoring to law students and new lawyers.
10. Providing public education.
11. Providing assistance in the formation and operation of legal entities for groups of persons of limited means.
12. Participating in Bar committees or on boards of pro bono committees or legal service programs.
13. Serving as mediator or arbitrator at no fee to the client-eligible party.

b. List other pro bono service opportunities provided under the district pro bono plan: N/A.

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: see above.

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: to be addressed.

IX. NUMBER OF PERSONS BENEFITTED BY PRO BONO EFFORTS

- a. Provide the number of persons seeking pro bono assistance during the report period: **Not yet available.**
- b. Of the persons seeking pro bono assistance, provide the number who actually received appropriate legal assistance, and describe the nature of assistance provided: **N/A.**
- c. Of the persons who received appropriate legal assistance, what is the total number of persons who benefitted from the assistance, for example, if the client needed help defending against an eviction and four persons lived in the dwelling, then four people would have benefitted from the legal assistance: **N/A.**
- d. Describe the logistics of operations, e.g., tracking calls, doing a conflict-of-interest check, screening for income eligibility, making appropriate referrals (to pro bono attorneys, to legal aid providers, to social service agencies, etc.), following up on referrals to ensure clients don't fall through the cracks, tracking the number of cases opened and closed during the reporting period, etc.: **not yet available.**

**6TH JUDICIAL DISTRICT DISTRIBUTION OF
PUBLIC SERVICE SURVEY**

DISTRIBUTION Total no of copies_____

Newspapers (distribution#):

- _____ Deming Headlight
- _____ Daily Press (Silver City)
- _____ Herald (Lordsburg)
- _____ [Desert Exposure]
- _____ [Senior Newsletter]

Libraries/City Halls/Community and Senior Centers

- _____ Animas
- _____ Bayard
- _____ Columbus
- _____ Deming
- _____ Hatchita
- _____ Hurley
- _____ Lordsburg
- _____ Mimbres
- _____ Santa Clara
- _____ Silver City
- _____ Tyrone

Other?

- Grocery stores?
- DOH-Human Services Department
- Child Care Services
- JPO
- Adult Basic Education (SC)
- Mimbres Regional Learning Center
- WNMU Child Care facility
- Hidalgo Medical Services
- CYFD

Radio Station Announcements

Grant County Community Health Council email list

Public Service Survey: DO YOU NEED A LAWYER BUT CAN'T AFFORD ONE?

Please answer both parts of this survey. The lawyers and courts of Grant, Hidalgo and Luna Counties, and the State Bar of New Mexico are looking for ways to meet the legal needs of our moderate and low-income neighbors. Help us to help you by telling us the kind of *non-criminal* legal services you need (or needed in the past) but cannot afford.

I. I NEED HELP WITH (check all that apply)

Consumer Protection / Credit / Debt

- Bankruptcy
- Credit Record Correction
- Creditor Harassment
- Garnishments
- Identity Theft
- Lemon Law (Auto)
- Loan Agreement
- Purchase Dispute
- Repossession
- Title / Pay Day Loans
- Unfair Lending Practice
- Consumer Fraud

Employment

- Discrimination
- Unemployment
- Wage Disputes
- Wrongful Termination

Public Benefits

- TANF-Welfare
- Food Stamps
- Medicaid/Medicare
- General Assistance
- Social Security Disability
- Overpayment of Benefits
- Termination of Benefits
- Public Housing

Estates / Wills

- Wills
- Medicaid Trusts
- Living Will / Health Care Directive
- Power of Attorney
- Probate

Real Estate

- Deeds
- Discrimination
- Evictions
- Foreclosures
- Housing / Land Purchase
- Landlord /Tenant
- Neighbor Disputes
- Roads / Easements

Miscellaneous

- Restraining Order (not family)
- Native American Issues
- Tax Refund Seizures
- Other Income Tax Disputes

Family

- Divorce / Legal Separation
- Child Custody / Visitation
- Child Support
- Adoption
- Protection Order (Family Members)
- Adult Guardianship/Conservatorship
- Child Guardianship
- Name Change
- Elder Abuse

II. INFORMATION ABOUT YOU (required)

Household Size 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ Above 9 _____
(check as applicable)

Gross Household Annual Income \$ 0 - \$12,763 _____ \$21,464 - \$25,813 _____ \$34,514 - \$38,863 _____ \$46,564 and Over _____
(check as applicable) \$12,764 - \$17,133 _____ \$25,814 - \$30,163 _____ \$38,864 - \$42,213 _____
 \$17,134 - \$21,463 _____ \$30,164 - \$34,513 _____ \$42,214 - \$46,563 _____

County of Residence GRANT _____ HIDALGO _____ LUNA _____

PLEASE DELIVER OR MAIL COMPLETED SURVEY (no later than April 1, 2008) TO:

New Mexico Legal Aid, 301 West College Avenue, Suite 17, Silver City, NM 88061
District Attorney's Office, 524 de Moss, Suite 1, Lordsburg, NM 88045
DeLaney & Hernandez, 113 East Spruce Street, Deming, NM 88030
Or a designated drop-off box

Cuestionario al Publico: Necesita un Abogado Pero No Puede Pagar Por Uno?

Favor conteste las dos partes de este cuestionario. Abogados y las cortes de los condados de Grant, Luna y Hidalgo, con la participación de State Bar of New Mexico (Barra de Abogados de Nuevo Mexico), están preparando un programa para asistir a personas de bajos recursos que necesitan asistencia legal. Ayúdenos para poderle ayudar a usted. Cuales son los problemas o asuntos legales (no criminales) en que usted necesita o ha necesitado y no pudo obtener la ayuda de un abogado por no tener los recursos.

I. Necesito ayuda con: (marque todos los que aplican)

Protección al Consumidor/Crédito/Deuda

- Bancarrota
- Corrección al Reporte de Crédito
- Acoso por Cobradores
- Embargo
- Robo de Identidad
- Ley de limón (Auto)
- Acuerdo de Préstamos
- Conflicto de Compra
- Reposición
- Título/Día de Pago Préstamo
- Injustas Prácticas de Préstamos (Bancos, Finanzas, etc.)
- Fraude al Consumidor

Empleo

- Discriminación
- Desempleo
- Conflictos de Salario
- Terminación Ilícita/Illegal

Beneficios Públicos

- TANF-Welfare
- Racionamiento (estampillas)
- Medicaid/Medicare
- Asistencia General
- Seguro Social de inabilidad
- Sobrepago de Beneficios
- Terminación de Beneficios
- Vivienda Gubernamental

Títulos/Testamentos

- Wills
- Fondo de Medicaid
- Poder de Abogado (medico)
- Poder de Abogado (financiero)
- Legalización de Testamento

Bienes Raíces

- Escrituras de Propiedad
- Discriminación
- Desposicion
- Ejecución de Hipoteca
- Vivienda/Compro de Propiedad
- Propietario/rentero
- Conflicto de Vecinos
- Derechos de Acceso a la Propiedad Privada

Artículos Diversos

- Orden de Restringir (no familiar)
- Relaciones de Americanos Nativos
- Confiscación de Reembolsos de Impuestos
- Otro Tipo de Disputas de Impuestos

Familia

- Divorcio/Separación Legal
- Custodia de Menor/Visitación
- Sosténimiento de Menores
- Adopción
- Orden de Protección (miembros de familia)
- Tutela Adulta
- Tutela de Menores
- Cambio de Nombre
- Abuso a Ancianos

II. Información Sobre Usted (requerido)

Cuantos Viven en su hogar 1 ____ 2 ____ 3 ____ 4 ____ 5 ____ 6 ____ 7 ____ 8 ____ 9 o mas ____

Ingresos Anuales del Hogar

(marque los que aplican)

- | | | | | | |
|---------------------|-------|---------------------|-------|---------------------|-------|
| \$ 0 - \$12,763 | _____ | \$21,464 - \$25,813 | _____ | \$34,514 - \$38,863 | _____ |
| \$12,764 - \$17,133 | _____ | \$25,814 - \$30,163 | _____ | \$38,864 - \$42,213 | _____ |
| \$17,134 - \$21,463 | _____ | \$30,164 - \$34,513 | _____ | \$42,214 - \$46,563 | _____ |
| | | | | \$46,564 o mas | _____ |

Condado en donde Reside GRANT ____ HIDALGO ____ LUNA ____

ENVIE O LLEVE EL CUESTIONARIO TERMINADO (no mas tarde que 1 Abril 2008) A:

New Mexico Legal Aid, 301 West College Avenue, Suite 17, Silver City, NM 88061

District Attorney's Office, 524 de Moss, Suite 1, Lordsburg, NM 88045

DeLaney & Hernandez, 113 Easr Spruce Street, Deming, NM 88030

O en la caja designada