

Private Attorney Involvement Plan

1. How the (Private Attorney Involvement) PAI Plan addresses the legal needs of

low-income Mainers: The Maine Volunteer Lawyers Project is dedicated to the provision of low-income legal services through the *pro bono* efforts of Maine attorneys and strives to maximize participation of the private bar through coordination of a variety of opportunities to provide high quality legal advocacy and access to justice for Maine residents. Created in 1983, the Volunteer Lawyers Project (VLP) is Maine's statewide *pro bono* project. Although under the same organizational umbrella, VLP operates a separate intake system from Pine Tree Legal Assistance, using a toll-free statewide Hotline staffed by non-attorney volunteers who determine eligibility and provide information, assistance and referrals. The first goal of VLP is to provide full *pro bono* representation to as many low income Mainers as possible and, at the same time, to engage as many Maine attorneys as possible in *pro bono* work that provides greater access to justice. In practice VLP is able to refer approximately one fifth of all callers for full representation, and the supporting goal of VLP is to provide meaningful legal assistance when full representation is not possible, as well as a variety of *pro bono* opportunities for attorneys who are not immediately able to commit to taking cases for full representation.

2. Mechanisms available for private attorneys to participate in the delivery of legal

services: The core work of the VLP is to refer cases for full *pro bono* representation based on priorities which reflect both private bar capacity and the potential impact from lack of representation. Cases selected for *pro bono* representation are referred by private attorneys acting as “lawyers of the day” (LD’s) who volunteer for shifts in VLP offices to place cases

with attorneys around the state. LD's are often from the larger law firms, the State Attorney General's office, or attorneys who need to schedule volunteer time rather than take a case for full representation. The LD takes a morning or afternoon shift and makes calls to private attorneys to place cases for full representation. VLP uses both general priorities and the facts of individual cases to decide which cases should go to the LD for placement. For example, a family law case that has an opposing attorney or the issue of domestic violence would be a priority to be placed for full representation. The LD uses a data base that shows which attorneys or firms are willing to take which cases. VLP continuously updates and recruits for this data base. In 2008 VLP is focusing on recruiting attorneys willing to take bankruptcy and consumers law cases. In addition, VLP is working with larger law firms to identify particular types of cases (such as employment cases) that the firm will accept on a continuing basis through a specific contact attorney.

VLP refers cases for *pro bono* representation primarily in the following areas: family, bankruptcy, adoption/guardianship, foreclosure, unemployment, disability, tax, contracts and tort defense. Private attorney "eviction panels" represent eligible Pine Tree clients in eviction actions in southern Maine district courts. Pine Tree also uses private attorneys for mentoring and co-counseling on complex cases, particularly in cases handled by our Farmworker Unit as well as local field office staffs.

Because VLP is not able to refer all cases for full representation, we work hard to identify ways to offer limited or unbundled *pro bono* representation in priority areas. In 2008 VLP will continue to support the following on going projects:

- a. The Family Law Helpline. The helpline is staffed by volunteer attorneys, supervising third-year law students who provide in-depth advice and assistance

to self-represented clients in family law matters. Clients are scheduled for telephone consultations and may have multiple appointments over the course of their cases. Helpline volunteers advise on legal strategy, assist with filing out forms or drafting motions and provide information about the court procedure and relevant law.

- b. Domestic Violence Pro Bono Panel. For this project VLP co-ordinates a collaboration between domestic violence advocacy organizations and attorneys in specific district courts. Private attorneys are recruited for a comprehensive training in working with victims of domestic violence who are seeking orders of protection. After the training, the attorneys provide limited *pro bono* representation to victims in protection order hearings once or twice per month. The clients are identified as needing representation by domestic violence advocates who then refer them to the pro bono attorneys whose representation is limited to that day in court.
- c. Court House Assistance Project. Attorneys who specialize in family law provide limited face to face representation to otherwise self represented family law litigants at specific courts on a once per week schedule. This includes help with filling out forms, advice about process and strategic advice. Difficult cases may be picked up for full representation.
- d. Maine Attorneys Saving Homes (MASH). A panel of attorneys provides assistance to low income Mainers who are facing foreclosure and may have been victims of predatory lending. Cases are first screened and evaluated by an

- e. experienced *pro bono* attorney and maybe referred for bankruptcy as well as for predatory lending.

Additionally, in 2008, VLP will be developing the following new projects:

First, to increase capacity for *pro bono* representation in family law cases, we will provide a low cost CLE training for new attorneys in parental rights and responsibilities actions. In return for the training the new attorneys must agree to take two *pro bono* family law cases for full representation within the following 18 months. This project will include experienced family law attorneys volunteering their time as mentors and trainers. Further, VLP will be working with the Family Law Bar Association to develop areas where experienced family lawyers can provide unbundled services. We will be looking at initial consultations and a referee program to help with divorce settlements.

Second, with the rise in consumer law calls, VLP has asked a number of private attorneys and bankruptcy trustees to join a panel to help us boost our screening and referrals of consumer cases. This is likely to include the start-up of a consumer law help line as well as a better process for determining which cases to refer for bankruptcy.

Third, VLP will start an exploratory process to recruit lawyers who are transitioning into retirement or are currently in an inactive or part-time phase in their professional life.

This will be the first step towards creating a vibrant Emeritus program.

3. How stakeholders have influenced development of the PAI Plan: VLP staff have taken an active role in development of both internal and external programs designed to strengthen private bar involvement in the delivery of legal services. VLP staff were active in the special JAG working group focused on *pro bono* service and VLP staff also were actively involved in Pine Tree's internal strategic plan and in the specific aspects of that plan

that pertain to VLP operations. A special VLP advisory committee from the Maine Bar Foundation meets on a monthly basis and serves as a sounding board for the VLP staff on issues specific to pro bono service.

Although the numbers of attorneys taking cases for full representation remains high, discussions with the bar and specific attorneys have made it clear that VLP needs to provide other opportunities to participate in *pro bono* work. Looking for new ways to provide service to family law litigants is a priority based on feedback both from clients and from private attorneys. The number of family law callers rises every year and often clients are frustrated by not finding help. At the same time many private attorneys consistently tell us that taking on family law cases for full representation can be overwhelming in terms of time and energy, and the “lawyers of the day” feel discouraged if they have ten family law cases that no attorney wants to take on. , Facing this type of feed back we have narrowed our priorities for family law case referral for full representation, and at the same time we have increased our Family Law Help Line capacity and our Court House Assistance Project volunteers. Additionally, this feed back informs our development of new family law initiatives. Many lawyers are willing to provide *pro bono* assistance through a clinic or helpline or with unbundled service because they can schedule their volunteer time to balance with the rest of their practice.

Motivation to develop family law clinics (such as the CHAP described above) also comes through consultation with the Courts, who are becoming overwhelmed with self represented family law litigants needing direction and advice as they commence actions for divorce and parental rights and responsibilities. The development of VLP’s Domestic Violence Pro Bono Panel has been done in conjunction with the Judiciary’s Domestic

Violence Court Pilot Project, both of which are coordinated through the same oversight committee that includes, among others, representatives from domestic violence advocacy programs.

The impetus to boost services to callers looking for help with consumer law and bankruptcy issues comes from the increase in the number of callers, due to current economic conditions, and from discussions with private attorneys who are responding to the need that they see within Maine. This is particularly clear in the foreclosure area where there has been impressive recruitment of attorneys to be a part of the MASH project. VLP's effort to boost its consumer law capacity will be achieved with close consultation with the private bar.

Further, the recently completed Access to Justice Planning Initiative, done through Maine's Justice Action Group, is now moving into the implementation phase. The VLP project director will sit on the newly formed *Pro Bono* Committee, hosted by the Maine State Bar Association, and the Self Represented Litigants Committee, hosted by the Judiciary. This will advance VLP's role in co-coordinating and developing projects that involve private attorneys in efforts to increase access to justice.

4. How private bar skills are matched with client needs: Most of the cases which are referred for full representation go to attorneys who are experienced in the substantive area of the referred cases. New attorneys may take less complicated cases, or be given a contact mentor. The family law projects are staffed by experienced family law attorneys, or the attorneys are provided with a free or low cost CLE training. Many attorneys who take part in the Domestic Violence Pro Bono Panel are looking for more court room experience and often come from the litigation departments of larger law firms. Others, whose practice areas may be very different, are given more training and shadowing time. New VLP programs to

respond to clients needs are developed with the input of the substantive law Bar section and specific experienced members of the Bar. Start-up or expansion projects are overseen by the VLP staff attorney who elicits feed back from the *pro bono* attorneys and the clients as part of the evaluation process.

5. Staffing and level of private bar participation: The VLP is headquartered at offices in Portland and operates an outreach site in Bangor staffed by a part-time paralegal to support local “lawyers of the day” to refer cases to attorneys in central and northern Maine. In Portland, the VLP staff currently includes: an attorney Project Director responsible for overall Project direction and support, a part time staff attorney responsible for start up and expansion of new projects, a paralegal Volunteer Coordinator responsible for recruitment, training and evaluation of the VLP Hotline volunteers and the “lawyer of the day” program, two full time and one part time paralegals who supervise the Hotline volunteers and identify and prepare cases for private attorney involvement and a Project secretary who oversees *pro bono* case referral and tracking documentation and provides front-line support for volunteers and clients. VLP is currently reviewing staffing and may make some changes in order to use paralegal time more efficiently and increase the capacity to start up and sustain new projects.

There are approximately 3,000 attorneys in Maine who are eligible to participate in the VLP, although this number does not include retired or inactive attorney who may be able to participate through an emeritus program. In 2007, 495 cases were referred for full representation, and currently there are 769 open cases that have full representation from a *pro bono* attorney. A total of 299 attorneys accepted new cases for full representation in

2007 and an additional 150 attorneys provided limited representation through other special projects and the lawyer of the day program.

VLP recruited approximately 100 new attorney participants in 2007, and projects the same new attorney participation in 2008. For the past 5 years the number of attorney actually providing *pro bono* service during the year has averaged around 1,000, contributing service valued at more than \$2 million.

6. Methods used to recruit private attorneys: While the majority of volunteer attorneys have been active for many years, VLP conducts ongoing recruitment at bar and court events in order to increase these numbers. For instance, the VLP staff and private bar volunteers cover every local bar admission ceremony held in the spring and fall around the State in order to speak to the importance of *pro bono* service. All new admittees also receive a packet of information about participation in the VLP as part of the bar admission ceremony. Staff have also spoken at local county bar association meetings and other programs where *pro bono* service is highlighted. The “lawyer of the day” referral system also facilitates recruitment as volunteer attorneys are encouraged to call colleagues who are not currently active on the VLP panel. Additionally, VLP collaborates with a variety of partners to develop new *pro bono* opportunities including: a partnership with the Women’s Law Section of the Maine State Bar Association to develop and expand the Domestic Violence Pro Bono Panel; and a partnership with Family and Children Together, a statewide social services agency, to provide legal assistance to caretakers of children whose parents have HIV or substance abuse issues.

7. Methods used to retain private attorney volunteers: Since its inception VLP has had a high rate of retaining participating attorneys. Many attorneys continue to take cases for *pro bono* representation year after year, regularly carrying more than one case at a time. In this VLP is benefiting from the commitment of Maine to access to justice for all Maine citizens. At the same time, VLP is committed to making sure that *pro bono* service is properly supported by providing the following services for participating attorneys:

Pine Tree Legal Assistance provides full malpractice insurance coverage for all private attorneys handling cases referred by VLP and reimburses appropriate litigation costs (e.g., filing and service fees) associated with *pro bono* service. Free or reduced fee training is available to private attorney volunteers who need to satisfy mandatory CLE requirements.

VLP offers mentors to support new attorneys or participating attorneys who agree to take on high need cases in which they may have less experience.

The VLP website includes a number of tools and services designed to make *pro bono* practice more feasible including specific content in different substantive and procedural areas including password protected pages for different projects.

Private bar recognition is also an important retention tool, both for the person being honored and for colleagues who may be inspired to follow that example. VLP formally recognizes its outstanding attorney volunteers at the Summer and Winter Maine State Bar Association Meetings and at annual receptions in Portland and Bangor. [describe in more detail.] Using the public relations firm on retainer with the MBF, volunteers are also recognized in bar journals, newspapers and other publications for important contributions

8. Methods used to ensure quality control: Quality control is a very important part of the VLP program and is taken seriously by staff at every level. Every VLP client is

advised to communicate with VLP staff if their volunteer attorney does not provide services adequate to meet the client's need. The project Director works hard to resolve issues between clients and *pro bono* attorneys. Clients may have a difficult time when good legal advice conflicts with their desired goals and *pro bono* attorneys may need advice on how to approach time management issues with non-paying clients. In appropriate cases, staff will assist the client in terminating representation and provide a referral to a different attorney. Communication and case tracking by VLP staff with both clients and volunteer attorneys is a priority.

Further, VLP provides substantive training for new projects and works in partnership with the Maine Board of Overseers of the Bar to provide education about ethical issues in *pro bono* representation as a part of these trainings. Ongoing support and training is available through the Maine State Bar Association's CLE programs, which offer free or reduced rate programs for VLP volunteers in substantive law areas significant to VLP referrals.

9. Use of technology: VLP uses a computerized case management system, which is also used to maintain lists of attorneys who are on specific panels, and notations about which type of cases a specific attorney or law firm is willing to take. VLP recently launched a new online intake project supported with an LSC TIG grant. The project is designed to allow frontline intake to be access and completed on the web the online intake can then be uploaded into the case management system. This cuts out the need for paper intakes and cuts down time spent on data entry. The second phase of this project will be to allow specific collaborating social service agencies to use the online intake for clients being referred to specific projects.

VLP maintains a web site with information for clients and for *pro bono* attorneys. Some areas for specific projects are password protected for the participant attorneys. For example, the MASH project has a “toolbox” with information for working on predatory lending cases and updates on developments in this area. VLP recently began experimenting with the use of Base Camp (e.g., for MASH participants and VLP Advisory Committee members). Base Camp is another type of password protected site where important shared documents and policies can be posted and protected communications can occur.

VLP has used Pine Tree’s videoconferencing network around the State as a training tool, as well as to facilitate meetings of private bar members. The system also has potential to facilitate client contact for attorneys in urban areas who are willing to work in low-income residents in a different part of the State.

10. Most significant accomplishments in the past 2 years: The three most significant accomplishments of VLP in the past 24 months were the creation of the Court House Assistance Project the expansion of the Domestic Violence Pro Bono Panel, and working with Pine Tree legal Assistance to create the MASH project.

The Court House Assistance Project is a clinic held once a week in Portland District Court. Self represented family law litigants are given limited help including assistance filling out forms, advice about process and strategic advice. CHAP was started as a pilot project overseen by the VLP staff attorney in 2007 Over the last eight months VLP has recruited six *pro bono* attorneys who staff the clinic on a rotating schedule, along with two undergraduate volunteers who help with intake and on the ground organization. The clinic runs for three hours one afternoon per week with an average of fifteen clients per week, although there are times that we have to ask clients to return the next week. This

model has proved successful for the clients and the volunteers, and it will be sustainable into the foreseeable future. VLP is now ready to expand CHAP in to other courthouses through out Maine

The Domestic Violence Pro Bono Panel has been very successful for more than two years in Portland District Court and Cumberland County. It is clearly a model that works for the victims of domestic violence and the collaborating partners, including VLP the domestic violence advocacy program and the Women's Law Association. Recruiting and retaining pro bono attorneys for the panel has not been difficult. Attorneys are drawn to helping these clients, the service is limited and specific, and attorneys are able to develop negotiation and trial skills. Over the past four months VLP has been planning and expansion of this program into York County. A successful training and recruitment process has been completed and VLP is now working with two district Courts and the York County domestic violence advocacy program to expand the Panel into this new geographical area.

Maine Attorneys Saving Homes was developed in conjunction with Pine Tree Legal Assistance to provide services to low income Mainers facing foreclosure and who may also be victims of predatory lending. Many of these cases are complicated and difficult to screen and sort out. VLP has a panel of attorneys who have agreed to take these cases and who have been provided training through Pine Tree Legal Assistance. As part of this project, VLP has an invaluable and skilled volunteer lawyer who comes in once a week to screen and organize these cases and then refer them to the MASH panel. VLP has worked hard to create a good model to first intake and then refer predatory lending cases, and we are beginning to achieve good results.