

**Judiciary Committee
Connecticut General Assembly**

**Report of the Task Force to
Improve
Access to Legal Counsel in Civil
Matters**

APPENDIX

Submitted pursuant to Subsection (f) of Section 1 of Special Act No. 16-19

An Act Creating a Task Force to Improve Access to Legal Counsel in Civil Matters

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APPENDIX 1

PRIORITIES AND
ESSENTIAL HUMAN NEEDS

Priorities and Essential Human Needs, Extended Report

I. Executive Summary

Indigent parties to civil legal matters in Connecticut do not enjoy the same right to court-appointed counsel as do defendants in criminal matters. Even parties who do not qualify as indigent face economic and other barriers to the retention of legal counsel. At the same time, civil legal matters often involve and affect, directly and indirectly, essential human needs such as housing, personal safety, freedom from domestic violence, and family stability.

The barriers to obtaining legal counsel in civil matters create risks for the unrepresented litigants as well as human and monetary costs for the other stakeholders in the legal process -- public and private. Studies have demonstrated that overcoming barriers to legal representation in civil matters can improve individual outcomes and reduce overall societal costs.

II. Working Group Charge

Because this Task Force was charged “to study the nature, extent, and consequences of unmet legal needs of state residents in civil matters,” the Goals and Principles working group has aimed to frame this report with three key questions:

1. What are the fiscal consequences of unmet legal needs in civil matters?

We know that vast numbers of people face important legal problems without the representation of counsel.¹ This lack of representation negatively impacts both public entities (courts, schools, law enforcement, prisons, public health, and state agencies such as the Department of Children and Family Services) and private entities (employers, hospitals, shelters, landlords, opposing lawyers in pro se matters, and law firms performing pro bono work). These public and private entities lose profits and/or incur additional costs when legal problems which might have been handled swiftly and cleanly with the involvement of counsel spiral outward to cause collateral legal and nonlegal problems, due to the absence of counsel.

2. What are the human consequences of unmet legal needs in civil matters?

The Task Force is mindful that the costs arising from unmet legal needs cannot all be measured in dollars and cents. When parties in civil matters lack counsel to advocate on their behalf, profound human needs can be put at risk: safety and bodily integrity for

¹ See JUDY PERRY MARTINEZ & ANDREW PERLMAN, REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 37 (American Bar Association 2016) [hereinafter Future Legal Services].

survivors of domestic violence;² parent/child relationships in family matters; shelter and security in eviction and foreclosure cases; a decent and safe livelihood in employment and labor matters; health and wellness in cases seeking access to healthcare; the ability to learn and grow when access to education is implicated; and so on. For individuals facing deportation in immigration matters, *all* of these fundamental human needs may be jeopardized without the advice and advocacy a lawyer provides.

3. What are the societal costs of unmet legal needs in civil matters?

The consequences that flow from our attempts to administer civil justice without sufficient involvement of lawyers to interface with courts and agencies may be felt both in the short and the long term. The short-term consequences, serious as they are, will often be limited to the immediate parties or to persons and entities directly associated with the parties (e.g., employers, landlords, or neighbors). The long-term consequences of leaving parties without counsel, and thus leaving their legal needs unaddressed, are perhaps the most critical, because they can be catastrophic for our society more generally. We fear that the public's trust in our court system will be undermined as hard-working judges struggle to balance equity with efficiency, to protect the rights of unrepresented litigants while also maintaining their own impartiality, and to render decisions that are consistent with rules and prior case law in the absence of lawyers who can identify and argue for that precedent. Indeed, the very notion of an adversarial system – an even playing field in which the truth emerges from hard fought, well-argued legal disputation – is put at risk when only one or neither party has a lawyer.

Access to justice and trust and confidence in the courts go hand-in-hand. As a Maryland Task Force on access to civil counsel noted:

A healthy justice system depends upon the public's trust and confidence in the courts. The public's trust and confidence grows from the experience individuals have in dealing with the courts and the justice system – the extent to which they understand how to proceed, the extent to which they feel they were heard, the extent to which they feel they had a fair chance to present their case, the extent to which others did not have an unfair advantage over them in the proceedings. In short, the public's trust and confidence in the courts depends on whether individuals perceive they had meaningful access to justice.³

We put at risk our society's trust in the rule of law when civil matters proceed and are resolved – whether by courts or administrative bodies – without counsel to assist both the parties and the decision-makers.

² Boston Bar Association Task Force to Expand Civil Legal Aid in Massachusetts, *Investing in Justice: A Roadmap to Cost-Effective Funding of Civil Legal Aid in Massachusetts*, 5, Oct. 2014. <http://www.bostonbar.org/docs/default-document-library/statewide-task-force-to-expand-civil-legal-aid-in-ma---investing-in-justice.pdf> [hereinafter *Investing in Justice*] (“[C]ivil legal aid help[s] to maintain safe and vibrant communities by keeping families safe from domestic violence and avoid homelessness.”)

³ Robert R. Neall, *Report of the Task Force to Study Implementing Civil Right to Counsel in Maryland*, 4, Oct. 2014. <http://www.mdcourts.gov/mdatjc/taskforcecivilcounsel/pdfs/finalreport201410.pdf> [hereinafter *Maryland Study*].

Thus, as this Task Force was charged by the legislature to “examine, on a state-wide basis, the impact that the lack of access to legal counsel in civil matters is having on the ability of state residents to secure essential human needs,” the Goals and Principles working group has sought to identify the “essential human needs” most at risk when state residents cannot secure legal counsel, and then to prioritize those needs so that the most pressing areas of concern can guide this report and, we hope, the work of the legislature that follows.

III. Process

The Goals and Principles working group met once apart from the entire Task Force. At this meeting, which was open to the public, the group discussed our charge and the various pieces of information that we required to complete our analysis and deliver our conclusions. Members of the group collected and supplied relevant data from Connecticut as well as other states that have studied the need for legal representation in civil matters. This group along with the Task Force as a whole were subject to the Freedom of Information Act under Conn. Gen. Stat. § 1-200. All records related to this Group’s work are public records.

Some of the key external authorities consulted include: Judy Perry Martine and Andrew Perlman, *Report on the Future of Legal Services in the United States*; Boston Bar Association, *Investing in Justice: A Roadmap to Cost-Effective Funding of Civil Legal Aid in Massachusetts*; Melanie B. Abbott, Leslie C. Levin, and Stephen Wizner, *Report to the Connecticut Judicial Branch Access to Justice Commission*; Robert R. Neall, *Report of the Task Force to Study Implementing Civil Right to Counsel in Maryland*; Connecticut United Way, *ALICE Study of Financial Hardship: Connecticut*; Jennifer S. Rosenberg & Denise A. Grab, *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence*; and Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*.

IV. Why Access to Counsel in Civil Matters is Important

Above the entrance to the United States Supreme Court building, the words “Equal Justice Under Law” are engraved in the marble. To make this promise a reality, the assistance of counsel is often necessary.⁴ If access to counsel is conditioned on wealth, however, American constitutional values are undermined.⁵ United States Attorney General Loretta Lynch admonishes our nation to “work to expand low-income Americans’ access to legal aid,” because “[e]very day, countless Americans are in court grappling with life-altering challenges like foreclosure, eviction, debt and family instability” and “far too often, doing so without counsel.”⁶

⁴ See Future Legal Services, *supra* note 1, at 8. (“Access to affordable legal services is critical in a society that depends on the rule of law”).

⁵ Maryland Study, *supra* note 3, at 5. See also Future Legal Services, *supra* note 1, at 1. (“The American public deserves accessible and affordable legal services, and the legal profession has a special obligation to advance this goal.”)

⁶ Loretta Lynch, United States Attorney General, Keynote Address at the Urban Institute Economic Mobility Conference (Sept. 14, 2016).

While people who have been charged with a crime have a constitutional right to assistance of counsel, civil litigants usually have no corresponding right to a lawyer, even in matters that deal with essential human needs.⁷ As Professors Abbott, Levin, and Wizner argue, “[t]here has long been a mismatch between the legal needs of the poor and near-poor in the United States and the legal services available to help them with their legal problems.”⁸ A Connecticut report studying a proposed right to counsel in civil matters found that following the Great Recession of 2007, “more people have faced unemployment, which has affected their ability to pay for housing, their credit obligations, their need for benefits, and their family relationships.”⁹ A Maryland task force found that when low-income individuals are provided a “right to counsel in key civil case types,” the lawyers “give poor people and their family a tool they can use ... to address the legal issues inherent in some of their everyday problems.”¹⁰ By assisting clients in one area of law, lawyers may help their clients avoid other potential legal problems, or resolve those problems before they “cascade into a negative spiral of other difficulties that affect not only those individuals and their families but impact the State as a whole.”¹¹

In Connecticut as in Maryland, many residents struggle to make ends meet every day.¹² According to a Connecticut study conducted by the United Way in 2014, “35% of households struggle to afford the basic human necessities.”¹³ This represents almost 500,000 households in Connecticut, many of which are below the Federal Poverty Line (FPL). Of those 500,000 households, even those above the FPL often struggle to afford housing, child care, food, transportation, and health care.¹⁴ As this Task Force fulfills its

⁷ Investing in Justice, *supra* note 2, at 1. See also Maryland Study, *supra* note 3, at 5, which provides overviews of the seminal cases: *Lassiter v. Dept of Social Services*, 454 U.S 18 (1981); *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Turner v. Rogers*, 131 S. Ct. 2507 (2011). For a more robust discussion of these cases, see John J. Capowski & Kelly Turner, et al., *The Poverty Law Canon* 219-31, 256-73 (Marie A. Failinger & Ezra Rosser eds. 2016).

⁸ Melanie B. Abbott, Leslie C. Levin & Stephen Wizner, *Report to the Connecticut Judicial Branch Access to Justice Commission*, 1, Feb. 2013. <https://ncforaj.files.wordpress.com/2013/03/report-2-15-13-to-the-access-to-justice-commission-2-15-13.pdf> [hereinafter Justice Commission].

⁹ *Id.*

¹⁰ Maryland Study, *supra* note 3, at 6.

¹¹ *Id.* at 1.

¹² See Lisa Needham, *Measuring the Access-to-Justice Gap: Nearly 70% of All Civil Defendants Aren't Represented*, LAWYERIST.COM (Aug. 27, 2016), <https://lawyerist.com/126109/access-to-justice-gap-civil-defendants-arent-represented/>. (Stating that “[h]alf of Americans [are not] able to come up with \$400 in an emergency, which almost certainly means they [are not] hiring a lawyer when trouble arises.”) This Task Force posits that residents of Connecticut (and other states) would not be exempt from this observation.

¹³ Connecticut United Way, *ALICE Study of Financial Hardship: Connecticut*, 1, Nov. 2014. http://alice.ctunitedway.org/files/2014/11/14UW-ALICE-Report_CT.pdf [hereinafter ALICE]. ALICE stands for Asset Limited, Income Constrained, Employed. The study notes that based on data from 2012, Connecticut had 141,628 households with income below the Federal Poverty Level (FPL) but also had 332,817 households that met the ALICE criteria, which have income above the FPL but below the ALICE Threshold. The ALICE Threshold is a realistic measure for income inadequacy in Connecticut that takes into account the current cost of basic necessities and geographic variation. It reflects the true cost of economic survival and compares it to household incomes across each county in the state and is derived from looking at five basic necessities – housing, child care, food, transportation, and health care.

¹⁴ *Id.* at 1.

charge “to study the nature, extent and consequences of unmet legal needs of state residents in civil matters,” we emphasize the United Way’s finding that many of these residents “hold jobs and provide services that are vital to the Connecticut economy in a variety of positions such as retail salespeople, customer service representatives, laborers and movers, and personal care aids.”¹⁵ These jobs often do not pay enough to enable workers to afford basic needs.¹⁶ The problem is likely to worsen, as low-skilled jobs in Connecticut are projected to increase at a much faster rate than medium- and high-skilled jobs, while the cost of basic needs is expected to steadily rise.¹⁷ The dynamic of rising costs and stagnant wages affects a wide array of age and demographic groups located across all cities and towns in Connecticut.¹⁸ According to the United Way study, “[t]he cost of basic household expenses in Connecticut is more than most jobs can support” and “[t]he cost of living in Connecticut continues to increase.”¹⁹ Despite the efforts the state has made to address legal needs, these efforts have not reached many individuals who need legal help but do not have the means to hire a lawyer.²⁰

In order to qualify for free legal services from most legal services organizations,²¹ an individual’s income typically can be no more than 125% of the poverty level. In Connecticut this year, 125% of the poverty level is \$30,375.00 for a family of four.²² Not surprisingly, many Connecticut residents cannot afford a lawyer even if their income exceeds 125% of the federal poverty guidelines. Legal Services Corporation funding and pro bono efforts, while helpful, have been inadequate to meet the need for legal representation.²³

Many individuals who qualify for free legal services do not obtain them. A 2008 Connecticut Bar Foundation survey found that more than 70% of the households surveyed had experienced a legal problem within the year preceding the survey.²⁴ The most commonly reported problems were in housing, employment, and consumer

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ ALICE, *supra* note 13, at 2.

¹⁹ *Id.* at 2-3.

²⁰ See Future Legal Services, *supra* note 1, at 11. (Stated one of the findings of the report was that most people that live in poverty and the majority of those who have moderate-income do not receive the legal help they need.)

²¹ In Connecticut the only LSC funded program is Statewide Legal Services, an advice and referral hotline. None of the large legal services organizations in the state -- Greater Hartford Legal Assistance, New Haven Legal Assistance Association, or Connecticut Legal Services -- receives LSC funding. Thus, Connecticut’s legal services organizations depend almost entirely upon IOLTA and funding generated by Judicial Branch filing fees.

²² Peter Palermino & Mark Moyle, *Connecticut Department of Social Services Selected Annual Federal Poverty and State Median Income Guidelines*, July 1, 2016. <http://www.ct.gov/dss/lib/dss/PDFs/PovSML.pdf>.

²³ See Future Legal Services, *supra* note 1, at 5. (“Many who need legal advice cannot afford to hire a lawyer and are forced to either represent themselves or avoid accessing the legal system altogether. Even those who can afford a lawyer often do not use one because they do not recognize that their problems have a legal dimension or because they prefer less expensive alternatives.”)

²⁴ Center for Survey Research & Analysis, *Civil Needs among Low-Income Households in Connecticut* 3, Dec. 2008. <http://ctlegal.org/sites/default/files/files/2008ConnecticutLegalNeedsStudy.pdf>.

matters.²⁵ Of these low-income households with legal problems, fewer than 1 in 4 successfully sought outside help, either because they were unaware of existing legal aid programs or because the demand far exceeded the availability of services.²⁶ Connecticut is not alone: “It is estimated that nationwide, for every client served by an LSC-funded program, one person is turned down due to insufficient resources. Fewer than 1 in 5 low-income individuals receive the legal assistance they need.”²⁷

Historically, much of the funding that supports lawyers for low-income clients in civil cases has come from the revenue generated by Interest on Lawyers’ Trust Accounts (IOLTA).²⁸ In 2007, the interest received was \$20.7 million for Connecticut legal aid providers, but this number has steadily declined to approximately \$2 million in 2015.²⁹ Despite the Connecticut legislature’s efforts to provide additional funding for legal aid programs,³⁰ the need for legal services continues to increase and the programs have not been able to keep up with the demand.³¹

Attorneys in Connecticut annually provide tens of thousands of hours of pro bono legal services for free or at reduced rates to those who are unable to pay for lawyers, but despite the commitment of individuals, pro bono initiatives in law firms and bar associations, Judicial Branch programs, and the work of law school clinics, “these efforts have proved inadequate to meet the extensive need for legal services of individuals who genuinely cannot afford legal representation.”³²

The lack of access to counsel in civil matters affects not only the individual clients, but the court system as well. The Commonwealth of Massachusetts published a Task Force report in 2014 examining cost-effective funding of civil legal aid. As part of its work, the Massachusetts task force surveyed judges and found that unrepresented litigants are a growing problem for the courts: “judges noted that lack of representation consumed court staff time in assisting pro se litigants, slowed down procedures, and resulted in unclear presentation of evidence by those litigants without counsel.”³³ Sixty percent of the judges who responded to the Massachusetts survey believed that “lack of representation negatively impacted the court’s ability to ensure equal justice to

²⁵ *Id.* at 4.

²⁶ *Id.* at 22, 27.

²⁷ Justice Commission, *supra* note 8, at 2-3. Future of Legal Services, *supra* note 1, at 14 also found that the public often does not obtain legal assistance because of lack of money or because they do not know when legal problems exist that will need legal representation.

²⁸ Justice Commission, *supra* note 8, at 3.

²⁹ Ross Garber, Kristin Hoffman, Ben Solnit, *CT Legal Aid Fights to Keep Services Amid Cuts*, HARTFORD COURANT, July 21, 2015, <http://www.courant.com/opinion/op-ed/hc-op-garber-legal-aid-needs-money-0721-20150720-story.html> [hereinafter CT Legal Aid Fights].

³⁰ *Id.* In an effort to help, the General Assembly, Judicial Branch, and Governor created another revenue stream to help legal aid by raising the fees for various filings with the court and the increases were directed to legal aid. These court filing fees now make up over 50% of the legal aid budget.

³¹ See Justice Commission, *supra* note 8, at 3. See also CT Legal Aid Fights, *supra* note 28.

³² Justice Commission, *supra* note 8, at 3.

³³ Investing in Justice, *supra* note 2, at 3. See also Future Legal Services, *supra* note 1, at 5, 15 (“The vast number of unrepresented parties in court adversely impacts all litigants, including those who have representation.”)

unrepresented litigants because they are hindered in the presentation of evidence.”³⁴ Unrepresented parties in litigation slow down the courts, which delays justice for everyone.³⁵

A Maryland task force similarly found that those who are represented fare better than those who enter the courts on their own.³⁶ Parties with representation suffer fewer defaults and dismissals, assert more effective defenses, and achieve better settlement rates. They are also more successful with discovery and in the outcomes of their cases.³⁷ When parties have representation, housing cases show a decline in defaults and family law cases are dismissed less frequently.³⁸ Self-represented parties generally do not engage in the discovery process and are thus unable to bring to the court the information necessary to support their cases.³⁹ On the whole, outcomes are dramatically better for parties who have representation than for those who litigate pro se.⁴⁰

V. Essential Human Needs Jeopardized by Lack of Counsel in Civil Matters

This Task Force was charged by the legislature to study the impact that lack of access to counsel in civil matters is having on the ability of state residents to secure “essential human needs.” Thus we have worked to identify the most important “essential human needs” at risk when state residents cannot secure legal counsel.

Housing Stability

Few would dispute that housing is an essential human need. Connecticut has established compulsory court-annexed ADR for housing cases as well as a Foreclosure Mediation Program provided by statute.⁴¹ Yet many low and moderate income families are subject to summary eviction, which “makes households more vulnerable to homelessness, leaves a scar on the tenant’s credit record, and fails to address underlying health and safety conditions which will be inherited by the next tenant in that unit.”⁴² Without counsel to represent them, homeowners and tenants rarely prevail in legal proceedings: “For numerous reasons – the sheer crush of cases, the power imbalance between the parties, tenants’ lack of information about their rights, and barriers such as low literacy, mental illness, and limited English proficiency – tenants without counsel do

³⁴ Investing in Justice, *supra* note 2, at 3, 11. (Noting that lack of civil legal aid impacts underprivileged people with critical needs but also creates serious problems for the whole court system impacting those of all income levels.)

³⁵ Investing in Justice, *supra* note 2, at 14.

³⁶ Maryland Study, *supra* note 3, at 8.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *See id.* at 8-9.

⁴¹ Justice Commission, *supra* note 8, at 4-5.

⁴² Spencer Wells, *Baltimore Eviction Rate among Highest in Country: A Study of Rent Court*, Nonprofit Quarterly, December 10, 2015, <https://nonprofitquarterly.org/2015/12/10/baltimore-eviction-rate-among-highest-in-country-a-study-of-rent-court/>.

not fare well in the Court process, too often entering one-sided agreements that inevitably and unnecessarily result in eviction.”⁴³

The impact of even short-term homelessness and housing insecurity can be devastating. Children who experience homelessness are less likely to graduate from high school or attain the same level of education as other children, “leading to long-term losses in productivity and earning potential.”⁴⁴ Child development experts have noted the important role of government programs – along with healthy and secure relationships with parents – in supporting children’s wellbeing: “Safety net programs provide financial assistance to families in the form of cash payments or subsidized housing, childcare, or food, all of which help to alleviate the immediate effects of instability.”⁴⁵ But not all families are eligible for this public safety net, and not all families entitled to public housing can secure and maintain it without the help of lawyers. This can lead to “substantial worsening of living conditions or homelessness.”⁴⁶ Living without a home or in unhealthy or unsafe conditions “can lead to stress, loss of productivity or work altogether, negative impacts on children and their education, and so on.”⁴⁷ As Spencer Wells has argued, “[e]viction is both a literal loss of a home and a metaphorical separation of families from the economic mainstream of the U.S., a form of secular ostracism.”⁴⁸ The social costs of substandard housing, rental instability, and homelessness outlined by Matthew Desmond in his recent book, *Evicted*, are multiple:

1. Health care costs to treat stress-related diseases such as depression, suicide, and interpersonal violence;
2. Health care costs to treat environmental diseases like asthma, lead poisoning, and mold-related infections;
3. Low school achievement and employment opportunity;
4. Neighborhood deterioration and the cost of code enforcement and blight removal;

⁴³ Eric Angel, *D.C. Bar Foundation Funds New Project to Provide Counsel to Tenants in Subsidized Housing*, LEGAL AID SOCIETY: MAKING JUSTICE REAL (March 19, 2015), <http://www.makingjusticereal.org/d-c-bar-foundation-funds-new-project-to-provide-counsel-to-tenants-in-subsidized-housing>.

⁴⁴ Investing in Justice, *supra* note 2, at 19. Studies have shown that “homeless children fare worse than poor children who are remain houses in terms of health, mental health, and educational outcomes.” Yvonne Rafferty, et al., *Academic Achievement Among Formerly Homeless Adolescents and Their Continuously Housed Peers*, 42 J. of Sch. Psychology, 179, 180 (2004). The effects of homelessness as a result of eviction or foreclosure will result in lower tax revenues and higher expenses for the state.

⁴⁵ Spencer Wells, *Why Aren’t Housing Vouchers Like Food Stamps*, NONPROFIT QUARTERLY, May 9, 2016, <https://nonprofitquarterly.org/2016/05/09/why-arent-housing-vouchers-like-food-stamps/> [hereinafter *Housing Vouchers*] (citing Heather Sandrom & Sandra Huerta, *The Negative Effects of Instability on Child Development: A Research Synthesis*, Sept. 2013, <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.)

⁴⁶ Investing in Justice, *supra* note 2, at 18.

⁴⁷ *Id.*

⁴⁸ Spencer Wells, *Eviction Reform: A Movement Whose Time Is Now*, Nonprofit Quarterly, March 7, 2016, <https://nonprofitquarterly.org/2016/03/07/eviction-reform-a-movement-whose-time-is-now/> [hereinafter *Eviction Reform*].

5. Social service expenses associated with the provision of short term housing, home search services, and relocation;
6. Remedial schooling; and
7. Criminal justice enforcement.⁴⁹

Governmental spending to support housing stability actually saves money in the long run. Rent subsidies, for example, “reduce the cost of local government by reducing the number of non-payment evictions and homeless services.”⁵⁰ Keeping families out of eviction court and children out of homeless shelters improves school attendance and performance.⁵¹ Robust school attendance rates often benefit local schools as state funding formulas reward truancy prevention.⁵² Complimenting public support for housing with legal counsel to represent residents in housing and foreclosure matters would further enhance the benefits society and families derive from homelessness prevention.⁵³

New York City is deriving substantial fiscal savings from its increased commitment to providing counsel in housing matters. The first annual impact report from New York’s Office of Civil Justice (OCJ) found that “27 percent of tenants facing an eviction case in court were represented by a lawyer in the past year, compared to only 1 percent in 2013.”⁵⁴ The lawyers’ work is having a positive impact, as “[r]esidential evictions by city marshals declined 24 percent in 2015 compared to 2013, even though the number of eviction cases filed remained relatively stable.”⁵⁵ Citing a study by the Right to Counsel Coalition, Oscar Perry Abello argues that although “the city might pay \$3,000 for representation that keeps a family in their existing apartment, if instead they’re evicted and end up cycling in and out of homeless shelters, that same family might cost the city more than \$43,000 per year.”⁵⁶ This disparity in costs means that a New York City program providing counsel in housing court would not only pay for itself (saving the city homeless shelter, healthcare, and other costs), it could save an additional \$320 million in city spending.⁵⁷ In Maryland, a state commission estimated that the state’s legal aid

⁴⁹ *Id.* citing MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* (2016).

⁵⁰ Housing Vouchers, *supra* note 44.

⁵¹ *Id.*

⁵² *Id.*

⁵³ Newman Ferrera LLP, *City Report Reveals Major Increase In The Number Of Tenants In Housing Court Who Have Legal Representation*, NEWMAN FERRERA: NY REAL ESTATE LAW BLOG (Sept. 8, 2016), <http://www.nyrealestatelawblog.com/Manhattan-Litigation-Blog/2016/September/MORE-NEW-YORKERS-HAVE-REPRESENTATION.aspx>. (Noting that representation in housing court “is not only cost effective in that it saves taxpayer dollars by avoiding shelter enrollments,” but also has “immeasurable benefits to those families who avoid eviction, and thus the negative ramifications of homelessness, such as disruption in school enrollments, missed school days, and lost wages or employment from days taken off work.”)

⁵⁴ Oscar Perry Abello, *More New Yorkers Facing Eviction Are Getting Lawyers*, NEXTCITY (Sept. 13, 2016), <https://nextcity.org/daily/entry/nyc-legal-aid-for-tenants-now-at-unprecedented-levels> [hereinafter *Getting Lawyers*].

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.* See also Stout Risius Ross, Inc., *Pro Bono and Legal Services Committee of the New York City Bar Association: The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings*

organization saved the state \$3.6 million in shelter costs by helping clients avoid homelessness.⁵⁸ In Massachusetts, research found that “the monetary benefits of representing eligible beneficiaries in eviction and foreclosure proceedings far outweigh the costs of providing these services.”⁵⁹ This means that for every dollar spent on counsel in eviction and foreclosure cases, the Commonwealth saves more than two dollars on the costs associated with providing other services such as shelter, healthcare, and law enforcement.⁶⁰

Physical Safety and Freedom from Domestic Violence

For some people, having stable housing is not enough to insure safety and security, because the specter of domestic violence haunts them even within their own homes. Domestic violence is a serious public health problem, with effects reaching far beyond the victims themselves. In addition to the substantial costs to the victims, society bears a notable burden in the form of, among other effects, criminal and civil justice, healthcare, and children’s exposure.⁶¹ The cost of domestic violence annually exceeds \$5.8 billion, including \$4 billion in direct health care expenses.⁶² Domestic violence is not an isolated, individual event. Rather, one episode of violence builds upon past episodes and sets the stage for future episodes. Domestic violence is a national epidemic affecting individuals in every community, regardless of age, economic status, sexual orientation, gender, race, religion or nationality -- and Connecticut is no exception. According to the Connecticut Coalition Against Domestic Violence, Connecticut has averaged fourteen (14) domestic violence deaths annually between 2000 and 2015.⁶³ The number of family violence incidents annually has remained stable in the state at approximately 19,000-21,000 over the past two decades.⁶⁴ The Connecticut Judicial Branch has seen an average of nearly 9,000 restraining order applications annually over four years from 2010 through 2013. Of

Under Intro 214-A 5 (March 16, 2016) (on file) (making several suggestions throughout that the savings to NYC is \$320 million; noting the possibility that the low end would be \$144 million saved. See this study for a more in-depth economic analysis and overview of how the study was conducted. Some noteworthy figures on NYC’s Intro 214-A:

- Intro 214-A will save money even with income eligibility at 200% of the poverty level
- More tenants will qualify for a right to counsel under Intro 214-A
- 5,237 fewer families and 1,140 fewer individuals will wind up in homeless shelters due to evictions, which will lead to shelter money saved.
- The City will save over \$250 million in avoided shelter costs
- The City will save an additional \$9 million through stemming of secondary costs when evicted tenants become homeless
- The City will save \$259 million through the retention of 3,414 affordable units.

⁵⁸ Maryland Study, *supra* note 3, at 10.

⁵⁹ Investing in Justice, *supra* note 2, at 4. (If Massachusetts were to fund only the most at-risk families and individuals, the cost would be approximately \$9.49 million but the annual savings would be approximately \$25.51 million - a net savings of \$16.01 million.)

⁶⁰ *Id.*

⁶¹ Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence, 23.

⁶² National Network to End Domestic Violence and Sexual Assault Fact Sheet.
http://www.nnedv.org/docs/stats/NNEDV_factsheet2010.pdf

⁶³ <http://www.ctcadv.org/resource-library/publications/>

⁶⁴ Connecticut Department of Emergency Services and Public Protection

that number, approximately 5,000 orders are granted through an ex parte status each year.⁶⁵

Civil court orders of protection are an important recourse for victims seeking judicial intervention in abusive relationships. Survivors of domestic violence have rated the filing of a protective order as one of their most effective tools to stopping domestic violence, second only to leaving the abuser.⁶⁶ Studies have also shown that access to counsel in protective order proceedings can make a substantial difference in the victim receiving the order and thereby reducing the incidence of future violence. According to one study, 83% of victims represented by an attorney successfully obtained a protective order, as compared to just 32% of victims without an attorney.⁶⁷ Increasing a victim's chance for obtaining a protective order is one of the most straightforward ways in which legal assistance can help reduce domestic violence.⁶⁸ In general, having an attorney's assistance with ancillary legal matters further helps victims achieve greater economic self-sufficiency, which in turn makes leaving their relationships a more realistic option.⁶⁹ Legal cases involving domestic violence are often difficult and complex, and survivors without proper legal representation are frequently further victimized by unfavorable outcomes. Sometimes survivors must face their abuser in court to obtain a protection order, receive child support, or testify in criminal proceedings. This can be financially and emotionally difficult for many survivors, and it can be helpful to have someone accompany them who is supportive and knowledgeable about the court system.⁷⁰

Data from the National Network to End Domestic Violence 2015 Point in Time Study indicate that on a given day in Connecticut (September 16, 2015), domestic violence providers reported a critical shortage of funds and staff to assist victims in need. Connecticut programs reported that in addition to housing and emergency shelter, legal advocacy was the service most in demand that they could not meet, with 87% of service providers reporting victims seeking this service.⁷¹ In July 2016, Connecticut's legal services providers partnered with other nonprofits⁷² to participate in a new statewide direct services project that uses a network of attorneys and advocates to provide coordinated civil legal representation and advocacy for victims affected by sexual and/or domestic violence.⁷³ This collaborative system of case referral and subsequent cooperation between domestic violence/sexual violence programs and legal services

⁶⁵https://www.cga.ct.gov/jud/taskforce.asp?TF=20150101_Service%20of%20Restraining%20Order%20Task%20Force

⁶⁶ *Id.*

⁶⁷ Jane Murphy, *Engaging with the State: A Growing Reliance on Lawyers and Judges to Protect Battered Women*, 11 AM. U.J.GENDER SOC.POL'Y & L. 499, 511-12(2003)

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ <http://nnedv.org/projects/census/4481-domestic-violence-counts-census-2014-report.html>

⁷¹ <http://nnedv.org/projects/census/4655-domestic-violence-counts-census-2015-report.html>

⁷² The groups include Connecticut Legal Services, Inc. (CLS), Greater Hartford Legal Aid (GHLA), New Haven Legal Assistance Association (NHLAA), the member agencies of the Connecticut Coalition Against Domestic Violence (CCADV), and the member agencies of the Connecticut Alliance to End Sexual Violence (the Alliance—formerly Connecticut Sexual Assault Crisis Services, Inc.).

⁷³ The project has a three-year commitment of funding from the Connecticut Judicial Branch, Office of Victim Services through the Victims of Crime Act (VOCA).

agencies will offer a full spectrum of advocacy. It will also facilitate joint advocacy (the combination of non-attorney violence advocates' services with legal services attorneys' representation) in cases where, with victims' permission, a combination of services will provide the best result for the victims. While impactful, this project is limited in scope as the demand for legal assistance continues to outstrip the availability of representation.

Direct costs of domestic violence to both public and private entities include medical and mental health costs, costs to the state if it intervenes and/or places children in foster care,⁷⁴ and employer costs from absenteeism and reduced productivity. "When something causes an imbalance in an employee's ability to do his or her job well, it puts pressure on the internal workings of the company."⁷⁵ As the Massachusetts task force found regarding fiscal incentives to prevent domestic violence, "[g]ood employees are key to good employers, which in turn are critical to a healthy local economy. Therefore, it is in the best interests of employers to urge the Commonwealth to support the speedy resolution of these social issues through more and better civil aid."⁷⁶ An independent analysis focusing on the state of New York found that providing legal assistance to female domestic violence survivors could save the state \$85 million annually in expenses resulting from domestic violence.⁷⁷ In Maryland, a commission estimated that the state's legal aid organizations, even at current funding levels, "saved the state at least \$1.3 million by preventing domestic violence, thereby averting medical costs and increasing productivity."⁷⁸ In Massachusetts, a study found that the marginal cost of investing in legal services for low-income population would be offset by the savings of short-run direct and indirect domestic violence costs.⁷⁹ Massachusetts found that "each \$1 of investment in civil legal services saves at least the same amount in medical costs borne by the state based on the current Medicare reimbursement rates."⁸⁰

Family Integrity and Relationships

Along with basic shelter and freedom from domestic violence, family stability is clearly an essential human need, and when it is jeopardized, collateral consequences can

⁷⁴ Supporting Survivors, *supra* note 61, at 15.

⁷⁵ Investing in Justice, *supra* note 2, at 28. This can also apply to other concerns relating to housing issues, family issues, healthcare issues, etc.

⁷⁶ *Id.*

⁷⁷ Supporting Survivors, *supra* note 61, at 12. See Helaine M. Barnett, *The Task Force to Expand Access to Civil Legal Services in New York: Report to the Chief Judge of the State of New York* 23, Nov. 2011. http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-2011TaskForceREPORT_web.pdf. This figure was derived by the Task Force to Expand Access to Civil Legal Services in New York, and extrapolated from nationwide National Violence Against Women Survey data. As such, it takes into account the health care costs of domestic violence (medical and mental care), productivity losses, and lost lifetime earnings, while excluding all other categories of costs. The study assumed a 60 percent prevention rate resulting from an increase in the attainment of protective orders.

⁷⁸ Maryland Study, *supra* note 3, at 10.

⁷⁹ Investing in Justice, *supra* note 2, at 4. To see a more in-depth discussion and analysis on the study, see pages 21-22.

⁸⁰ *Id.* (If the Commonwealth were to invest in 100 new legal aid attorneys at a cost of \$8 million, the attorneys would handle roughly 3,500 cases and save \$16 million in avoided medical costs - \$8 million saved by the state, \$8 million saved by the federal government.)

be powerful. According to information provided by the Connecticut Superior Court, in 2016 the areas of advice most commonly sought included divorce, child support, custody, modification, and visitation.⁸¹ Children receive court-appointed attorneys and guardians ad litem in custody and visitation proceedings, but parents do not have a corresponding right to counsel.⁸² Foster and adopting parents can seek advice but not legal representation from the Connecticut Association for Foster and Adoptive Parents.⁸³ When parties appeal Department of Children and Families (DCF) administrative decisions, such as substantiations of neglect, they have no statutory right to court-appointed counsel, even though the administrative decision can result in the parent or custodian's name being placed on a child abuse registry.⁸⁴ This leaves many parents and people who wish to create or protect a parent/child relationship without counsel in vitally important cases, for them and for their children.

Connecticut's neighbor New York established a right to counsel in family law matters in the landmark case, *In re Ella B.*⁸⁵ The case noted the imbalance of experience and expertise between the unrepresented parents and the State. The court stated that "it is fundamentally unfair, and a denial of due process of law, for the state to seek removal of the child from an indigent parent without according that parent the right to the assistance of court-appointed and compensated counsel." New York codified the right to assigned counsel in a range of family law proceedings in New York Family Court Act §261. Under New York Family Court Act §262, indigent persons have a right to counsel in cases involving child custody and visitation; abuse and neglect; foster care placement and review; termination of parental rights; destitute children; adoption; paternity; domestic violence; and contempt of court for violating a prior court order.

In Connecticut, legal services are not so readily available for parties in family matters, which can arise in either the Juvenile or Family Divisions of Superior Court or in Probate Court. In limited types of cases, such as the establishment of paternity, termination of parental rights, or removal of guardianship, indigent parents are eligible for counsel at state expense. But in most cases there is no right to court-appointed counsel, and unrepresented litigants are common in family matters. The absence of counsel to help parties reach reasonable and complete settlements and to insure adequate representation in litigated matters has a direct impact on the stability of families and the growth and development of Connecticut's children. It also contributes to a failure to achieve thorough and clear resolutions, resulting in more litigation and instability in the future. As this report will outline below, Connecticut's efforts to afford advice and counsel in family matters, while extensive, leave many parties unrepresented in cases of critical importance.

⁸¹ Email from Krista Hess, Superior Court Operations, to Attorney William Clendenen, Task Force Co-Chair (July 20, 2016, 12:31 EST) (on file with Goals & Principles Working Group). The attachment titled *Judicial Branch Volunteer Attorney Programs*, provided a statistical summary for the time period July 1, 2015 through June 30, 2016.

⁸² Justice Commission, *supra* note 8, at 5.

⁸³ *Id.* at 6.

⁸⁴ *Id.*

⁸⁵ 30 N.Y.2d 352 (1972).

Other Essential Human Needs in Jeopardy without Representation of Counsel

In the judgment of the Goals and Principles working group, these areas – housing, domestic violence, and family relationships – are the areas of most critical need for increased access to legal counsel. In the course of our work, however, we have gained increased awareness of two additional areas – Immigration and Consumer/Small Claims - - where the lack of legal representation is jeopardizing essential human needs and potentially creating avoidable costs for the state.

Immigration

While many Connecticut residents struggle to secure housing, safety, and family relationships without the assistance of counsel, Connecticut residents who are immigrants, especially those who are undocumented, must often face these challenges with the additional overlay of uncertain immigration status. The lack of counsel may have a profound impact on immigrants’ ability to receive fair treatment in the legal system.⁸⁶ “The paucity of free legal services for indigent immigrants in immigration-related matters. . . is a serious problem.”⁸⁷ Although immigrants may be detained by authorities, they do not have a right to legal counsel.⁸⁸

Immigrants who are undocumented are not eligible for LSC-funded services.⁸⁹ Help is available to immigrants from Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, Integrated Refugee and Immigrant Services (IRIS), and law school clinics at Quinnipiac, University of Connecticut, and Yale. Still, “the level of available services is far less than the need.”⁹⁰ Without legal representation, immigrants facing deportation proceedings run the risk of devastating family disruption and separation. When immigrants are detained, they may lose their jobs, their homes, and their families. The legal system they must navigate is very complex.⁹¹ A New York City program providing counsel in immigration cases “was designed to give [immigrants] a fair hearing in court.”⁹² By providing public defenders in immigration cases, this program has successfully reunited more than half of its clients with their families.⁹³ This program has increased the chances of detained immigrants winning their cases by 1,000 percent.⁹⁴

⁸⁶ See generally Ingrid Eagly & Steve Shafer, *American Immigration Counsel: Access to Counsel in Immigration Court*, Sept. 2016.

https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf. (Provides detailed information relating to the lack of legal representation for immigrants in America and discuss the fact that immigrants with legal counsel are more likely to succeed in their claims.)

⁸⁷ Justice Commission, *supra* note 8, at 8.

⁸⁸ Tiziana Rinaldi, *In New York City, lawyers make all the difference for immigrant detainees facing deportation*, KUOW.ORG (Sept. 20, 2016), <http://kuow.org/post/new-york-city-lawyers-make-all-difference-immigrant-detainees-facing-deportation> [hereinafter *Lawyers Make the Difference*].

⁸⁹ Justice Commission, *supra* note 8, at 8.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Lawyers Make the Difference*, *supra* note 84.

⁹³ Lorelei Laird, *New York program provides public defenders in deportation cases*, ABA Journal (Sept. 1, 2016), http://www.abajournal.com/magazine/article/new_york_public_defenders_deportation [hereinafter *NY Public Defenders*].

⁹⁴ *Lawyers Make the Difference*, *supra* note 84.

The costs of this program are reportedly lower than the cost to taxpayers in keeping detained immigrants behind bars or deporting them.⁹⁵

Consumer Protection and Fair Proceedings in Small Claims Court

Every year, tens of thousands of people in Connecticut receive court papers alleging that they owe money to a financial institution – most often a credit card company, a hospital, or an institution that has purchased debt. The cases are filed in small claims court, which makes it cheap and informal for the collecting entity to pursue the case. The collecting entities virtually always are represented by counsel.

According to Judicial Branch statistical data, there were 75,871 small claims cases filed between January 2015 and September 2016. Of the over 75,000 cases filed during this period, 45,772 or 60% were default judgments for the plaintiff. This tells us that in 60% of small claims cases filed during this defined period, the defendants, for reasons we do not know, did not respond to the complaint by filing an answer. Pro se defendants typically end up required to pay whatever the represented company wants, with no inquiry into whether the company can prove its case, due to the structure of the system and aggressive strategies by collection lawyers. On the rare occasion that a defendant points to a lack of evidence to prove the debt, or argues that the plaintiff (if a secondary collection agency) may not even own the debt, the defense is swept aside, often despite a lack of proof that the debt is really owed to the plaintiff.

Lack of representation in such cases is common nationally. Studies conducted in Texas, Indiana, Maryland, and New York show a rate of only 0 to 6.8 % of defendants in debt collection cases with representation. In Connecticut, researchers recently observed a small claims trial in which the defendant denied owing the debt, and noted the lack of documentary proof. The judge requested written briefs from the pro se defendant and the plaintiff's lawyer regarding the quality and quantity of proof required. The pro se defendant was left at an obvious disadvantage, with no experience or training in how to draft a legal brief.

At present there is almost no affordable legal help available to defendants in small claims court in Connecticut. In an effort to help mitigate this deficit, the Judicial Branch, in cooperation with the Connecticut Bar Association (CBA), leveraged the services of pro bono attorneys and established volunteer attorney programs for self-represented parties in small claims. Because the program is available to any self-represented party with a legal question in the area of small claims, and because many defendants simply default in these actions, the program has mostly been utilized by plaintiffs and landlords. But debt collection actions can destabilize low-income families and prevent families already in trouble from climbing out of a financial hole. For example, many landlords run credit checks on prospective tenants, and judgments against defendants in debt collection cases can prevent low-income tenants from qualifying for affordable rental units. We have discussed above the devastating effects that flow when a family can't find stable housing.

⁹⁵ *Id.*

APPENDIX 2

THE BARRIERS TO LEGAL HELP

I. Executive Summary

The Dismantling Barriers Working Group identified three principal barriers to access to counsel faced by Connecticut residents: (1) lack of free or affordable attorneys for individuals who do not meet the financial eligibility requirements for existing legal aid but still cannot afford market rate representation; (2) lack of capacity of legal aid organizations to serve all eligible individuals who seek their services; and (3) barriers other than income to accessing legal services including lack of knowledge and understanding of available services, lack of reasonable accommodations for persons with disabilities, distrust of providers, and failure of legal services offices to offer representation in certain categories of cases. To dismantle these barriers, while also taking account of cost, efficacy, political feasibility, and the seriousness and prevalence of the issues, we recommend:

- To address the lack of affordable attorneys for individuals who do not meet the financial requirements for legal aid but still cannot afford market rate representation, we recommend raising the financial eligibility rules at legal aid offices where permitted; expanding the Volunteer Attorney Program; considering adoption of a pro bono requirement as a condition of admission to the Connecticut bar; examining the authorization of accredited representatives limited to specific practice areas and classes of cases; enactment of fee-shifting provisions; and other regulatory changes to the structure and delivery of legal services.
- To address the inability of legal aid providers to provide assistance to every *eligible* individual who seeks their services, we recommend increasing funding for legal services in the state; enacting a “split recovery” statute that would allocate a portion of punitive damages awards to legal services providers; and establishing right to counsel pilot programs and fiscal impact studies in areas where need is greatest and essential rights are implicated, such as housing, domestic violence, and immigration.
- To address the reluctance and/or inability of low-income residents to seek legal help or their lack of awareness of available legal services, we recommend establishing a “legal checkup” program and making it available in community-based locations, taking additional steps to ensure access to justice for litigants with disabilities, and funding legal partnerships with organizations located in low-income communities, such as community health centers and libraries.

II. Working Group Charge

The Task Force tasked the group with (1) identifying barriers that prevent Connecticut residents who need lawyers from accessing them, focusing especially on civil matters implicating basic human needs and (2) developing recommendations to reduce these barriers.

III. Process

The working group conducted research to identify existing barriers and methods available to address them. The group then developed a preliminary outline. On September 14, 2016, the working group met to discuss its charge, goals, and findings as laid out in the preliminary outline. The group then revised its outline and submitted it to the Task Force. At the September 30, 2016 Task Force meeting, members discussed the group's outline. Subsequently, the group further revised its conclusions and recommendations, and prepared a draft report, which the working group reviewed at its meeting on October 31, 2016 and finalized thereafter. All working group meetings were open to the public and all meeting agendas and minutes were filed and posted on the websites of the Task Force and the Secretary of the State.

IV. Importance of The Charge

The lack of access to counsel in civil matters cannot be understood, let alone remedied, without first determining why, where, and for whom such access is lacking. The working group endeavored to make these assessments, and to use the resulting information to set forth a series of recommendations for judicial and legislative action.

V. Conclusions and Supporting Reasons

The Working Group identified three major barriers to access to counsel faced by Connecticut residents: (1) lack of free or affordable attorneys for individuals who do not meet the financial eligibility requirements for existing legal aid but still cannot afford market rate representation; (2) lack of capacity of legal aid organizations to serve all eligible individuals who seek their services; and (3) barriers other than income to accessing legal services, including lack of knowledge and understanding of available services, lack of reasonable accommodations for persons with disabilities, distrust of providers, and failure of legal services offices to offer representation in certain categories of cases.

Barrier 1. The State's Lack of Free or Affordable Attorneys for Individuals Who Do Not Meet the Financial Eligibility Requirements for Legal Aid but Cannot Afford Market Rate Representation.

Many Connecticut residents do not meet the financial eligibility requirements for traditional free legal aid yet cannot afford market representation. To qualify for assistance

from one of Connecticut's legal services agencies, an individual's income usually can be no more than 125% of the federal poverty level.⁹⁶ However, many Connecticut residents with incomes exceeding 125% of the federal poverty level cannot afford to pay for legal counsel, including in cases where basic human needs are at stake.

A 2013 report to the Connecticut Judicial Branch Access to Justice Commission clarifies that the income eligibility level is extremely low for two reasons. First, it is based on the federal poverty guidelines, which are identical throughout the continental United States, even though the cost of living is higher in Connecticut than in many other states. Second, the calculation of the guidelines relies upon a 40-year-old methodology that no longer reflects the real cost of living in the United States.⁹⁷ A 2014 United Way report also found that there are approximately 332,817 households in Connecticut with incomes above the federal poverty level but below the basic cost of living. Many of these households do not meet the financial eligibility requirements for traditional legal services and yet are still unable to afford market rate representation.⁹⁸ By contrast, Deborah Rhode points out that many European nations guarantee legal assistance for a broader category of individuals than those below or just above the official poverty line.⁹⁹ These more generous legal aid systems are better equipped to serve individuals with urgent problems and no realistic means of addressing them.

Given the inability of traditional legal aid providers to meet the need even of currently-eligible Connecticut residents, new funding sources and service models must be developed.

Barrier 2. Lack of Capacity of Legal Aid Organizations to Serve all *Eligible* Individuals Who Seek Their Services.

⁹⁶ Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services all operate under these guidelines.

⁹⁷ MELANIE B. ABBOTT, LESLIE C. LEVIN, STEPHEN WIZNER, REPORT TO THE CONNECTICUT JUDICIAL BRANCH ACCESS TO JUSTICE COMMISSION 3 (2013), *available at* <https://ncforaj.files.wordpress.com/2013/03/report-2-15-13-to-the-access-to-justice-commission-2-15-13.pdf>. *See also* Deborah L. Rhode, *Access to Justice*, 69 FORD. L. REV. 1785, 1788 (2001), *available at* <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=3709&context=flr> (finding that many civil legal need studies substantially understate the magnitude of expenditures necessary to guarantee adequate access because they do not include unmet needs of middle-income Americans); Debra Cassens Weiss, *Middle-Class Dilemma: Can't Afford Lawyers, Can't Qualify for Legal Aid*, A.B.A. J. (2010), http://www.abajournal.com/news/article/middleclass_dilemma_cant_afford_lawyers_cant_qualify_for_legal_aid (same).

⁹⁸ UNITED WAY OF CONNECTICUT, ALICE STUDY OF FINANCIAL HARDSHIP (2014), *available at* http://alice.ctunitedway.org/files/2014/11/14UW-ALICE-Report_CT.pdf.

⁹⁹ Deborah L. Rhode, *Access To Justice: A Roadmap for Reform*, 41 FORDHAM URB. L.J. 1227 (2015), *available at* <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2544&context=ulj>.

The judicial system relies heavily on robust free civil legal aid services to individuals living in poverty to help realize the goal of providing equal access to justice. As the Systems Alignment and Modification Working Group's Summary of Programs illustrates, many organizations are working to provide these crucial services. The most common case types include housing, domestic violence and other family matters, consumer law, public benefits, and employment.¹⁰⁰

Nevertheless, a vast number of income-eligible individuals are unable to receive representation in cases addressing basic human needs. A 2008 survey found that more than 70% of the low-income households in the state had experienced a legal problem within the past year, yet only 1 in 4 successfully sought outside help, either because they were unaware of existing legal aid programs or because the demand far exceeded the availability of services.¹⁰¹ These findings are consistent with national reports.¹⁰²

Lack of funding has been an issue for many years and has worsened since the Great Recession. While nearly two-thirds of the funds that support civil legal aid services historically came from the revenue generated by Interest On Lawyers' Trust Accounts (IOLTA), the amount has steadily declined due to falling housing prices.¹⁰³ In response, the General Assembly has provided additional support, but legal service funding is still below pre-recession levels and providers cannot meet the demand for assistance.¹⁰⁴ As funds for legal services stagnate or decrease, the population of income-eligible individuals in Connecticut remains high.¹⁰⁵ In order for the state's legal aid organizations

¹⁰⁰ See, e.g., CONNECTICUT LEGAL SERVICES INC., ANNUAL REPORT (2014), available at <http://ctlegal.org/sites/default/files/files/CLSAnnualReport2014.pdf>; see also GREATER HARTFORD LEGAL AID, ANNUAL REPORT (2015), available at <http://www.ghla.org/sites/default/files/AnnualReport2015Web.pdf>; NEW HAVEN LEGAL ASSISTANCE ASSOC., ANNUAL REPORT (2014), available at http://nhlegal.org/files/NHLAA_14.pdf.

¹⁰¹ CENTER FOR SURVEY RESEARCH & ANALYSIS, CIVIL NEEDS AMONG LOW-INCOME HOUSEHOLDS IN CONNECTICUT 3, 22, 27(2008), available at <http://ctlegal.org/sites/default/files/files/2008ConnecticutLegalNeedsStudy.pdf>.

¹⁰² The public often does not obtain legal assistance because of lack of money or understanding that legal problems exist for which they need legal representation. ABA COMMISSION ON THE FUTURE OF LEGAL SERVICES, REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 14 (2016), available at http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf. For every client served by an LSC-funded program, one person is turned down due to insufficient resources, and less than 1 in 5 low-income individuals receive the legal assistance they need. LEGAL SERVICES CORPORATION, DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (2009), available at <http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/JusticeGapInAmerica2009.authcheckdam.pdf>.

¹⁰³ ABBOTT, LEVIN & WIZNER, *supra* note 2, at 3.

¹⁰⁴ Ross Garber, Kristin Hoffman & Ben Solnit, *CT Legal Aid Fights to Keep Services Amid Cuts*, HARTFORD COURANT (July 21, 2015), <http://www.courant.com/g00/opinion/op-ed/hc-op-garber-legal-aid-needs-money-0721-20150720-story.html?i10c.referrer=https%3A%2F%2Fwww.google.com%2F>.

¹⁰⁵ While poverty rates fell significantly in the United States in 2013-14, the rates in Connecticut in that period did not. CONNECTICUT VOICES FOR CHILDREN, TRENDS IN POVERTY AND MEDIAN

to adequately serve all eligible individuals, existing funding must be increased to a level that bridges the gap between available services and the number of cases involving income-eligible individuals and their basic human needs.

Barrier 3. Barriers to Accessing Legal Services Other Than Income Including Lack of Awareness of Available Services, Lack of Reasonable Accommodations for Persons With Disabilities, Distrust of Providers, and Failure of Legal Aid Providers to Offer Representation in Some Categories of Cases.

Many low-income individuals that are eligible for free legal services are not aware of available legal aid, reluctant to work with legal aid providers, or are otherwise unable to secure assistance. Forty-three percent of low-income households with a legal problem in Connecticut did not seek assistance from a legal aid provider because the households did not know about these available services. In addition, many low-income households may not recognize the legal nature of the problems they face.¹⁰⁶ Only 27% of low-income households surveyed in the 2008 study felt they had a serious legal problem in the past year, yet when asked about 41 specific civil legal problems, 77% indicated they had experienced at least one legal problem.¹⁰⁷ This lack of awareness of available legal services is likely the result of a number of different factors including inadequate outreach and engagement with low-income communities, ineffective referrals, and insufficient legal education.

Individuals may also be discouraged from seeking legal help because the legal profession fails to reflect or include members of their community. As the American Bar Association's Commission on the Future of Legal Services has observed, the percentage of minorities and persons with disabilities in the total population of the U.S. is far greater than the percentage of minorities and persons with disabilities in the legal profession.¹⁰⁸

In addition to a lack of awareness of and trust in available services, physical and mental disabilities and limited financial resources also serve as additional challenges for low-income individuals attempting to address their legal problems and secure representation

Furthermore, Connecticut's main legal aid offices do not offer representation in some categories of cases for which there is significant demand among low-income households. For instance, while the ABA defines "basic human needs" to include

INCOME IN CONNECTICUT: SUMMARY OF 2014 AMERICAN COMMUNITY SURVEY CENSUS DATA (2015), available at <http://www.ctvoices.org/sites/default/files/econ15acscensuspovinc.pdf>.

¹⁰⁶ CENTER FOR SURVEY RESEARCH & ANALYSIS *supra* note 6, at 22, 27.

¹⁰⁷ *Id.* at 27.

¹⁰⁸ ABA COMMISSION ON THE FUTURE OF LEGAL SERVICES, *supra* note 7, at 32.

immigration,¹⁰⁹ Connecticut’s main legal aid providers offer little or no assistance to low-income residents in removal proceedings¹¹⁰ or to veterans seeking disability benefits or a discharge upgrade.¹¹¹

VI. Proposed Action Steps

The working group recommends the following steps:

A. Recommendations for addressing the lack of affordable attorneys for individuals who do not meet the financial requirements for legal aid but still cannot afford market rate representation

Recommendation 1. Raise the Financial Eligibility Ceiling for Non-LSC Legal Aid Organizations to 200% of the Federal Poverty Level.

Connecticut Legal Services, Greater Hartford Legal Aid, and New Haven Legal Assistance Association do not receive LSC funding and therefore are not obligated to refuse assistance to residents whose household incomes are more than 125% of the federal poverty level. These organizations nonetheless adhere to this restriction. Instead, they should follow the lead of legal aid organizations in other areas where the cost of living is higher than average and increase their financial eligibility limits to 200% of the federal poverty level.¹¹² This would ensure that, at least in some instances, these organizations would not be forced to turn away low-income residents with otherwise meritorious claims or defenses in cases where basic human needs are at stake. To the extent permitted by law, we further recommend that the Connecticut Bar Foundation permit its grantees to serve persons with incomes up to 200% of the federal poverty level.

Recommendation 2. Adopt or Revise Fee-Shifting Statutes in Areas of Significant Unmet Legal Needs.

¹⁰⁹ *Id.* at 12 (“The ABA defines ‘basic human needs’ case as including cases related to shelter[,] . . . sustenance[,] . . . safety[,] . . . health[,] . . . and child custody . . . Other examples of such needs include matters involving . . . immigration”).

¹¹⁰ Statewide Legal Services (SLS) receives funds from the Legal Services Corporation and is therefore prohibited from representing undocumented immigrants. 45 C.F.R. § 1626.3 (2013) The other main providers, Connecticut Legal Services, Greater Hartford Legal Aid, and New Haven Legal Assistance Association, are not subject to this LSC restriction but nevertheless do not offer representation in removal cases. *Program Profile: Statewide Legal Services of Connecticut, Inc.*, LEGAL SERVICES CORPORATION OF AMERICA (Nov. 1 2016), <http://www.lsc.gov/grants-grantee-resources/program-profile?RNO=107000>; CONNECTICUT LEGAL SERVICES, INC.; CONNECTICUT LEGAL SERVICES INC., *supra* note 5; GREATER HARTFORD LEGAL AID, *supra* note 5; NEW HAVEN LEGAL ASSISTANCE ASSOC., *supra* note 5.

¹¹¹ Limited assistance with benefits and discharge upgrade applications is available through the Connecticut Veterans Legal Center, the Veterans Legal Services Clinic at Yale.

¹¹² The Legal Aid Society of the District of Columbia, the largest civil legal services provider in Washington, D.C., provides services to District residents with incomes up to 200% of the federal poverty level (and up to 300% of the poverty level in foreclosure cases).

Connecticut has some statutes with fee-shifting provisions, including laws governing minimum wage and overtime enforcement and state civil rights violations, and current statutes permit “reverse fee-shifting” in foreclosure, eviction and debt collection actions in which the consumer contract or lease at issue already has an attorney’s fees provision.¹¹³ We recommend that the legislature amend or adopt new fee-shifting statutes in areas of significant unmet legal needs, such as allowing an award of reasonable attorneys’ fees to prevailing defendants in foreclosure, eviction, and debt collection actions, regardless whether the underlying consumer contract or lease contains an attorneys fees provision. There would be no direct cost to the state in creating fee-shifting statutes, and they would help close the justice gap by encouraging private attorneys to represent tenants, homeowners, or consumers who would not otherwise be able to afford an attorney, and by discouraging landlords, mortgagors, and debt collectors from bringing non-meritorious suits. By likely reducing the overall number of case filings, and reducing the number of unrepresented parties in the judiciary system, such statutes would also increase judicial economy.

Recommendation 3. Establish an Accredited Representative Pilot Program for Matters Ancillary to Eviction Defense Proceedings and Consumer Debt Cases.

At this time, the Working Group does not recommend adoption of a broad program for non-lawyer representatives in Connecticut, such as the Limited License Legal Technician program in Washington State, but recommend the exploration of alternative pilot programs.¹¹⁴ Non-lawyer accredited representatives are already authorized to handle many matters before federal and state administrative agencies in Connecticut, including adversarial and non-adversarial proceedings and administrative appeals. Federal agencies that allow non-lawyer accredited representatives include the U.S. Department of Justice, Executive Office of Immigration Review¹¹⁵; U.S. Department of Homeland Security, Citizenship and Immigration Services¹¹⁶; U.S. Department of Veterans’ Affairs¹¹⁷; U.S. Department of Labor Administrative Review Board¹¹⁸; and the Social Security Administration.¹¹⁹ Non-attorney accredited representatives can also appear on behalf of a client in many state administrative hearings, including before the Department of Social Services¹²⁰ and the Department of

¹¹³ Conn. Gen. Stat. 42-150bb.

¹¹⁴ Paula Littlewood, *The Practice of Law in Transition*, NW LAWYER 13 (July – August 2015), available at http://nwlawyer.wsba.org/nwlawyer/july-august_2015?pg=5 - pg5.

¹¹⁵ 8 C.F.R. §§ 292.2, 1292.2. Removal proceedings are especially noteworthy because they are adversarial, with the government represented by an experienced prosecutor; held before an Immigration Judge; and subject to appeal to the Board of Immigration Appeals.

¹¹⁶ *Id.*

¹¹⁷ 38 C.F.R. §§ 14.626-14.637.

¹¹⁸ 20 C.F.R. § 802.202

¹¹⁹ 20 C.F.R. § 404.1705(b)

¹²⁰ Conn. Gen. Stat. § 17b-60 (2015); Conn. Dept. of Social Services, Uniform Policy Manual §1525

Labor.¹²¹ As to immigration and veterans' benefits cases, there are already over 50 VA-accredited representatives and 43 DHS-accredited representatives authorized to practice in Connecticut,¹²² including eight Veterans' Service Officers employed by the Connecticut Department of Veterans Affairs.¹²³

The General Assembly should establish an accredited representative pilot program for matters ancillary to eviction defense, such as small claims court proceedings, and consumer debt cases, modeled after the regulatory frameworks established in the above agency and court proceedings.¹²⁴ Unpaid rent collection, tenants' security deposit claims, and other small financial claims related to the landlord-tenant relationship frequently arise in small claims court. The issues of fact and law are relatively simple, the amounts in question are small, and persons could benefit from non-lawyer assistance. Consumer debt collection is another area of significant unmet civil legal need, with similar imbalances in power due to the lack of legal representation.¹²⁵

The General Assembly should also explore permitting accredited representatives to charge reasonable or at least nominal fees, as has long been permitted in immigration court proceedings.¹²⁶ We recommend allowing qualified lay experts, working in association with an attorney in specified practice areas of high need, to assist litigants in exchange for reasonable fees. If a pilot were successful, the General Assembly could consider expanding the accredited representative program to other cases.

Recommendation 4. Partner with Bar Associations, Law Schools, and Non-profits to Establish Subject-Matter Specific Lawyer Incubators.

¹²¹ *Claimants Guide to the Appeals Process*, Connecticut Department of Labor (2016), <http://www.ctdol.state.ct.us/appeals/applc.htm> - geninfo.

¹²² Board of Immigration Appeals, *Recognized Organizations and Accredited Representatives Roster by State and City* (2016), <https://www.justice.gov/eoir/recognized-organizations-and-accredited-representatives-roster-state-and-city>; U.S. Department of Veterans Affairs, Office of General Counsel, Accreditation Search (Nov. 1, 2016), <http://www.va.gov/ogc/apps/accreditation/accredpeople.asp>.

¹²³ Connecticut Department of Veterans Affairs, Office of Advocacy and Assistance, *Guide to CT Veterans Service Officers* (2016), <http://www.ct.gov/ctva/cwp/view.asp?a=2014&q=290856>

¹²⁴ The General Assembly may also wish to consider the licensing frameworks currently under consideration in New York and California. *See* Legislative Bill Drafting Comm. 09073-01-5 (proposed N.Y. Jud. Law §§ 855-859) (authorizing accredited non-lawyers to represent individuals in Housing Court and in Civil Court consumer debt proceedings); *see also* Letter from Debra L. Raskin to Chief Judge DiFore 5-6 (April 7, 2016), <http://www2.nycbar.org/pdf/report/uploads/20073066-ChiefJudgeDiFioreTransitionLetterFINAL4.7.16.pdf>.

¹²⁵ Current law prohibits non-attorneys from representing individuals in small claims court, except for corporations or sole proprietorships. *See* Conn. Practice Book § 24-6 (2016).

¹²⁶ An accredited representative handling an immigration matter, including both administrative applications and a contested removal hearing in Immigration Court, may charge a "nominal" fee. *See Matter of Ayuda*, 26 I&N Dec. 449 (BIA 2014) (relaxing definition of "nominal" and approving, as fee charged by accredited representative, a schedule ranging to \$3000 for a defensive asylum case).

Since the first lawyer incubator was established at the City University of New York in 2007, lawyer incubators have emerged as a popular model to help newly admitted lawyers kick-start their careers and acquire the skills necessary to launch a practice that services low and moderate-income individuals. This model may be especially compelling if it can both help address the immediate crisis in representation and legal employment and also foster a community of lawyers with sustainable practices that serve underserved populations. Currently, there is one incubator in Connecticut, the Justice Legal Center at the Center for Family Justice. The incubator is expected to open in January 2017 and will house 4-6 participants for 2 years. The General Assembly should partner with other stakeholders concerned with current rates of legal unemployment and the access to counsel crisis in order to fund additional incubators, including in subject-matter specific areas.

Recommendation 5. Expand VAPs to More Locations and More Areas of Law.

The Connecticut Judicial Branch currently operates Volunteer Attorney Programs in the areas of family law (Hartford, Stamford, and Waterbury), foreclosure law (Hartford, New Haven, Bridgeport, New Britain, New London, Stamford, and Waterbury), and small claims (Hartford, Middletown, and New Haven). The program should be expanded by establishing VAPs in the areas of housing law, immigration law, employment law, and public benefits law. It should also be expanded by establishing new outposts for current VAPs in additional Judicial Districts.

Recommendation 6. Implement a Pro Bono Requirement for Applicants to the Connecticut Bar.

The Connecticut Judicial Branch should follow the example of other states and implement a 50-hour pro bono requirement as a condition of admission to the Connecticut Bar. If adopted, pro bono should be defined more narrowly than it is under New York State's 50-hour requirement, thus ensuring that the initiative actually generates additional legal assistance for persons of limited or modest means.

Recommendation 7. Study the Efficacy of Unbundled Services, Alternative Business Structures, and other Regulatory Changes.

Through the unbundling of legal services, litigants may obtain basic legal information or hire counsel for discrete legal tasks rather than retaining an attorney for full-service representation. This model emphasizes the use of attorneys at the front-end of litigation and commonly proposed tasks include advice, ghostwriting pleadings, preparing documents, and appearing at initial court appearances. In one ABA poll, two-thirds of potential clients were interested in unbundling, and two-thirds said lawyers' willingness to provide unbundled services would be important to their decision about

who to engage.¹²⁷

In 2013, with the support of the Connecticut Bar Association,¹²⁸ the state's rules of professional conduct were amended to allow limited appearances in connection with a court event or proceeding in a family or family support magistrate matter. Pursuant to this new provision, an attorney may file a limited appearance, specifying a particular event or proceeding for which the attorney is providing representation.¹²⁹ Over 19 other states have adopted court rules that facilitate limited scope representation in contested litigation with a form of limited appearance.¹³⁰

Despite the increasing interest in unbundled services, the efficacy of these reforms is still unclear and more research is required; some studies shows perceived benefits but others indicate that unbundling may not enhance actual fairness as measured by case results.¹³¹ The state should carefully study the implementation of limited scope representation programs to determine whether they should be modified or expanded.

There has also been significant recent interest in proposals to allow law firms to adopt alternative business structures. One such reform involves removing prohibitions on non-lawyers owning or investing in law firms. In the United States, only two jurisdictions have chosen to implement this type of reform: the District of Columbia and Washington State. Outside of the U.S., however, many other common law jurisdictions, including the United Kingdom allow non-lawyer ownership.¹³²

Even in the absences of changes to state rules of professional conduct, new business models and services are beginning to offer alternatives to the traditional law firm model. RocketLawyer, Shake, and LegalZoom offer online legal document creation services, and “education centers” for individuals and small businesses searching for help with their legal needs. The state should commission a study to evaluate the success of these alternative business structures and provide guidance on how the state should support or restrict ventures seeking to implement such structures.¹³³

¹²⁷ Will Hornsby, *Unbundling and the Lawyer's Duty of Care*, 35 FAM. ADVOC. 27 (2012), available at http://c.ymcdn.com/sites/www.dcba.org/resource/resmgr/LPM/hornsby_-_duty_of_care.pdf.

¹²⁸ ABBOTT, LEVIN & WIZNER, *supra* note 2, at 19.

¹²⁹ *Limited Scope Representation*, Connecticut Judicial Branch (Nov. 1 2016), http://www.jud.ct.gov/faq/limited_scope_rep.htm - 5.

¹³⁰ CONNECTICUT BAR ASSOCIATION TASK FORCE ON LIMITED SCOPE REPRESENTATION, REPORT OF THE CBA TASK FORCE ON LIMITED SCOPE REPRESENTATION 2 (2012) (on file with authors). See also ABA House of Delegates, Resolution 105 (2013), available at <http://www.americanbar.org/content/dam/aba/images/abanews/2016mymres/105.pdf> (encouraging lawyers “to consider limiting the scope of their representation, including the unbundling of legal services as a means of increasing access to legal services.”).

¹³¹ See Jessica K. Steinberg, “Demand Side Reform in the Poor People's Court,” 47 CONN. L. REV. 741, 749 (2015), available at <http://connecticutlawreview.org/files/2015/01/9-Steinberg.pdf>.

¹³² ABA COMMISSION ON THE FUTURE OF LEGAL SERVICES, *supra* note 7, at 15.

¹³³ *Id.* See also Forrest S. Mosten, *Unbundling of Legal Services and the Family Lawyer*, 28 FAM. L.Q. 421 (1994), available at <https://www.jstor.org/stable/25739994?seq=1> -

B. Recommendations for addressing the inability of legal aid providers to serve every eligible individual who seeks their services:

Recommendation 1. Increase State Funding for Legal Aid Providers

As discussed above, the population of income-eligible residents in need of free legal services far exceeds the current supply of legal services.¹³⁴ Moreover, the major sources of current funds, IOLTA revenue and other court fees, are extremely vulnerable to market fluctuations thereby leaving legal services vulnerable to funding shortages during times of economic downturn.¹³⁵ The temporary increase in state funding after the Great Recession helped to offset losses from other funding sources but it failed to raise legal services funding to pre-recession levels or address the inherent vulnerabilities of the current funding system.¹³⁶ Given this reality, the General Assembly must appropriate additional funds for legal services.

Recommendation 2. Establish a Right to Counsel Pilot Program for Low-Income Residents in Eviction, Protective Order, and/or Detained Removal Proceedings.

The General Assembly should establish a right to counsel pilot program in or more of three areas of critical need: eviction, civil restraining order, and detained removal proceedings. This program will provide important systematic data on the utility of a right to counsel provision in these practice areas while also serving a crucial temporary role in bridging the gap in access.

Similar pilot programs have proven successful in other states. In Massachusetts and Texas, state bodies tasked with expanding the right to civil counsel approved funding for pilot programs for eviction and foreclosure matters. In California, the Sargent Shriver Civil Counsel Act established three-year pilot programs for the right to counsel in cases affecting basic human needs, including domestic violence, deprivation of child custody, housing, and elder abuse.¹³⁷ In New York City, a program guaranteeing the right to

[page_scan_tab_contents](#) (proposing civil immunity for lawyers); Margaret Graham Tebo, *Loosening Ties: Unbundling of Legal Services Can Open Door to New Clients*, 89 A.B.A. J. 35 (2003), available at [http://heinonline.org/HOL/LandingPage?handle=hein.journals/abaj89&div=166&id=&page=\(noting state rules\)](http://heinonline.org/HOL/LandingPage?handle=hein.journals/abaj89&div=166&id=&page=(noting state rules)).

¹³⁴ See *supra* pp. 3-4

¹³⁵ *Id.*

¹³⁶ Garber, Hoffman & Solnit, *supra* note 9.

¹³⁷ See, e.g., BOS. BAR ASS'N TASK FORCE ON THE CIVIL RIGHT TO COUNSEL, THE IMPORTANCE OF REPRESENTATION IN EVICTION CASES AND HOMELESSNESS PREVENTION: A REPORT ON THE BBA CIVIL RIGHT TO COUNSEL HOUSING PILOTS (2012), available at <http://www.bostonbar.org/docs/default-document-library/bba-crtc-final-3-1-12.pdf>; *Recent Legislation: California Establishes Pilot Programs to Expand Access to Counsel for Low-Income Parties*, 123 HARV. L. REV. 1532 (2010), available at <http://cdn.harvardlawreview.org/wp->

counsel for detained immigrants has been extremely successful.

Eviction Proceedings. Given the prevalence of housing-related legal issues among low-income Connecticut residents,¹³⁸ the high percentage of cases in which landlords are represented but tenants are not, the huge difference having a lawyer can make for a tenant being sued for eviction, and the devastating effects of eviction¹³⁹, homelessness, and prolonged housing instability, it is imperative that access to counsel for low-income tenants in eviction proceedings be improved dramatically. While significantly expanding access to counsel for tenants in eviction proceedings will require considerable funding upfront, there is ample evidence that doing so will eventually save the state far more than it will cost. To demonstrate the efficacy of such a resource-intensive initiative, we recommend establishing a smaller-scale pilot program similar to those that have recently been undertaken in New York City, Massachusetts, and Washington, D.C. Specifically, we recommend establishing a program where legal services providers would 1) use court records to identify pending eviction cases where need is greatest and legal assistance could make a significant difference, 2) contact the tenants in those cases and offer full representation, and then 3) track the outcomes in those cases where representation is provided and compare them to similar cases where representation was not provided.

Civil Restraining Order Proceedings. Indigent domestic violence victims who are represented are more likely to prevail in securing protection, retaining housing, and protecting their children and themselves from further harm.¹⁴⁰ Indigent respondents also face very serious consequences as the result of protective order proceedings including the potential loss of a home or the ability to care for their children. A similar right to counsel program already exists in New York¹⁴¹ and was recommended by the Maryland Access to Justice Commission in 2014.¹⁴² In addition to preventing domestic violence and

content/uploads/pdfs/april123_recent_legislation.pdf.

¹³⁸ In the Center for Survey Research & Analysis's 2008 study, the most commonly experienced civil legal problem of low-income households related to housing, with housing occupying 49% of the reported legal problems. CENTER FOR SURVEY RESEARCH & ANALYSIS, *supra* note 6.

¹³⁹ See Emily S. Taylor Poppe & Jeffrey J. Rachlinski *Do Lawyers Matter? The Effect of Legal Representation in Civil Disputes*, 43 Pepp. L. Rev. 881, 909 (2016), *available at* <http://digitalcommons.pepperdine.edu/plr/vol43/iss4/1/> (*available observational and randomized studies of representation in housing court almost uniformly show benefits of representation*).

¹⁴⁰ TASK FORCE TO STUDY IMPLEMENTING A CIVIL RIGHT TO COUNSEL IN MARYLAND, REPORT OF THE TASK FORCE TO STUDY IMPLEMENTING A CIVIL RIGHT TO COUNSEL IN MARYLAND 20 (2014), *available at* <http://www.mdcourts.gov/mdatjc/taskforcecivilcounsel/pdfs/finalreport201410.pdf>.

¹⁴¹ N.Y. FAM. CT. ACT § 262(A)(II) 1975, N.Y. FAM. CT. ACT § 1120(A)

¹⁴² TASK FORCE TO STUDY IMPLEMENTING A CIVIL RIGHT TO COUNSEL IN MARYLAND, *supra* note 45.

stabling families, providing access to counsel in restraining order proceedings will save the state money by averting medical and shelter costs and increasing productivity.¹⁴³

Detained Removal Proceedings. Immigrants facing the possibility of deportation (now called “removal”) risk losing what the Supreme Court has called “all that makes life worth living,” including their livelihood, their family, their freedom, and even their lives.¹⁴⁴ To keep families together and limit the collateral consequences of removal proceedings, the state should fund a pilot right to counsel program for detained immigrants.

In 2013, New York City launched the nation’s first right to counsel program for detained immigrants in removal proceedings, the New York Immigrant Family Unity Project (NYIFUP). Initially established as a one-year pilot program, New York City’s program now serves all income-eligible detained immigrants in New York City Immigration Court as well as all detained New York City residents with removal cases in Newark and Elizabeth, NJ. As of August 2015, 52% of clients from the pilot phase of the project had been reunited with their families, with NYIFUP attorneys winning 71% of their trials. Representation has increased a detained client’s chance of success by as much as 1000%.¹⁴⁵

Although removal proceedings are conducted by a federal agency, a resident’s detention and deportation has the potential to impose significant social and economic costs on the state for years after deportation. Financial costs include spending on foster care, public health insurance, and lost tax revenue. Local business costs include those associated with unnecessary employee turnover and re-training. Indeed, a 2014 study estimated that if NYIFUP were expanded to cover all New York State residents in detained removal proceedings, the program could result in \$1.9 million in annual savings for the state and \$4 million in annual savings for employers.¹⁴⁶ By supporting a right to counsel program in Connecticut’s detained removal proceedings, the state can both save money and help protect vulnerable families.

¹⁴³ The Maryland Access to Justice Commission found that a year’s worth of funding the representation of a small percentage of victims in protective order proceedings saved the state at least \$1.3 million. *Id.* at 9.

¹⁴⁴ *Ng Fung Ho v. White*, 259 U.S. 276, 284 (1922); *Padilla v. Kentucky*, 130 S. Ct. 1473, 1486 (2010).

¹⁴⁵ NATIONAL IMMIGRATION LAW CENTER, *BLAZING A TRAIL: THE FIGHT FOR RIGHT TO COUNSEL IN DETENTION AND BEYOND 15* (March 2016), *available at* <https://www.nilc.org/wp-content/uploads/2016/04/Right-to-Counsel-Blazing-a-Trail-2016-03.pdf>.

¹⁴⁶ CENTER FOR POPULAR DEMOCRACY ET AL., *NEW YORK IMMIGRANT FAMILY UNITY PROJECT: GOOD FOR FAMILIES, GOOD FOR EMPLOYERS, AND GOOD FOR ALL NEW YORKERS* (2014), *available at* https://populardemocracy.org/sites/default/files/immgrant_family_unity_project_print_layout.pdf.

Recommendation 3. Commission Studies of the Fiscal Impact of Establishing a Right to Counsel in Eviction, Civil Restraining Order, and Detained Removal Proceedings.

The Access to Justice Commission, Connecticut Bar Association, or another appropriate entity should commission a study of the financial costs and benefits of providing a statutory right to counsel for low-income Connecticut residents in areas where need is greatest and essential rights are implicated, including eviction, protective order, and detained removal proceedings.

In New York City, a report that concluded a right to counsel in eviction proceedings might cost the city \$200 million annually but would *net* the city about \$300 million annually due to decreased use of homeless shelters and other savings¹⁴⁷ has provided important momentum for the legislation. Similarly, an extensive study of immigration representation in New York City helped NYIFUP secure pilot program funding from the City Council and has helped ensure the program's expansion into Upstate New York.¹⁴⁸

Recommendation 4. Redirect a Portion of Funds Recovered in Penalties and Fines by the Office of the Attorney General to Legal Aid Providers.

The General Assembly should authorize the redirection of a portion of monies generated in penalties and fines from the state general fund to state legal services providers. Alternatively, we recommend that the General Assembly pass a bill establishing a “special fund” that sets aside a portion of the funds generated by OAG for the same purposes.

During fiscal year 2014-2015, the Office of the Attorney General generated a total of \$298 million for the state general fund, approximately \$97 million of which was derived from penalties and fines recovered through litigation.¹⁴⁹ That same year, OAG also generated over \$25 million for various “special funds,” which set aside monies for specific causes in furtherance of the public interest and are financed through fines

¹⁴⁷ STOUT RISIUS ROSS, INC., THE FINANCIAL COSTS AND BENEFITS OF ESTABLISHING A RIGHT TO COUNSEL IN EVICTION PROCEEDINGS UNDER INTRO 214-A (2016), *available at* http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf.

¹⁴⁸ See Steering Comm. of the N.Y. Immigrant Representation Study Report, *Accessing Justice: The Availability and Adequacy of Counsel in Removal Proceedings*, 33 CARDOZO L. REV. 357, 362 (2011), *available at* http://www.cardozolawreview.com/Joomla1.5/content/33-2/NYIRS_Report.33-2.pdf; NATIONAL IMMIGRATION LAW CENTER, *supra* note 25, at 15; and CENTER FOR POPULAR DEMOCRACY ET AL., *supra* note 25.

¹⁴⁹ OFFICE OF THE ATTORNEY GENERAL, ANNUAL REPORT FISCAL YEAR 2014-2015 2 (2016), http://www.ct.gov/ag/lib/ag/about_us/annualreport2014-15.pdf.

collected in litigation or through assessments on relevant entities.¹⁵⁰ Redirecting a portion of the generated funds derived from fines and penalties to legal services providers or establishing a special fund to set aside monies for the same purpose would be consistent with OAG’s mission to safeguard the rights of Connecticut’s most vulnerable citizens.¹⁵¹

Recommendation 5. Enact a Statute that Would Allocate a Portion of Punitive Damages Awards to Organizations that Provide Legal Aid to Low-Income Residents.

Many states, including Alaska, Iowa, Illinois, Missouri, Oregon, and Utah, provide that a portion of any punitive damage award go directly to the state. The Access to Justice Commission, Connecticut Bar Association, and other relevant actors should work with the legislature to enact a similar statute, in this instance to direct the state’s portion of any award (or at least part of the state’s portion) to legal services providers.

Recommendation 6. Pursue Available Private Funding for Legal Aid.

There are a number of fellowships, grants, and other funding available for legal services that are not currently being utilized by Connecticut legal services providers. For instance, the Immigrant Justice Corps, established under the leadership of Chief Judge Robert Katzmann of the U.S. Court of Appeals for the Second Circuit, provides dozens of two-year fellowships every year for recent law school graduates to work in existing legal services offices in the tri-state area.¹⁵² To date, no IJC fellows have been assigned in Connecticut because its principal legal services offices do not have attorneys handling removal defense cases and so could not provide adequate supervision for fellows. Similarly, Equal Justice Works has recently dedicated significant resources to providing post-graduate fellowship to represent veterans.¹⁵³ We recommend that legal services providers and other advocates engage in a concerted effort to seek additional federal and private funding for legal services.

C. Recommendations for addressing eligible individuals’ lack of awareness of available legal service and reluctance and/or inability to seek legal help:

Recommendation 1. Establish Annual “Legal Check-Up” Programs.

The Connecticut legislature should provide funding, at least on a pilot basis, to legal aid providers to create a legal health checkup program that will enable limited-income residents to determine what benefits and services they are eligible to receive. The checkup, which would take the form of a questionnaire or other intervention, could be accessible online, but could also be made available at public libraries, community

¹⁵⁰ *Id.*

¹⁵¹ *Id.* at 1.

¹⁵² *About Immigrant Justice Corps*, IMMIGRANT JUSTICE CORPS (Nov. 1, 2016), <http://justicecorps.org/our-story.html>.

¹⁵³ *Veterans Legal Corps to be Largest Deployment of Lawyers Serving Veterans*, EQUAL JUSTICE WORKS (Nov. 1, 2016), <http://www.equaljusticeworks.org/news/06-26-13-Veterans-Legal-Corps.html>.

centers, places of worship, and medical clinics. It should contain questions about income, housing, education, employment, health, family and community support, and demographics. The answers will allow the reviewing attorney, paralegal, or social worker to determine whether a resident has any pending legal issues or is at risk for encountering any issues in the near future, and whether the resident is eligible to receive any services or assistance that may help them with their issues, legal or otherwise. The checkup serves the functions of (1) reaching eligible individuals in need of legal assistance who wouldn't otherwise seek out such assistance, (2) preventing problems from developing into crises where legal assistance *is* required, and (3) helping residents access resources and benefits that will better enable them to satisfy basic human needs.

Recommendation 2. Improve Access to Counsel for Persons with Disabilities.

The Justice Index, which evaluates and ranks all 50 states along a number of access to justice measures, currently ranks Connecticut sixth on its “disability access index.”¹⁵⁴ The rankings are determined by a state’s performance on 13 practices tied to ensuring access to the justice system for persons with physical disabilities, mental health issues, or cognitive limitations. Connecticut’s relatively high ranking is a function of its adoption of 11 of 13 practices described by the indicators.

Nevertheless, and despite the admirable work of existing legal services organizations dedicated to assisting persons with disabilities in the state,¹⁵⁵ there remain significant barriers to access to counsel for this population. We recommend adopting the two practices described in the disability access index that Connecticut has not yet adopted: (1) requiring courts to give preference to sign language interpreters who have been trained on how to interpret in a legal setting, as 28 other states have already done;¹⁵⁶ and (2) providing counsel to litigants with disabilities as a form of reasonable accommodation. Three states provide for appointment of counsel as a form of accommodation. In Maryland, court rules provide that in a suit brought against a person with a disability, if there is no guardian or other fiduciary, the court is obligated to appoint an attorney to defend the individual.¹⁵⁷ In Oregon, the state Department of Justice issued an opinion advising that where a “mentally impaired party does not understand the judicial proceedings,” appointment of counsel at no cost to the part qualifies as an appropriate accommodation.¹⁵⁸ In Washington, representation by counsel must be available “to make each court service, program, or activity, when viewed in its entirety, readily accessible to and usable by an applicant who is a qualified person with a disability.”¹⁵⁹

¹⁵⁴ *Disability Access: Support for People with Disabilities*, JUSTICE INDEX (2016), <http://justiceindex.org/2016-findings/disability-access.html>.

¹⁵⁵ *See, e.g.*, Connecticut Legal Rights Project.

¹⁵⁶ *Id.*

¹⁵⁷ MD. R.P. 2-202(d), MD. R.P. 3-202.

¹⁵⁸ Or. Dep’t of Justice, Gen. Counsel Div., Opinion Letter (Nov. 12, 1998), <http://www.doj.state.or.us/agoffice/agopinions/op1998-7.pdf>.

¹⁵⁹ WASH. G.R. 33(a)(1).

We also recommend funding improved outreach to disabled persons. In addition to funding community-based legal partnerships, Connecticut should consider funding mobile, wheel chair accessible legal help centers that could travel directly to rural communities and to immobile individuals that would otherwise be unable to reach community-based legal assistance programs.¹⁶⁰

Recommendation 3. Fund Medical-Legal Partnerships or Other Community-based Legal Partnerships.

Connecticut should fund medical-legal partnerships or other similar legal partnerships with organizations located in low-income communities, focusing on areas with especially limited access to reliable transportation, large non-English speaking populations, and infrequent contact with legal service providers. Scholarly work, such as that of Rebecca Sandefur of the American Bar Foundation and the University of Illinois at Urbana-Champaign has shown the success of medical-legal partnerships and other similar partnerships with organizations such as libraries and places of worship.¹⁶¹ Whether located at a medical clinic or other community-based organization, the basic idea driving such programs is to connect legal aid with people through a local organization they already trust and where they may even already go to seek help with a legal problem. Through this approach, these programs reach more individuals, while also building trust between the community and legal aid providers.

Such programs have already been implemented in Connecticut. In Hartford, UConn School of Law and Greater Hartford Legal Aid (GHLA) recently established the Justice in Our Community Fellowship to fund three law-student fellows supervised by GHLA attorneys in operating a legal information and outreach table at Community Health Services, a federally-qualified health center located in Hartford's North End. Similarly, in New Haven, the Yale Health Law and Policy Society (YHeLPS) and New Haven Legal Assistance Association (NHLAA) have also recently established medical-legal partnerships at the HAVEN Free Clinic and the Yale-New Haven Hospital. Through these two programs, law student volunteers supervised by Yale and NHLAA attorneys receive referrals from the clinical staff and pursue remedies through direct service and policy reform. Both initiatives have received positive feedback from clients and community partners. With additional funding, these partnerships may be expanded and established in new locations.

¹⁶⁰ See *Mobile Legal Help Center*, NEW YORK LEGAL ASSISTANCE GROUP (Nov. 1, 2016), <http://nylag.org/units/mobile-legal-help-center>.

¹⁶¹ See Rebecca L. Sandefur, *Bridging the Gap: Rethinking Outreach for Greater Access to Justice*, 37 U. ARK. LITTLE ROCK. L. Rev. 721, 731 (2015), available at <http://onlinedigeditions.com/publication/?i=294409>.

APPENDIX 3

REDUCING THE NEED FOR **LEGAL COUNSEL**

I. EXECUTIVE SUMMARY

While the demand and need for legal services continues to increase, we also need to facilitate and improve the way people access the services provided by our institutions and bureaucracies. When these services are not provided in an efficient and timely manner, there are often subsequent demands for legal services. A significant piece to improving the access of legal services in civil matters is finding ways to reduce the need for those services in the first place.

II. WORKING GROUP CHARGE

The Demand working group charge was originally identified in correspondence from the task force chairs and identified as follows:

Systemic change and dealing with demands as well as supply: Many legal problems arise because people have trouble navigating their way through bureaucracies. What can be done, both in the public and the private sector, to make it easier for people to find their way? How can we make bureaucracies more user-friendly, and reduce the need for lawyers in the first place?¹⁶²

Exploring and discussing the potential broad scope of this charge was a challenge for this working group, and there were questions during our meetings about how to best narrow the scope of our review. With the assistance of Dean Fisher and input from the members of the working group, we looked at the range of institutions and bureaucracies with which individuals must deal with in order to get the results to which they are entitled; we then examined what can be done to make it easier for people to get these results. The importance of the charge became more obvious when one looks at what happens when these bureaucratic processes are drawn out or unclear, therefore preventing people from getting their issues resolved in a timely manner. Once a person is denied that to which he is entitled, conflicts and other issues develop, creating a legal problem. The expectation of our charge evolved from how to deal with the demand for legal services to how to reduce the need for legal services by finding better and more efficient ways to help people access the services they deserve. Our research revealed that legal needs are evolving and we can't simply rely on the past methods of providing legal services to those with problems.

III. PROCESS

The working group met in person at the LOB on September 24, 2016 and had a conference call on October 24th, which was also heard at the LOB. Both meetings were properly noticed and open to the public. The working group was supported by UConn 3rd year law student Jami DeSantis, who provided excellent research and writing to the

¹⁶² See Chairs Letter to Members following 8/4/16 meeting.

members. The working group reviewed many texts and called upon their personal experiences in their respective legal careers. Among the work reviewed were the American Bar Association's Commission on the Future of Legal Services and its formation of the Center for Innovation. The work of this organization provided support for the goals of the group.

IV. IMPORTANCE OF OUR CHARGE: The Demand for Legal Services

a. Ubiquity of law and regulation in America

As a country founded on law, American society is more reliant on rules than other countries. While ideally rules and regulation would offer streamlined, standardized practices that are thus easily understood, in many instances this is not the case. Over time, bureaucracies in the United States have served to complicate processes and, as a result, have not only frustrated but also disenfranchised many groups of citizens in their attempt to access the legal system. However, both those in the legal profession and policy makers have recognized this as an issue needing to be addressed.

b. Bureaucratization of daily life in dealing with institutions

While all individuals must deal with bureaucracy to some extent, those with legal issues find themselves facing a maze of bureaucracy that is often difficult to navigate. Individuals often face complicated forms, 'legalese' difficult to understand, websites that don't include necessary forms or information, difficulty reaching a 'live' person or the correct person and hours of operation that aren't convenient, among other bureaucratic challenges.

c. Legal resources consumed in navigating bureaucracies

It is acknowledged that a significant amount of legal resources are consumed by individuals trying to navigate the bureaucratic process. While there are many reasons for this, some of which may be necessary, often many of these resources could best be used elsewhere. This places further burdens on an already burdened system, especially in regard to cost and time. The challenge is then to determine how the bureaucratic process can be made more 'user-friendly,' so that individuals aren't seeking legal resources unless absolutely necessary.

d. Incentives and disincentives to make bureaucracies user friendly

Given the amount of legal resources consumed and the danger of disenfranchising individuals who are merely trying to have their basic needs met, there are incentives in making bureaucracies user friendly. Such incentives can be divided into two categories: those for the user and those for the institution.

Incentives for users include:

- convenience to the individual;
- not having to miss work or schooling or having to make alternative arrangements for family obligations in order to attend court or administrative hearings;
- penalties won't accrue; and
- individuals will be less likely to give up trying to find a solution and thereby exacerbate the problem.

Incentives for institutions include:

- issues are resolved quickly;
- a reduction in case/system backlog;
- agencies have more time to focus on more complex issues;
- cost effective;
- heightened efficiency.

At the same time, one must be aware of potential disincentives and develop ways to address these. One important consideration for institutions is that time and money are often necessary in order to make changes. Such resources are already difficult to come by, yet it's imperative that a realistic discussion of time and financial resources takes place.

The working group reviewed an article written by Elizabeth F. Emens and published in *The Georgetown Law Journal* titled "Admin." Volume 103, 2015. Professor Emens attempts to define "admin" as "the office type work involved in running a life..."¹⁶³ She goes on in her article to discuss a need for "legal and regulatory interventions" to reduce the need for "admin" when dealing with public and private entities, including government.¹⁶⁴

V. THE DEPARTMENT OF MOTOR VEHICLE AND THE DEMAND FOR LEGAL SERVICES

A public service area where state bureaucracies can cause problems for individuals may be found in some of the requirements implemented by the legislature and enforced by our Department of Motor Vehicles. Connecticut requires an individual driver to maintain at least minimum insurance and to carry proof of insurance at all times.¹⁶⁵ Failure to maintain insurance is a class C misdemeanor.¹⁶⁶ Many auto insurance policies are maintained on a monthly payment schedule, where failure to make payment can result in the cancellation of insurance. As set out by statute, insurers provide DMV with updates when they cancel a policy¹⁶⁷ and DMV will send out a notice of suspension.¹⁶⁸

¹⁶³ (p. 1419).

¹⁶⁴ Emens, *supra*, at page 1463.

¹⁶⁵ C.G.S. § 14-213(b) and C.G.S. § 14-13.

¹⁶⁶ C.G.S. § 38a-371.

¹⁶⁷ C.G.S. § 38a-343.

¹⁶⁸ C.G.S. § 14-12g; Office of Legislative Research, "Penalties for Driving Without Insurance," 2016-R-0037.

In reviewing these laws it becomes apparent how individuals can not only be inconvenienced but find themselves in a situation where they need legal representation. For example, if a person does not have proof of insurance when pulled over for a motor vehicle violation, law enforcement is required to tow the vehicle and issue a summons for a court date. When faced with a motor vehicle violation that imposes a potential sentence of incarceration, an individual may need to use a pretrial diversionary program to get the charge dismissed. This is irrespective of whether the prosecutor or judge would ever seek incarceration when disposing of these charges. If determined to be ineligible or if the individual fails to successfully complete a diversionary program, he may need to plead guilty to a crime. Even if the charge is as relatively minor as a C misdemeanor, this will now show up on every background check and become a part of his permanent history. Individuals may decide to plead guilty and pay a fine in an effort to “get it over with” without fully understanding the impact this will have in the future. This guilty plea will now potentially impact the individual as he seeks professional licenses and employment opportunities. It will forever be something necessary explain as one attempts to move forward in his life. Even the use of a one time diversionary program can be problematic because it means the individual will not be eligible for the same program in the future, which can mean he will receive a criminal record on a future charge which may have otherwise been dismissed when a diversionary program is successfully completed.

The solutions, of course, are complicated and will require additional funding as well as a public policy adjustment in how the legislature chooses to establish penalties for violations of our motor vehicle statutes. By way of example, in 2010 the legislature passed a bill that permitted DMV to change from a two-mailing vehicle registration policy to a single mailing. This was done at the request of the commissioner and was supported by a projected cost savings of about \$800,000. It allowed the commissioner the option of eliminating the issuance of registration stickers and allowed individuals to renew their registration with a single payment. The DMV also notified vehicle owners that they need to resolve any outstanding issues related to their vehicles, such as taxes, tickets, insurance and emissions. The result of this cost saving measure was that it put more responsibility on individual vehicle owners to be aware of any issues that may exist regarding the registration of their vehicle. In subsequent years, individual lawmakers received complaints from constituents who claimed they did not receive notice that their vehicles were not registered. Efforts to return to the pre-2010 policy of two mailing registration failed, however, primarily because the budget policy makers were not willing to include the \$800,000 that had been saved at the time the change was implemented.¹⁶⁹

VI. PRIVATE SECTOR EFFORTS TO MANAGE DEMAND: INSURANCE INDUSTRY

Government agencies should consider looking to other industries to see how they have reduced red tape in and simplified and streamlined their customer service processes in order to improve efficiency and the overall customer service experience. For example,

¹⁶⁹ Office of Legislative Research, “Change in Motor Vehicle Registration Renewal Policy,” 2016-R-0244.

the insurance industry has gone to lengths to improve customer service in the hope of retaining customers. In doing so, the industry has focused on customer service in regard to the call center, and, among other suggestions, has encouraged companies to determine how to do the following:

- offer an inviting “customer front door”
- get customers off the phone and onto the web
- handle calls more intelligently
- make more effective use of customer data and segmentation

The industry has also been encouraged to use skills-based routing, virtual hold and business priority routing in order to be more efficient. Virtual systems have been praised for being able to identify the reasons why callers are calling which then allows the system to route the individual to the most appropriate person to handle the issue. Virtual systems also allow individuals to receive call backs at times that are more appropriate and when there is less call volume/lower wait time. Furthermore, it has been acknowledged that in order to be effective, representatives from different areas need to work together. When developing an effective system, insurance companies have been told to consider the following:

- break down the “journey” using customer perspective as a central focus.
- map the customer service “journey” against current internal operations.
- call out the “wow moments” and pain points, such as unnecessary wait times or delays in communication.
- prioritize pain points based on what matters most to customers.
- radically redesign the journey to address the pain points and focus on customer needs.

Such recommendations are useful to keep in mind when considering how bureaucracy can be reduced in order to make the process more ‘user-friendly.’

I. COMPLICATIONS CREATED BY THE USE OF BUREAUCRATIC LANGUAGE

Another factor complicating access to legal services is bureaucratic language. People cannot successfully navigate bureaucracies if they do not understand what is required of them. Although 43% of the U.S. population is at or below basic literacy levels, many government agency websites, notices and instructions are written at a high reading level and include specialized jargon.

The Plain Writing Act of 2010 requires that federal agencies use “clear Government communication that the public can understand and use.”¹⁷⁰ Federal agencies must use plain language in any documents about federal government benefits or services.

¹⁷⁰ <https://www.gpo.gov/fdsys/pkg/PLAW-111publ274/pdf/PLAW-111publ274.pdf>

Plain language is also required for any document that explains how to comply with a requirement that the federal government administers or enforces.

There is no comparable Connecticut state law requiring state agencies to use language that the public can understand. Section 42-152 of the Connecticut General Statutes requires private actors to use plain language in consumer contracts, which includes leases. But liability for any creditor, seller or lessor who fails to comply is limited: statutory damages of \$100, plus discretionary attorneys' fees of no more than \$100.¹⁷¹

One additional observation: the public increasingly interacts with government agencies online, but most state agency websites are designed for desktop computers and are not mobile-friendly. We may consider including mobile functionality in the recommendations. Many individuals do not have a desktop computer and broadband connection, and they rely on a mobile device to access the internet. According to the Pew Research Center, certain groups are more likely to be dependent on mobile devices for internet access:

- ***Younger adults*** — 15% of Americans ages 18-29 are heavily dependent on a smartphone for online access.
- ***Those with low household incomes and levels of educational attainment*** — Some 13% of Americans with an annual household income of less than \$30,000 per year are smartphone-dependent. Just 1% of Americans from households earning more than \$75,000 per year rely on their smartphones to a similar degree for online access.
- ***Non-whites*** — 12% of African Americans and 13% of Latinos are smartphone-dependent, compared with 4% of whites.
- *Compared with smartphone owners who are less reliant on their mobile devices, these smartphone-dependent users are less likely to own some other type of computing device, less likely to have a bank account, less likely to be covered by health insurance, and more likely to rent or to live with a friend or family member rather than own their own home.*¹⁷²

The concept of plain language is not new nor is it unique to our system of justice here in the United States. It has long been held that simplifying forms and making them easier to understand will reduce the need for legal assistance. In 1996, a study out of Australia found that a recent revision to family court forms in 1994 had resulted in a 15% improvement in the rate of accurately completed forms and, more importantly, the number of applications rejected because of errors dropped from 42% to 8%.¹⁷³ Another example can be found in a 2005 study that tested the comprehension of two California court forms compared to a plain-language version of the same forms. When asked, “What do you think this document is for?” only 23% of the respondents on the untreated Proof

¹⁷¹ See General Statutes § 42-154.

¹⁷² See *US Smartphone Use in 2015*, <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>

¹⁷³ See <http://clarity-international.net/documents/Gains%20from%20Clarity.pdf>.

of Service Form understood. In contrast, 70% of the respondents understood the purpose of the plain language version. When asked, “What does this form tell you to do, exactly?” 90% of the participants responded correctly on the plain language version of the Subpoena Duces Tecum, but only 60% did so on the untreated form.¹⁷⁴

VII. The Growth of Online Dispute Resolution

Online Dispute Resolution (ODR) is a development that has recently gained traction in some jurisdictions. JJ Prescott of the University of Michigan is a scholar in this area and was the leader of an online court project at the University of Michigan. He has since lectured on the topic of ODR, highlighting its ability to increase access and promote fairness, accuracy and efficiency.¹⁷⁵ While not appropriate for all legal matters, ODR has much promise and many positive attributes. The process is a fairly simple one, provided one has access to the internet and is comfortable using technology. In short, an individual looking to resolve a minor dispute will go to the online system and submit a request to the court, offering detail regarding the matter and answering questions from the court. The online system will then route the case information to the appropriate people (law enforcement, clerk, prosecutor, judge). The individual receives text messages and is emailed updates as the process progresses and is ultimately closed.¹⁷⁶

ODR is hailed as being easier, more efficient, faster and fair. It shows an awareness of and sensitivity to the challenges that many individuals face in accessing the legal system, particularly time and money. This system permits individuals to address their matters without having to take time away from work or family obligations and is also less costly, not only for individuals but also for the legal system. Furthermore, there are many ways in which the current system frustrates individuals and causes them to merely give up trying to get an issue resolved. Such inaction often serves to exacerbate the problem. ODR may reduce the possibility of such inaction.

Currently, ODR is being used in a variety of ways in states around the country. The 46th District Court in Michigan is currently using an online negotiation system for traffic and warrant issues, allowing citizens to resolve eligible traffic violations and warrants, through an online system. Many tax boards, including property tax assessors in Durham County, North Carolina; Alachua County, Florida; Orleans Parish, Louisiana; and Davidson County, Tennessee, are have utilized an online approach to resolving minor disputes.¹⁷⁷

In short, ODR offers many advantages, including:

- informal, flexible and not bound by strict rules of procedure and evidence;
- low or no cost of participation; any costs shared by parties;

¹⁷⁴ *Is Plain Language better? A Comparative Readability Study of Plain Language Court Forms*. Mindlin, Maria, *Scribes Journal of Legal Writing*, Vol. 10, 2005-2006.

¹⁷⁵ See https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2777059.

¹⁷⁶ See ODR overview at <http://getmatterhorn.com/how-it-works/>.

¹⁷⁷ See

http://www.abajournal.com/magazine/article/tax_boards_use_an_online_system_to_resolve_disputes/.

- well suited to low-dollar and high-volume transactions;
- well suited to geographically disparate parties;
- well suited to disputes where parties may not emotionally be able to be in the same room;
- well suited to accommodating physical disabilities;
- process is confidential; and
- lawyers are often not required.

However, one must also consider the disadvantages and be prepared to address such when developing an ODR system. Possible disadvantages include:

- access to and familiarity with internet technology is required;
- can be intimidating for people with language or communications issues;
- lack of personal interaction;
- not necessarily binding or enforceable;
- poorly suited to complex matters;
- poorly suited to cases requiring non-monetary remedies; and
- lawyers are often not required.

It should be noted that reducing the need for legal counsel is both an advantage and a disadvantage. This is a disadvantage in that lawyers have an expertise and understanding of the system that many individuals do not. While there are many issues which individuals can handle on their own, sometimes what may appear to be a simple issue is actually more complicated. Therefore, there are some issues for which the expertise of a lawyer may be necessary and an individual who thinks he can navigate the issue himself may actually find himself somewhat disadvantaged without legal counsel.

VIII. Veterans' Affairs

The working group discussed the impact of bureaucratic restrictions on the increasing number of individuals who have served in our armed forces. There is no doubt that military veterans are in need of and entitled to assistance from our institutions and bureaucracies. They also have expressed difficulty in navigating the bureaucratic maze. In addition, veterans may be eligible for benefits that are not available to non-veterans, and may require specific expertise in ascertaining those benefits. Solutions to these problem become more difficult on a state level. In looking at reducing bureaucracy in regard to veterans' benefits, doing so appears to be more of a federal matter and, therefore, outside the scope of the current focus of this report. However, the attached chart¹⁷⁸ is useful in establishing the subject matter/legal areas in which veterans' affairs cases fall. This knowledge is useful, as individuals involved in such cases may find themselves facing similar frustrations as a result of bureaucracy as those faced by individuals involved in other types of legal matters. The demand for services from our bureaucracies that are needed by our veteran's will only grow in the future, and the state

¹⁷⁸ See bottom, Exhibit A.

will need to be prepared to provide support to these individuals if the federal government does not.

IX. The American Bar Association’s Report on the Future of Legal Services in the United States and the Newly-Formed ABA Center for Innovation

From 2014 to 2016, the American Bar Association’s Commission on the Future of Legal Services examined why access to legal services continues to remain out of reach for so many Americans. The Commission studied the various ways in which legal services were being delivered and how the strengths and weaknesses of the legal profession and judicial system affected the delivery of such services.

In August 2016, the Commission issued a comprehensive report that presented its findings on numerous aspects of the delivery of legal services throughout the country (“Report”).¹⁷⁹ The Report also proposed a number of recommendations meant to develop and ensure more effective means of delivering legal services in the future. One of the recommendations was the creation of a Center for Innovation which would drive innovation in the justice system and the legal profession through various initiatives. The Center was launched soon after the release of the Commission’s Report.¹⁸⁰

The breadth and depth of the Commission’s work over the course of the past two years and the creation of its Center for Innovation may provide Connecticut with a strong working foundation to launch its own innovation initiatives to more effectively and comprehensively address unmet and underserved needs for legal services throughout the state. A summary of the Commission’s findings and recommendations and a description of the ABA’s Center for Innovation follow below.

The Commission’s Report presented its findings under three broad categories. First, the Commission found that there significant unmet legal needs still exist despite efforts to expand the public’s access to legal services. Second, technology and innovation are changing the ways in which legal services can be accessed and delivered. Third, bias, discrimination, lack of resources and the complexity of the judicial system all play a part in diminishing public trust and confidence in accessing legal services and in obtaining justice.

A. The ABA Commission’s Findings

1. The Persistence of Unmet Legal Needs

The Commission’s Report points to income as one of the primary obstacles for individuals in accessing legal services. Most people living in poverty and the majority of those of moderate-income individuals simply do not receive the legal help they need. In

¹⁷⁹ <http://abafuturesreport.com/#1>

¹⁸⁰ https://www.americanbar.org/news/abanews/aba-news-archives/2016/08/aba_announces_creati.html

some states, more than 80% of litigants living in poverty are unrepresented in matters involving basic life needs, such as evictions, mortgage foreclosures, child custody disputes, child support proceedings, and debt collection cases. While legal aid service providers and pro bono efforts are instrumental in delivering legal services to the poor, funding for legal aid providers has lagged behind needs and pro bono services is unable to fill in the gap.

Efforts at targeting services for moderate-income individuals have, likewise, not satisfied the need. Conservative estimates suggest that as many as half of American households are experiencing at least one significant civil justice situation at any given time. This is an acute problem for moderate-income individuals because they do not meet the qualifications to receive legal aid.

Additional factors that have perpetuated ongoing unmet legal needs include: individual's lack of knowledge about when legal problems exist which require resolution through legal representation; the traditional law practice model and the legal profession's resistance to change constrain innovations directed at enhancing delivery of legal services; and limited data related to identifying and assessing the most effective innovations in legal services delivery.

Allowing unmet legal needs to remain unaddressed has systemic consequences that adversely impact all users of the justice system, particular state courts. Large numbers of unrepresented litigants clog the courts, consume the time of court personnel, increase the legal fees of opposing parties due to disruptions and delays, increase the number of cases that advance to litigation, and result in cases decided on technical errors rather than the merits. These problems affect all litigants.

2. Advances in Technology and Innovation Initiatives in Delivery of Legal Services

The Commission's Report found that throughout the country, courts, bar associations, law schools and lawyers have attempted to harness advancements in technology and adopt initiatives from other industries to provide better delivery of legal services. Courts have utilized remote access technology, self-help centers, online dispute resolution services, and judicially-authorized-and-regulated legal services providers (other than lawyers). Several states, including California, New York, Nevada, and Washington, have utilized non-lawyer legal service providers which have created additional choices for consumers and lawyers alike in meeting the high demand for certain legal services. Bar associations have offered online legal resource centers and lawyer referral innovations to provide for broader delivery of legal services. Law schools have used their curriculums and created incubators to generate new ideas and methods for addressing unmet legal needs.

3. The Erosion of Public Trust and Confidence in Accessing Legal Services

The complexity of the justice system and the public’s lack of understanding about how it functions undermine the public’s trust and confidence. Often, litigants have difficulty navigating the justice system because of difficulty in understanding forms due to confusing and complex language and lack of uniformity from court to court. Furthermore, bias—both conscious and unconscious—impedes fairness and justice in the legal system and further diminishes the public’s trust in the justice system. The lack of funding for court systems has also contributed to putting the rule of law at risk.

B. The ABA Commission’s Recommendations

The Commission’s Report contains a number of recommendations, several of which focus on the court system. The Commission proposed that courts consider regulatory innovations in the area of legal services delivery and that courts should be accessible, user-centric, and welcoming to all litigants, while ensuring fairness, impartiality, and due process. Specific recommendations include the expansion of physical and virtual access to courts; streamlining litigation processes through uniform, plain-language forms and expedited litigation procedures; adopting multilingual written materials and expanding the availability of qualified translators and interpreters; and beginning pilot programs of court-annexed online dispute resolution systems, such as one in the works in New York.

The Commission also recommended bar associations, courts, lawyers, legal service providers, and law schools provide the public with the necessary education to effectively access the legal system. Recognizing that initiatives to address unmet legal needs must be part of an ongoing process, the Report recommended that outcomes derived from any established or new models for the delivery of legal services should be measured to evaluate effectiveness in fulfilling regulatory objectives and that examination of future of legal services should be an ongoing effort.

Possibly the most interesting recommendation contained in the Report was for the ABA to create a Center for Innovation. The ABA recognized that innovation is an ongoing process that requires sustained effort and resources and, therefore, there was a need for a more permanent entity to focus on continuing innovation. The Report stated that the purpose of the Center would be to encourage, support and drive innovation in the legal profession and justice system. This Center was created soon after the release of the Commission’s Report.

C. The ABA’s Center for Innovation

On August 15, 2016, the ABA announced the creation of its Center for Innovation in Chicago, Illinois. According to Linda Klein, ABA President, “Closing the access-to-justice gap and making the legal system accessible to all people is of critical importance. The Center for Innovation will help bring together the best and most forward-thinking ideas for making our system more efficient and available.”

The Commission’s functions include the following:

- Providing materials and guidance to future commissions organized by state and specialty bar associations;
- Producing educational programs for lawyers on how to improve the delivery of, and access to, legal services through both new technologies and new processes;
- Maintaining a comprehensive inventory and evaluation of the innovation efforts taking place within the ABA and in broader legal services community, nationally and internationally; and
- Operating a program of innovation fellowships to provide fellows in residence with the opportunity to work with a range of other professionals, such as technologists, entrepreneurs, and design professionals to create delivery models that enhance the justice system.

The ABA’s Center for Innovation will be staffed by a managing director and three other employees with a vast knowledge and understanding of technology and the profession. This team will be joined by several program fellows made up of recent law graduates and lawyers.

Most recently, on September 1, 2016, following the launch of the Center, the ABA announced the Center’s Governing and Advisory Council members as well as special advisors.¹⁸¹

X. RECOMMENDATIONS

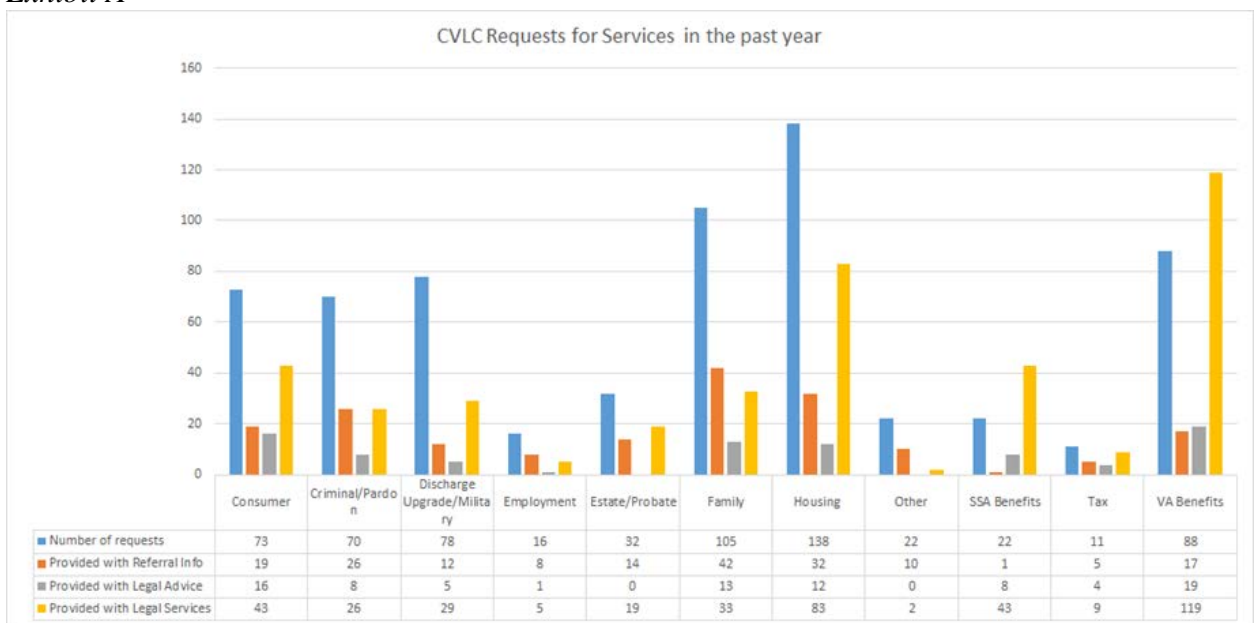
- encourage agencies to evaluate the readability of their communications, and to use plain language on websites, guides, notices and other publications accessed by and meant to help the public;
- consider the use of Online Dispute Resolution (ODR) for minor issues such as traffic violations and tax appeals;
- look for ways that agencies can utilize technology, including mobile technology, to make the process easier, more efficient and more convenient for individuals;
- encourage agencies to utilize virtual systems in order to improve customer service and address questions more efficiently;
- Require the legislature to request an independent “Admin” impact analysis prior to voting on new legislation that may have influence on the way a bureaucracy delivers services to individuals. This will allow lawmakers to be cognizant of the importance of “admin” when considering proposed legislation. Currently, bills are required to have a fiscal analysis to address financial impact and a racial impact statement to analyze whether proposed legislation would have an impact on racial disparities. Often proposed legislation can have an unintended consequence that non-partisan staff analysis will recognize when studying a bill. An “Admin” impact statement could analyze whether proposed legislation would

¹⁸¹ http://www.americanbar.org/news/abanews/aba-news-archives/2016/09/aba_announces_council.html. Notably, the Governing Council includes a member from Connecticut — Dana M. Hrelac, partner at Horton, Shield & Knox in Hartford.

facilitate or make it more difficult for individuals to obtain those services they are entitled, and this impact would need to be considered when voting on legislation.

- creation of a permanent commission, or a legal services innovation center akin to the ABA’s Center for Innovation, to continuously advance and regularly monitor ongoing efforts in more effectively delivering legal services to individuals who are poor and/or of modest incomes;
- encourage coordination of state, local and affinity bar associations to share resources, experience and knowledge to bolster the above commission or innovation center’s efforts.

Exhibit A



APPENDIX 4
EXISTING PROGRAMS

I. Executive Summary

Connecticut is blessed to have so many programs and organizations devoted to an important effort: addressing the legal needs of the poverty population. It is a testament to the conviction of so few to the plight of so many. But, we are barely scratching the surface in terms of satisfying the need. We have offered recommendations below as to how to improve the present system (largely without the infusion of any significant public funding), but the reality is that the system needs more money. Without it, we might be able to help a few more people, but any dramatic improvement is limited by the fiscal constraints of an already overtaxed system.

II. Charge

Our Systems Alignment and Modification Committee (“Programs Committee”) was charged with the responsibility of surveying the field of existing programs that address the legal needs of the poverty population (typically defined as those below 125% of the federal poverty level (“FPL”). We wanted to identify approaches that are working here and elsewhere, the relative success of each, and the corresponding costs. We also explored ways in which services might be offered on a cross-jurisdictional basis, for example, among different divisions of government or with greater private/public partnerships. And, as we started our analysis, we focused on how we might make the process more efficient and effective to determine and handle all the relevant legal needs of the poor, perhaps on a more holistic basis.

III. Process

To undertake our work, we collected information concerning the existing programs that service the poverty population, both private and public. We conducted website searches, polled task force members, contacted members of the Judicial Branch, the Connecticut Bar Foundation (“CBF”), the Connecticut Bar Association (“CBA”), legal service providers, and law schools, all to make sure we covered the landscape to get as much information as we could on existing Connecticut programs. We also surveyed the Connecticut General Statutes to capture the existing government efforts that were already in place to provide legal services in one form or the other to the poor, be it through the Probate Court, Superior Court or the Executive Branch. We investigated organizations outside of the State of Connecticut to determine what other avenues might exist for the provision of legal services to the poor. In addition, we reviewed published studies on access to justice issues and programs.

The list of programs we have identified, within and without Connecticut, is attached as Appendix 6.

IV. Importance of our Charge

We recognized at the outset of our work that as a result of the lack of an institutionalized, unified approach to providing access to justice, Connecticut's landscape currently consists of a patchwork of well-meaning and, for the most part, well-run organizations that tackle various aspects of the access-to-justice problem in various ways, but none on a system-wide basis. As such, the legal needs of the poor are often determined anecdotally and unreliably, and the manner in which these needs are met is fragmented and often unfocused. In order to improve the system, we decided it was best to fully understand it. After all, the existing programs represent the best and sometimes only source of information we have to determine what legal needs exist, how those needs are prioritized, how and at what level they are met (and, perhaps more importantly, at what level they are not met), where inefficiencies can be addressed by a more systematic approach to delivering services, how, and at what value, services are currently delivered, and what improvements might be implemented to make the system more efficient and effective. It was our view that if we are going to advocate that additional dollars be spent and resources provided to improve access to justice, then we should do so wisely, making sure that we realize the biggest return we can achieve for Connecticut's poorest citizens. Spending money on a failed or expensive model makes no sense. Adding more people to an inefficiently run organization compounds the problem rather than improving it. Our hope was to find the best way to better the present system, with or without new funds and resources.

V. Conclusion and Supporting Reasons

We arrived at several noteworthy conclusions.

1. Features of a Fragmented Delivery System

The patchwork delivery system of legal services as it currently exists works as well as can be expected given the existing funding restraints. The organizations we surveyed are staffed by gifted individuals, truly committed to the cause that they have undertaken to serve. But, as a result of our fragmented delivery system to the poor, there are notable imperfections.

- There is no single defined way of determining what priorities must be offered to help the greatest number of people. Priorities are either defined by the mission of the organization, by the level of funding that might exist at any given point in time, by the charitable purpose that a funding source might require, by what a particular client situation might present, or by a cause a particular group or individual might want to champion. Statewide priority setting, that is, determining which of the many human basic needs we ought to be addressing and in what order, does not exist. Connecticut's last Legal Needs Study, funded by the CBF and its legal service providers, was commissioned in 2008. It needs to be updated.
- To be certain, many of the legal service providers, particularly those that are not necessarily driven to a single cause, do their best to read their respective geographical markets. But there is no consistency in the way that analysis is

undertaken, and likely no consistency in outcome. Further, not all organizations polled a sampling of their constituencies to see what services were most needed. If we are to operate with limited means, it makes sense to tackle the most critical legal challenges facing the poor.

- There is overlap among the existing network of providers. Some of this overlap is a product of the history behind several organizations. For example, the Center for Children's Advocacy ("CCA"), the Children's Law Center of Connecticut, Inc. ("CLCCT"), the Connecticut Child Justice Foundation, and the Lawyers for Children America, Inc. ("LFCA"), all devote time to child-specific issues in custody, neglect and education situations. Each group was started under unique circumstances and does impressive work. But, all of them are child-focused. Some overlap is a function of an organization's geographical reach. The three larger legal aid programs, Connecticut Legal Services, Inc. ("CLS"), New Haven Legal Assistance Associates, Inc. ("NHLAA"), and Greater Hartford Legal Aid, Inc. ("GHLA"), divide the state among themselves to meet the needs of as many citizens as possible. They, too, were started at different times, under different circumstances. While these three organizations collaborate on infrastructure and advocacy, not all organizations do. As a result of a disjointed system and overlap, there are obviously lost economies of scale and inefficiencies in delivery models. Of necessity, the administrative function of each organization is often replicated. Further, there is no single entity that ensures that the multiple providers talk to one another. As a result, best practices among organizations may not be shared, needs assessments are not coordinated, and holistic service is lost.
- The approach to outcome-measuring is sporadic and untested. To be certain, clients are helped, but determining whether the most critical needs are being handled in the most impactful way for the greatest number of people is uncertain.
- Cost Effectiveness. Many, not all, of the organizations track the cost per client for the services delivered, but none of the information is particularly helpful in determining how cases might be handled more cost effectively. Each case, of course, is different. Some issues can be addressed by a simple telephone consultation, others require individual court appearances, still others might require impact litigation -- for example, class action matters that will help a substantial number of people, but at a significant advocacy cost. Further, most of the organizations do not break down their costs based upon advocate time versus administrative time. So, for example, to the extent there is duplication of administrative functions by the multiple organizations, it is impossible to figure out exactly what the cost savings might be if that issue were addressed in some way.

2. The Need Is Real and Unmet

Demand outpaces capacity in a startling percentage of cases.

- One hundred percent of the FPL for a family of four is \$24,300. Eligibility for most legal services is set at 125% of the FPL. Between 2007 and 2015, Connecticut's poverty population (incomes under the FPL) grew from 7.9% to 10.8% (approximately 375,000 people), with much higher rates of poverty among the Black and Latino population and with the greatest concentration in Connecticut's cities given the plight of those areas. Child poverty grew during that same period from 11.1% to 14.5% (over 110,000 children living in poverty; an estimated increase of 25,000 children over eight years). The unanimous observation of those who service the poor and near-poor is that their needs have increased at a greater level. There are a number of reasons for this trend. First, those living just above the FPL have increased as well and their demand upon available legal services, for instance for the primary private bar, have reduced the number of services available for those at or below the FPL. Second, fiscal restraints on the larger cities means available benefits are sacrificed or harder to access.
- There is no system-wide data as to how many potential clients cannot be serviced. The 2008 Legal Needs Study, referenced above, estimated 307,000 legal needs by low-income people annually, which number is presumably too low given that the study did not address issues like social security income legal issues and large groups of individuals, like the homeless and disabled, who could not be adequately surveyed. Given the increase in the poverty population, and the increase in the range and number of legal issues discussed above, the 307,000 number, even if accurate, has grown exponentially. At best, Connecticut's current network of providers tackles approximately 30,000 legal issues each year based upon data provided to the CBF and by extrapolation to the other providers. That means greater than 92% of the legal needs of Connecticut's poorest and most vulnerable citizens go unanswered. According to the justice index compiled by the National Center for Access to Justice at Cardozo Law School, Connecticut has 1.45 civil legal aid attorneys for every 10,000 people living in poverty.
- As a result, the number of applications for legal assistance dwarfs the supply of available help of services and, as confirmed to us by the organizations we interviewed, the current network of programs is turning away or underserving tremendous numbers of people who need their services. This conclusion is borne out by statistics from the Judicial Branch, which estimates that 80-85% of family court cases and 75% of housing court cases involve at least one self-represented party. This conclusion is also consistent with what is occurring in other states. For example, one of New York City's largest legal service providers, the New York Legal Assistance Group, confirmed that it, and the other providers in New York City, are not close to meeting the needs of their poverty population. That is the case, even though it is by far the largest volunteer program in New York City with in-house volunteers, one day off-site legal clinics, and relationships with more than eighty New York law firms, as well as hosting law school internships and externship programs.

3. Funding Is at a Crisis

We cannot fix the system without additional resources.

- Funding sources are sporadic, diffuse, unreliable, and insufficient. Private foundation dollars, one of the principal sources of funding for many private organizations, has declined over the last several years which level of funding was already inadequate to meet the existing needs. Funding sources like the Interest on Lawyers' Trust Accounts ("IOLTA") have also decreased dramatically. Over the last eight years, IOLTA receipts went from a high in 2007 of almost \$21 million to a low in 2015 of approximately \$2 million. The Judicial Branch, with the support of the Governor and General Assembly, stepped up to replace some of that funding through the allocation of certain court fees and direct grants, but the total in 2015 amounted to approximately \$13 million. As a result, the CBF, which is a significant funding arm for ten legal service providers, is operating at 60 % of its 2007 budget.
- Government funding is focused in several discrete areas in the non-criminal context, principally in child neglect, guardianship and commitment cases. Most of the funded services are then subcontracted to existing legal service organizations or the private bar. This statute-supported system works but obviously adds a costly layer of bureaucracy in between the funding arm and the provider. Moreover, public funding has suffered from budget cuts. For example, this past year, the Judicial Branch's Court Support Services Division ended its funding of legal services to advocate school-based solutions for justice-involved youth, resulting in a significant loss of \$600,000 to the budget of CLS, which had contracted to perform those services. Likewise, both the Division of Public Defender Services ("DPDS") and the Department of Mental Health and Addiction Services ("DMHAS") have suffered budget cuts over the last several years, and have even been told to anticipate a further 10% budget cut next year. These cuts are being made in important areas: DPDS is charged with representing all indigent children and adults on criminal justice, child welfare, and contemptors in support enforcement matters, and DMHAS is charged with promoting the overall health and wellness of persons with behavioral health needs. Many of these Connecticut residents live at or below the FPL. These cuts, real and anticipated, mean fewer services are delivered to some of society's most vulnerable people. And, since much of the work of both organizations is subcontracted to legal service programs, the cuts have a negative waterfall effect on the entire network. The results are terribly damaging.
- Every organization we interviewed reported a significant decrease in funding and a concomitant decrease in their ability to deliver services. Many organizations are working with skeletal staff. For example, the Connecticut Fair Housing Center has not been able to do systemic work such as challenging residency requirements

and preferences that some towns employ to prevent people from obtaining subsidies to live in their towns because it does not have enough attorneys to handle such cases. The CCA, whose client base is under the age of 21, 90% of which are Black or Latino, serves some of the most vulnerable children in Connecticut, suffering from disabilities, significant health needs, abuse or neglect, homelessness or abandonment. It estimates that it refuses at least 34% of the children who contact it for services. There are many, many more who suffer from lack of service because no one is helping them. By virtue of its fiscal constraints, the CLCCT is not able to expand its families in transition mediation and co-parenting program which seeks to resolve disputes in hard conflict family cases before they become more entangled and consume substantial litigant and judicial resources. Without fail, each of the organizations believes it could do better with greater funding, particularly to address issues before they become expensive drains on the court system.

- It is also important to note that the available private and public dollars are obviously a source of competition among organizations that provide legal services within this same catchment region of that private foundation. While competition in many circles drives best practices, in the non-profit world where dollars are already scarce, it simply keeps some organizations on life support while it pulls the plug on others.
4. Organizations Do Their Best to Fill the Funding Gap, with Assistance From Others

While there is no substitute for more full-time dedicated advocates, the existing programs are doing the best they can to leverage their resources.

- CCA, for example, reports that it has been able to leverage funding it receives from the CBF to raise four times the amount of that funding from other sources. DPDS collaborates with other state agencies to leverage federal and private grants. It was most recently part of a successful state team working with the Center for Court Innovation to obtain grant funding from the MacArthur Foundation to assist with its efforts. In 2015, The Hartford Foundation for Public Giving supported a collaborative program with LFCA and CLCCT to focus on legal services provided to vulnerable clients in the Greater Hartford Community. The effort was to develop and publish best practices for attorneys who represent this vulnerable population as well as develop and share training opportunities. The result was a larger panel of available counsel to address this critical need.
- Many of the public and private agencies enlist the services of the private bar and others to assist with the delivery of legal services. The Probate Court, through the CT Law Help Pro Bono portal, has created a panel of 150 attorneys to help fulfill its growing needs. It could do more, but the State's general fund appropriation was cut in its entirety, and the program is now supported entirely through the Probate Court's funding which, itself, has been drastically reduced. The

Department of Children and Families ("DCF") has created a panel of pro bono private attorneys to handle education deprivation claims for impoverished children under DCF's care. The Connecticut Veterans Legal Center uses its in-depth knowledge of veterans' issues to teach members of the private bar how to handle cases. In 2015, its pro bono panel consisted of 650 volunteers who devoted an estimated \$900,000 in time. Statewide Legal Services of Connecticut, Inc. ("SLS"), which processes 15,000 matters a year, refers many other cases to a large panel of pro bono attorneys. In 2015, it matched 700 clients with volunteer attorneys. Several law firms have also formed relationships with one or more legal service programs to handle issue-specific pro bono cases, such as Robinson & Cole's relationship with CLS, GHLA, and the Connecticut Coalition Against Domestic Violence. Robinson & Cole has handled 122 temporary restraining order cases since their program started in 2012, which amounted to 1,584 pro bono hours over a three-year period through July 2015.

- The private organizations also leverage their services by working with law school clinics. In fact, Connecticut's law schools offer an impressive array of clinical programs that help meet the demand of the poverty population's legal service needs. Quinnipiac University School of Law offers a civil justice clinic and tax clinic, to name a few. Its Civil Justice Clinic operates within the law school's Legal Clinic, an on-campus law office that provide no-cost legal services to low-income people in New Haven, Hartford or Bridgeport. And its Tax Clinic serves low-income taxpayers throughout Connecticut. One of the clinics at the University of Connecticut School of Law is an Asylum and Human Rights Clinic, serving individuals living in Connecticut who fled from fear of persecution in their home country, and are seeking asylum in the United States. The Law School also collaborates with GHLA to support three fellows who devote time to expand GHLA's services to Community Health Services, a community health clinic. The Center for Children's Advocacy Clinic works in conjunction with the CCA legal staff in representing individual children in cases involving abuse/neglect, families with service needs, special education, juvenile justice, and access to medical/mental health care. Yale Law School also offers a myriad of clinics that provide service to the poor ranging from an Appellate Litigation Project, Landlord Tenant Clinic, Immigrant Rights, and Veterans Legal Services Clinic to name a few. Much of the Yale Law School's clinic program is operated in conjunction with area legal services. These law school clinics provide a practical learning experience to future members of the bar while servicing the legal needs of the area's poorest citizens. The effort works. New Haven Legal Assistance in 2016 alone has hosted 55 law students in its offices between internships and clinics. New Haven Legal Assistance directly referred 60 cases to pro bono counsel.
- Connecticut Rule of Professional Conduct 6.1 provides that lawyers "should" render public interest legal services, but it does not actually require it. It also provides that this goal may be met by working with charitable groups or organizations or by financially supporting organizations that provide legal

services to persons of limited means. Despite the absence of a mandatory rule, the commitment from private lawyers working on pro bono matters unaffiliated with a particular program has increased over the last decade prompted by a strong commitment from the CBA and many of the regional and affinity bars. When viewed in light of the economic pressures that have befallen the legal profession over that same decade of time, the result is admirable. But still, the estimated pro bono hours are hard to calculate because there is no mandatory reporting requirement in place. Organizations like the Pro Bono Institute, headquartered in Washington, D.C., require an annual commitment of 60-100 billable hours per attorney or 3-5% of a firm's billable hours for firms that are a member of its organization. It is doubtful that all of Connecticut's lawyers are meeting that level of commitment.

- The Judicial Branch did adopt rules to facilitate some provision of legal services to those who might not otherwise be able to afford a full time lawyer, permitting limited scope representation ("LSR"), i.e., representation for a particular phase or project in a litigation, but even in those instances, the level of funding for a lawyer to handle a discreet item is sometimes beyond the means of those in poverty. Statistics demonstrate that the rule has had some impact, with limited scope appearances being filed in 1,498 of the family and family support magistrate cases, but more can be done to promote the effort. The Judicial Branch is presently considering ways to educate the bench and the bar on LSR so as to promote and increase its use.
- The Judicial Branch has also done a remarkable job in trying to address the needs of the poverty population within the fiscal restraints imposed upon its budget. The Access to Justice Commission (ATJC) made a series of recommendations in 2013 which have resulted in improving the situation for many litigants. In addition to the LSR noted above, which this year was extended to civil cases as well as family cases, the Judicial Branch has created service centers and public information desks which, in 2015, provided assistance and services to 354,673 court patrons, 265,375 of whom were self-represented parties and likely fell below the federal poverty level. Further, the Judicial Branch has created eighteen court-based advice-only "attorney for the day" voluntary attorney programs in family, foreclosure, contract collections and small claims matters, with the latter in collaboration with the CBA. The undertaking has helped well in excess of 12,000 litigants since it began. Under the ATJC, the Judicial Branch has also collaborated with Connecticut's public libraries to conduct outreach to public librarians and academic librarians with a goal of developing an ongoing program of training, information sharing, and, when possible, resource exchange. The Commission is also working to foster partnerships with legal aid providers and pro bono attorneys, with a possible eye towards utilizing public library space to conduct free legal information and legal assistance programs for the public.
- A significant part of the Judicial Branch's efforts towards providing equal access to justice for all of Connecticut's citizens has been the movement to increase

awareness regarding the importance of pro bono service. These pro bono efforts have, in part, focused on the number and diversity of attorneys who perform pro bono work. An important component has been enacting changes in the Rules of Professional Conduct to permit retired attorneys and in-house attorneys to perform pro bono service under the supervision of an organized legal aid society, a state or local bar association project, or a court-affiliated pro bono program. To that end, Practice Book § 2-55 was amended on June 14, 2013, and took effect on January 1, 2014, to include the following language, under newly created subsection (e): "An attorney who has retired pursuant to this section may engage in uncompensated services to clients under the supervision of an organized legal aid society, a state or local bar association project, or a court-affiliated pro bono program." Likewise, Practice Book § 2-15A (c) was amended on June 15, 2012, and took effect on January 1, 2013, to include the following language, under newly created subdivision (5): "Notwithstanding anything to the contrary in this section, an authorized house counsel may participate in the provision of any and all legal services pro bono public in Connecticut offered under the supervision of an organized legal aid society or state/local bar association project, or of a member of the Connecticut bar who is also working on the pro bono representation."

- The ATJC is also studying the access to justice challenge at the appellate level. In the last several years, the percentage of appeals at the Connecticut Appellate Court, in which at least one party was self-represented, has remained around 35%, many of the litigants living at or below the FPL. The ATJC is reviewing the appellate programs of approximately 15 other states - programs that vary from coordinating pro bono appellate legal services to state-funded appellate counsel in certain cases - to determine what can be done to provide counsel for this group of individuals.
- But, more can be done to facilitate a client's interaction with the court system. Many programs reported that their clients suffer because court interactions take too long. Simply put, busy courts mean long waiting times, and for many, that is time away from either what small amount of income any particular individual might be receiving or expending precious dollars on child care. Others reported that language barriers and complicated forms leave many clients simply unable to effectively represent themselves.
- We note that several hundred attorneys employed by the State of Connecticut currently do little or no pro bono work. This is not for lack of desire or commitment to service to the bar and public. To the contrary, these lawyers are typically public spirited by nature and many would welcome the ability to contribute their skills and assistance on a pro bono basis, provided they could do so without conflict with their ethical and current employment obligations. However, these lawyers - Assistant Public Defenders, Assistant States Attorneys, Assistant Attorneys General and counsel employed within Executive Branch agencies and others - lack malpractice insurance coverage for claims that might

arise from pro bono activities, unless they accept a referral from a legal service program that provides referral coverage. (Statutory immunities protect state government attorneys from claims arising out of conduct that is within the scope of their employment and not wanton, reckless or malicious. The Office of the Attorney General provides for the defense of such claims.) In addition, these attorneys' compensation is funded by state taxpayers and their job duties defined and limited by statutes and/or employment agreements, including in some instances collective bargaining agreements. Their current terms of employment do not encompass pro bono activities. Consideration should be given to appropriate means to facilitate pro bono work by these attorneys.

- Notably, the Judicial Branch's Pro Bono Committee has amended its administrative policies to permit pro bono services by attorney-employees in circumstances where representation would occur outside the Court system.
- Many programs have also turned to non-attorney assistance. For example, CCA collaborates with Connecticut Children's Medical Center (CCMC), Saint Francis Hospital and Medical Center, and Yale-New Haven Hospital to form the Medical Legal Partnership Program ("MLPP"). The goal of the MLPP is to reduce social security and environmental conditions that harm a child's health. The MLPP attorneys train the partners' medical professionals about children's legal rights and provide consultation regarding legal issues impacting their child patients, and the medical professionals refer child patients who need legal services to the MLPP attorneys. The attorneys are on site in the hospital 3-5 days each week. The healthcare partners provide the attorneys with dedicated office space, technology and supplies. In addition to individual case successes, recent accomplishments include: 1) a successful administrative complaint, filed in collaboration with Greater Hartford Legal Aid, that resulted in the State's ordering Hartford Public Schools to stop placing students with disabilities in its alternative school programs; 2) new legislation designed to address problems with the State's medical transportation service by requiring the State Department of Social Services to issue an RFP with stronger performance standards and meaningful sanctions for noncompliance; and 3) three Utility Clinics that helped more than 100 families maintain utility service or have service restored. In addition, CCA collaborates with UConn Law School and Yale Law School to run utility clinics, helping people prevent utility shut-offs, and also works with community providers who offer it space, publicity, and ready access to clients. The CLCCT works with multiple community groups so that when they have assisted a child who is the subject of a high conflict family court custody dispute, the client is transitioned back into a community school or agency. The Connecticut Legal Rights Project has used volunteer services from students to create its website, provide a bibliography of Connecticut's statutes across the country and to promote and market program events.

5. Technology May Be Part of the Answer

To their credit, many organizations have tried to reach a larger audience through various delivery models, such as by providing either telephone or on-line services, and it seems to be working.

- The CLCCT, for instance, operates a landline which offers advice to 10% of its clients looking for answers to questions in family court. SLS has recently partnered with the American Bar Association to create a virtual law advice clinic whereby low income clients can ask questions about civil law and receive answers from attorneys on line. This is a brand new, but promising endeavor. The program was started in Tennessee six years ago, but has only recently been started in Connecticut. It can be found at ct.freelegalanswers.org and so far has received between 30 and 35 attorneys who are actively volunteering in the program. The Connecticut Fair Housing Center, in response to the needs of their clients, created an on-line tool called the Disability Letter Generator, which allows a person, by answering a series of questions to determine whether or not they qualify as a person with disability and then to determine the type of accommodation or modification they are entitled to. At the end of the process, the tool uses the participant's responses to create a request letter, conforming to the requirements of the fair housing laws which the person can then give to the housing provider. Launched just over a year ago, this tool has been used by 150 people with disabilities or their advocates. Fewer than 30% of those people using the tool have called for additional assistance.
- Connecticut's legal aid programs created and continuously update the website, CTLawHelp.org, to assist low income people find help for their legal problems. The website includes information about various types of legal matters, forms, self-help videos and links to other legal resources.

Unfortunately, these models do not always work for those too poor to own, for example, a computer. To be most effective, we need to focus on making the on-line tools accessible and user friendly.

VI. Recommendations

1. Connecticut's poorest citizens need help.

The statistical evidence that their legal needs are not being met is overwhelming, despite the best intentions of an ad hoc legal network that devotes tens of thousands of hours to address the problem. We need to establish a more plentiful supply of advocates who can help this needy population and for that we need financial support.

The combined annual budgets of the ten CBF-supported programs is \$30,664,285.00. If we could double just that number, we could triple the number of clients served, tripled because the infrastructure already exists. New dollars would not go to overhead, but to advocates and to support the system of leveraging dollars already in place. One possible source of revenue is the direct attribution of state settlement funds or some portion

thereof, or fines and penalties imposed by the state through, for example, the Connecticut Unfair Trade Practices Act, to legal service providers. Texas' Chief Justice Jack Pope Act, enacted in 2013, provides an example of how this funding model would work. The ATJC report recommended future study and whether it was appropriate to advocate for statutory changes that would allocate a portion of punitive damage awards in some cases to organizations that provide legal services to persons of limited means. That change should be pursued. In addition, and hopefully not alternatively, the State can provide other forms of assistance.

Many of the organizations have costly rent obligations. The state could offer free office space if it is available.

A robust state-supported and state-hosted online access to justice database and interactive website combining the best of the models adopted to date would be ideal. It has the technology infrastructure in place. The statistics are impressive that people who can access information about their certain less-complicated problems can often resolve them themselves. But, they need access to the tools to accomplish it. Computers and internet service are not available to all individuals, nor are they necessarily capable of working through an on-line tool. Assistance by the state in providing ready access to on-line services and replicating the Judicial Branch's Service Centers with dedicated personnel would undoubtedly solve many, many legal needs of the poverty population and most assuredly reduce more costly efforts by legal service providers and the court system.

2. While the amount of collaboration between legal service providers is impressive, it is also clear that the overlap of organizations presents some duplication of efforts and certainly replication of overhead and administrative charges.

Further, organizations compete for public and private dollars to no one's benefit. And, no one program has the right answer to measuring cost effectiveness leaving the various delivery models untested. As such, we recommend that further study be undertaken to determine whether consolidation or more formalized collaboration might reduce expense and free up time and effort to devote more resources to providing services, whether more private money can be raised through joint efforts, and how we might better measure cost effectiveness to improve efficiency where we can. The CBF working with existing programs might be in the best position to undertake this task if it received the funds to do so.

3. Priority-setting needs to be addressed.

Given that the need is overwhelming, presumably critical dollars have to be spent where the need is the most severe. Studies funded by the state should be undertaken every three years to help the CBF and civil legal aid providers determine priorities that will help shape what services are provided. And we must devise a system to meet those priorities as they change.

4. We need to address the inconsistencies in and weaknesses with respect to outcome measuring.

If we are able to gather better data on which delivery models produce the best results, then we know which models to replicate and support. This analysis should be undertaken by the legal service providers, representatives of private funding sources, and the Connecticut Bar Foundation.

5. The Court's ATJC should study additional ways in which it might be able to facilitate providing legal services to the poor.

This might entail quicker resolution time, reducing the amount of time spent at court appearances, and promoting limited appearances and information.

6. Further study should be undertaken to determine how the State might use its leverage to help the organizations find and secure available public grants and private foundation dollars.

Two years ago, for example, the Court changed Practice Book § 9.9 to permit a court to direct class action residual funds to be used for civil legal aid services. The District Court did the same with its adoption of Local Rule 23. As a result, the CBF has received over \$142,000 in additional funding it could pass on to legal service programs.

7. The State's work force of lawyers should be encouraged to provide pro bono services, and their effort facilitated by whatever internal changes are necessary to accomplish that undertaking.

This will require the involvement of the Attorney General, Chief State's Attorney, Chief Public Defender, and the Governor's legal counsel as representatives of the legal services network.

8. The legal profession should support the goal of providing some form of effective assistance for essential civil legal needs to all persons otherwise unable to afford a lawyer, including consideration in conjunction with the Court, of adopting a mandatory pro bono rule.

The need is critical; the time is now. And, perhaps the CBA can use mandatory continuing legal education to encourage its members to learn areas of poverty law with which they are unfamiliar with hopes that they will take on cases thereafter.

9. Law school clinic programs work and are a valuable source of assistance to existing legal service providers .

Those programs should be expanded and include recently graduated law school students who are unemployed or underemployed.

10. The ATJC report was a significant undertaking and made a series of noteworthy recommendations, many of which are still pending, each of which would, if adopted, have a significant impact on addressing access to justice issues.

Those recommendations should be reviewed and adopted if still appropriate. These include: (a) Convening a task force that includes, inter alia, representatives from the Connecticut Bar Examining Committee and from Connecticut law schools to consider whether to implement a pro bono requirement for applicants to the Connecticut bar; (b) Instituting a review of Connecticut's Unauthorized Practice of Law rule and the Student Practice rules with the purpose of identifying revisions that expand the ability of law students to provide pro bono assistance to persons of limited means; (c) Exploring with the CBA, local bar associations, and law school's legal clinics the feasibility of establishing modest means programs to assist low income individuals who need legal assistance but who do not qualify for, or cannot obtain, free legal services. The New Haven County Bar Association has such a program, which is run relatively inexpensively. Martha Messier, the New Haven Bar Association's lawyer referral and program coordinator, can provide information about how to establish modest means programs elsewhere; (d) Working with bar associations to identify and implement initiatives that promote LSR for the benefit of persons of limited means; and (e) Working with Connecticut law schools to identify additional ways in which to engage law students in providing legal assistance to persons of limited means through clinics, externships and incubator programs for recent graduates.

Programs Reviewed or Consulted

Connecticut

- Apostle Immigrant Services
- Center for Children's Advocacy
- The Center for Family Justice
- The Children's Law Center of CT
- Clinics: Law Schools
 - Quinnipiac School of Law
 - University of Connecticut School of Law
 - Yale Law School
- Connecticut Division of Public Defender Services
- Connecticut Child Justice Foundation
- Connecticut Legal Services Inc.
- Connecticut Probate Court
- Connecticut Veterans Legal Center
- CT Alliance for Basic Human Needs
- CT Fair Housing Center
- CTLawHelp.org
- CT Legal Rights Project
- Greater Hartford Legal Aid
- Homeless Experience Legal Protection
- International Institute of Connecticut
- Integrated Refugee and Immigrant Services
- LawyerCorps Connecticut
- Lawyers for Children America
- New Haven County Bar Association Modest Means Program
- New Haven Legal Assistance
- Pro Bono Partnership Inc.
- Robinson and Cole Domestic Violence Restraining Order Program
- Statewide Legal Services of Connecticut
- Victim Rights Center of Connecticut

Civil Rights to Counsel Connecticut Statutes

- Social and Human Services
- Public Health
- Probate Courts
- Family Law
- Courts

Out of State Plenary Programs

Maryland

- Maryland Volunteer Lawyer Service

Massachusetts

- Community Legal Aid
- Massachusetts Attorney General HomeCorp Program
- Massachusetts Legal Assistance Corporation

New York

- Immigrant Justice Corps
- The Legal Aid Society
- Legal Services NYC
- New York Immigrant Family Unit Project
- New York Immigrant Representation Study Report
- New York Legal Assistance Group

Out of State Appellate Programs

- Arizona Court of Appeals
- California
- Florida
- Hawaii Pro Bono Project
- Indiana Pro Bono Appellate Project
- Minnesota
- Montana Appellate Pro Bono Program
- Nevada Pro Bono Civil Appellate Program
- New Jersey Appellate Division Pro Bono Civil Pilot Program
- New York State Bar Association Pro Bono Civil Appeals Program
- Pennsylvania Appellate Pro Bono Pilot Program
- North Carolina
- Oregon
- Tennessee
- Texas
- Virginia

APPENDIX 5

ANALYZING EMPIRICAL MEASURES OF SUCCESS

Analyzing Empirical Measures of Success

I. INTRODUCTION

Empirical data has, for many decades, been an integral part of scientific research. In more recent years, it has become a more commonplace point of reference in the social sciences as well. While the legal field has long-recognized the application of precedent to new cases and legal conundrums, lawyers and analysts are now also using and incorporating data and its accompanying statistical conclusions as tools to assist in recommendation for an evolving society with new and expanding legal needs. Implementing empirical studies and analyzing the data created – at both a qualitative and quantitative level – has many benefits. Such data can assist to identify existing problems and their current impacts, suggest possible avenues for solutions and change, and – over time with longitudinal study – assess the success of institutional changes.

II. THE NEED FOR EMPIRICAL MEASURES

In an ever more resource-constrained environment it is becoming essential to demonstrate the value and impact of legal services. When funding must be prioritized against other pressing needs, including other forms of service to the same client communities, decision-makers will expect a demonstration of the return on investment in funds dedicated to civil legal services.

At a certain level this presents a challenge, since at their most basic legal services for civil needs serve an immeasurable goal: the nation's interest in justice. How much should a society spend in order to be a just place for its people to live?

But fortunately, it is also possible to assign measurable indicators to the outcomes and impact of legal services. Intuition suggests, and early studies certainly imply, that spending on civil legal services is a money-saver. Most immediately it reduces public spending on the social safety net that must spend huge amounts to deal with the results of civil losses that can come from unjust outcomes: homelessness, family disintegration, educational failure, unemployment. And in the longer run it should be provable that people and families who are helped past catastrophic civil outcomes become contributing members of society: consumers, workers, and taxpayers.

If decision-makers can rely on demonstrable proof that a dollar spent on civil legal services will translate into multiples of that in savings and increased economic activity, the civil legal services can become the best bet among many fiscal priorities.

III. MEASURING INPUTS OR DELIVERABLES AS OPPOSED TO OUTCOMES AND IMPACT

This field starts from an inadequate starting point. It has been traditional in the social sector to measure an organization's success in "inputs:" dollars of budget; headcount of

service employees; or numbers of programs. Gradually we progressed to at least measuring “deliverables:” number of clients; number of cases closed.

In more recent years we have been measuring and reporting “outcomes:” cases resolved with success as defined by their stated goal at opening; clients reporting satisfaction with their service. But even these have not been rigorous. To be truly probative these reports should have baselines for comparisons: how did the stated goal of the representation compare to the likely outcome absent representation; what is the definition of “satisfaction” and was that question posed in a reliable fashion. More recently some reports on outcomes do succeed in comparing with “control groups” to the degree that makes their conclusions meaningful. Those are discussed below.

What we have not yet succeeded in doing at any significant level is measuring “impact:” the longer term results for the clients, their families, and their communities, from legal representation. What we need most are studies that track their longer-term social health (e.g. employment, education, public health, and criminal justice interaction). Only then will we know the fiscal return on investment: how many government dollars are saved and how much new economic activity is gained, by a dollar spent on legal services.

IV. PAST STUDIES

There has been a plethora of studies commissioned, mostly by legal services providers and their sponsors and funders. A quick sampling follows:

- Cook County eviction study, 1979, finding that Illinois housing courts were not following all procedure necessary under Illinois law and recommending judicial changes to reinstate procedural protections for defendants in eviction cases;¹⁸²
- Boston Housing Court study, 1983, finding that the city’s high volume of eviction cases and mostly pro se defendants led to lapses in procedural fairness in housing courts;¹⁸³
- New York Task Force on Housing Court study, 1993, finding that counsel in eviction cases would reduce the City’s social services expenditures;¹⁸⁴
- Cook County eviction study, 2002, finding that judges in over-burdened housing courts departed from the law in rulings against non-represented parties;¹⁸⁵
- Boston Bar Association 2012 study on eviction pilot programs using control groups, finding that legal representation reduces homelessness;¹⁸⁶

¹⁸² Julian R. Birnbaum, Nancy B. Collins, and Anthony J. Fusco Jr., Chicago's Eviction Court: A Tenants' Court of No Resort, 17 Urb. L. Ann. 93 (1979), available at http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1568&context=law_urbanlaw.

¹⁸³ Russell Engler & Craig Bloomgarden, Summary Process Actions in Boston Housing Court: An Empirical Study and Recommendations for Reform (May 1983), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=969782.

¹⁸⁴ Community Training and Resource Center and City-Wide Task Force on Housing Court, Inc., Housing Court, Evictions, and Homelessness: The Costs and Benefits of Establishing a Right to Counsel (June 1993).

¹⁸⁵ Chicago-Kent College Class of 2004 Honors Scholar, No Time for Justice: A Study of Chicago's Eviction Court, Lawyers' Committee for Better Housing (Dec. 2003), available at <http://lcbh.org/images/2008/10/chicago-eviction-court-study.pdf>

- The Legal Aid Society of New York, 2001, finding that tenants without attorneys were 4.5 times more likely to have a default judgment entered against them, nearly 2.5 times more likely to have a judgment entered against them, and four times more likely to have a warrant of eviction issued against them; while represented tenants were thirteen times more likely to enter into a stipulation that included rent abatement and over twice as likely to enter into a stipulation requiring repairs than unrepresented tenants in the control group;¹⁸⁷
- Office of the Deputy Chief Administrator Judge for Justice Initiatives study, 2008, showing that among fifty cases handled by a program that provided an attorney to a tenant in a very limited capacity, in all cases but one the tenant was able to avoid eviction;¹⁸⁸
- Yale study showing that, in Connecticut housing cases, represented tenants were three times more likely to avoid eviction than non-represented parties;¹⁸⁹
- New York University study, 2015, finding that providing legal assistance to survivors of domestic violence in civil matters promotes fiscal stability and minimizes societal costs;¹⁹⁰
- Maryland study by the Advisory Council to the Maryland Legal Services Corp, showing 76% of those represented in Medicaid denial appeals were successful in getting the denial reversed;¹⁹¹
- 2016 Study showing lack of access to counsel negatively impacts immigrants' success in their claims throughout the country;¹⁹²

¹⁸⁶ Boston Bar Association Task Force on Expanding the Civil Right to Counsel, The Importance of Representation in Eviction Cases and Homelessness Prevention (March 2012), available at <http://www.bostonbar.org/docs/default-document-library/bba-crtc-final-3-1-12.pdf>; *See also* John and Terry Levin Center for Public Service and Public Interest, Stanford Law School, San Francisco Right to Civil Counsel Pilot Program Documentation Report (May 2014), available at <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=49157> (finding similar results in San Francisco's courts and recommending a right to counsel in civil matters, specifically housing matters).

¹⁸⁷ Carroll Seron et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 L.&SOC'Y REV. 419, 428 (2001). *See also* Housing Help Program (New York), Homelessness Prevention Pilot Final Report (June 2010), available at <http://seedco.org/wp-content/uploads/2011/11/Housing-Help-Program.pdf> (finding that legal assistance drastically increases tenant's chances of staying in his or her home; particularly in early-intervention cases).

¹⁸⁸ Office of the Deputy Chief Admin. Judge for Justice Initiatives, Volunteer Lawyer for a Day Project Report, 30-31 (2008), available at http://www.courts.state.ny.us/courts/nyc/housing/pdfs/vlfdreport_0208.pdf; *See also* New York County Lawyers' Association, *New York County Lawyers' Association Report on Right to Counsel in Housing Court* (2006), available at http://www.nycla.org/siteFiles/Publications/Publications1124_3.pdf.

¹⁸⁹ Steve Gunn, Eviction Defense for Poor Tenants: Costly Compassion or Justice Served?, 13 Yale L. And Pol'y Rev. 385 (1995), available at <http://www.jstor.org/pss/40239446>

¹⁹⁰ Rosenberg, Jennifer S. & Denise A. Grab. (2015). *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence*. Institute for Policy and Integrity: NYU. Available at <http://policyintegrity.org/documents/SupportingSurvivors.pdf>.

¹⁹¹ Advisory Council to the Maryland Legal Services Corp., *Action Plain for Legal Services to Maryland's Poor*, 1988, 12.

¹⁹² Ingrid Eagly & Steve Shafer, *American Immigration Counsel: Access to Counsel in Immigration Court*, Sept. 2016. Available at https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.

- Study done by the New York City bench-bar academy finding, in part, that of the 67% of immigrants who went through removal proceedings without an attorney, only 3% prevailed in their claims; whereas those with an attorney were ten times more likely to succeed. The study resulted in the establishment of two representation initiative programs: one placing recent law school graduates in two-year fellowships with existing legal aid and public defender offices; and one creating a public defender service for indigent detained immigrants.¹⁹³ The established programs have since been monitored and analyzed for their efficacy by the Vera Institute of Justice.
- Joint report by Cardozo Law, the Center for Popular Democracy, and others on the cost and impact of the New York Immigrant Family Unity Project, which found an investment of seventy-eight cents per income taxpayer directed toward fair representation in removal proceedings would lead to \$1.9 million per annum in savings to the state by preventing expenditures on health insurance and foster care programs and \$4 million per annum in savings for New York employers by preventing turnover costs.¹⁹⁴
- Study finding that access to counsel dramatically improved outcomes for immigrants facing removal proceedings in court.¹⁹⁵

These studies generally support the proposition that legal services expenditures are a good bet for a funding agent seeking to save social costs and achieve justice. But they stop short of two key findings. The first is that they nearly always stop measuring at the result of the case, and do not establish whether the immediate results have any lasting impact of value to the clients and to society. The second is proof of the difference in outcome of the same case with and without legal representation, so that it can be established that it was the legal services alone, rather than some other trait of the “winning” cases, that led to their more positive results. That can be achieved only with randomized control trials, discussed below.

V. RANDOMIZED CONTROL TRIALS – THE CONCEPT

Randomized Control Trials (RCTs) are a type of scientific study based in experiment that aim to test a theory – or *disprove* a hypothesis – while reducing potential bias, by randomly allocating participants. Participants are divided into a group receiving treatment or assistance and a group that does not receive anything at all, or receives the

¹⁹³ “New York Immigration Representation Project: Accessing Justice: The Availability and Adequacy of Counsel in Immigration Proceedings,” 33 *Cardozo L. Rev.* 331 (2011). *See also* Katzmann, J. Robert. Foreword: The Study Group on Immigrant Representation. *Symposium: Innovative Approaches to Immigrant Representation: Exploring New Partnerships*. 33 *Cardozo L. Rev.* 331 (2011).

¹⁹⁴ “The New York Immigrant Family Unity Project: Good for Families, Good for Employers, And Good For All New Yorkers.” (2011). Available at: http://populardemocracy.org/sites/default/files/immigrant_family_unity_project_print_layout.pdf.

¹⁹⁵ Ingrid Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 *U.Penn.L.Rev.* 1 (2015); *see also* Ingrid Eagly, *Remote Adjudication in Immigration*, 109 *Northwestern Univ. L. Rev.* 933 (2015).

“status quo” (referred to as the “control”).¹⁹⁶ This method has been used heavily in medical research and clinical trials for decades, and in more recent years has become a new method to collect data for analysis in social sciences, including the law.

[E]ach object of the study (the “unit”) must be assigned to a treatment condition (e.g., “treated” or “control”) in a manner unrelated to its outcome values. Assignment mechanisms involving coin flips, dice, random number tables, and computers certainly qualify. In some legal settings, treatment assignment is accomplished by means of some rotational device, such as odd/even case numbers... [A]bsent some reason to fear manipulation of or departure from these mechanisms or a periodic trend in the data we credit them for producing unconfoundedness. Note also that these inclusion criteria exclude studies that randomly select units for observation, such as sample surveys (and the random selection of cases for bellwether trials).¹⁹⁷

Reducing bias is the key aim of RCT study. In conformity with this goal, assignments to either the “treated” or “control” group should be completed before a participant enters the study, and cannot alter after the participant has begun his or her participation.¹⁹⁸ It is only truly possible to test *one* theory or hypothesis effectively per trial, because the variable analysis accommodates only one unknown. However, it is possible to run multiple trials with differing variables simultaneously. RCT studies provide both procedural and substantive data. The procedural elements are generally easier to measure in a methodical, repetitive way. However, it is also possible to extrapolate substantive information. The main advantage to RCT is that it reduces the possibility of bias – particularly selection and allocation bias.¹⁹⁹ RCT also allows effective analysis of the tested hypothesis: because all other variables are kept constant, the comparative value of data between the control group and the tested group has far less influence from outside factors.

Because it is largely impossible to study the many facets and potential impacts of “legal assistance” as a general concept, RCT purports to run smaller, more focused trials that center on a specific aspect of representation in a specifically defined area of the law. Because of this limitation (and the ethical conflicts described in the following section), most randomized control trials that have been done test within the system or within the law, rather than measuring legal assistance through counsel against extra-legal options.²⁰⁰

¹⁹⁶ Imbens, Guido W., and Donald B. Rubin. (2015). Causal Inference for Statistics, Social, and Biomedical Sciences: An Introduction. Cambridge University Press.

¹⁹⁷ Greiner, James and Andrea Matthews. (2016). Randomized Control Trials in the United States Legal Profession. Harvard Public Law Working Paper No. 16-06, p. 3. Available at: <http://poseidon01.ssrn.com/delivery.php?ID=448116089123103086098071122112101081056087054032028010066007108074002096073008125030002122118022114055124102030125080100118074014010033010014098096066092076083090095040021049070066096006071015008089006120023122072025027005012127101100091005098091113095&EXT=pdf>.

¹⁹⁸ *Id.*

¹⁹⁹ Green, Donald P., and Dane R. Thorley. 2014. “Field Experimentation and the Study of Law and Policy.” *Annual Review of Law & Social Science* 10:53–72.

²⁰⁰ Greiner, *supra*.

VI. RANDOMIZED CONTROL TRIALS – RESULTS SO FAR

James Greiner, a Harvard professor who contributed to the Boston Bar Association study, has also run other statistical, RCT-based research projects in this area of the law aiming to assess legal impact. Professor Greiner has become the leading advocate for RCT studies in the legal field, and by far the most zealous researcher implementing current studies. Greiner’s work has been mostly completed in the housing and bankruptcy areas of the law, typically utilizing a model that compared legal assistance by way of attorney representation with a “self-help” model allowing litigants the opportunity for limited ability to self-assist. The results of his studies have varied. In his report of the same pilot programs studied by the Boston Bar Association, Greiner concluded that there was little statistical evidence to support that full legal representation, as opposed to limited legal assistance, made a difference in outcome for individuals in housing court.²⁰¹ In another study, however, Greiner and his team deduced that those offered full legal assistance as opposed to limited self-help information provided by attorneys were successful two-thirds of the time – twice as often as their “control” group counterparts.²⁰² Greiner cautions against over- or under-generalization of the findings in each of his studies, recognizing that the areas of law considered are quite limited and even the “control” subjects are given some level of assistance (which is more than the “average” pro se litigant receives).

Additional randomized control trial studies and longitudinal-impact studies have been performed in civil, criminal and extra-tribunal areas of the law by a number of other researchers. A truncated list includes:

- Abrams, David S., and Chris Rohlfs. 2011. “Optimal Bail and the Value of Freedom: Evidence From the Philadelphia Bail Experiment.” *Economic Inquiry* 49(3):750–770.
- Abrams, David S., and Albert H. Yoon. 2007. “The Luck of the Draw: Using Random Case Assignment to Investigate Attorney Ability.” *The University of Chicago Law Review* 74(4):1145–1177.
- Albiston, Catherine R., and Rebecca L. Sandefur. 2013. “Expanding the Empirical Study of Access To Justice.” *Wisconsin Law Review* 2013.
- Ayres, Charles E., Anne Rankin, and Herbert Sturz. 1963. “The Manhattan Bail Project: An Interim Report on the Use of Pretrial Parole.” *New York University Law Review* 38:67.

²⁰¹ D. James Greiner, Cassandra Wolos Pattanayak, & Jonathan Hennessy, How Effective Are Limited Legal Assistance Programs? A Randomized Experiment in a Massachusetts Housing Court (Sept 1, 2012) (draft), available at <http://ssrn.com/abstract=1880078>.

²⁰² D. James Greiner, Cassandra Wolos Pattanayak, & Jonathan Hennessy, The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future, 126 Harv. L. Rev. 901 (Feb. 2013).

- Baker, Sally Hillsman, and Susan Sadd. 1981. *Diversion of Felony Arrests: An Experiment in Pretrial Intervention*. United States Department of Justice: National Institute of Justice.
- Botein, Bernard. 1965. "The Manhattan Bail Project: Its Impact on Criminology and the Criminal Law Process." *Texas Law Review* 43:319.
- Chilton, Adam S., and Marin K. Levy. 2015. "Challenging the Randomness of Panel Assignment in the Federal Courts of Appeals." *Cornell Law Review* 101:1–55.
- Clark, Stevens H., Elizabeth D. Ellen, and Kelly McCormick. 1995. "Court-Ordered Civil Case Mediation in North Carolina: An Evaluation of Its Effects." Technical report, North Carolina Administrative Office of the Courts.
- Colbert, Douglas L., Ray Paternoster, and Shawn Bushway. 2002. "Do Attorneys Really Matter? The Empirical and Legal Case for the Right of Counsel at Bail." *Cardozo Law Review* 23(5):1719–1793.
- Davis, Robert C., Bruce G. Taylor, and Christopher D. Maxwell. 2000. "Does Batterer Treatment Reduce Violence? A Randomized Experiment in Brooklyn." Technical Report 180772, The Urban Institute.
- Ditman, Keith S., George C. Crwford, Edward W. Forgy, Herbert Moskowitz, and Craig MacAndrew. 1967. "A Controlled Experiment on the Use of Court Probation for Drunk Arrests." *American Journal of Psychiatry* 124(2):160–163.
- Feder, Lynette, and Laura Dugan. 2002. "A Test of the Efficacy of Court-Mandated Counseling for Domestic Violence Offenders: The Broward Experiment." *Justice Quarterly* 19(2):343–375.
- Feder, Lynette, Annette Jolin, and William Feyerherm. 2000. "Lessons from Two Randomized Experiments in Criminal Justice Settings." *Crime & Delinquency* 46:380.
- Goldkamp, John S., and Michael D. White. 2006. "Restoring Accountability in Pretrial Release: The Philadelphia Pretrial Release Supervision Experiments." *Journal of Experimental Criminology* 2:143–181.
- Gottfredson, Denise C., and M. Lyn Exum. 2002. "The Baltimore City Drug Treatment Court: One-Year Results From a Randomized Study." *Journal of Research and Crime and Delinquency* 39(3):337–356.
- Gottfredson, Denise C., Brook W. Kearley, Stacy S. Najaka, and Carlos M. Rocha. 2005. "The Baltimore City Drug Treatment Court 3-Year Self-Report Outcome Study." *Evaluation Review* 29(1):42–64.
- Gottfredson, Denise C., Stacy S. Najaka, Brook W. Kearley, and Carlos M. Rocha. 2006. "Long-Term Effects of Participation in the Baltimore City Drug Treatment Court: Results From an Experimental Study." *Journal of Experimental Criminology* 2(1):67–98.
- Greiner, D. James, and Cassandra Wolos Pattanayak. 2012. "Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?" *The Yale Law Journal* 121(8):2118–2215.
- Greiner, D. James, Cassandra Wolos Pattanayak, and Jonathan Philip Hennessy. 2012. "How Effective Are Limited Legal Assistance Programs? A Randomized Experiment in a Massachusetts Housing Court."

- Greiner, D. James, Cassandra Wolos Pattanayak, and Jonathan Philip Hennessy. 2013. “The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future.” *Harvard Law Review* 126(4):901–989.
- Greiner, Jim. March 28, 2011. “Randomized Trials Do Not Require Abandoning Merits Screens Or Ethical Duties: A Response to Margaret Monsell.”
- McGarrell, Edmund F., Kathleen Olivares, Kay Crawford, and Natalie Kroovand. 2000. “Returning Justice to the Community: The Indianapolis Juvenile Restorative Justice Experiment.” Technical report, Hudson Institute Crime Control Policy Center.
- Monsell, Margaret. March 28, 2011. “What Difference Representation: Case Selection and Professional Responsibility.”
- Pearson, Jessica, and Nancy Thoennes. 1984. “Mediating and Litigating Custody Disputes: A Longitudinal Evaluation.” *Family Law Quarterly* 17(4):497–524.
- Samaha, Adam M. 2009. “Randomization and Adjudication.” *William and Mary Law Review* 51:1–86.
- Seron, Carroll, Martin Frankel, Gregg Van Ryzin, and Jean Kovath. 2001. “The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment.” *Law & Society Review* 35(2):419–434.
- Tomkins, Alan J., Brian Bornstein, Mitchel N. Herian, David I. Rosenbaum, and Elizabeth M. Neeley. 2012. “An Experiment in the Law: Studying a Technique to Reduce Failure to Appear in Court.” *Court Review* 48:96–106.

VII. RANDOMIZED CONTROL TRIALS – THE FUTURE

It is difficult to analyze such a question as the need or impact of assistance of counsel in the abstract. Randomized Control Trials provide the most effective tool for measuring – at both a qualitative and quantitative level – the practical implications of representation. The only way to truly reach a statistical answer is to conduct future study. However, such studies take time, and often money.

One way in which researchers like Greiner have looked to minimize the fiscal component of continued RCT studies in the law and maximize potential data collection is to utilize “pilot programs” and structured study within existing systems – like Legal Aid. Doing so allows the researchers to implement statistical monitoring and observation without “starting from scratch;” a fiscally-conservative and time-saving way of accessing a larger pool of individuals and using existing resources in legal experiments. This seems to be the direction in which many future RCT studies in the law will proceed.

VIII. WEB ANALYTICS

There is a different area that lends itself to measuring legal services that is powerful but limited. That is the use of web analytics to study users’ traffic on legal services websites.

Web analytics is the study of the patterns of users' travel through a website. It measures what webpages people visit; how long they stay; where they move from and to; and where they are when they quit the site. This information gives powerful insights into the parts of the website that are successful in reaching the user (more often visited; more time spent on the page); which webpages successfully move users forward toward a goal (pages from which the users follow the appropriate link to a successful outcome, such as a purchase); and webpages that fail, because they are the page the user is looking at when the user departs.

Anywhere that web-based systems are used to guide people toward important civil outcomes, web analytics can be used to improve the user's experience. Certainly anytime that the legal services community is using web-based systems to deliver information on legal rights, this is a tremendously valuable tool. But it does not stop at legal services providers. Any government agency that serves the public and has a website should do the same to make sure that its website succeeding at its goal. And the state should take steps to call on regulated industries, whose revenues are supported by state regulation in order to provide a public service, do the same.

IX. PRIORITIES AND GREATEST NEEDS

We should prioritize future studies in the areas this Task Force has identified as “greatest needs” in civil litigation. In some of these areas, like housing, many studies have been done in the past that still bear on legal issues at play in Connecticut today. In other areas, such as domestic violence, existing studies are fewer in number and far more recent, and additional research is likely needed to complete an empirical analysis.

While cost is a considerable factor in conducting new empirical studies in the law – particularly randomized control trials – one must weigh potential cost of research against the social harm that results from failing to investigate and implement change where necessary. In addition, as the New York study revealed, often propping up unworkable systems and accepting divisions and gaps in legal representation not only adds to societal costs, but ultimately costs the *state* in expenditures in social programming.²⁰³ Prioritizing study and research into the effects of counsel in housing, domestic violence cases, family law, and immigration matters can ultimately allow the state to make adjustments in judicial proceedings and access to justice that will save Connecticut considerable expense in social programming designed to assist those most impacted by failures in the courts. In consumer protection and small claims proceedings, some programming has already been implemented.

We are aware that, in the current environment, homeowners and tenants seeking to defend themselves in housing court rarely manage to prevail in court without the

²⁰³ Community Training and Resource Center and City-Wide Task Force on Housing Court, Inc., Housing Court, Evictions, and Homelessness: The Costs and Benefits of Establishing a Right to Counsel (June 1993).

assistance of qualified attorneys.²⁰⁴ The human and societal costs associated with homelessness are well-documented, particularly where children are affected and raised in a homeless environment. However, the state also pays when these litigants become burdens on the social welfare system, as eviction and homelessness are closely associated with rising health care costs, unemployment, deterioration of neighborhoods and cities, strain on school systems, over-burdening of public housing options and rise in crime.²⁰⁵ Further study on impact of legal assistance in the housing courts of Connecticut, and longitudinal study of individuals provided assistance in such matters, can provide useful information on the precise financial benefits to improving access to justice in housing matters.

In domestic violence situations, as previously noted in this report, there are associated societal costs in criminal and civil justice, healthcare, and children's exposure; beyond the direct impact these incidents have on those who fall victim to domestic violence.²⁰⁶ Civil court orders of protection are an available resource in Connecticut for those seeking to end domestic abuse; yet individuals who attempt to secure a protective order without an attorney's assistance are 62% less likely to succeed in their application according to national study.²⁰⁷ Although Connecticut legislators, members of the bar and the public have expressed concern over the difficulties facing Connecticut applicants in particular, there has been little study on the direct impact of attorney representation in civil protective order hearings in Connecticut courts to date. It is an area that is ripe for further investigation and immediate correction. Just as with housing court corrections, the ultimate fiscal benefit is likely to far outweigh any cost to the state: in New York, for example, studies showed improving access to legal counsel in domestic violence matters could save the state \$85 million in expenses per annum.²⁰⁸

Family law has already been identified by the Superior Court as an area where legal advice is most-often sought after in Connecticut.²⁰⁹ Other states, including New York, have established a right to counsel in family law matters.²¹⁰ Connecticut has no such statute, except in very limited types of circumstances. While extensive studies have assessed the impact of familial turmoil, adversarial divorce proceedings, custody battles, adoptions and foster care on children and development, there has been far less research specifically focused on the difference that might be made in such areas with access to

²⁰⁴ Eric Angel, *D.C. Bar Foundation Funds New Project to Provide Counsel to Tenants in Subsidized Housing*, LEGAL AID SOCIETY: MAKING JUSTICE REAL (March 19, 2015), <http://www.makingjusticereal.org/d-c-bar-foundation-funds-new-project-to-provide-counsel-to-tenants-in-subsidized-housing>.

²⁰⁵ Spencer Wells, *Eviction Reform: A Movement Whose Time Is Now*, Nonprofit Quarterly, March 7, 2016, <https://nonprofitquarterly.org/2016/03/07/eviction-reform-a-movement-whose-time-is-now/> [hereinafter *Eviction Reform*].

²⁰⁶ Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence, 23.

²⁰⁷ Jane Murphy, *Engaging with the State: A Growing Reliance on Lawyers and Judges to Protect Battered Women*, 11 AM. U.J.GENDER SOC.POL'Y & L. 499, 511-12(2003)

²⁰⁸ Supporting Survivors, *supra*, at 12.

²⁰⁹ See Email from Krista Hess, Superior Court Operations, to Attorney William Clendenen, Task Force Co-Chair (July 20, 2016, 12:31 EST), *supra*.

²¹⁰ *In re Ella B*, 30 N.Y.2d 352 (1972); New York Family Court Act §262.

legal counsel. Rigorous study of the longitudinal impacts of representation – though in this particular area it could take many years – would help the state make necessary changes in the family law system and reduce both human cost and strain on the courts and society from family matters.

There is a well-documented lack of legal assistance – on the national level – for those individuals in immigration matters.²¹¹ This disparity results in thousands of individuals every year who are denied immigration or legal status because of their inability to navigate the complexities of the law. It is also one of the easiest areas in which to implement studies and experimental RCTs, because there are several existing organizations in the state – Connecticut Legal Services, Apostle Immigrant Services, Legal Aid and law school clinics at all three Connecticut schools (Yale, UCONN and Quinnipiac) – who are already working with this specific group of individuals to grant access to counsel.²¹² In immigration, perhaps more than any other field, RCT study could be established with minimal to no additional cost and little start-up time, because much of the necessary foundational work to collect empirical data has already been done by these organizations. The data collected from such a program could vastly improve our understanding of the problem, and assist with reasonable recommendations for solution.

X. RECOMMENDATIONS

In short, there are a number of proposed recommendations this Task Force has determined in the area of empirical research and study.

- 1) Empirical study on impact of legal assistance in the housing courts of Connecticut, and longitudinal study of individuals provided assistance in such matters, would provide useful information about the effect of counsel on individual housing matters *and* potential financial benefit to the state through improved access to justice in housing matters. Existing studies show financial benefits of improving access outweigh the costs of implementing programs to increase legal assistance.
- 2) In domestic violence related matters, more empirical study is needed. However, the studies done in New York suggest massive fiscal benefits to the state and benefits to society where access to legal counsel is assured for victims of domestic violence.
- 3) In family law, longitudinal study would be needed to assess the benefits of legal assistance as well as the corresponding costs of lack of access to counsel. Such study would help the state make necessary changes in the family law system and reduce both human cost and strain on the courts and society.

²¹¹ Ingrid Eagly & Steve Shafer, *American Immigration Counsel: Access to Counsel in Immigration Court*, Sept. 2016.
https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.

²¹² However, Legal Aid and Connecticut Legal Services provide only limited representation; they do not generally litigate in the immigration courts on behalf of immigrant clients.

- 4) Connecticut can utilize legal assistance programs already in place to implement empirical research and study on access to counsel in immigration law with little to no financial or time cost – and should do so.

APPENDIX 6

SUMMARY OF CONNECTICUT LEGAL SERVICES PROGRAMS

Apostle Immigrant Services²¹³

Mission: Since 2008, Apostle Immigrant Services has worked with immigrants in the greater New Haven area, helping them attain their goals: achieving US citizenship; gaining work authorization; uniting with family members; becoming legal residents; improving educational skills.

Services: The program is staffed by one attorney and several accredited representatives. In addition, the program provides the following services: applications for permanent residence ("green cards") for asylees, refugees and family members; petitions for family members; citizenship; U visas and VAWA cases for victims of domestic violence; Green card renewals; employment authorization; deferred Action for Childhood Arrivals; TPS

Contact info: 81 Saltonstall Avenue
New Haven, CT 06513
Tel: 203-752-9068
Fax: 203-752-9136
ais.fairhaven@gmail.com

Center for Children's Advocacy²¹⁴

Mission²¹⁵: The Center for Children's Advocacy's (CCA) mission is to fight for the legal rights of Connecticut's most vulnerable children.

Services: The program has a staff of 21: 4 staff attorneys, executive director, paralegal, office manager, 9 directors, mobile legal office coordinator, educational consultant, project coordinator, teen legal advocacy project, development and communications associate. CCA provides: Individual legal representation and consultation for children and their families (60%); Systemic advocacy, including litigation, administrative advocacy and legislative advocacy (20%); Legal Education, including training for youth, parents, attorneys and other professionals; consultation for professionals about children's rights; and legal resources and consultation for attorneys representing children (20%). In addition, to determine who to provide services to, the CCA looks at the gross income of the client's family unit that cannot exceed 125% of the federal poverty level. The household's net assets cannot exceed \$5,000. Assets are considered only to the extent that the assets are accessible to the client or client's parent or guardian for purposes of obtaining counsel. Clients served through individual legal services live in:
Bridgeport: 21%

²¹³ Apostle Immigrant Services, <http://www.apostleimmigrantservices.org> (last visited Oct. 1, 2016).

²¹⁴ E-mail from Martha Stone, Executive Director, Center for Children's Advocacy, to James T. Shearin, President Conn. Bar. Found. (Oct. 14, 2016, 10:26 EST) (on file with author).

²¹⁵ Center for Children's Advocacy, <http://www.kidscounsel.org> (last visited Sept. 26, 2016).

Hartford: 22%
New Britain: 6%
New Haven: 25%
Stamford: 3%
Waterbury: 2%
Other Fairfield County towns: 6%
Other Hartford County towns: 8%
Other New Haven County towns: 5%
Towns in Litchfield, Middlesex, New London, Tolland and Windham Counties:
2%

In addition, CCA provides services through:

Telephone Advice (4%)
In person representation (56%)
Litigation/administrative complaints (6%)
Other administrative advocacy (13%)
Legislative advocacy (1%)
In-person and webinar training and telephone non-client consultation (20%)

Other agencies providing legal representation for children within CCA's geographic service areas are Connecticut Legal Services, Greater Hartford Legal Assistance, Statewide Legal Services, the Children's Law Center, Lawyers for Children America and New Haven Legal Assistance. The Juvenile Public Defender's Office and private attorneys under contract with the Juvenile Public Defender's Office provide representation to minors involved with the juvenile justice system or with DCF. CCA collaborates with many other service providers and organizations across the state. These providers and organizations refer clients to CCA, participate in CCA's children's legal rights trainings and work with CCA to bring about systemic reforms. At this time, CCA is unable to take the cases of 34% of the children who contact CCA or are referred to CCA.

CCA currently conducts outcome evaluations of some of its programs. Those evaluations include: Evaluation of Outcomes of Advocacy for Homeless Youth; Action on Legal Needs; Outcomes for Closed Cases; Outcomes for All Cases; and Evaluation of Outcomes of Advocacy for Bridgeport Children and Youth.

Funding: CCA's 2016-17 budget is \$1,998,229. CCA is funded by foundation grants, CT Bar Foundation funding from IOLTA, JBGIA and CFGIA, individual donations, fundraising events and earned income. CCA could be more effective if funding were available for more paralegal or administrative support staff. In addition, CCA's attorneys could be more productive if CCA were able to improve the technology used by attorneys meeting with clients outside the office. And CCA could scale up its training and technical assistance for pro bono attorneys if funding were available for a part-time pro bono service coordinator. Further, CCA could more easily retain its high quality attorneys if it were able to address its funding deficit this year, as the funding deficit has forced CCA to suspend staff raises and contributions to pension funds.

Contact info: Martha Stone
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The Center for Family Justice²¹⁶

Mission: The Center for Family Justice breaks the cycle of abuse and violence – domestic, sexual and child – by providing services that create hope, restore lives and drive social change through education and community collaboration.

Services: The Center for Family Justice provides high-quality support and services to anyone, of any age, impacted by domestic violence, sexual assault and child abuse, in the Fairfield County.

The Center provides services for the following:

Domestic Violence: The staff at The Center for Family Justice provides crisis intervention, risk and danger assessments, individual safety plans, and individual *and group counseling for those in present or past abusive relationships*.

Sexual assault: Specially trained advocates/counselors provide trauma-informed crisis intervention, emergency counseling, support groups and advocacy for victims of sexual assault, rape, sexual harassment or any other type of unwanted sexual contact.

Child abuse: The staff at The Center for Family Justice provides crisis intervention, conducts forensic interviews and offers emotional support and counseling to children who are victims of sexual and domestic violence, including cases where the children viewed abuse.

Advocacy: The Center's Advocates are counselors trained and certified specifically in the area of domestic and sexual assault. They empower and counsel victims and survivors through emotional support, safety planning, case management services, and advocacy within medical, court, child welfare and other systems of care.

Crisis hotline: Counselors/advocates are available 24/7 to help victims of domestic violence and sexual assault. The Center staff provides help to family, friends, neighbors or co-workers answering questions and providing information.

Safe house: Kathie's Place is an emergency shelter for adults and children fleeing their abusive situations. Crisis Counselors/Advocates offer support in a secure, nonjudgmental environment where families, individuals and children can

²¹⁶ The Center for Family Justice, <http://centerforfamilyjustice.org> (last visited Oct. 24, 2016).

learn to keep themselves safe, access appropriate services, and work toward an independent living situation.

In addition, membership in a number of important organizations support and advance the Center's mission. They include: The Bridgeport Child Advocacy Coalition, Connecticut Association of Nonprofits, Connecticut Coalition Against Domestic Violence, Connecticut Food Bank, the National Children's Alliance, the Connecticut Alliance to End Sexual Violence, the Trafficking in Persons Council and the International Alliance for Hope.

Funding: For FY 2015 total revenue was \$2,719,189: Grants (Federal & State) \$1,342,287; Contributions \$695,628; Professional Services and Other Fees \$41,464; Fundraising Events \$438,826; Investment Income, Unrealized Appreciation and Realized Gains on Investments \$29,265; Other Revenue \$171,719.

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(203) 334-6154

The Children's Law Center of CT²¹⁷

Mission²¹⁸: Since 1996, the mission of The Children's Law Center (CLC) is to protect poor children in family court cases and to advocate for systemic changes to the adversarial system and other policies that advance the well-being of children involved in family transitions.

Services: Through the primary Legal Representation program, legal representation is provided to indigent children whose parents are engaged in high conflict family court custody disputes. Cases almost always include additional exacerbating issues that put children at risk, such as domestic violence, neglect, addiction, or mental health issues. In order to be eligible for the program, at least one parent must be below 125% of the Federal Poverty Guidelines. If one parent is below 187.5% of the Federal Poverty Guidelines, then it may be possible to spend them down to below 125% by accounting for specific expenses.

CLC is staffed by: 6 staff attorneys, 1 social worker, 1 development director, 1, marketing and development associate, 1 administrative assistant, 1 deputy director, 1 executive director. In addition, the program must be court appointed to each case and it is the court that defines the scope of services provided to each client served. In general, CLC performs an assessment of the child's situation and report back to the court.

Needs that are not currently served but would like to service if given the opportunity is Expansion of the Families in Transition (FIT) mediation and co-parenting program throughout the state. Although CLC's legal representation program is essential

²¹⁷ E-mail from Justine Rakick-Kelly, The Children's Law Center of Conn., to James T. Shearin, President, Conn. Bar Found. (Oct. 14, 2016 12:30 EST) (on file with author).

²¹⁸ The Children's Law Center of Conn., <http://www.clcct.org> (last visited Sept. 26, 2016).

in protecting children's legal interests in family court, the appointments are usually made to high conflict cases that have been in the court system for some time. If CLC could fully staff the FIT program, there would be the opportunity to divert people from the court system into this non-adversarial system, decreasing the chances of the case developing into a high conflict situation.

Outcome measures are done on an ongoing, multi-faceted outcome measurement process consisting of surveys and interviews. At least once per year, the Executive Director meets with every Judge before whom we appear to inquire about our services. CLC has been gratified to learn how well respected the program is by judges and how impressed they are with the quality of work of CLC attorneys.

Funding: CLC is funded through grants and foundations (44%), State contract legal reimbursement and State Legislature (38%), event income (14%), and individual and corporate contributions (4%). Further, CLC have secured a contract with the Office of the Chief Public Defender where CLC is contracted to represent a defined number of children each year. In addition, CLC also has a Development Director and Associate who is continually cultivating individual donors, eliciting sponsorships, and organizing fundraising events.

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Clinics: Law Schools

Quinnipiac School of Law²¹⁹

Civil Justice Clinic²²⁰: The Civil Justice Clinic operate within the law school's Legal Clinic, an on-campus law office that provides no-cost legal services to low-income people in New Haven, Hartford, or Bridgeport. There is no strict cut off in terms of income. Issues that the clinic handles involve child support, unpaid wages, immigration, housing, unemployment benefits, prison conditions, civil rights, and the collateral consequences of criminal convictions. The clinic also represents prisoners, and on occasion represented state and national organizations in connection with the filing of briefs.

In determining services to provide, the professor directing the clinic choose cases and projects based on community need, pedagogical value, and student interest. New Haven Legal Assistance, Connecticut Veterans Legal Center and Yale law clinic provide the same services to the same population in the same geographical area.

The clinic handles approximately 25-30 cases per semester and there are a large number of people that the clinic is unable to serve. The clinic becomes aware of services

²¹⁹ Quinnipiac School of Law, Clinics and Externships, <https://www.qu.edu/academics/colleges-schools-and-departments/school-of-law/academics/clinics-and-externships/clinics/> (last visited Sept. 26, 2016).

²²⁰ E-mail from Carolyn Kaas, Dir. of Clinical Programs, Quinnipiac Sch. of Law, to Pauleen Consebido, Student, U. of Conn. Sch. of Law (Oct. 17, 2016, 08:22 EST) (on file with author).

through referrals from New Haven Legal Assistance, Statewide Legal Services, and the Connecticut Legal center. In addition, letters are received directly from prisoners.

The delivery method of services is in-person representation, many of which involve litigation in the courts and litigation before/adjudication by state and federal agencies. The funding comes from the Quinnipiac University School of Law in terms of salaries of the professors and the operating budget for the clinic. In addition, the clinic received a private grant to fund a post-graduate fellow to work on issues involving juvenile sentencing in Connecticut and nationwide.

Efficiency is not the goal of the clinic, education is. The clinic is satisfied that the quality of legal representation provided to each client is superb, and the educational mission is accomplished by maximizing student autonomy and maintaining a student-teacher ratio of 8:1.

Tax Clinic²²¹

The Tax Clinic serves low-income taxpayers throughout Connecticut. At least 90 percent of the clinic's clients must have incomes not exceeding 250 percent of the poverty level. 10 percent or less of the clinic's clients exceed this income definition. 75 percent of the clients are located in Fairfield, New Haven, Middlesex, and New London Counties, and the remaining 25 percent are located in Hartford, Litchfield, Tolland, and Windham Counties.

The services provided by the clinic includes representation to individuals in controversies with the Internal Revenue Service, the United States Tax Court, and other federal courts. Education activities are also provided about rights and responsibilities as taxpayers. UConn School of Law also maintains a Tax Clinic. The type of service provided depends on the scope of funding for the clinic which comes from a federal grant from the Internal Revenue Service (Taxpayer Advocate Service Low Income Taxpayer Clinics grant program) with cases averaging at 160 cases per year. The university must provide dollar for dollar matching funds to supplement the grant award. In addition, the Taxpayer Advocate Service acts as an ombudsman and often aids taxpayers in administrative cases with the Internal Revenue service. There is a huge demand for these services and the professors running the clinic are certain that there are a large number of individuals that go unserved.

Clients become aware of the services through notice from the Internal Revenue Services, a 211 info line, and referrals from Statewide Legal Services, New Haven Legal Assistance, Connecticut Veterans Legal Center, Integrated Refugee and Immigrant Services, the Connecticut Department of Children and Families, and on occasion, from counselors with various prisons in the Connecticut Department of Corrections, as well as local attorneys and accountants. The majority of services are provided in person, through telephone contact, mail and email.

In measuring effectiveness, the clinic is obligated to report its activities and use of funds to the Tax Payer Advocate Service through semi-annual reports, which help identify case trends generally driven by new legislation such as the Affordable Care Act. As an academic clinic, its ability to expand services is limited.

²²¹ E-mail from Carolyn Kaas, Dir. of Clinical Programs, Quinnipiac Sch. of Law, to Pauleen Consebido, Student, U. of Conn. Sch. of Law (Oct. 17, 2016, 08:22 EST) (on file with author).

University of Connecticut School of Law²²²

Asylum and Human Rights Clinic²²³: The Asylum and Human Rights Clinic serve non-citizens living in Connecticut who fled from fear of persecution in their home country, and are seeking asylum in the United States. There is no precise income threshold, but the clinic represents only individuals who cannot afford to hire a private attorney. Most of the clients served are statewide and Western Massachusetts, on occasion. The service area for the clinic is through representation before the U.S. Department of Homeland Security or the Immigration Court. Taking a case depends on the capacity of the clinic at that time, and whether arrangements can be made to ensure that the case will result in a hearing before the academic year or semester.

The clinic provides the same services as the International Institute of Connecticut, and is only able to represent a fraction of those who contact the clinic to seek assistance. Referrals to the clinic comes from community agencies, organizations serving immigrant communities and private attorneys.

The method of delivery for the clinic's services is through intensive in-person representation by a team of two law students supervised by an attorney/faculty member. Funding comes from the University of Connecticut for one full time professor, one full time clinical teaching fellow and part of an administrative assistant. In addition, litigation and other case expenses are funded through grants from several foundations, law school funds, and private donors.

In terms of cost effectiveness, the clinic measures in terms educational outcomes for students as well as client service; this is an intensive law school clinical program for which students receive 9 academic credits and typically devote about 450 hours per semester per student to clients' cases. Since 2002, the Asylum and Human Rights Clinic has handled 121 asylum cases to completion. In 112 of those cases (93%), the Clinic's clients were granted asylum or other forms of relief from removal. In many instances, spouses and children were also beneficiaries of the asylum grant, so the number of refugees who have been able to secure legal status in the United States as a result of the Clinic's work is well into the hundreds. The addition of more staff could make the clinic more effective.

The Asylum and Human Rights Clinic works closely with legal services agencies, immigration and refugee service providers, and the private bar to help find lawyers and other needed services for asylum-seekers. It participates in a statewide Child Migrant Rights Task Force and in the Hartford Immigration Court's Pro Bono Committee. Over the past several years, the Asylum and Human Rights Clinic has developed innovative interdisciplinary collaborations with the UConn School of Social Work and UConn Health Center that engage students and faculty from multiple disciplines in collaborative work on behalf of refugees; launched the Immigration Detention Service Project, a spring break service trip that provides *pro bono* assistance to detained asylum-seekers; and engaged in extensive outreach and public programs on refugees, immigration, and

²²² U. of Conn. Sch. of Law, Clinical Programs, <https://www.law.uconn.edu/academics/clinics-experiential-learning/clinical-programs> (last visited Oct. 24, 2016).

²²³ E-mail from Jon Bauer, Director Asylum and Human Rights Clinic U. of Conn. Sch. of Law, to Pauleen Consebido, Student, U. of Conn. Sch. of Law (Oct. 7, 2016, 16:46 EST) (on file with author).

human rights. The Asylum and Human Rights Clinic is a past recipient of the Connecticut Immigrant and Refugee Coalition's Myra M. Oliver Award for exceptional service to Connecticut's immigrant communities.

Client representation provided by the Asylum and Human Rights Clinic is primarily provided by law students who enroll in the Clinic for academic credit. Other law students with language skills serve as interpreters in the Clinic's cases, either as part of their student employment or on a pro bono basis. Each semester, a student from the School of Social work interns with the Clinic to help clients with non-legal needs. Interns and faculty from the UConn Health Center conduct mental health evaluations that are used as evidence to support clients' asylum claims. Undergraduate interns sometimes volunteer with the Clinic to assist in providing services.

Center for Children's Advocacy Clinic²²⁴: Law students assist the legal staff at the Center for Children's Advocacy in representing individual children in cases involving abuse/neglect, families with service needs, special education, juvenile justice, and access to medical/mental health care. In addition, students will represent adolescents at Hartford high schools where the Center operates a Teen Legal Advocacy Clinic.

Connecticut Urban Legal Initiative (CULI) Clinic²²⁵: CULI began providing legal services to needy nonprofit organizations in January 1998, from the campus of UConn School of Law. With the assistance of law students, CULI has provided a unique service learning opportunity for law students and critical legal assistance for the nonprofit sector that has been underserved for decades.

CULI provides legal services to nonprofit groups and corporations working in Connecticut. CULI clients should have a commitment to neighborhood revitalization in some way, although that definition has been broadly construed. Most of CULI's clients are located in urban communities. CULI clients typically have no budget to cover legal expenses, although several clients have paid for CULI's legal services, on a sliding scale, where they had the financial capacity.

Criminal Law Clinic, Appellate Division²²⁶: The Clinic represents indigent clients on direct appeal from conviction and in habeas corpus actions. Most appeals are to the Connecticut Supreme and Appellate Courts, while our habeas work brings us to the United States District Court of Connecticut and the Second Circuit Court of Appeals. Student representation includes presenting oral argument in state or federal court

²²⁴ U. of Conn. Sch. of Law, Center for Children's Advocacy Clinic, <https://www.law.uconn.edu/academics/clinics-experiential-learning/center-childrens-advocacy> (last visited Sept. 26, 2016).

²²⁵ U. of Conn. Sch. of Law, Conn. Urban Legal Initiative Clinic, <https://www.law.uconn.edu/academics/clinics-experiential-learning/connecticut-urban-legal-initiative> (last visited Sept. 26, 2016).

²²⁶ U. of Conn. Sch. of Law Criminal Law Clinic, Appellate Division, <https://www.law.uconn.edu/academics/clinics-experiential-learning/criminal-law-clinics> (last visited Sept. 26, 2016).

Criminal Law Clinic, Trial Division²²⁷: Students and Clinic staff handle criminal and related cases for indigent criminal defendants at the trial level in state courts and, on occasion, in federal courts. Students have primary responsibility for conducting an appropriate investigation, doing legal research, preparing pleadings, and setting an agenda for each court appearance at every stage of the case, including bond argument, arraignment, pretrial discussions, coordinating diversionary programs, arguing pretrial motions, trial, and sentencing. Students represent clients in felony and misdemeanor cases, and represented victims and witnesses involved in the criminal justice process.

Environmental Law Clinic²²⁸: This clinic is offered through the Connecticut Fund for the Environment (CFE), the premier non-profit public-interest legal advocate for Connecticut's environment. Students will work directly with CFE attorneys on CFE matters pending before administrative agencies, courts and the legislature. Clinical assignments will be performed at CFE's office in New Haven, CT.

Intellectual Property and Entrepreneurship Clinic²²⁹: UConn's IP Law Clinic clients are drawn from Connecticut's innovator-entrepreneurs who demonstrate financial need, have basic intellectual property law needs and are committed to the development and use of their intellectual property in generating economic growth in Connecticut.

Client services currently available include, but are not limited to, patentability searches, preparation of provisional/non-provisional patent applications, trademark clearances and registration applications, copyright matters, and the drafting of related intellectual property agreements.

Although IP Law Clinic services are free, clients are responsible for all U.S. Patent & Trademark Office fees and other costs that may be necessary for the clinic to provide assistance, including, for example, the fees for filing a patent, trademark or copyright application, and expenses related to copying, postage and the like.

Tax Clinic²³⁰: The Tax Clinic is a pro bono legal clinic that gives free legal help to low income taxpayers with tax problems--either with the Internal Revenue Service (IRS) or the Connecticut Department of Revenue Services (DRS). The Tax Clinic also works with attorneys in Connecticut who volunteer to help low income tax payers.

²²⁷ U. of Conn. Sch. of Law Criminal Law Clinic, Criminal Trial Division, <https://www.law.uconn.edu/academics/clinics-experiential-learning/criminal-law-clinics> (last visited Sept. 26, 2016).

²²⁸ U. of Conn. Sch. of Law, Environmental Law Clinic, <https://www.law.uconn.edu/academics/clinics-experiential-learning/environmental-law-clinic> (last visited Sept. 26, 2016).

²²⁹ U. of Conn. Sch. of Law, Intellectual Property and Entrepreneurship Clinic, <https://www.law.uconn.edu/academics/clinics-experiential-learning/intellectual-property-entrepreneurship-law-clinic> (last visited Sept. 26, 2016).

²³⁰ U. of Conn. School of Law, Tax Clinic, <https://www.law.uconn.edu/academics/clinics-experiential-learning/tax-clinic> (last visited Sept. 26, 2016).

Yale Law School

Appellate Litigation Project²³¹: Students represent pro se clients before the United States Court of Appeals for the Second Circuit. Under the supervision of Yale faculty and attorneys from the appellate group at Wiggin and Dana, teams of students will work on cases referred through the Pro Bono Counsel Plan for the Second Circuit. This program provides legal representation to pro se appellants with meritorious civil cases pending before the court. The issues raised in these cases may include immigration, employment discrimination, prisoners' civil rights, and other section 1983 claims. The Project will focus on prisoners' civil rights but may also include other types of cases.

Capital Punishment Clinic²³²: Students gain firsthand experience in the representation of people facing the death penalty, working as part of a team representing indigent defendants in cases being handled by the Southern Center for Human Rights in Atlanta, the Equal Justice Initiative in Alabama, or Connecticut Public Defenders. Projects require legal research, analysis and writing. They may also include interviews with clients or witnesses, strategy meetings with team members, moot court sessions at which students argue the issues in which the clinic is involved and other preparation for appellate arguments.

Challenging Mass Incarceration Clinic²³³: In the field work, students represent clients in two types of cases: federal sentencing proceedings and Connecticut state parole hearings. Students will learn advocacy strategies aimed at mitigating or ameliorating their clients' punishment, both prospectively during sentencing and retrospectively during post-conviction proceedings. This work will include: building relationships with clients (some of whom will be incarcerated); interviewing witnesses; investigating case facts; developing case theories; working on interdisciplinary teams alongside expert witnesses; using narrative writing techniques to prepare persuasive pleadings; and developing reentry plans for clients leaving prison. Additionally, students will present oral arguments at their clients' federal hearings and will prepare state-sentenced clients to testify before the parole board.

Education Adequacy Project Clinic²³⁴: The Education Adequacy Project's current work centers on ongoing litigation against the State of Connecticut. The clinic represents several parents and children who allege that the State is violating its state constitutional duty to provide "suitable and substantially equal educational opportunities." The parents and children are bringing the lawsuit to ensure that every child in Connecticut, regardless of the child's city of birth, or the wealth of the child's

²³¹ Yale Law School, Appellate Litigation Project, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/appellate-litigation-project> (last visited Sept. 26, 2016).

²³² Clinical Student Board, The Student Guide to Clinics and Direct Services Opportunities at Yale Law School 4 (2016)

²³³ Yale Law School, Challenging Mass Incarceration Clinic, <https://www.law.yale.edu/clinics/mass-incarceration> (last visited Sept. 26, 2016).

²³⁴ Yale Law School, Education Advocacy Project Clinic, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/education-adequacy-project-clinic> (last visited Sept. 26, 2016).

parents, is provided a suitable educational opportunity that is equal to the opportunities being provided to children in all areas of the state.

As the plaintiffs' lawyers, students in the clinic are involved in all aspects of the litigation, including appearing in court, conducting fact finding in local schools, drafting legal briefs, deposing witnesses, and analyzing expert testimony. Additionally, the clinic also represents the interests of the Connecticut Coalition for Justice in Education Funding (CCJEF), which is an organization consisting of mayors, superintendents, boards of education, and other education advocates. CCJEF works to raise awareness about the current under-funding of the State's public schools.

Educational Opportunity and Juvenile Justice²³⁵ : The Educational Opportunity and Juvenile Justice Clinic (EOJJC) began taking clients in October 2013, and represents children in expulsion hearings and in general educational advocacy in the New Haven School District.

Environmental Justice Clinic²³⁶: In the wake of a national conversation about the water crisis in Flint and lead poisoning across the country, students will be in on the ground floor as the Clinic takes on cases to address inequality in the distribution of health hazards as well as procedural inequities faced by community members seeking to assert their own vision for the future of their neighborhoods, towns, and cities. The clinic's work will include cases and advocacy projects to enforce civil rights in the environmental context, working with clients to develop legal and advocacy strategies to reform EPA's civil rights compliance and enforcement program, and to address issues of environmental injustice in particular communities.

In addition to civil rights compliance and enforcement in the environmental context, the Clinic will evaluate potential litigation and advocacy to address the sources and impacts of air and water contamination in disproportionately affected communities, with a focus on communities in New England.

Immigration Legal Services²³⁷ : The Immigration Legal Services clinic represents immigrants seeking asylum in the United States. Its clients are refugees from more than twenty different countries who fear that they will be persecuted on the basis of their race, nationality, religion, political opinion, or membership in a social group if they return to their countries of nationality.

Clients work closely with current students at Yale Law School who are supervised by professors who are experienced immigration attorneys. Other professionals associated with Yale University also assist with each client's case, as necessary. Students prepare affidavits and briefs on behalf of their clients. These documents explain the specific circumstances of each client's case and detail the political, economic, and social conditions in the countries from which the client has fled. In addition, students will

²³⁵ Yale Law School, Educational Opportunity and Juvenile Justice Clinic, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/educational-opportunity-and-juvenile-justice-clinic> (last visited Sept. 26, 2016).

²³⁶ Yale Law School, Environmental Justice Clinic, <https://www.law.yale.edu/clinics/environmental-justice> (last visited Sept. 26, 2016).

²³⁷ Yale Law School, Immigration Legal Services Clinic, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/immigration-legal-services> (last visited Sept. 26, 2016).

represent clients in interviews with immigration officials and in oral arguments before judges in administrative proceedings and the Second Circuit Court of Appeals.

Juvenile Justice Clinic²³⁸: Students represent children and youth in juvenile cases in the Superior Court for Juvenile Matters courthouse on Whalley Avenue in New Haven. Students handle all aspects of their clients' cases under the direct supervision of clinical faculty.

Landlord and Tenant Clinic²³⁹: The LLT Clinic was established in 1985. Since then, it has helped resolve more than 500 landlord-tenant disputes. Students who take part in the LLT Clinic take the lead role in all aspects of these cases, including interviewing clients, researching and drafting legal briefs and pleadings, arguing cases before the Connecticut Housing Session, negotiating and mediating settlements, and presenting or cross-examining witnesses.

Legal Assistance: Immigrant Rights Clinic²⁴⁰: Students in the New Haven Legal Assistance Immigrant Rights Clinic (IRC) will represent immigrants and their organizations in court, before administrative agencies, and in the legislature. IRC is based at New Haven Legal Assistance (LAA), a historic non-profit civil legal services office whose mission is to secure justice for and to protect the rights of those residents of New Haven County unable to engage legal counsel. The clinic will be a legal resource for immigrant communities and their organizations. Through their advocacy and coursework, students in the clinic will learn to practice as legal services lawyers representing immigrants and their organizations. Students can expect to work both on individual cases and on policy matters arising from needs in the community. Community partners will refer cases to the clinic, and there will be no substantive area of law excluded from consideration. Referring community organizations include Junta for Progressive Action, a non-profit service provider and advocacy organization (<http://juntainc.org/en/>); Unidad Latina en Acción, a grassroots membership-based community organization (<https://ulanewhaven.org/>); and Haven Health Clinic, a student-run primary care clinic in the Fair Haven neighborhood (<http://www.havenfreeclinic.org/hfc/>). At the beginning of the semester, students will interview potential clients and determine what type of representation, if any, is appropriate. Students may also have the opportunity to work on existing LAA cases and projects. Likely areas of advocacy include labor and employment law, immigration law, family law, and housing law. Because the substantive areas of law handled by the clinic will be wide-ranging and the advocacy approaches diverse, each student can expect to have a unique experience.

Legal Assistance: Re-Entry Clinic²⁴¹: The New Haven Legal Assistance

²³⁸ Yale Law School, Juvenile Justice Clinic, <https://www.law.yale.edu/clinics/juvenile-justice> (last visited Sept. 26, 2016).

²³⁹ Yale Law School, Landlord and Tenant Clinic, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/landlord-tenant-clinic> (last visited Sept. 26, 2016).

²⁴⁰ Clinical Student Board, The Student Guide to Clinics and Direct Services Opportunities at Yale Law School 28 (2016)

²⁴¹ Clinical Student Board, The Student Guide to Clinics and Direct Services Opportunities at Yale Law School 30 (2016)

Reentry Clinic is a new clinic that will provide civil legal representation to people with criminal convictions to help them challenge and navigate barriers to their successful reentry to society. Throughout the nation, people on all sides of the political spectrum have begun to re-examine the “tough on crime” policies of the past two decades that have led to the huge expansion of our prison population, at enormous economic, societal and personal cost. In Connecticut, Governor Malloy has championed the state as a “Second Chance Society” where people with criminal convictions receive an opportunity for a new beginning, to live positive, successful, law-abiding lives post incarceration. Yet the barriers to success continue for people who have criminal records, making it challenging for them to find employment and housing, access health and other services, and overcome the stigma attached to having criminal convictions on their record.

Students in the Reentry Clinic will have an opportunity to represent individual clients on a variety of legal issues. Through this work, students will also identify and research challenges facing this population that invite litigation or legislative strategies for broader reforms. The clinic will accept cases referred from the Transitions Medical-Legal Partnership and existing Reentry support organizations, including Easter Seals Community Reentry Services (<http://www.eastersealsgoodwill.org>), Project More (<http://www.projectmore.org>), Project Fresh Start (<http://www.cityofnewhaven.com/mayor/prisonreentry.asp>), Family Reentry (<http://www.familyreentry.org>), the New Haven Reentry Roundtable and other agencies working with this population.

Examples of the direct representation cases students may work on include denials of housing subsidies based on an applicant’s criminal record, applications for pardons, employment discrimination based on the disparate impact of criminal convictions on minorities, access to health care and other public benefits and modification of child support obligations. Cases that the clinic will accept from Transitions include those in which ex- offender status both is and is not expressly at issue, because both kinds of cases reflect the immediate needs of this particular population. Students will represent clients in a variety of forums, including administrative hearings before Housing Authorities, the CHRO or EEOC, and the Department of Social Services; hearings before the Connecticut Board of Pardons and Parole; and state court.

Lowenstein Human Rights Clinic²⁴²: The Allard K. Lowenstein International Human Rights Clinic has three main goals: to provide students with the opportunity to gain practical experience that reflects the range of activities in which lawyers engage to promote respect for human rights; to help students build the basic knowledge and skills necessary to be effective human rights lawyers and advocates; and to contribute to current efforts to protect human rights through valuable, high-quality assistance to appropriate partner organizations and, on occasion, to individual clients.

The Clinic purposely selects projects that range widely in terms of geography,

²⁴² Clinical Student Board, The Student Guide to Clinics and Direct Services Opportunities at Yale Law School 34 (2016)

subject, and methodology. Work often includes preparing amicus briefs on international and comparative law for domestic, regional and international courts, tribunals and other adjudicative bodies; providing nongovernmental organizations with legal and factual research and strategic advice; and investigating, drafting and publishing reports on human rights violations and on government, business, and international-organization practices affecting human rights. Recent examples include **a campaign against the criminalization of homelessness in Connecticut**; a legal analysis finding strong evidence of genocide against the Rohingya in Myanmar; an amicus brief to the Inter-American Court of Human Rights regarding forced sterilization; and a white paper to share with U.S. policy makers and legislators analyzing the legality of U.S. family immigration detention procedures under international law.

Ludwig Center for Community and Economic Development (CED)²⁴³: CED is a semester-long, in-house clinic offered in both fall and spring semesters, with a substantial number of continuing students who have completed the seminar but remain enrolled in the clinic to handle ongoing or new matters. Clients include non-profit and for-profit corporations, community development financial institutions, advocacy organizations, neighborhood associations, governmental entities, social enterprises and merchants' associations. Their missions range from building access to financial services among low-income people to bringing arts institutions and grocery stores to chronically under-resourced communities to breaking down barriers to affordable housing development in high-opportunity communities. All clients share an interest in promoting economic opportunity and socioeconomic mobility among low and moderate-income people.

On behalf of clients, students in the clinic negotiate and draft contracts; provide advice on the tax consequences of entity choices and deal structures; structure and carry out real estate deals; represent borrowers and lenders in financing transactions; draft and advocate for legislation; form for-profit and not-for-profit entities; and resolve land use and environmental issues. Each student is supervised by at least one supervising attorney with whom the student meets at least once a week.

Mortgage Foreclosure and Litigation Clinic²⁴⁴: Students represent homeowners fighting foreclosure in Connecticut state courts. They conduct motion practice and discovery, including legal research and writing. Although this is primarily a litigation clinic, many of the clients are also participating in court-annexed mediation. In addition, students also provide brief advice and assistance to pro se homeowners at the courthouse.

²⁴³ Clinical Student Board, *The Student Guide to Clinics and Direct Services Opportunities at Yale Law School* 7 (2016)

²⁴⁴ Yale Law School, *Mortgage Foreclosure and Litigation Clinic*, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/mortgage-foreclosure-litigation-clinic> (last visited Sept. 26, 2016).

New Haven Legal Assistance Clinic²⁴⁵: This clinical program involves working at the New Haven Legal Assistance office, the community's local legal aid office, providing legal services to the indigent residents of the New Haven area. Students work under the direct supervision of staff attorneys at the office. The Legal Assistance Clinic is practice-oriented, moving from developing solutions for specific client problems to general discussions of landlord-tenant, consumer, domestic relations, welfare, and other legal subjects of special concern to the urban poor, as well as issues of broader social policy.

San Francisco Affirmative Litigation Project²⁴⁶: SFALP pairs YLS students with attorneys from the San Francisco City Attorney's Office to litigate public-interest lawsuits. Imagine a public-interest law firm with significant resources, outstanding attorneys, and standing to bring suits that most public-interest groups simply cannot bring. In recent years, SFALP students have worked on a wide variety of issues, including consumer protection wage theft, reproductive rights, internet privacy, healthcare, housing, environmental protection, fairness in arbitration, childhood health and nutrition, payday lending, and access to legal services for immigrants. Students work with the deputy city attorneys through every stage of the process, from brainstorming possible suits and filing complaints, to motions practice and preparing for trials, to appellate briefing and preparing for Supreme Court merits arguments.

Samuel Jacobs Criminal Justice Clinic²⁴⁷: Students in the Samuel Jacobs Criminal Justice Clinic ("CJC") represent defendants in criminal cases in the Geographical Area #23 courthouse (the "GA") on Elm Street in New Haven. Students handle all aspects of their clients' cases under the direct supervision of clinical faculty.

Sol and Lillian Goldman Family Advocacy for Children and Youth Clinic²⁴⁸: Students represent children in neglect or uncared-for proceedings in the New Haven Superior Court for Juvenile Matters. Students represent both children living in the home and children removed on an emergency basis at the time the proceedings commence. Students appear regularly in mediation meetings and court appearances in the Superior Court and engage in interdisciplinary meetings of all kinds.

²⁴⁵ Yale Law School, New Haven Legal Assistance Clinic, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/new-haven-legal-assistance-clinic> (last visited Sept. 26, 2016).

²⁴⁶ Clinical Student Board, The Student Guide to Clinics and Direct Services Opportunities at Yale Law School 47 (2016)

²⁴⁷ Yale Law School, Samuel Jacobs Criminal Justice Clinic, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/samuel-jacobs-criminal-justice-clinic> (last visited Sept. 26, 2016).

²⁴⁸ Yale Law School, Sol and Lillian Goldman Family Advocacy for Children and Youth Clinic, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/sol-and-lillian-goldman-family-advocacy-children-and-youth-clinic> (last visited Sept. 26, 2016).

Temporary Restraining Order Project²⁴⁹: In conjunction with the Clerk's Office of the Connecticut Superior Court (New Haven County Family Division) and the Family Division of New Haven Legal Assistance, the Yale Law School Temporary Restraining Order Project (TRO) staffs an office at the courthouse to assist individuals seeking temporary restraining orders (TROs).

Veterans Legal Services Clinic²⁵⁰: Established in 2010, students have represented Connecticut veterans in litigation before administrative agencies and courts, on benefits, discharge upgrade, immigration, and pardon matters. In addition, students represent local and national organizations in non-litigation matters relating to the legal needs of veterans, including regulatory and legislative reform efforts, media advocacy, strategic planning, and other matters.

Clinic students also provide advice and conduct some intake at the New Haven Vet Center, which offers a range of counseling and other services particularly to combat veterans. The clinic makes special efforts to assist vulnerable veteran populations and those least connected to existing service networks, such as women, recently returned, non-citizen, LGBT, and elderly veterans.

Worker and Immigrant Rights Advocacy Clinic²⁵¹: Students in the Worker & Immigrant Rights Advocacy Clinic (WIRAC) represent immigrants, low-wage workers, and their organizations in labor, immigration, criminal justice, civil rights, and other matters. The clinic docket includes cases at all stages of legal proceedings in Immigration Court, the Board of Immigration Appeals, U.S. District Court, the Second Circuit, and before Connecticut state agencies and courts. Its non-litigation work includes the representation of grassroots organizations, labor unions, and other groups in regulatory and legislative reform efforts, media advocacy, strategic planning, and other matters. All students handle at least one litigation and one non-litigation matter, and have the opportunity to explore multiple practice areas.

Yale Law School Other Direct Services Initiatives:

Asylum Seeker Advocacy Project²⁵²: The Asylum Seeker Advocacy Project (ASAP) was founded at YLS in 2015 and is now a national organization headquartered at the Urban Justice Center (UJC). ASAP represents refugee families crossing the U.S.-Mexico border to flee life-threatening conditions. ASAP uses innovative methods, including remote representation, case support, and resource development, to bring legal aid services to places where there are few or no legal aid lawyers, including border detention facilities and rural communities across the United States.

²⁴⁹ Yale Law School, Temporary Restraining Order Project, <https://www.law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/temporary-restraining-order-project> (last visited Sept. 26, 2016).

²⁵⁰ Yale Law School, Veterans Legal Services Clinic, <https://www.law.yale.edu/clinics/vlsc> (last visited Sept. 26, 2016).

²⁵¹ Yale Law School, Worker and Immigrant Rights Advocacy Clinic, <https://www.law.yale.edu/wirac> (last visited Sept. 26, 2016).

²⁵² Clinical Student Board, The Student Guide to Clinics and Direct Services Opportunities at Yale Law School 56 (2016)

Since May 2015, ASAP has ensured universal representation for every family forced to go to trial in the nation's largest immigration detention center, winning every case; prevented the deportation of more than 200 refugees through emergency legal filings, and secured their release from detention; created a national case-tracking and triage system for more than 7,000 cases; and notified more than 1,500 families of their upcoming hearings in immigration court.

ASAP's work is divided into discrete tasks to assist families through each stage of an immigration case, including drafting merits briefs for use in asylum cases; drafting appellate filings before the Board of Immigration Appeals; helping place clients with attorneys around the country; coordinating psychological evaluations for clients with trauma-related conditions; and tracking cases around the country so families can be notified of their upcoming deadlines and hearings. Students can express interest in each of these tasks and will be notified as discrete projects arise, such as drafting legal arguments in an asylum brief, taking a declaration from a client in Spanish, organizing a psychological evaluation for a client across the country, or updating ASAP's client database.

Capital Assistance Project (CAP)²⁵³: The Capital Assistance Project (CAP) matches YLS students with capital and indigent defense lawyers from around the country to provide substantive legal research and writing support on active capital cases. CAP also raises public awareness about death penalty and indigent criminal defense issues, and provides training and mentorship resources for students interested in pursuing careers in public defense.

International Refugee Assistance Project²⁵⁴: IRAP was founded at YLS in September 2008 and is now a national organization with chapters at law schools around the country. IRAP assists refugees applying for resettlement in life or death situations in the Middle East. Most of IRAP's clients are Iraqi, but the organization has expanded its casework in recent years to include Somali, Afghan and (potentially) Syrian refugees. IRAP also does important policy work, including legislative advocacy in DC, research into issues like access to counsel, and litigation related to the Freedom of Information Act (FOIA).

In IRAP's legal work, teams of two students are assigned to a case. Students work with two supervising attorneys to help a client through the resettlement process to the U.S. Our clients include children with medical emergencies, families who have experienced severe persecution or torture, women who suffer domestic abuse or forced prostitution, and other urgent cases referred by NGOs and IRAP staff on the ground in the Middle East. The chapter also has a small policy team that works together doing research and advocacy work on broad-scale issues related to immigration and refugee law.

²⁵³ Clinical Student Board, *The Student Guide to Clinics and Direct Services Opportunities at Yale Law School* 58 (2016)

²⁵⁴ Clinical Student Board, *The Student Guide to Clinics and Direct Services Opportunities at Yale Law School* 59 (2016)

Medical-Legal Partnership²⁵⁵: The medical-legal partnership (MLP) model combines health and legal services at a single site of care. YLS students participating in an MLP meet with patients at local health clinics and help address legal needs like access to government programs, housing problems, and custody disputes. After completing the one-time training, shift hours are comprised completely of direct client interaction in the clinic.

The Yale Health Law & Policy Society (YHeLPS) currently manages five MLP opportunities: the HAVEN Free Clinic MLP, the Center for Children’s Advocacy MLP, the Transitions Clinic MLP, the Palliative Care MLP, and the Veterans Clinic MLP. Several of these MLP clinics—Transitions and HAVEN—work closely with the New Haven Legal Assistance Association (NHLAA), while other MLPs partner with other area legal services organizations.

Yale Arbitration Project²⁵⁶: The Yale Arbitration Project allows YLS students to preside as arbitrators in real cases involving defective automobiles, liquor licenses, and deceptive business practices (mainly by contractors). Decisions become binding on the litigants and their representatives with an appeal directly to the District Court of Connecticut (where the standard of review is manifest disregard of the facts or the law).

Connecticut Department of Veterans Affairs²⁵⁷

Services²⁵⁸: The CT Department of Veterans’ Affairs Office of Advocacy and Assistance is responsible for providing assistance to any veteran who served in the U.S. Armed Forces, as well as their eligible dependents. Assistance will be provided in obtaining veterans’ benefits available under federal, state and local laws. The state has accredited benefits counselors known as Veterans’ Service Officers (VSO’s) to aid in the process. In addition, the following services are provided by this program: Collecting and preparing data relating to benefits and services for veterans; Assisting veterans and/or spouses residing in Connecticut nursing homes with VA benefit applications; Assisting in the establishment, preparation and presentation of claims pursuant to rights, benefits or privileges accruing to veterans; Cooperating with service organizations in disseminating information; Furnishing counsel to veterans concerning educational training, health, medical and rehabilitation; Representing veterans before the U.S. Department of Veterans Affairs concerning claims and benefits; Assisting veterans appeal to the VA for upgrades in disability ratings.

Contact info: Administration Building

²⁵⁵ Clinical Student Board, The Student Guide to Clinics and Direct Services Opportunities at Yale Law School 61 (2016)

²⁵⁶ Clinical Student Board, The Student Guide to Clinics and Direct Services Opportunities at Yale Law School 65 (2016)

²⁵⁷ Connecticut Department of Veterans Affairs, <http://www.ct.gov/ctva/site/default.asp> (last visited Oct. 3, 2016).

²⁵⁸ Connecticut Department of Veterans Affairs, Office of Advocacy and Assistance, http://www.ct.gov/ctva/lib/ctva/OAA_TriFold_Revised_5.pdf (last visited Oct. 3, 2016).

287 West Street
Rocky Hill, CT 06067
(860) 616-3683

Connecticut Division of Public Defender Services (DPDS)²⁵⁹

Mission: DPDS serves the statewide indigent children and adult population involved in criminal justice and child welfare matters. DPDS also is responsible for guardian ad-litem in family and child welfare cases as well as representation for indigent contemnors in support enforcement matters before CT magistrates.

Services: DPDS has the obligation to represent 100% of the population to whom we are appointed by the court and who are charged with crimes that carry a sentence of incarceration or a suspended sentence with a risk of incarceration, all indigent juveniles charged with crimes, and all indigent children and adults involved in child welfare matters, all indigent persons who are in danger of being held in contempt for failure to pay child support.

DPDS has 43 field offices and specialized units throughout the state of Connecticut. Service priorities are evaluated and based on the individual needs of each client. This may be due to the seriousness of the charges, the clients' mental and physical health, family issues, limited English proficiency, and other collateral consequences of court involvement such as immigration, military involvement, homelessness, disruption of education.

The demographics of client communities vary from urban to rural. Some child welfare clients are out of state and a few out of the country. Priorities may differ depending on what types of cases office personnel are seeing. All communities in CT are dealing with substance abuse and mental health issues. The availability or lack of community resources for these 2 problems alone can have a significant impact on the ability to effectively fashion a diversionary program or an alternative sentence to incarceration for a client.

Evaluation is constantly being performed to ensure that DPDS is providing the best services in the most cost effective manner, DPDS collects extensive data through FileMaker and JustWare which makes this possible.

Funding: DPDS is state funded, but is currently running a considerable deficiency in our assigned counsel account due to the dramatic increase in habeas corpus cases. DPDS also collaborates with other state agencies to leverage federal and private grants and most recently was part of the successful state team working with the Center for Court Innovation to obtain significant grant funding from the McArthur Foundation. Additionally, DPDS also receive Court Improvement Grant funding from the Judicial Department which is used for child welfare training.

The budget cuts over the past decade, and especially this past year, have resulted in the reduction of the workforce. This has caused some social workers to have to split their time between offices which is not ideal. Many of the case dispositions are dependent

²⁵⁹ E-mail from Susan Storey, Chief Public Defender, to Brian Austin, Jr., Executive Assistant, Off. of the State's Att'y (Oct. 17, 2016, 12:18 EST) (on file with author).

on solving the social, mental health and substance abuse issues that our clients have as well as the myriad of other collateral consequences caused by even short periods on incarceration.

Contact info: 30 Trinity Street, 4th Floor
Hartford, CT 06106
(860) 509-6400

Connecticut Judicial Branch Volunteer Attorney Program²⁶⁰

About: The economic turndown has created a new class of indigent self-represented parties, many of whom have some means to support their families, but have little or no access to discretionary funds. The Volunteer Attorney Program does not income qualify the participants, these parties do not have access to competent legal counsel. Many have lost their jobs or are under-employed and are forced to make the choice between paying their mortgage or hiring an attorney.

Services: The Volunteer Attorney Programs are available in the areas of family or foreclosure law, clients may be facing a range of problems including but not limited to divorce, custody, child support, contempt, civil unions, grand-parent rights, loan modifications, foreclosure, foreclosure mediation.

Contact info: Krista Hess
Program Manager
Krista.Hess@jud.ct.gov
(860) 263-2734, ext. 3043

Connecticut Child Justice Foundation (CCJF)²⁶¹

Mission: The CCJF is committed to providing a force of caring legal professionals who will champion the cause of children with educational needs who fall under the protection of the DCF and who otherwise lack the financial resources and/or parental support to fulfill this role.

Services: The CCJF is a team of volunteer lawyers and judges will intervene on each child's behalf to obtain the educational services to which these children are legally entitled. These legal professionals actively advocate for these children at the School District level and in the Courts, if necessary, in order to protect our young clients' full educational rights. CCJF will provide this service pro-bono.

²⁶⁰ CTLawHelp.org Probono Catalog, Connecticut Judicial Branch Volunteer Attorney Program, <http://probono.ctlawhelp.org/catalog/volunteer-attorney-program> (last visited Sept. 26, 2016).

²⁶¹ Department of Children and Families, Connecticut Child Justice Foundation, <http://www.ct.gov/dcf/cwp/view.asp?a=2866&Q=513940> (last visited Sept. 26, 2016).

Funding: Funding is provided by probono volunteers from the CT Trial Lawyers Association

Contact info: Ernest F. Teitell
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Natalia Sieira Millan,
NATALIA.SIEIRAMILLAN@ct.gov
(860) 550-6404

Connecticut Legal Services Inc.²⁶²

Mission²⁶³: Connecticut Legal Services (CLS) is a law firm, a social services agency, and a community resource that solves urgent problems affecting low-income people. It is the largest legal aid agency in Connecticut. CLS' service area includes 58% of Connecticut's poverty population living in 122 communities—every place that isn't part of greater Hartford or New Haven. CLS also collaborates with New Haven Legal Assistance Association and Greater Hartford Legal Aid to provide seamless services to every community throughout Connecticut. Applicants are within CLS' income guidelines if the household income is below 125% of the federal poverty level (or, under some circumstances, below 187.5% of the federal poverty level).

Services: There are 47 lawyers, with the help of paralegals, legal assistants, and volunteers work on about 5,500 cases per year (carrying about 2,000 ongoing cases into every year, and open another 3,500 during the year). CLS currently assigns staff to the following areas of legal issue:

- Children at Risk (education, child protection): 22%
- Developmental/Intellectual Disability 3%
- Elder law (health, consumer, benefits, housing) 14%
- Family/Domestic Violence 16%
- Housing/Homelessness 21 %
- Immigration 3%
- SSI (low-income disability) 7%
- Health, other government benefits 14%

In determining service priority, CLS runs a periodic priority-setting service as part of strategic planning resets (about every five years). And at this time, there is no other organization that provides in-person comprehensive legal advocacy to the full range of low-income population, across a broad range of issues faced by the poor. Many of CLS' clients are referred by Statewide Legal Services and by local social service agencies with whom CLS partners. Many are referred by former clients. Some clients find the services provided via CLS website or CTLawHelp.org.

²⁶² E-mail from Steve Eppler-Epstein, Executive Director, Conn. Legal Services, to James T. Shearin, President, Conn. Bar Found. (Oct. 18, 2016 10:28 EST) (on file with author).

²⁶³ Conn. Legal Services, <http://ctlegal.org/about> (last visited Sep. 13, 2016).

In measuring effectiveness, CLS achieves financial outcomes for their clients. Some legal work, however, is less measurable, e.g. the value of safety and stability for victims of domestic violence, the value to a family of avoiding homelessness, or the value of an appropriate school education to a child's future. But of the types of outcomes that can be quantified (impact on rental expenses, receipt of government benefits, etc.) CLS' outcomes system found over \$5 million in financial outcomes for clients in the past year. Additionally, virtually all of CLS' work relies on collaborations with others in the legal services network, other service providers, government agencies, and community groups.

Funding: CLS has a budget of just under \$11 million for the current year: 80% of that funding is from 30 different State, Federal and Local Government grants (including over 60% of our budget from court fees and 7% of our budget from the Judicial Branch funding that come through the Connecticut Bar Foundation); 10% from IOLTA (through the Connecticut Bar Foundation); 2% from attorney fees; 1% is from United Ways (which have declined steadily over time); 4% from private foundation grants; 3% from donors.

Contact info: Steve Eppler-Epstein
Executive Director
62 Washington Street,
Middletown, CT 06457
Seppler-Epstein@ConnLegalServices.org
(860) 344-0447

Connecticut Probate Court²⁶⁴

Mission²⁶⁵: Provides legal services to individuals petitioning the Probate Courts with assistance for family members who are unable to care for themselves, the elderly and persons with intellectual and psychiatric disabilities. The mission of the Probate Courts is twofold: first, to protect and support individuals who are unable to care for themselves; and second, to help families resolve highly sensitive disputes in a fair, economical and prompt manner.

Services: The Probate Court provides legal services in matters such as conservatorship, removal of guardian and termination of parental rights, guardian of an adult with intellectual disabilities, decedent's estates, and appeals. The income basis that the Probate Court reviews is via the standard for waiver of court fees which is set forth in Conn. Gen. Stat. § 52-529b, establishing a rebuttable presumption that a petitioner is entitled to a fee waiver if his or her household income is 125% or less of the federal poverty level or the petitioner is a recipient of public assistance. Parties to probate proceedings reside throughout the state and beyond. The primary areas of jurisdiction are the following: Children's matters (custody, guardianship, visitation, termination of

²⁶⁴ E-mail from Vincent Russo, Conn. Prob. Ct., to Brian Austin Jr., Executive Assistant, Off. of the Chief State's Att'y (Oct. 14, 2016 16:37 EST) (on file with author).

²⁶⁵ CTLawHelp.org Probono Catalog, Connecticut Probate Courts, <http://probono.ctlawhelp.org/catalog/connecticut-s-probate-courts> (last visited Sept. 25, 2016).

parental rights, adoption, emancipation and paternity) 11%; Conservatorship 20%; Guardianship of adults with intellectual disability 9%; Commitment for treatment of mental illness 2%; Decedents' estates 43%; Trusts 5%; Other 10%.

The needs that are not addressed completely are conservator training, stronger oversight of conservators and guardians, and court security improvements. Clients become aware of the services through attorneys; referrals from state, municipal and non-profit agencies; Probate Court website (ctprobate.gov); User Guides published by the Office of the Probate Court Administrator; and Community outreach by judges.

The Probate Courts interact extensively with multiple state agencies, including Children and Families, Mental Health and Addiction Services, Developmental Services, Social Services, Protective Services for the Elderly, and Aging. The courts also work with municipal social service departments and non-profit agencies. In addition, the Probate Courts also work with agencies, as well as the bar and legal aid groups, on public policy issues and proposed legislation to improve the effectiveness of services for the vulnerable populations

Funding: For FY 17, the Budgeted expenses are \$44.5 million, \$6 million for general fund appropriation, and \$38.5 million Probate fee revenue. 86.5% of the revenue comes from Probate fee and 13.5% from general fund appropriation. The cost effectiveness of the Probate Court system is illustrated by comparing the budget to operate the system with its caseload. For a budget of \$44.5 million, only \$6 million of which comes from the state's general fund, Probate Courts handle over 95,000 matters per year - a cost of less than \$500 per matter.

The Probate Courts rely heavily on attorneys to take on appointments as court-appointed counsel for indigent individuals. Compensation is extremely low in comparison to prevailing market rates for legal services and has not changed in many years. Due to budget constraints, compensation is limited to \$50 per hour (except the first hour of court time, which is paid at \$75). The maximum compensation per case is \$500, which can be exceeded only with court approval.

Contact info: Bonnie Bennet
Legal Counsel, Office of the Probate Court Administrator
bbennet@ctprobate.gov
(860) 231-2442

Connecticut Veterans Legal Center (CVLC)²⁶⁶

Mission: To help veterans recovering from homelessness and mental illness overcome legal barriers to housing, healthcare and income.

Services: CVLC's core program helps veterans recovering from homelessness and mental illness overcome legal barriers to recovery. Common issues include evictions, foreclosures, consumer debt collections, divorce and child support, VA and Social Security income, criminal pardons, and tax issues. The CVLC is staffed by 1 executive director, 3 attorneys, and 1 paralegal.

²⁶⁶ Connecticut Veterans Legal Center, <http://ctveteranslegal.org> (last visited Sept. 26, 2016).

Funding: For FY 2014-2015 the total revenue was \$750,520: Corporations and law firms \$15,556; individuals \$21,007, saluting service annual event \$130,717, the ride for our veterans \$161,403, Bristol-Myers Squibb foundation \$185,740, other grants \$236,095.

Contact info: Margaret Middleton
Executive Director
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mmiddleton@ctveteranslegal.org
(203) 903-2852

CT Alliance for Basic Human Needs²⁶⁷

Mission: The Connecticut Alliance for Basic Human Needs (CABHN) is a statewide network of social service providers, advocates, faith based organizations, and individuals that care about issues affecting very low-income families and communities throughout Connecticut. CABHN provides community education, supports advocacy efforts, promotes legislative policies, and elevates the voices of people in poverty.

Purpose: Formed in 1992, CABHN is a network of over 2,300 people and organizations that share a common goal of improving the lives of people in poverty by strengthening public benefits programs, educating people about their legal rights and the community resources available to them, and improving policies to help families transition out of poverty and become economically secure.

Services²⁶⁸: With 2 FTE's CABHN serves over 2,000 people annually. In addition, there is also one volunteer or intern. 90% of the people served are from the Hartford area and 80% are from the City of Hartford. CABHN provides legal information on civil issues and do not represent people; CABHN provides information for people to do self- help. CABHN gives issue specific workshops- these are targeted to a population. For example, talking to Hartford parents about special education processes and legal requirements; talking to homeless shelter residents about what public benefits might be available to them and how to apply for those benefits. In addition, CABHN occasionally help people apply for benefits, and provides a big role in legislative advocacy and community organizing.

People become aware of CABHN services through word of mouth, referrals from social service organizations, case workers, teachers, city employees, and others. In addition, phone calls us and in-person during tabling events. CABHN is able to help about 25% of people solve their legal problem. The other 75% are problems that aren't solvable – such as lack of employment due to a criminal record; eviction based on non-

²⁶⁷ Connecticut Alliance for Basic Human Needs, <http://www.cabhn.org> (last visited Sept. 26, 2016).

²⁶⁸ E-mail from Perry Zinn-Rowthorn, Conn. Deputy Att'y Gen., to James T. Shearin, President Conn. Bar Found. (Oct. 18, 2016, 10:31 EST) (on file with author).

payment; homeless people who need a place to live and don't have the income or security deposit to secure housing.

CABHN finds that housing, the need for affordable, safe places to live are in short supply. The second most requested service is help finding employment with a criminal record. Re-entry services are in short supply. Both housing and re-entry services are priorities that are not being served by CABHN.

Effectiveness: In order for CABHN to be more effective additional money, more staff, and a better office space that was inviting to members of the community would be helpful. Further, CABHN finds that they could benefit from a staffed hotline and would love to expand their partnership at the courts to other locations. Outcomes are not measured by the people talked to, but by people actually helped.

Funding: CABHN budget is about \$140,000 per year and is primarily funded through grants and private donations.

Contact info: Nancy Boone
(860) 904-5534
nboone@cabhn.org

CT Fair Housing Center²⁶⁹

Mission²⁷⁰: The mission of the Connecticut Fair Housing Center since 1994 is to ensure that all people have equal access to housing opportunities in Connecticut.

Services: The Center has a staff of 14: an executive director, fair housing specialists, attorneys, paralegal, communications and development coordinator.

More than 70% of the clients served by the Center's fair housing advocates have income at or below 185% of the Federal Poverty Level. The other 30% have income that is below 200% of the federal poverty level. The majority of people served by the fair housing unit are people who live at or below the federal poverty level. The Center does extensive outreach and education of service providers and people who need services. And the Center is the only organization that provides comprehensive fair housing services throughout the state. During the last 12 months the Center provided information on our services, the fair housing laws, and foreclosure prevention to more than 500 social service agencies and people working with the Center's client base. This resulted in the Center reaching more than 3,500 Connecticut residents.

The Center serves the entire State of Connecticut. The approximate percentage of clients by county is: 46% Hartford County; 27% New Haven County; 17% Fairfield County; 5% Middlesex County; 2% New London County; 2% Litchfield County; 1% Windham County. Additionally, the following is the breakdown of services provided: 44% of budget spent on fair housing complaint intake, investigation and representation;

²⁶⁹ E-mail from Erin Kemple, Conn. Fair Housing Ctr., to James T. Shearin, President, Conn. Bar Found. (Oct. 6, 2016 13:52 EST) (on file with author).

²⁷⁰ Connecticut Fair Housing Center, <http://www.ctfairhousing.org/history-and-mission/> (last visited Sept. 26, 2016).

40% of budget spent on foreclosure prevention and fair lending intake, investigation and representation; 11 % of budget spent on education and outreach for fair housing and fair lending issues; 4% of budget spent on administrative costs; 62% of clients have fair housing complaints; 38% of clients have foreclosure prevention or fair lending complaints

Some of the measures used in determining effectiveness of the services is to determine the number of clients served by each staff member. In addition, increase in funding and increase in awareness of the program would make the organization more effective in providing its services. Additionally, during the past 12 months, the Center has worked with more than 500 community members, agencies, advocates, local government officials, state agencies, and legislators to inform them of the fair housing laws and how these laws apply to their work.

Funding: The Center receives funding from the state of Connecticut, the U.S. Department of Housing and Urban Development, the City of Hartford, and several private foundations. The Center's total budget for 2016 is \$1,910,499.

In 2014, the total revenue²⁷¹ (990 form) was \$1,673,454: Hartford Foundation for Public Giving (\$65,911), Department of Housing (\$400,248), U.S. Department of Housing and Urban Development (\$575, 272), Connecticut Bar Foundation Inc. (\$167,694), Department of Banking State of Connecticut (\$137,509), Capital Region Council of Government (\$37,867), Norflet Progress Fund (\$68,156), other contributions and grants (\$193,293) program service revenue (\$187,859), other revenue (\$12,020)

Contact info: info@ctfairhousing.org
(860) 247-4400

CTLawHelp.org²⁷²

Mission²⁷³: Connecticut's Legal Aid programs created this website to help people with very low income find help for their legal problems. This website provides legal information and tools to help with individual representation.

Services: CTLawHelp.org is free for everyone to use but its intended audience is people with very low income. Self help materials are written on topics that typically affect people with low income. So one might find information for clients trying to represent themselves in an eviction case, but one would not find information about how a landlord would evict a tenant. The website is intended for people with legal problems in Connecticut, but there is some federal information on the site that could be used by anyone in the United States.

The website provides self-help materials on a variety of legal topics in the strongest areas of need. The materials are written by legal aid attorneys and then edited

²⁷¹ Connecticut Fair Housing Center, <http://www.ctfairhousing.org/history-and-mission/> (last visited Sept. 26, 2016).

²⁷² E-mail from Jamey Bell, Greater Hartford Legal Aid, to James T. Shearin, President, Conn. Bar Found. (Oct. 15, 2016 15:53 EST) (on file with author).

²⁷³ CTLawHelp.org, <http://ctlawhelp.org> (last visited Sept. 26, 2016).

for a 5th to 8th grade reading level. The Judicial Branch and the State of Connecticut also provide some self-help information for self represented parties. Clients become aware of the website via Google searches, Judicial Branch Court Service centers carry our booklets, and legal aid offices carry booklets. In addition, the Judicial website links to CTLawHelp and SLS and legal aid advocates mail out self-help booklets.

Effectiveness of the program is measured by an advisory board that meets quarterly to review usage data and make recommendations regarding content of the website. Examples of self help portals: Elder law self help portal²⁷⁴; Pro bono portal²⁷⁵; Connecticut Veterans Legal Center.²⁷⁶

Funding: The program is housed at New Haven Legal Assistance and the program is not a freestanding organization, which keeps costs low. The total project budget for 2016 was \$122,332, and was funded by grants and contracts (including federal funding from LSC's Technology Initiative Grants program) and in-kind donations of space, overhead and administration from New Haven Legal Assistance. Additional funding comes from the CT Bar Foundation, LSC SLS sub grants, and occasional Judicial grants.

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CT Legal Rights Project²⁷⁷

Mission²⁷⁸: Connecticut Legal Rights Project, Inc., (CLRP) is a statewide non-profit agency which provides legal services to low income individuals with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights.

Services: CLRP serves clients from across Connecticut. CLRP represents solely individuals with the most serious mental health conditions. It is staffed by an executive director, 5 staff attorneys, 2 operations assistant/screener, 6 paralegals, 1 legal advocate, and 1 operations coordinator.

CLRP handles legal issues that are directly related to the client's mental health treatment and recovery, including opportunities for self-determination, self-sufficiency and full community integration. The main office is located in Middletown and has satellite office locations staffed at least twice a week in New Haven, Norwich, Bridgeport

²⁷⁴ CTLawHelp.org, Self Help Guides, Elder Law, <http://ctlawhelp.org/self-help-guides/elder-law> (last visited Sept. 26, 2016).

²⁷⁵ CTLawHelp.org, Probono Portal, <http://probono.ctlawhelp.org> (last visited Sept. 26, 2016).

²⁷⁶ CTLawHelp.org, Connecticut Veterans Legal Center, <http://probono.ctlawhelp.org/catalog/veteran-assistance> (last visited Sept. 26, 2016).

²⁷⁷ E-mail from Kathleen M. Flaherty, Executive Director, Conn. Legal Rts. Project, to James T. Shearin, President Conn. Bar Found. (Oct. 14, 2016 12:54 EST) (on file with author).

²⁷⁸ Conn. Legal Rts. Project, <http://www.clrp.org> (last visited Sept. 26, 2016).

and Hartford, and hosts office hours at facilities in Torrington, Danbury and Waterbury once a week. From 1/1/16-9/30/16 CLRP served 1,473 individuals. (31.29% Housing; 39.69% Community; 29.05% Inpatient). CLRP currently represents clients statewide in both housing matters (funded by a separate grant from DMHAS) and non-housing matters (funded by the Connecticut Bar Foundation).

Clients learn about the availability of CLRP's services through outreach presentations by CLRP paralegal advocates and staff attorneys, through referrals from mental health providers and other community partners, through the CT legal aid network (CLRP receives referrals from

Statewide Legal Services, and any person who indicates that they have a disability when completing the online "triage" on www.ctlawhelp.org will see a pop-up box with information about CLRP. Potential clients can complete the intake process over the phone with central office staff, or by contacting staff at CLRP's satellite offices (in-person or on the phone). The staff attorneys, legal director, and executive director hold weekly intake meetings.

Funding: CLRP's operation is funded by The State of Connecticut Department of Mental Health and Addiction Services, The Connecticut Bar Foundation, Attorney Fees and Donations CLRP's 2016-2017 Current Fiscal Budget is funded at the following levels: 58% DMHAS (split 34% In-Patient (Consent decree) \$579,861 and 24% Housing \$410,861); 26% CT Bar Foundation (split 5% IOLTA \$82,712 and 21% CFGIA \$368,788); 3% JBGIA \$56,816; 13% Other (projected) Donations/Misc. \$3,000; Attorney Fees \$205,000 Training \$1,200- Reserve (as needed)

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Greater Hartford Legal Aid (GHLA)²⁷⁹

Mission²⁸⁰: Incorporated on May 1, 1958. To achieve equal justice for poor people, to work with clients to promote social justice, and to address the effects and root causes of poverty.

Services: Generally GHLA clients' incomes are below 125% of the poverty level. 58% of clients are from Hartford; 29% are from Bloomfield, Bristol, East Hartford, Enfield, Manchester, and West Hartford; and 13% are from Avon, Berlin, Canton, Cromwell, East Granby, East Windsor, Ellington, Farmington, Glastonbury, Granby, Newington, Rocky Hill, Simsbury, Somers, South Windsor, Suffield, Vernon, Wethersfield, Windsor, and Windsor Locks.

²⁷⁹ E-Mail from Jamey Bell, Executive Director, Greater Hartford Legal Aid, Inc., to James T. Shearin, President, Conn. Bar Found. (Oct. 14, 2016) (on file with author)

²⁸⁰ Greater Hartford Legal Aid, <http://www.ghla.org/mission-history> (last visited Sept. 26, 2016).

GHLA is staffed by an executive director, 21 attorneys, 1 finance director, 5 legal secretaries, 1 bookkeeper, 1 executive administrative assistant, 1 health equity fellow, 1 information technology administrator, 1 deputy director, law student volunteers.

In addition, GHLA provides legal advocacy, using a broad array of strategies, with these 7 substantive priorities:

- a. Preserve government benefits to help low income families and individuals who cannot meet basic human needs through wages.
- b. Help clients avoid homelessness by maintaining their homes and preserving options for decent and affordable housing.
- c. Help low-income workers maintain employment and employment-related income and increase access to employment opportunities.
- d. Enhance the safety and economic security of adult and child victims of family violence.
- e. Increase access of low income immigrants to information and representation in our core services and represent battered immigrants seeking protection under the Violence Against Women Act (VAWA) and the Victims of Trafficking and Violence Prevention Act.
- f. Increase opportunities for low income children to receive an adequate education in the public schools.
- g. Protect the health, safety and self-determination of seniors who need supportive services because of significant physical and/or mental health issues.

Cost effectiveness is measured by using multiple strategies which include: case outcome measurements for every case, e.g. protection from violence, preserving housing, achieving

appropriate educational placement, preserving employment or wages, attaining income, food or health benefits; supervision and evaluation of staff performance; and client satisfaction surveys, 97% of which reported satisfaction and positive outcomes.

Funding: Connecticut Bar Foundation (IOLTA), Connecticut Health Foundation, U.S. Department of Justice, Office on Violence Against Women, Greater Hartford Legal Aid Foundation, Inc., Hartford Foundation for Public Giving, National Resource Center on Domestic Violence, North Central Area Agency on Aging, State of Connecticut, Court Fees Grant-in-Aid, State of Connecticut, Department of Economic and Community Development, State of Connecticut, Department of Housing, State of Connecticut, Department of Social Services, State of Connecticut, Judicial Branch Grant-in-Aid, Town of West Hartford, United Way of Central and Northeastern Connecticut. The breakdown of GHLA funding is as follows: Federal Grants 9.09%; State Grants 69.77%; Private Grants 10.38%; Attorney Fees 0.17%; Contributions 10.18%; Interest 0.31%; Other 0.10%

GHLA Justice in our Community Fellows Program²⁸¹: In September 2015, a new project came to Hartford, The Justice in Our Community Fellowship. Intended to

²⁸¹ E-mail from Timothy Fisher, Dean U. of Conn. Sch. of Law, to James Shearin, President Conn. Bar Found. (Oct. 9, 2016, 15:20 EST) (on file with author).

help people living in Connecticut's lowest-income neighborhood, the program involved several key players: Greater Hartford Legal Aid (GHLA), UConn School of Law, anonymous donors, and Community Health Services, a federally-qualified health center located in Hartford's North End. Funding came from private donors who wanted to find a way to help people struggling to make ends meet in the severely depressed North End of Hartford. Three fellows were chosen for the 2015–2016 year, and each fellow had committed to spending 12–15 hours per week working for GHLA. As law student fellows, and therefore were prohibited from advising clients, legal information were given to clients, not legal advice. The fellows participated in significant direct client interaction with a very diverse population. Community members commonly faced legal issues or needs in the areas of housing, domestic abuse, divorce, and pardons. And most frequently mentioned difficulties stemmed from the community member's criminal history.

The effectiveness of the program was measured by community member feedback. Clients knew they could come to the outreach table at the Community Health Services if they needed assistance but couldn't make it to GHLA's office, or if they were having a hard time reaching the office by phone. GHLA benefited from the program, as well. They were able to launch the Community Inquiry project and learn more about the community they serve, which helped the organization identify common legal issues that weren't always making it through GHLA's front door.

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Homeless Experience Legal Protection (H.E.L.P)²⁸²

Mission: Since 2004, H.E.L.P. brings legal services directly to the homeless population, and makes those services available in a non-threatening setting – the place that provides the clients with food and shelter. H.E.L.P. also partners with other pro bono service providers in some cities, exchanging and sharing services to benefit both organizations.

Services: H.E.L.P. volunteers are presented with a wide variety of legal issues, from employment law to income tax to estate matters. There are certain types of issues, such as minor criminal matters, that tend to come up at H.E.L.P. clinics more frequently than others. Problems with driver licenses are also common and can have a huge impact in the clients' lives, since the inability to drive may stand in the way of employment. Social security and disability benefits also come up frequently.

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International Institute of Connecticut²⁸³

²⁸² Homeless Legal Protection, <http://homelesslegalprotection.com/history/> (last visited Sept. 26, 2016).

Mission: The International Institute, founded in 1918, is a statewide nonprofit organization that assists refugees and immigrants resolve legal, economic, linguistic and social barriers so that they become self-sufficient, integrated and contributing members of the community. The Institute achieves this mission by providing a compassionate array of high-quality legal, social and educational programming and by promoting cross-cultural understanding and decent treatment for all.

Services: The program provides a full array of legal immigration services, including court representation, victim assistance and asylum application assistance; refugee resettlement services and specialized case management for refugees and asylees; comprehensive services to combat human trafficking in the state, including assistance in identifying and assisting victims of all forms of sex and labor trafficking. The program is staffed by 42 full and part-time employees who speak more than twelve different languages.

Funding: Funding for the program comes from federal, state, and local grants, private foundation and corporate grants, individual donations, and program fees earned from direct service delivery to clients, government agencies, local and regional businesses and nonprofit organizations. In addition, the organization has remained financially solvent and currently has an operating budget of approximately \$1.9 million.

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Integrated Refugee and Immigrant Services (IRIS)²⁸⁴

Mission: Founded in 1982, IRIS has undergone dramatic growth and transformation over the past 34 years, but its goal has remained constant: to provide a new haven to refugees and other immigrants from around the world.

Services: IRIS's Immigration Legal Services (ILS) program provides important legal services to immigrants and refugees including assistance with (1) legal permanent residency, (2) U.S. citizenship and (3) family reunification. IRIS's legal services assist refugees with the legal steps necessary to become fully integrated. IRIS's ILS also engages in the crucial work of family reunification, reuniting families torn apart by war and violence.

²⁸³ International Institute of Connecticut, <http://iiconn.org/about/our-vision-and-mission/> (last visited Sept. 26, 2016).

²⁸⁴ Integrated Refugee and Immigrant Services, <http://www.irisct.org> (last visited Sept. 26, 2016).

Funding: FY 2014 total revenue of \$1,377,679 comes from foundation and corporation contributions \$553,274; state government contributions \$269,648; unspecified government contributions \$532,417; investment income \$252; other income \$22,088.

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(203) 562-2769

LawyerCorps Connecticut²⁸⁵

What is LawyerCorps Connecticut? LawyerCorps Connecticut is an innovative partnership between Connecticut legal aid providers and major corporations with significant business operations in Connecticut intended to fund three Attorney Fellows for two to three years each to provide legal services to income-qualified people with civil legal needs.

LawyerCorps Connecticut attorney Fellows provide comprehensive legal services to clients in civil cases, in accordance with the participating legal aid programs' missions and standards. These attorneys are trained and mentored by more experienced lawyers within each office, and share experiences within the LawyerCorps Connecticut community of legal aid service providers and the program's financial supporters.

Funding: The Advisory Work Group developed a tentative budget of \$338,000 per year for three years for an overall budget of \$1,090,450. The annual budget was determined on salaries of up to \$60,000 per Fellow; each of the receiving legal aid programs will make their own salary offers.

As of July 2014, \$194,000 has been donated for the project's first year, and firm commitments of \$133,000 for the programs' second and third years are in place. UTC has been the single largest donor, committing to contributing \$100,000 in the first year, and \$50,000 for each of the next two years of the program. General Electric has committed to \$100,000 to be spread over three years.

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Lawyers for Children America²⁸⁶

²⁸⁵ Connecticut General Assembly,
https://www.cga.ct.gov/jud/tfs/20160729_Task%20Force%20to%20Improve%20Access%20to%20Legal%20Counsel%20in%20Civil%20Matters/Reference%20Materials/CT%20Report%20on%20Lawyer%20Corps.pdf (last visited Sep. 13, 2016).

²⁸⁶ Lawyers for Children America,
<http://www.lawyersforchildrenamerica.org/matriarch/MultiPiecePagead15.html?pageid=6> (last visited Sept. 26, 2016).

Mission: Since 1995, as a pilot, Lawyers for Children America is a lead child advocacy organization protecting the rights of children who are victims of abuse; abandonment and neglect by providing quality pro bono legal representation and collaborating for systematic change to improve the lives of children.

Services: The program has the following objectives: to implement services that will help children and youth who are victims of abuse and neglect; to encourage the courts to utilize our network of volunteer attorneys and staff to receive abuse and neglect cases; to increase the number of volunteer attorneys who provide free legal services to abused and neglected children by establishing institutional commitment on the part of major law firms; corporate legal departments; government agencies; national, state and local bar associations and universities; and by establishing local affiliates of Lawyers for Children America across the United States to support that commitment; to improve the child welfare system in coordination with other national and local organizations; and to increase public awareness of issues related to youth and violence.

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New Haven County Bar Association Modest Means Program²⁸⁷

Services: The NHCBA sponsors a low-income referral program for certain types of family law, landlord/tenant, unemployment compensation, small claims, and minor criminal cases.

Funding: In order to access the program, there is a \$25 referral fee to use this service. If the individual qualifies under our Financial Guidelines (assets no more than 250% of the Federal Poverty Guidelines), they would be referred to an attorney who has agreed to consult with clients and possibly take the case for a \$60 an hour fee, which is lower than the usual hourly rate in this area. That fee includes a \$500 retainer, which the client would need to provide up front, and which would pay for the first 8 hours or so of legal assistance.

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New Haven Legal Assistance²⁸⁸

²⁸⁷ New Haven Bar Association, Modest Means Program,
<http://www.newhavenbar.org/default.asp?page=MMP&DGPCrPg=1&DGPCrSrt=13D> (last visited Oct. 5, 2016).

Mission²⁸⁹: New Haven Legal Assistance Association, Inc. (LAA) is a nonprofit organization that was incorporated on April 7, 1964 to "secure justice for and to protect the rights of those residents of New Haven County unable to engage legal counsel." LAA was one of the first legal services programs established and the federal government used it as a model for similar programs throughout the country.

Service: LAA primarily serves people who are at or below 125% of the federal poverty level by providing high-quality legal services to individuals and groups unable to obtain legal services because of limited income, age, disability, discrimination and other barriers. LAA provides services in the following areas: child protection; education law; family law; housing law (including fair housing); immigration; public benefits; disability rights; workers' rights. Programs that provide similar services are the Connecticut Veterans Legal Center provides legal services to veterans statewide, the Center for Children's Advocacy, and the area law school clinics.

LAA is unable to satisfy the legal needs of its client population and have to regularly reject applications for legal assistance because a practice unit is at capacity and its attorneys cannot accept every application they receive. In addition, there are many more potential clients that do not reach out to legal aid because they are unaware of this service.

In evaluating effectiveness, the program looks at outcome measures. Of the 1,057 cases closed from 01/01/15 to 12/31/15, positives outcomes were recorded in 99.5% of the cases. A client satisfaction survey is sent out with all closing letters to all clients with a return envelope addressed to the Executive Director, who follows up on any negative feedback. Typically, the responses are overwhelmingly positive. Although the assistance of in-office interns and volunteers enhances the LAA's ability to provide services, in order for the program to be more effective, more resources to hire more staff would be needed to meet the needs.

Funding²⁹⁰: Total 2014 funding of \$4,096,477 from IOLTA/legislative appropriations (\$645,779); court filing fees (\$1,795,328); Community Foundation of Greater New Haven (\$53,335); United Ways (\$9,442); contribution cash/in-kind (\$289,501); federal/state grants (\$755,472); other grants (\$68,309); other income (\$479,311).

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(203) 946-4811

Pro Bono Partnership Inc.²⁹¹

²⁸⁸ E-mail from Susan Garcia Nofi, New Haven Legal Assistance Ass'n. to James T. Shearin, President Conn. Bar Found., (Oct. 18, 2016 10:28 EST) (on file with author).

²⁸⁹ New Haven Legal Assistance, <http://www.nhlegal.org> (last visited Sept. 26, 2016).

²⁹⁰ New Haven Legal Assistance Annual Report 1, 5 (2014), http://www.nhlegal.org/files/NHLAA_14.pdf.

²⁹¹ Probono Partnership Inc., <https://www.probonopartner.org> (last visited Sept. 26, 2016).

Mission: Pro Bono Partnership provides business and transactional legal services to nonprofit organizations serving the disadvantaged or enhancing the quality of life in neighborhoods in New York, New Jersey and Connecticut.

Services: Since 1997, the Partnership has assisted more than 2,350 nonprofits in New York, New Jersey, and Connecticut on more than 10,500 legal matters, enabling them to more effectively feed the hungry, house the homeless, promote the arts, protect the environment, and provide essential programs to children, the elderly, immigrants, the disabled, and the unemployed.

In addition, the program provides legal advice beginning with the process of filing for incorporation and obtaining tax exemption, continues through the establishment of governance and management policies, and persists because of subsequent business needs which give rise to questions related, for example, to compliance and filings; contracts; real estate, employment and privacy issues; environmental issues; fundraising regulations; intellectual property issues; lobbying; and mergers and other formal collaborations.

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Robinson and Cole Domestic Violence Restraining Order Program²⁹²

Mission: Since 2012, Robinson & Cole’s Domestic Violence Restraining Order Program (“DVRO”) has provided pro bono representation to victims of domestic violence seeking relief from abuse in Hartford and Middletown family courts.

Services²⁹³: Clients served are from the greater Hartford area, Litchfield and Middletown, and referrals are received through the interval house (part of the CT Coalition Against Domestic Violence with shelters throughout the state). In addition, clients represented are applying for ex-parte restraining orders and hearings on those applications. Attorneys assist victims who would otherwise face the system alone by drafting of petitions and representing clients at the hearings on those petitions.

The focus in servicing these clients are based on the need. If Interval House claims they have a client they take the name, run a conflict, and the firm will take the case if there is a lawyer available on that date. There are 4 partners and 8 associates that are well trained. The firm also did training for CBA Young Lawyer section, in addition

²⁹² Robinson and Cole Domestic Violence Restraining Order Program, <http://www.rc.com/news/upload/Robinson-Cole-CLS-DVRO-Program-Award-Oct2013.pdf>.

²⁹³ Interview by Anthony Shannon with Nuala Droney, Partner, Robinson and Cole, in Hartford, Conn. (Oct. 19, 2016).

to training lawyers at other firms. Other firms such as Updike, Carmody and Torrance provide similar services.

It is estimated that there is a 75% success rate in satisfying the legal needs of the client population within the service area, although there is not much data on this subject. The firm does not provide divorce services and other related matters, and clients become aware of the services through the Connecticut Coalition for Domestic Violence and their subsidiaries. In order to be more effective, the firm suggests that they could do more training or help with metrics to track the success of the program.

Funding²⁹⁴: The program is funded by the firm. In addition, pro bono hours count towards billable hours with no cap.

Statewide Legal Services of Connecticut²⁹⁵

Mission: A non-profit organization that empowers low-income people in Connecticut to obtain justice by providing tools to address their civil legal needs.

Services: Services are provided for household income at or below 125% of poverty level. In addition, advocates provide help with legal questions about family, public benefits, housing, unemployment and other problems; provides free legal advice, answers questions, and help with understanding legal rights and responsibilities so as to be able to make the right choices; provides self help library with information about legal problems on CTLawhelp.org; and provides resources such as videos, slideshows and self help classes. Further, some cases may be referred to other legal aid programs or a volunteer attorney. The program, however, does not provide help with criminal or immigration problems.

Funding: From the Legal Services Corporation and the Connecticut Bar Foundation

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Pro Bono Coordinator
jbozzi@slsct.org
(860) 334-8096 ext. 3040

Victim Rights Center of Connecticut²⁹⁶

Mission: Victim Rights Center of CT (VRCCT) provides quality no-fee legal services to victims of adult sexual assault, child physical & sexual abuse, violence against Lesbian, Gay, Bisexual or Transgender (LGBT) people, elder abuse, and homicide. VRCCT provides victim-focused services that are outside the reach or contemplation of the traditional criminal justice system but which are critical to protecting a survivor's rights, privacy and dignity.

²⁹⁴ Id.

²⁹⁵ Statewide Legal Services of Connecticut, <http://slsct.org> (last visited Sept. 26, 2016).

²⁹⁶ Victims Right Center of Connecticut, <http://www.victimrightscenter.com> (last visited Sept. 26, 2016).

Services: Protects victim privacy & Constitutional rights if the offender is arrested. Help victims decide whether to report to the police, and go with them to do so. Help with housing, employment, education and benefits that are disrupted following the crime.

Contact info: Victim Rights Center of Connecticut, Inc.
8 Research Parkway
Wallingford, CT 06492
(203) 350-3515

APPENDIX 7

OUT OF STATE PROGRAMS

MARYLAND

Maryland Volunteer Lawyer Service (MVLS)²⁹⁷

Mission: MVLS is a private, non-profit legal services provider established in 1981 to help meet the need for civil legal services in Maryland, and to provide quality civil legal assistance to Marylanders with limited income at low or no cost.

Services: MVLS focuses on pro bono assistance—matching one client and one volunteer attorney. A panel of over 1,000 volunteers help clients with custody disputes, tax issues, child and adult guardianship, landlord/tenant conflicts, foreclosure defense, consumer cases and a broad range of other civil legal problems.

Over the years, MVLS has developed special projects that supplement its core pro bono efforts. These include assistance to self-represented litigants and self-help bankruptcy classes. And since 2008, MVLS has participated in the statewide Foreclosure Prevention Pro Bono Project. MVLS volunteers represent homeowners in foreclosure cases in the courts and mediations before administrative law judges. Additionally, a foreclosure clinic is currently held once a month at the MVLS office in downtown Baltimore and at the Circuit Court for Anne Arundel County. The drop-in clinics provide brief advice to any homeowner facing foreclosure or preparing for foreclosure mediation.

In 2014, MVLS expanded its consumer law services to include a weekly clinic at Baltimore City District Court where volunteer lawyers and MVLS staff attorneys advise debtors on consumer debt, repossession, and debt buyer cases. MVLS operates a Low Income Taxpayer Clinic that provides services to taxpayers with IRS disputes statewide. We also help community based nonprofits with civil legal issues through our Community Development Project.

MASSACHUSETTS

Community Legal Aid²⁹⁸

Mission: Community Legal Aid, Inc. (“CLA”) provides free civil legal services to low-income and elderly residents of central and western Massachusetts. CLA serves residents of Berkshire, Franklin, Hampden, Hampshire, and Worcester counties in central and western Massachusetts. The mission of CLA is to improve the lives of low-income and elderly people through legal assistance that protects fundamental rights, secures access to basic needs, and challenges policies and practices that harm CLA’s client base. CLA envisions a community where all low-income and elderly people have ready access

²⁹⁷ Maryland Volunteer Lawyer Service, <http://mvlslaw.org/history-and-mission/> (last visited Sept. 26, 2016).

²⁹⁸ Interview by Robert Hinton with Jonathan Mannina, Executive Director, Community Legal Aid, in Hartford, Conn. (Oct. 18, 2016).

to legal services to meet their basic needs and where everyone can vindicate their rights and be treated fairly in their pursuit of justice.

Services: Subject to certain exceptions, CLA serves clients who are residents of central or western Massachusetts; have incomes under 125% of the federal poverty guidelines, or are age 60 and older; and have civil legal issues aligned with CLA's social justice priorities.

CLA's representative clients include, but are not limited to tenants facing wrongful eviction; homeowners facing foreclosure; survivors of domestic violence; workers cheated out of wages or denied lawful benefits; children in need of a stable home or special education; elders whose economic security or health care is in jeopardy; and disabled people denied opportunities.

CLA has six general practice areas:

Benefits and Employment: CLA's Benefits and Employment Unit represents people with cases before the Social Security Administration, Department of Transitional Assistance, and Division of Unemployment Assistance concerning benefits such as SSI, TAFDC, EAEDC, food stamps, MassHealth, and unemployment benefits. The unit also represents people who have wage or employment discrimination claims.

Elder Law: CLA's Elder Unit provides legal services in all cases handled for persons 60 years old and older, including housing cases; SSI and Social Security disability cases and other Social Security issues; issues involving access to healthcare benefits including Medicare; nursing home rights; Food Stamps and other benefits; family law, including physical abuse; financial exploitation and consumer rights issues.

Family Law: CLA's Family Law Unit provides legal assistance to domestic violence victims and other vulnerable clients in cases involving restraining orders, divorce, paternity, custody and visitation, child support, health insurance, and name change petitions in appropriate situations.

Housing and Homelessness: CLA's Housing and Homelessness Unit provides legal services to help tenants facing eviction, homeowners who are threatened with foreclosure, homeless families who need to access the state's Emergency Assistance shelter program, and people trying to get into affordable housing. The Unit also runs a housing discrimination testing and enforcement program.

Immigration: CLA's Immigration Unit represents clients seeking various forms of humanitarian immigration relief. We help immigrant survivors of domestic violence and other crimes to secure legal status through self-petitions under the Violence Against Women Act and applications for U and T visas. We provide referrals to other non-profit agencies for those we cannot represent.

Education: CLA's Education Law Project aims to keep children out of the “school- to-prison-pipeline” by helping students obtain services that can mean the difference between graduation and incarceration. These services, required by federal and state law, are crucial, especially for students with disabilities, who are more likely to display the types of behavioral problems that can land them in repeated suspensions, out of school, and into juvenile detention facilities.

Staff: Community Legal Aid and its subsidiary Central West Justice Center employ over 60 full-time advocates (attorneys and paralegals) to assist clients with their legal issues. Staff work out of four offices and also operates a number of satellite offices.

Funding²⁹⁹: CLA receives generous annual support from the Massachusetts Legal Assistance Corporation, which distributes legislative appropriations in addition to revenue from Interest on Lawyers' Trust Accounts (IOLTA). In addition, CLA receives support from numerous foundations and charitable organizations, including the Massachusetts Bar Foundation, several United Ways, and private and family foundations. Additional funding come from grants from municipal, state and federal government agencies and contributions from individual donors to support its work. In 2013, CLA opined that legal aid services generated an estimated \$28 million in the Commonwealth of Massachusetts through new federal revenue, other benefits and cost savings³⁰⁰. In 2014, CLA's revenue was \$7,645,749.

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405 Main Street, 4th Floor
Worcester, MA 01608
(800) 649-3718

Massachusetts Attorney General HomeCorp Program³⁰¹

Mission: The goal of the Attorney General's HomeCorps is to mitigate future impacts of the foreclosure crisis by providing advocacy to distressed borrowers in Massachusetts facing foreclosure. The HomeCorps includes a comprehensive three-part borrower support and referral initiative.

Services³⁰²: The HomeCorp loan modification program used approximately 30 attorney and non-attorney staff employed by the Attorney General's Office (AGO) to assist homeowners seeking to modify their mortgages. The HomeCorp also established satellite offices in surrounding communities. The client population served are any person who could receive loan modification assistance. Income levels may have been applied by the borrower representation legal service providers in accordance with their normal

²⁹⁹ Community Legal Aid, <http://www.communitylegal.org> (last visited Sept. 26, 2016).

³⁰⁰ Interview by Robert Hinton with Jonathan Mannina, Executive Director, Community Legal Aid, in Hartford, Conn. (Oct. 18, 2016).

³⁰¹ The Attorney General HomeCorp Program, <http://www.mass.gov/ago/news-and-updates/initiatives/addressing-the-foreclosure-crisis/homecorps/> (last visited Sept. 20, 2016).

³⁰² E-mail from Perry Zinn Rowthorn, Conn. Deputy Att'y Gen., to James T. Shearin, President Conn. Bar Foundation (Oct. 19, 2016 07:52 EST) (on file with author).

policies. Generally, clients seek assistance through the HomeCorp hotline and are then referred to the appropriate service, which informs the priorities and services provided.

At this time, there is no data as to whether this program is satisfying the legal needs of the client population, however, it is assumed that less than 100% of the needs was served. Clients become aware of the services through a dedicated HomeCorp website, as well as a dedicated Twitter account. Word of mouth and provider referral is also a source.

Funding³⁰³: The program has three components – a loan modification initiative, a borrower representation initiative, and a community grant initiative. The borrower representation initiative is the component that involves providing counsel to individuals facing residential mortgage foreclosures. The initiative was funded with moneys received by Massachusetts through the national mortgage foreclosure settlement achieved by a multi-state group of Attorneys General. Massachusetts received a total of \$44.5 million (excluding mortgage relief direct to borrowers), of which \$ 6 m was devoted to funding loan modification assistance and \$6 m was provided to legal services organizations as grants to provide services as part of the borrower representation initiative. In particular, the Massachusetts Legal Assistance Corp. and the National Consumer Law Center were awarded two year grants used to fund 14 locations statewide staffed by 19 attorneys. Legal services provided they provided included direct representation in foreclosure matters and post-foreclosure proceedings.

The Home Core direct representation project has largely wound down at this point as a result of the expiration of the grant funding and time periods, although the HomeCorp loan modification effort continues as individuals continue to call the HomeCorp hotline established in the AGO.

Massachusetts Legal Assistance Corporation (MLAC)³⁰⁴

Mission: To provide leadership and support to improve civil legal services to low-income people in Massachusetts through collaboration with the legal services community, the public, the bar, and the legislature.

Services: The Massachusetts Legal Assistance Corporation supports the following initiatives to help legal aid programs expand funding, develop best practices and more effectively serve low-income people:

- a. The Equal Justice Coalition was created by the Massachusetts Bar Association, Boston Bar Association and MLAC to protect the state appropriation for civil legal aid.
- b. The Diversity Coalition improves services to low-income clients by building cultural competence among legal aid staff and addressing other diversity-related issues within Massachusetts legal aid community.

³⁰³ E-mail from Perry Zinn Rowthorn, Conn. Deputy Att’y Gen., to James T. Shearin, President Conn. Bar Foundation (Oct. 19, 2016 07:52 EST) (on file with author).

³⁰⁴ Massachusetts Legal Assistance Corporation, <http://mlac.org/mission-vision/> (last visited Sept. 26, 2016).

- c. The Bart Gordon Fellowship helps legal aid programs overcome barriers to service by providing funding to hire recent law school graduates equipped to reach out to underserved communities.
- d. The Racial Justice Fellowship addresses pervasive problems of racial injustice through systemic advocacy and other strategies.
- e. The Central Technology Project seeks to standardize technology for MLAC- and LSC-funded legal aid programs in Massachusetts.

Funding: State budget 2014 appropriation of \$13M; MLAC also receives 67 percent of the revenue generated by the IOLTA program.

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 (617) 391-5627

NEW YORK

Immigrant Justice Corps (IJC)³⁰⁵

Services: IJC is a two-year fellowship program for law graduates and college graduates with a passion for justice for immigrants. The goal is to increase both the quality and quantity of legal services available for immigrants. IJC trains fellows and places them with host organizations in the greater New York area. A broad range of services are provided, such as immigration assistance including naturalization, deportation defense, and affirmative applications for asylum seekers, juveniles, and victims of crime, domestic violence or human trafficking. The program has a staff of 4: 2 attorneys, 1 executive director, and 1 operations director.

Funding: In 2015 IJC Revenue was \$3,912,038 and comes from the following sources: Robin Hood Foundation, The JBP Foundation, Federal Bar Council, Fragomen, J.M Kaplan Fund, Robert Kaufman Fund No. 2 at the New York Community Trust, The New York Community Trust, The Pinkerton Foundation, Tali and Boaz Weinstein Philanthropic Fund, Anonymous donor.

The Legal Aid Society³⁰⁶

Mission: The Legal Aid Society is a private, not-for-profit legal services organization, the oldest and largest in the nation, dedicated since 1876 to providing quality legal representation to low-income New Yorkers. It is dedicated to one simple but powerful belief: that no New Yorker should be denied access to justice because of poverty.

³⁰⁵ Immigrant Justice Corps, <http://justicecorps.org> (last visited Oct. 5, 2016).

³⁰⁶ The Legal Aid Society, <http://www.legal-aid.org/en/las/aboutus.aspx> (last visited Sept. 26, 2016).

Services: The Society handles 300,000 individual cases and matters annually and provides a comprehensive range of legal services in three areas: the Civil, Criminal and Juvenile Rights Practices.

The Civil Practice operates out of a network of 16 neighborhood and courthouse-based offices in all five boroughs and 22 specialized units and projects. These are the following projects provided:

- a. The Community Development Project supports clients pursuing grassroots community economic development throughout New York City.
- b. The Consumer Law Project provides representation, legal assistance and education to clients who are vulnerable to the emerging practices of unscrupulous lenders and creditors.
- c. The Disability Advocacy Project assists adults and children in obtaining benefits under the Supplemental Security Income or Social Security programs.
- d. The Education Law Project provides essential legal advocacy to families of children with disabilities in need of special education support and services.
- e. Elder Law Project/Brooklyn Office for the Aging: Serves the senior community by preventing unlawful evictions, assisting with health care, and securing government benefits.
- f. Employment Law Unit: Serves workers who have been denied unemployment insurance, whose back wages have been withheld, or who were unjustly fired.
- g. Family/Domestic Violence Practice: Helps clients achieve stability, autonomy, and economic self-sufficiency in a safe environment.
- h. The Foreclosure Prevention and Home Equity Preservation Project: Serves homeowners facing the loss of their homes as well as renters in buildings subject to foreclosure.
- i. Government Benefits Practice: Assists clients in obtaining and maintaining the government benefits to which they are entitled.
- j. Health Law Unit: Helps clients navigate the health care system, reduce medical debt, and access health insurance.
- k. HIV/AIDS Representation Project: Responds to the specific needs of persons living with HIV/AIDS by providing comprehensive legal services.
- l. Homeless Rights Project: Works continually to establish and maintain the right to shelter, assistance, and services for homeless families and individuals in New York City.
- m. Housing Practice: Prevents evictions and homelessness, corrects housing violations, obtains rent subsidies, and fights illegal overcharges.
- n. Housing Development Unit: Helps tenants and tenant organizations preserve and expand the stock of affordable housing throughout New York City.
- o. The Housing Help Program: A courthouse-based project in three of the lowest income boroughs, this innovative program allows for the provision of early intervention and comprehensive services to New Yorkers in imminent risk of eviction.
- p. Immigration Law Unit: Increases family stability and safety through comprehensive citywide immigration legal services.
- q. Law Reform Unit: Represents clients to effect systemic changes through law reform and class action litigation and advocacy.

- r. Low-Income Taxpayer Clinic: Advises clients on tax disputes and educating client communities about tax compliance and the Earned Income Tax Credit.
- s. Prisoners Rights Project: Protects the legal rights of prisoners through law reform and class action litigation and individual advice and representation.
- t. Project FAIR: Serves low-income and homeless New Yorkers through its Legal Help Desk at the State's central fair hearing site in New York City.
- u. The Reentry Project: Provides advice and legal representation to clients on Rikers Island who are scheduled to be released shortly and have civil legal problems involving housing, public benefits and family law.
- v. The Single Stop Program: Provides intake to 10 sites throughout New York City. The sites are specifically chosen to reach out to families within their own neighborhoods and at locations where they already receive other social or child care services.

With a staff of some 1,400 - including nearly 850 lawyers and 600 social workers, investigators, paralegals, and support and administrative staff - the Society handled 295,000 legal matters for clients with civil, criminal, or juvenile rights legal problems. The Society provides legal services through a network of borough, neighborhood, and courthouse offices in 25 locations in all five counties of New York City.

Funding: Aside from some targeted government funding for special Civil programs, the Civil Practice is largely dependent on private funding for client services.

Contact info: Pat Bath
Public Information Office
(212) 577-3346.

Legal Services NYC³⁰⁷

Mission: For nearly 50 years, Legal Services NYC (LSNYC) fights poverty and seeks racial, social, and economic justice for low-income New Yorkers.

Services: LSNYC prevents evictions, saves homes from foreclosure, and preserves thousands of subsidized and rent-regulated housing units. Tackles consumer scams and help those in need to obtain critical state and federal benefits. Protects the rights of low-income students and ensure that children with special needs have access to meaningful education. Helps vulnerable New Yorkers, including people who are elderly or disabled and those with HIV, gain and keep public health insurance and other benefits. Secures safety and financial stability for survivors of domestic violence, including adjusting immigration status to put these survivors and their families on the path to citizenship. Fights for the rights of veterans and those who are LGBTQ. LSNYC addresses the underlying causes of our clients' problems through all forms of advocacy, including litigation and legislative reform. LSNYC partners with scores of community based organizations, elected officials, public agencies and the courts to maximize effectiveness.

³⁰⁷ Legal Services NYC, <http://www.legalservicesnyc.org/about-us> (last visited Sept. 26, 2016).

Funding: In 2013 the revenue total was \$47,852,998 and comes from contributions, grants, gifts \$9,876,980; program services \$35,170,749; special events \$748,310; and other revenue \$2,056,960

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Communications Specialist
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kwhalen@ls-nyc.org

New York Immigrant Family Unit Project³⁰⁸

Services: Public defender system for all detained indigent immigrants; representation in removal defense and bond hearings

Funding: \$500,000 from council funded pilot program.

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Office of Communications
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New York, NY 10007
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New York Immigrant Representation Study Report³⁰⁹

The New York Immigrant Representation Study (“NYIR Study”) is a two-year project of the Study Group on Immigrant Representation to analyze and ameliorate the immigrant representation crisis—the acute shortage of qualified attorneys willing and able to represent indigent immigrants facing deportation.

In its year-one report (issued in the fall of 2011), the NYIR Study analyzed the empirical evidence regarding the nature and scope of the immigrant representation crisis. That report documented how many New Yorkers—27 percent of those not detained and 60 percent of those who were detained—face deportation, and the prospect of permanent exile from families, homes and livelihoods, without any legal representation whatsoever.

The study confirmed that the impact of having counsel cannot be overstated: people facing deportation in New York immigration courts with a lawyer are 500 percent as likely to win their cases as those without representation. Non detained immigrants with lawyers have successful outcomes 74 percent of the time, those on the other end, without counsel and who were detained, prevailed a mere 3 percent of the time.

Proposed System:

³⁰⁸ The New York City Council, <http://council.nyc.gov/html/pr/071913nyifup.shtml> (last visited Oct. 5, 2016).

³⁰⁹ New York Immigrant Representation Study (2012), http://www.cardozolawreview.com/content/denovo/NYIRS_ReportII.pdf.

- a. Function through a universal-representation, institutional-provider model with screening only for income eligibility.
- b. Operate through contracts with a small group of institutional immigration legal service providers who are in a position to handle the full range of removal cases and who can capture efficiencies of scale and minimize administrative complexities.
- c. Work in cooperation with other key institutional actors, such as the Department of Homeland Security and the Executive Office for Immigration Review, to ensure efficient attorney-client communication, timely access to critical documents, and coordination of court calendars.
- d. Provide basic legal support services, such as access to necessary experts, and translation/ interpretation, social work, mental health assessment, and investigative services.
- e. Derive funds primarily, or significantly, through a reliable public funding stream of new resources that does not divert existing resources.
- f. Be overseen by a coordinating organization that provides centralized oversight and project management.

Funding: In 2013, New York City gave \$500,000 towards the establishment of the pilot project.

New York Legal Assistance Group (NYLAG)³¹⁰

About NYLAG: Founded in 1990, the New York Legal Assistance Group provides high quality, free civil legal services to low-income New Yorkers who cannot afford attorneys.

Services: NYLAG provides a comprehensive range of services that includes direct representation, case consultation, advocacy, community education, training, financial counseling, and impact litigation.

- a. Consumer Protection³¹¹: Providing vulnerable New Yorkers with the legal services and tools they need to fight back against fraud, predatory lending, and illegal debt collection practices.
- b. Employment Law³¹²: Asserting the employment rights of low-wage workers by providing advice, consultation and legal representation
- c. Evelyn Frank Legal Resources³¹³: Helping elderly clients access health care and home care while providing education to professionals serving this population as well.

³¹⁰ New York Legal Assistance Group, <http://nylag.org/about-us> (last visited Sept. 26, 2016).

³¹¹ New York Legal Assistance Group, <http://nylag.org/units/consumer-protection> (last visited Sept. 26, 2016).

³¹² New York Legal Assistance Group, <http://nylag.org/units/employment-law> (last visited Sept. 26, 2016).

³¹³ New York Legal Assistance Group, <http://nylag.org/units/evelyn-frank-legal-resources> (last visited Sept. 26, 2016).

- d. Financial Counseling³¹⁴: Advising and educating individuals on budgets and debt management as well as credit analysis and gaining access to banking products
- e. Foreclosure Prevention³¹⁵: Preserving homes and stabilizing families by advocating on behalf of New Yorkers who are facing, or are at risk of, foreclosure.
- f. Holocaust Compensation³¹⁶: Serving the survivor community by providing accurate information and legal assistance regarding compensation and restitution programs.
- g. Immigrant Protection³¹⁷: Helping immigrants with citizenship, legal residency, work authorizations, visas, removal defense, public benefits and community outreach.
- h. Legal Health³¹⁸: Uniting legal and medical professionals by providing legal services to patients in the medical setting. Educating healthcare professionals on the legal issues affecting patients.
- i. LGBTQ Law³¹⁹: Serving the unique legal needs of the low-income Lesbian, Gay, Bi-sexual, Transgender and Queer communities.
- j. Public Benefits³²⁰: Providing legal services to ensure that people of all ages have access to the public benefits to which they are entitled.
- k. Matrimonial and Family Law³²¹: Advocating on behalf of domestic violence victims. Providing holistic representation in cases of divorce, custody, adoption, visitation, and spousal and child support.
- l. Mediation³²²: Providing free mediation in divorces, child and spousal support, custody/visitation, housing and workplace disputes.
- m. Mobile Legal Help³²³: Expanding access to justice by traveling to low-income neighborhoods and providing advice, legal counseling, and direct representation as well as video conferencing with the courts.
- n. Special Education³²⁴: Helping parents of disabled children secure fair and appropriate educational placements and services.
- o. Special Litigation³²⁵: Serving as a watchdog to ensure that NYLAG's clients' rights are protected through class action and other impact lawsuits.

³¹⁴ New York Legal Assistance Group, <http://nylag.org/units/financial-counseling> (last visited Sept. 26, 2016).

³¹⁵ New York Legal Assistance Group, <http://nylag.org/units/foreclosure-prevention> (last visited Sept. 26, 2016).

³¹⁶ New York Legal Assistance Group, <http://nylag.org/units/holocaust-compensation> (last visited Sept. 26, 2016).

³¹⁷ New York Legal Assistance Group, <http://nylag.org/units/immigrant-protection> (last visited Sept. 26, 2016).

³¹⁸ New York Legal Assistance Group, <http://nylag.org/units/legalhealth> (last visited Sept. 26, 2016).

³¹⁹ New York Legal Assistance Group, <http://nylag.org/units/lgbt-law> (last visited Sept. 26, 2016).

³²⁰ New York Legal Assistance Group, <http://nylag.org/units/public-benefits> (last visited Sept. 26, 2016).

³²¹ New York Legal Assistance Group, <http://nylag.org/units/matrimonial-and-family-law> (last visited Sept. 26, 2016).

³²² New York Legal Assistance Group, <http://nylag.org/units/mediation> (last visited Sept. 26, 2016).

³²³ New York Legal Assistance Group, <http://nylag.org/units/mobile-legal-help-center> (last visited Sept. 26, 2016).

³²⁴ New York Legal Assistance Group, <http://nylag.org/units/special-education> (last visited Sept. 26, 2016).

- p. Storm Response³²⁶: Serving as a first-responder and a long term provider of legal assistance to victims of Storm Sandy, including FEMA claims, housing, consumer, employment and other benefits.
- q. Tenants' Rights³²⁷: Defending the rights of tenants throughout New York City by preventing eviction, keeping housing affordable, fighting for repairs, and enabling longtime residents to stay in their neighborhoods.
- r. Total Life Choices³²⁸: Assisting individuals with all their advance planning needs, including Wills, health care proxies and Powers of Attorney.

Funding: NYLAG's \$23 million budget is supplemented by partnerships with law firms and volunteers that donate over 100,000 hours in pro bono services, valued at over \$17 million.

NYLAG's overhead expenses are just 9%, dramatically less than other similar nonprofits. And NYLAG is able to provide services for the low cost of only \$200 per client.

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³²⁵ New York Legal Assistance Group, <http://nylag.org/units/special-litigation> (last visited Sept. 26, 2016).

³²⁶ New York Legal Assistance Group, <http://nylag.org/units/storm-response> (last visited Sept. 26, 2016).

³²⁷ New York Legal Assistance Group, <http://nylag.org/units/tenants-rights> (last visited Sept. 26, 2016).

³²⁸ <http://nylag.org/units/total-life-choices> (last visited Sept. 26, 2016).

OUT-OF-STATE
APPELLATE PROGRAMS³²⁹

Arizona Court of Appeals³³⁰

Mission³³¹: The mission of the program is to provide pro bono counsel to pro se parties in civil and juvenile cases identified by the Court in which briefing and argument by counsel would benefit the Court's consideration of the matter.

Services: Cases selected for the program typically present issues of first impression or some considerable complexity or for some other reason warrant additional briefing. (An unrepresented party cannot apply to participate in the program; only cases identified on the Court's own initiative will be placed in the program). After the Court places a case in the program, it may order re-briefing or supplemental briefing by the volunteer lawyer. Except for appointments for purposes of settlement conferences, the Court usually will hear oral argument in cases selected for the program.

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California: Los Angeles County³³²

When was the program created? 2006.

³²⁹ ABA Manual on Pro Bono Appeals Program for State Court Appeals, https://www.americanbar.org/content/dam/aba/publications/judicial_division/cal_probonomanual_abridged_version.authcheckdam.pdf.

³³⁰ Arizona Court of Appeals Pro Bono Representation Program Manual, <http://www.azcourts.gov/LinkClick.aspx?fileticket=VIZLeKghWEc%3d&portalid=89> (last visited Sept. 26, 2016).

³³¹ State of Arizona Court of Appeals, <http://www.azcourts.gov/coa1/Pro-Bono-Representation-Program> (last visited Sept. 26, 2016).

³³² ABA Manual on Pro Bono Appeals Program for State Court Appeals, https://www.americanbar.org/content/dam/aba/publications/judicial_division/cal_probonomanual_abridged_version.authcheckdam.pdf.

How was it started? The program started after Justice Laurie Zelon of the Second District Court of Appeal decided that her court needed to do something to help the unrepresented civil litigants who were having a difficult time navigating the system. She contacted Public Counsel, a public interest nonprofit law firm, the Appellate Court Section of the Los Angeles County Bar Association, and a few prominent appellate lawyers in L.A. Then a series of meetings was held to brainstorm and design a program. In the meantime, Public Counsel created an appellate law program and received a five-year grant through the State Bar to get the program started. An appellate self-help clinic was established in a partnership of the court and Public Counsel. It is now held in a small office at the courthouse two days a week.

How are cases and volunteers chosen? Lisa Jaskol of Public Counsel identifies meritorious cases and places them with pro bono lawyers. Cases are typically snapped up quickly. The L.A. County Bar Association set up a special listserv for Public Counsel to use. The volunteer lawyer decides if the appeal presents non-frivolous issues and if he wants to keep it or give it back to Public Counsel to find another lawyer to handle it. When respondents come to the clinic, their appeals are immediately placed with pro bono lawyers.

Do volunteers need to have appellate experience? Appellate Court Section members typically possess appellate expertise. If the volunteer lacks experience, a mentorship arrangement is created with a more experienced appellate lawyer.

On average, how many appeals are handled each year? Several thousand pro se litigants have been helped at the clinic, and in six years, about 30 appeals have been placed, several of which have resulted in published decisions.

Does California have a pro se appeals guide? Yes, go to <http://www.courts.ca.gov/8676.htm>.

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Public Counsel
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Colorado³³³

Program creation: The state's pro bono program was inspired by two Court of Appeals judges, one of whom started his career in Legal Aid. The culture in the state helps to explain the deep judiciary support. The state has a "Self-Represented Litigant" program in the trial courts, with help available in person for pro se litigants in civil cases. There is a national program headquartered at the University of Denver-the Institute for the Advancement of the American Legal System, headed by a former Colorado Supreme Court judge which seeks to improve accessibility to courts. The Colorado Bar Association formed a five-person committee to develop a pro bono program. That

³³³ Id. at 8.

committee looked at model programs in Austin and Houston, Texas. It took seven or eight months to get going and craft language. Before posting information about the program on its website, the Bar Association received numerous requests for help. Members of the committee took pro bono appeals while the process was being developed.

Appeal sources: Information about the program is available from many sources. The Colorado Court of Appeals provides an information sheet to appellants and appellees. Litigants also find out about the program online, from district court clerks and appellate clerks or other pro bono programs. The application may be revised to have applicants indicate who referred them in order to gain a better understanding of how litigants are learning about the program. Another source of referrals is Metro Volunteer Lawyers (MVL) in the Denver area. Volunteer attorneys are covered under MVL's malpractice insurance.

Types of cases: Since its launch in summer 2010, the program has received approximately 140 applications and has agreed to representation in more than 30 appeals. About half are domestic relations cases. The cases come from all over the state. The volunteers may represent parties on either side of an appeal. The volunteer attorney, not the program, is the attorney of record for the appeal.

Process: Attorney Jane Ebisch is the voluntary administrator, and applications flow to her after they are submitted by applicants to the Colorado Bar Association. She is a member of the Appellate Subcommittee of the Litigation Committee of the State Bar. A small screening committee decides on what cases to accept, usually meeting via conference calls. There are mentor-mentee relationships between experienced attorneys and newer attorneys. The Litigation Committee has a small war chest to absorb costs. Ms. Ebisch often calls applicants to discuss procedural issues. The program does not require the notice of appeal to be done before an application is submitted; and if the case is accepted, sometimes the volunteer attorney prepares the notice of appeal for the applicant. Full information about the process is available on the Colorado Bar Association website: <http://www.cobar.org/index.cfmIID/20004/dpwpf/For-the-Public/>.

Unique element: There have been several court orders from the Court of Appeals, with copies to the program, giving pro se litigants who filed a brief an extension of time to apply for pro bono representation from the program. However, it is up to the litigants to follow up and apply to the program, which they do not always do.

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jebisch@ebischlaw.com

Florida³³⁴

³³⁴ Id. at 10.

How was the program started? The program was created several years ago at the impetus of the Pro Bono Committee of the Appellate Practice Section of the Florida Bar (Committee). The Committee's website is found at <http://www.flabarappeUate.org/about committee PROB.asp>."

What entities are involved with this program? The Committee, the Florida Supreme Court, and legal aid organizations.

On average, how many appeals are handled each year? Around 15.

How does it work? Cases generally are referred to the Committee from legal aid organizations or the Florida Supreme Court. The Committee maintains a roster of volunteer lawyers who have expressed interest in serving as pro bono appellate counsel. When the Committee receives word of a potential pro bono appeal, it distributes an email to the roster to ask who is interested in handling the appeal. With this inquiry, the Committee will forward basic information about the case. The Committee generally forwards any request for pro bono assistance in a civil or family law matter. Criminal or post-conviction appeals are not handled unless the Florida Supreme Court seeks to appoint counsel in such cases.

How do referrals from legal aid organizations work? A legal aid organization may refer a party to the Committee for pro bono representation after the organization ensures that he or she qualifies financially for assistance. If a party contacts the Committee directly seeking appellate representation, the Committee tries to route the applicant to a legal aid organization for financial screening. Such organizations do the financial screening because the Committee lacks the resources to do it. Rarely do parties contact the Committee directly seeking pro bono appellate counsel.

After the Committee notifies the roster of volunteer lawyers about a referral from a legal aid organization, interested attorneys contact such organization directly. If multiple lawyers volunteer, the legal aid program (or the client) may make the selection. Typically, the volunteer who expresses interest first is selected. Screening as to the merits of an appeal is done by the volunteer attorney after he or she connects with the referring organization or client.

How do court-originated appointments work? When the Florida Supreme Court grants review in a case involving a pro se party, the court alerts the Committee, which notifies the roster of attorneys to determine who is interested. The Committee then forwards to the Supreme Court the names of interested persons, along with recommendations about attorney selections. The court then chooses appellate counsel. For this type of appointment, it helps if a lawyer is certified in appellate practice or is working with a certified attorney, whether from his or her' firm or from the Committee. The Committee has contacted Florida's intermediate appellate courts to find ways to work with those courts in providing pro bono representation. However, for various reasons- including the absence of a process to screen cases worthy of appointment before the cases are sent to merits panels- those intermediate appellate courts have not been a consistent source of pro bono appointments.

Must volunteers have appellate experience? Lack of appellate experience may be a factor when the Florida Supreme Court appoints appellate counsel. Otherwise, appellate experience is not required for cases referred from legal aid organizations. Members of the Florida Bar's Appellate Practice Section may sign up for the roster, but they need not have appellate experience to do so.

Is there any oversight after cases are assigned? If a case is assigned to a lawyer lacking appellate experience, the Committee assigns a mentor to that attorney. Mentors are selected from among certified appellate specialists in the Appellate Practice Section. A mentor may review a brief before it is filed.

Are there length-of-engagement guidelines or rules? Length of engagement is governed by the arrangements reached between the client and volunteer attorney.

How is the program funded? The program has no funding. The referring legal aid organization generally pays any costs necessarily incurred in handling the appeal. At the volunteer attorney's option, any costs not covered by a legal aid organization may be paid by the volunteer attorney's law firm (however, volunteers and their law firms are not required nor expected to incur costs). Any costs not paid by a legal aid organization or the volunteer's law firm remain the client's responsibility.

Does Florida have a pro se appeals guide? Yes, go to <http://prose.fiabarappellate.org>. Also, "Ensuring Meaningful Access to Appellate Review in Non-Criminal Cases and Involving Self-Represented Litigants," a paper by Jacinda Haynes Suhr of the Second District Court of Appeal, Florida State Courts System, examines self-representation in non-criminal cases filed in Florida's intermediate appellate courts.³³⁵

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Hawaii Appellate Pro Bono Project³³⁶

The Access to Justice Commission's Committee on Increasing Pro Bono Legal Services is currently working on the creation of a pilot project to match eligible individuals in need of pro bono appellate assistance with Hawaii appellate attorneys willing to provide help.

³³⁵ See <http://www.ncsc.org/~media/files/pdf/education%20and%20careers/cedp%20papers/2009/suhraccesstoappellatereview.ashx>.

³³⁶ HSBS Appellate Section, <http://www.hawaiiappellatesection.org/probono/> (last visited Sept. 26, 2016).

Services³³⁷: This pilot project is currently limited to civil cases involving foreclosures, summary possessions, employment discrimination, worker's compensation, wrongful termination, denial of unemployment benefits, state tax appeals, probate matters, and paternity and non-married custody cases. When an individual files a notice of appeal at the Hawaii State Supreme Court Clerk's Office and is not represented by an attorney, the pro se litigant will be provided information about the Hawaii Appellate Pro Bono Pilot Project.

Participants in the Hawaii Appellate Pro Bono Pilot Project are required to meet certain income-need requirements and, if qualified, to pay an administration fee of \$50.00 to Volunteer Legal Services of Hawaii. In addition, litigants will be responsible for any costs associated with the appeal, including filing, transcript, or other costs related to the preparation of the record on appeal and presentation of arguments in the appellate courts.

Contact info: Ms. Rebecca A. Copeland
chair@hawaiiappellatesection.org.

Indiana Pro Bono Appellate Project³³⁸

The Project is a collaboration of the Indiana Pro Bono Commission and the Indiana State Bar Association Appellate Practice Section's Pro Bono Subcommittee. The Project helps low-income people find a pro bono lawyer to represent them on appeal in civil cases.

Services: After sending the individual's application to the Indiana Pro Bono Commission, it is reviewed for income eligibility. If eligible, the ISBA Appellate Practice Section's pro bono committee will review the application and attempt to find a lawyer able to take the case. The Project cannot guarantee that it can find a pro bono attorney to take the case.

Funding: The program costs are absorbed by the Commission, which promotes access to legal services for Indiana's low-income residents. The Commission and the Indiana Bar are the primary promoters of the program.

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³³⁷ Press Release, Appellate Pro Bono Pilot Project Launched (Jan. 6. 2016) http://www.courts.state.hi.us/news_and_reports/press_releases/2016/01/pro_bono-2 (last visited Sept. 26, 2016).

³³⁸ Indiana Pro Bono Commission, <http://www.in.gov/judiciary/probono/2335.htm> (last visited Sept. 26, 2016).

Minnesota³³⁹

Program creation: The Minnesota Appellate Pro Bono Program was established in 2002 by the Minnesota Bar Association Appellate Practice Section (Minnesota Bar APS), with encouragement and input from the Minnesota Court of Appeals. The program's primary purposes are to give Minnesota attorneys an opportunity to gain appellate experience and to serve a particular pro bono need that was identified by the appellate court in the area of pro se unemployment compensation appeals.

The program is officially administered by the Minnesota Bar APS, but Thomas Boyd serves as the program coordinator from his office at Winthrop & Weinstine and has done so since the program's inception.

Case selection and eligibility: The program accepts only unemployment compensation appeals by pro se litigants whose fees have been waived pursuant to state law. The program focuses on these appeals because the court receives a significant number of such cases each year. These appeals involve limited legal standards that are manageable and easily grasped by volunteer attorneys who do not have previous experience in such matters. There was also a concern that a more expansive program could sweep in cases that would otherwise have gone to paid attorneys.

The program's narrow focus benefits volunteer attorneys by limiting cases to a predetermined area of the law governed primarily by statute and well-defined legal principles. In addition, all appeals are from an administrative agency and are based on an easy-to-compile record. Generally, eligible cases are screened by Mr. Boyd and the volunteer attorneys, who weed out meritless appeals before a volunteer attorney agrees to provide pro bono representation.

Selection, service, and oversight: Attorneys volunteer for the program by expressing their interest in an email to Mr. Boyd or the Minnesota Bar APS or signing up for the program at various State Bar Association events. All licensed attorneys are eligible to volunteer; prior appellate experience is not required. Mr. Boyd maintains a list of volunteers and assigns cases to attorneys according to their availability. Generally, there is no oversight of the attorney after he or she has accepted an eligible case. Mr. Boyd, however, makes himself available to answer basic questions about administrative issues and court procedure. Attorneys are expected to represent the party for the duration of the appeal.

Funding: The program has no funding source and thus cannot defray costs associated with the pro bono representation, and it is voluntarily administered by Mr. Boyd. The lack of independent funding presents an issue for sole practitioners and small law firms. Generally, volunteer attorneys come from larger firms in Minnesota that can absorb the costs associated with pro bono representation. All court fees are waived, pursuant to unemployment compensation laws. '

³³⁹ ABA Manual on Pro Bono Appeals Program for State Court Appeals, https://www.americanbar.org/content/dam/aba/publications/judicial_division/cal_probonomanual_abridged_version.authcheckdam.pdf.

Program statistics: On average, the program accepts 10 to 15 appeals each year.

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Montana Appellate Pro Bono Program³⁴⁰

By Order dated May 22, 2012, the Montana Supreme Court established an Appellate Pro Bono Program (APBP or Program), which became effective July 1, 2012. The APBP is coordinated by the Montana Supreme Court's Pro Bono Coordinator (Coordinator) and the Court's Pro Se Law Clerk (PSLC).

Services: The Program is designed to offer the assistance of appellate counsel to 'qualified litigants.' A 'qualified litigant' is a self-represented litigant: (1) who meets the financial criteria established by the Montana Legal Services Association (MLSA), and (2) whose case, while under review by the Supreme Court, requires supplemental briefing or oral argument.

Once the Court requests supplemental briefing or oral argument, the PSLC and the Coordinator begin the process of matching a qualified pro bono attorney with a participating self-represented litigant.

The parties to the appeal are notified of the Court's request and if the self-represented party wishes to participate in the Program, the MLSA determines if he or she meets the necessary financial criteria. Upon satisfaction of the financial criteria, the qualified litigant is provided a volunteer attorney to assist him or her in continuing the appeal before the Supreme Court.

If there are multiple parties to the appeal that are qualified litigants, the Coordinator will offer each of them an opportunity to participate in the Program and be assigned pro bono counsel. Additionally, except for court fees waived in accordance with existing rules, transcripts and other costs associated with the appeal will continue to be the responsibility of the parties.

Program funding and promotion: The costs of the APBP are absorbed by the Montana Supreme Court. Court employees, led by the Coordinator and the Pro Se Law Clerk, manage the program. Some program costs are defrayed by the Montana LSA's agreement to screen pro se litigants for financial eligibility.

There are no fee-waivers associated with program eligibility. Though a pro bono attorney is appointed, the party is responsible for all costs associated with the appeal, unless those costs are waived in accordance with existing court rules (unrelated to the pro bono program). The Coordinator may, however, facilitate the volunteer attorney's access to an electronic record from the trial court (when available), at no cost to the attorney or party.

³⁴⁰ The Montana Appellate Pro Bono Program,
http://courts.mt.gov/Portals/113/cao/ct_services/probono/docs/APBPOverview.pdf.

The APBP is promoted primarily by the Montana Bar Association, which absorbs any costs associated with program promotion. The Montana Supreme Court and the Montana LSA also promote the program on their websites.

Program statistics: Because the program has only operated for one year, the Court has not published any reports and has not yet compiled statistics on the APBP.

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Nevada Pro Bono Civil Appellate Program³⁴¹

The Nevada Pro Bono Appellate Program assigns counsel on a pro bono basis to represent pro se litigants in select cases before the Nevada Supreme Court or Nevada Court of Appeals. The Program's goal is to provide pro bono counsel to pro se parties in civil appeals in which briefing and argument by counsel would benefit appellate review, and assist with the fair and efficient administration of justice.

Program procedure/organization:

- a. Case Selection. The court has designated a staff attorney to screen cases for the Program.
- b. Appointment Procedure. Once the court identifies a potential case for the Program, it enters an order directed to the Appellate Litigation Section's Pro Bono Committee, which has partnered with Legal Aid Center to administer the Program. The order is served on all parties to the case. Legal Aid Center contacts the client, assigns a volunteer attorney, and provides legal malpractice insurance. This process involves at least two, and sometimes three, key steps: client eligibility, client consent, and assignment to a volunteer attorney.
- c. Notice of appearance, scheduling, record. Once the volunteer has accepted the case, the attorney must enter a notice of appearance with the supreme court or court of appeals and file the "Statement of Legal Aid Eligibility," if applicable.

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New Jersey Appellate Division Pro Bono Civil Pilot Program³⁴²

³⁴¹ Legal Aid Center of Southern Nevada, Appeals, <http://www.lacsprobono.org/resources-and-training/appeals/#collapseZero> (last visited Sept. 26, 2016).

³⁴² New Jersey Courts, Appellate Division Pro Bono Civil Pilot Program, <http://www.judiciary.state.nj.us/appdiv/probono.html> (last visited Sept. 26, 2016).

The Supreme Court has authorized the establishment of a pilot program designed to permit greater access to the appellate courts by litigants unable to afford representation and who are unable to retain counsel or the assistance of legal services or entities established to represent low income individuals.

As a pilot, the program is limited at first to domestic violence, child custody and visitation, and small claims and Special Civil Part cases, including landlord/tenant cases. The program will not create a right to counsel in civil appeals, and provides a mechanism to bring together eligible litigants and participating law firms.

Access: Once the litigant is deemed eligible for the program, his or her notice of appeal and case information statement will be made available to participating law firms on a PIN restricted section of the judiciary's website. The only exception to this procedure involves domestic violence and child custody/ visitation cases. Because of the confidential nature of these cases, law firms wishing to represent these litigants will be required to contact the Appellate Division Clerk's Office, who in turn will fax the notice of appeal and case information statement to the inquiring firm. Participating law firms will be responsible for contacting the litigant.

Contact info: AppellateProBono.mailbox@njcourts.gov

New York State Bar Association Pro Bono Civil Appeals Program³⁴³

The New York State Bar Association has established a Pro Bono Appeals Program that provides pro bono representation for selected appeals to the Appellate Division, Third and Fourth Judicial Departments.

This unique program is designed to help persons of modest means (applicants who make 250% or less of Federal Poverty Guidelines) who are taking, or responding to, appeals regarding fundamental civil legal issues, such as family stability, personal safety or subsistence income. The Program is not administered by the court system, and gives preference to applicants who do not qualify for assigned counsel and cases that could have a broad impact.

Program procedure/organization: Cases that meet the threshold criteria will then be referred to the NYSBA Committee on Courts of Appellate Jurisdiction, which will examine cases and determine which ones should be accepted, based on several discretionary factors. These factors include the issues presented, the merits of the appeal, the likelihood that the appeal could establish valuable precedent, the number of appeals currently being handled in the Program, and the number of available volunteer lawyers.

Appeals identified as eligible for representation will be described in a case summary sent to the pool of volunteer attorneys. An appeal will be placed with an appropriate attorney, based on experience or interest.

³⁴³ New York State Bar Association, Pro Bono Appeals Program, <http://www.nysba.org/probonoappeals/> (last visited Sept. 26, 2016).

If a case is accepted and a volunteer attorney is found, the attorney will contact the client directly. The client will be asked to sign a retainer agreement outlining what free legal services will be provided for the appeal and the process that will be followed.

Funding: Funding comes from the State Bar's philanthropic arm, The New York Bar Foundation; the State Office of Court Administration; Interest on Lawyer Account grants; and attorney's fees awards in divorce and family law cases where fee-shifting based on a disparity in income is permitted. The private bar has enthusiastically embraced the program.

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Pennsylvania Appellate Pro Bono Pilot Program³⁴⁴

By order dated March 5, 2015, the Pennsylvania Supreme Court established a pilot program to provide *pro bono* appellate representation to indigent criminal defendants and civil litigants who have a right to appointed counsel (such as an individual facing involuntary termination of parental rights).

North Carolina³⁴⁵

What is the scope and nature of the program? The North Carolina Guardian ad Litem program (GAL) advocates on behalf of juveniles. The state legislature created the program in 1983 to provide legal representation to children who allegedly have been abused, neglected, or are dependent. The program relies heavily on a partnership between volunteer child advocates and attorney advocates. Program staff recruit, train, and supervise volunteers.

The program has offices in each county. Staff and contract attorneys employed by the state focus on trial-level representation. At the appellate level, the caseload is too large for state attorneys to handle alone, so the program relies heavily on volunteer appellate attorneys. The greatest need for volunteers is at the appellate level because the program has only one state-employed attorney dedicated to appeals; and state-paid attorneys are typically consumed with work at the trial-court level. Volunteer attorneys handle more than 30% of all guardian ad litem appeals. About 200 appeals are currently open.

³⁴⁴ Pennsylvania Bar Institute, Supreme Court Launches Pilot Program for Pro Bono Appellate Representation, <http://www.pbi.org/now/supreme-court-launches-pilot-program-for-pro-bono-appellate-representation> (last visited Sept. 26, 2016).

³⁴⁵ ABA Manual on Pro Bono Appeals Program for State Court Appeals, https://www.americanbar.org/content/dam/aba/publications/judicial_division/cal_probonomanual_abridged_version.authcheckdam.pdf.

Appeals from the district court go to the state's intermediate appellate court, the North Carolina Court of Appeals; are filed under an expedited timeline; and typically do not include oral arguments, but instead are decided on the briefs.

Must volunteer attorneys have appellate experience? No. Though appellate experience is preferred, it is not required. Appropriate training or experience is mandatory to handle appeals, including a two-hour CLE program. The program provides a number of resources for volunteer attorneys. After a volunteer enters an appearance, the GAL program's appellate counsel may discuss the specifics of the cases with the volunteer.

Does the program offer an opportunity for attorneys to gain appellate experience? Yes. The program is advertised as providing such an opportunity.

Is a volunteer attorney supervised after a case is assigned? Yes, particularly for attorneys new to the program. A state-employed attorney coordinates appellate representation for this program and supervises volunteers. '

Does the program provide resources for volunteer attorneys? Yes. In addition to CLE training, the program has a number of resources available, including an attorney manual, a brief bank containing briefs from past cases, and a DVD on appellate advocacy tips.

How is the program funded? The program is funded by the state of North Carolina. The state pays for transcripts. Juveniles are considered indigent, so they do not have to pay for records. A volunteer attorney may have to cover the cost of printing the brief he or she files, but these costs may be recovered. Costs of printing a brief are usually nominal.

How is the program promoted? Through the Internet, social media, and contact with attorneys.

Are there length-of-engagement guidelines or rules? Attorneys represent juveniles in the North Carolina Court of Appeals and may also continue with the case in Supreme Court, but if an attorney is not comfortable doing so, the program's counsel will take the case back or sign on as co-counsel.

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Oregon³⁴⁶

³⁴⁶ Id. at 26.

How was the program started? The Oregon Pro Bono Program started with inspiration from the Pro Bono Program in the U.S. Court of Appeals for the Ninth Circuit. The Oregon Supreme Court and Court of Appeals select cases. The Program Committee consists of the program managers, the Appellate Commissioner, designees of the Chief Justice and Chief Judge, a member of the State Bar Appellate Practice Section's Executive Committee, and other individuals that named members invite. They meet yearly to review the program and propose changes as deemed necessary.

How are cases chosen? A case may be appropriate for acceptance in the program if the court believes that referral of the case to a volunteer counsel would be helpful to the court. Selection of a case for the program does not reflect a determination of the merits of a party's position, but rather indicates that pro bono counsel is considered to be potentially beneficial to the court.

How are volunteers chosen? Program managers distribute information about the program to all active members of the Oregon State Bar through a yearly email. Attorneys interested in volunteering for the program respond by registering with the program manager. In certain cases, the appellate courts may request participation of counsel from the program as "amicus to the court," rather than as a representative of a party.

Do volunteers need to have appellate experience? Not necessarily. One of the purposes of the program is to provide less experienced attorneys with appellate opportunities. Law school clinical programs may participate, but are subject to terms and regulations imposed by the program.

Are there reimbursement programs for attorneys volunteering? No, neither the court nor bar managers reimburse volunteer attorneys for expenses.

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Tennessee³⁴⁷

When was the program created? 2011.

How was it started? A pilot initiative was established by the Tennessee Bar Association (TBA) and the statewide Tennessee Alliance Legal Services.

How are cases chosen? Cases are mainly referred from legal services programs or attorneys who have represented clients in the lower courts and are not able to continue with those cases upon appeal.

³⁴⁷ Id. at 28.

What criteria are used? Of particular interest are cases involving matters of first impression or complex legal issues, vindication of substantial constitutional rights, and unsettled questions of law. Judges may refer cases, but that has not happened yet.

How are volunteers chosen? The TBA keeps a list of volunteer attorneys. Usually the first attorney to respond is selected. Currently, TBA has an active appellate group.

Do volunteers need to have appellate experience? No. Both young and experienced appellate attorneys are welcome. The program provides an opportunity for senior attorneys with appellate expertise to mentor younger attorneys seeking such experience.

On average, how many appeals are handled each year? About five cases. The program is being re-launched and promoted this year (2013) and is looking to include areas such as administrative appeals and to increase the number of referrals and cases handled.

Are there reimbursement programs for attorneys volunteering? No, however, sometimes TBA is able to find financial assistance for transcripts for the attorneys.

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Texas³⁴⁸

When was the program created? The current version of the program went live beginning in 2007.

How was it started? The appellate courts in Texas have been a driving force behind advancing the mission of fair and efficient administration of justice. State and local bar associations have assisted in that mission through pro bono appellate programs serving qualified applicants throughout the state. The latest iteration of the Texas State Bar Appellate Program and excellent stand-alone programs are the embodiment of efforts of both the appellate bench and bar.

What entities are involved in the program? The following appellate courts have programs administered through the Texas State Bar Appellate Pro Bono Program: the Texas Supreme Court; the Fifth Circuit Court of Appeals; and the First, Second,

³⁴⁸ Id. at 30.

Third, and Fourteenth Courts of Appeals. The Dallas Court of Appeals, the state's busiest intermediate appellate court, has its own program, administered through the Dallas Volunteer Attorney Program. Through an ad hoc program administered by the State Bar Appellate Section, volunteer pro bono appellate lawyers can also be placed with any case pending anywhere in the state (whether or not an official pro bono program exists for that particular appellate court).

How are cases chosen? When a pro se party initiates a civil appeal, the required docketing statement includes a brief description of the pro bono programs and asks whether the party wishes to participate. When a party elects to do so, the Clerk of the Court forwards the docketing statement to the applicable screening committee working with that court. The committee screens referred cases based on a number of discretionary criteria, including financial means, with 200% of Federal Poverty Guidelines as a benchmark. Other factors include the number of appeals pending, the number of available volunteer lawyers, and the issues presented. The committee sends to a database of volunteers an email providing a very brief overview of the case.

When a volunteer indicates an interest in a case, the committee serves as a liaison to match the pro se party with the lawyer. In the vast majority of cases, volunteers are found. However, there is no guarantee that a match will be found. As a general rule, certain committees will presumptively solicit volunteers without substantial screening of the merits, recognizing that non-meritorious cases likely will not generate any responses from the volunteer pool. The Dallas Volunteer Attorney Program utilizes a similar approach in screening for financial need.

The Supreme Court of Texas has its own Pro Bono Pilot Program. Review in that court proceeds in multiple phases. First, parties file petitions for review, identifying issues to be raised. If the court wants additional information, it will request briefing on the merits from the parties, and if a pro se party is involved, the court will refer the case to its Pro Bono Pilot Program. The program liaison will then seek volunteer lawyers to work with the pro se parties.

How are volunteers chosen? Attorneys interested in volunteering must submit an application to be considered for the State Bar Appellate Pro Bono Program. The committee then asks volunteer attorneys what their particular areas of interest or experience are so that appropriate matches can be made. The Dallas Volunteer Attorney Program utilizes a similar approach. Many pro bono appellate lawyers are on multiple program lists.

Do volunteers need to have appellate experience? No. Attorneys do not have to have previous appellate experience. As part of the recruiting effort, there is a tiered program to attract a wide variety of appellate practitioners. One goal is to include as many highly experienced appellate attorneys as possible. Another goal is to include new appellate practitioners who can handle a case with assistance from more experienced practitioners. Appellate lawyers have the option of either taking on a case as lead counselor mentoring less experienced practitioners. Junior lawyers can gain valuable experience by taking a lead role in representing pro bono clients on appeal, with opportunities to present oral argument.

How is the program funded? The State Bar Appellate Pro Bono Program is funded by the Appellate Section. In practice, volunteers and/or their firms also cover some of the costs associated with representing pro bono clients. The Dallas Volunteer Attorney Program is a nonprofit entity funded via grants.

On average, how many appeals are handled each year? Anywhere from 24 to 36 through all channels.

Have there been any particularly noteworthy cases you would like to highlight? Pro bono appellate volunteers have won appellate reversals in difficult cases, including one case for an indigent civil rights claimant and another for an asylum-seeking immigrant.

How do you promote the program? The program is promoted via appellate court web sites, docketing statements of participating state appellate courts, brochures, emails, state and local appellate bar association meetings, and one-on-one attorney recruiting.

Do you recognize volunteers for their service, such as by certificates or awards or articles in bar association publications? Volunteers are recognized in meetings, and pro bono hours count towards the State Bar of Texas Pro Bono College, which lauds attorneys who have far exceeded the State Bar's aspirational pro bono goal.

What obstacles had to be overcome to establish the program? Qualifying applicants and gathering their paperwork and information can be time consuming. The committee has two co-chairs and several city-specific screening teams to tackle the load. The Dallas Volunteer Attorney Program uses its in-house screening personnel and systems.

What lessons have been learned in implementing the program? (1) The courts of appeals, their judges, lawyers, clerks, and staff know best what will work with their systems, (2) they are always willing to help, (3) applicants need to be able to speak with someone on the program committee at the very early stages of seeking representation, (4) forms, pamphlets, and communications need to be standardized and available both in hard copy and electronically, and (5) the qualification phase should be centralized, so that once an applicant is cleared, the request can go to volunteers via email.

What advice do you have for other states that wish to start a program? Start a dialogue with the court(s) from the outset and study what has worked in other jurisdictions. The Fifth Court of Appeals Dallas Volunteer Appellate Program is an excellent stand-alone program that could provide a framework for an initial pilot program.

Is there any oversight after cases are assigned? Volunteer attorneys report at case conclusion.

Are there length-of-engagement guidelines or rules? Length of engagement is governed by the arrangements reached between the client and volunteer attorney.

Are there reimbursement programs for attorneys volunteering? No, the volunteer lawyers agree to serve without expectation of compensation for their service or expenses.

Does Texas have a pro se appeals guide? Yes, go to <http://www.tex-app.org/sct-pro-bono-practice-guide.pdf>

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Virginia³⁴⁹

The Virginia Supreme Court has a volunteer appellate attorney program under which counsel is assigned by the court for certain cases. Through the program, attorneys fall into two groups: experienced appellate advocates and lawyers looking for appellate experience. When cases are chosen, the court assigns one attorney from each group, thus providing a mentoring relationship.

This structure has various advantages. The clients benefit because they receive capable appellate representation. The less experienced lawyers do not have to take the sole responsibility for learning and complying with the nuances of the appellate system, while the experienced lawyers participate in an appeal, but do not have to do all the heavy lifting themselves. The court benefits because it receives a case with both sides professionally briefed, thus making sure that there is not an imbalance in the presentation of those cases, which can skew the results and make bad case law.

³⁴⁹ Id. at 34.

Unfortunately, because most civil appeals in Virginia are by petition, most indigent litigants do not get counsel at the petition stage. As a result, only three or four pairs of attorneys per year are invited by the court to represent indigent clients on appeal.

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Virginia Supreme Court
Richmond, VA
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Wisconsin³⁵⁰

The Wisconsin State Bar's Appellate Practice Section coordinates a pro bono appeals program for cases in the state's Court of Appeals and Supreme Court and, occasionally, federal appellate courts.

The program does not take requests for pro bono counsel directly from potential clients, because it lacks the resources to screen for indigence or merit. The courts and various public interest firms identify cases involving important legal issues and screen for indigence. Then they call the pro bono program coordinator for a volunteer willing to represent the indigent party. Sometimes organizations like Legal Action of Wisconsin, the Legal Aid Society, and the ACLU seek a volunteer to write an amicus brief. Historically, most of the appeals have involved civil or quasi-criminal law matters, such as due process rights in prison disciplinary proceedings, family law issues, and collateral attacks on criminal convictions.

Recently, the State Public Defender has begun to refer some direct criminal appeals to the program. It also refers cases for which it lacks authority to appoint counsel. For example, after losing a search-and-seizure case in the Wisconsin Supreme Court, the State Public Defender determined that its client was no longer eligible for representation. The pro bono program then provided counsel to prepare a petition for a writ of certiorari to the U.S. Supreme Court.

The program handles about 10 to 15 appeals per year. Since its inception in 1998, it has provided counsel in more than 200 appeals. In 2009, the program began tracking the hours and expenses donated by volunteer lawyers. From March 2009 through July 2013, lawyers donated more than 7,000 hours of time and more than \$2 million in fees and costs.

The program coordinator has developed a sense of which issues or types of litigation will be attractive to firms. Some large firms seek training opportunities for their associates. Smaller firm lawyers may want an opportunity for their first argument before the Wisconsin Supreme Court. Some attorneys have a passion for certain kinds of issues, such as constitutional law, family law, or ineffective assistance of counsel. Others just want to donate their appellate expertise. The coordinator considers such factors when contacting a lawyer about a case.

The program tries to offer volunteers the resources they need to do a good job. It will connect the volunteer lawyer with an attorney who is knowledgeable in the area of

³⁵⁰ Id. at 35.

law at issue, provide sample motions or briefs, and organize rehearsal arguments before a panel of retired judges and/or practitioners.

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APPENDIX 8

LIST OF LEGAL SERVICES PROVIDERS

Connecticut

- Apostle Immigrant Services
- Center for Children's Advocacy
- The Center for Family Justice
- The Children's Law Center of CT
- Clinics: Law Schools
 - Quinnipiac School of Law
 - University of Connecticut School of Law
 - Yale Law School
- Connecticut Division of Public Defender Services
- Connecticut Child Justice Foundation
- Connecticut Legal Services Inc.
- Connecticut Probate Court
- Connecticut Veterans Legal Center
- CT Alliance for Basic Human Needs
- CT Fair Housing Center
- CTLawHelp.org
- CT Legal Rights Project
- Greater Hartford Legal Aid
- Homeless Experience Legal Protection
- International Institute of Connecticut
- Integrated Refugee and Immigrant Services
- LawyerCorps Connecticut
- Lawyers for Children America
- New Haven County Bar Association Modest Means Program
- New Haven Legal Assistance
- Pro Bono Partnership Inc.
- Robinson and Cole Domestic Violence Restraining Order Program
- Statewide Legal Services of Connecticut
- Victim Rights Center of Connecticut

Civil Rights to Counsel Connecticut Statutes

- Social and Human Services
- Public Health
- Probate Courts
- Family Law
- Courts

Out of State Plenary Programs

Maryland

- Maryland Volunteer Lawyer Service

Massachusetts

- Community Legal Aid
- Massachusetts Attorney General HomeCorp Program
- Massachusetts Legal Assistance Corporation

New York

- Immigrant Justice Corps
- The Legal Aid Society
- Legal Services NYC
- New York Immigrant Family Unit Project
- New York Immigrant Representation Study Report
- New York Legal Assistance Group

Out of State Appellate Programs

- Arizona Court of Appeals
- California
- Florida
- Hawaii Pro Bono Project
- Indiana Pro Bono Appellate Project
- Minnesota
- Montana Appellate Pro Bono Program
- Nevada Pro Bono Civil Appellate Program
- New Jersey Appellate Division Pro Bono Civil Pilot Program
- New York State Bar Association Pro Bono Civil Appeals Program
- Pennsylvania Appellate Pro Bono Pilot Program
- North Carolina
- Oregon
- Tennessee
- Texas
- Virginia