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

The Chairs of each of the sixteen pro bono committees in New Mexico submitted an annual report responding to the ten questions posed to them by the New Mexico Commission on Access to Justice. Below is a summary of their responses identified by Judicial District. Both the 5th and the 11th Judicial Districts have pro bono committees in each county of the district and are identified as follows: 5th Judicial District - Chaves County (5^{C}); Eddy County (5^{E}); Lea County (5^{L}); and 11th Judicial District: McKinley County (11^{McK}); San Juan County (11^{McK}). The individual 2010 Pro Bono Committee Annual Reports, providing details of work accomplished by each committee, are posted on the State Bar of New Mexico's website at the following address: http://www.nmbar.org/Attorneys/AccessJusticecommission.html .

1. **Provide a list of your committee members with phone numbers and e.mail addresses.** Collectively, the sixteen pro bono committees across the state have a total of 203 committee members. The 2nd Judicial District has a broad membership consisting of 55 members; with most committees consisting of 11-12 members and several small committees consisting of a membership of 6.

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

The following programs have been launched by the Pro Bono Committees as referenced below:

- Provided settlement facilitation of family law matters prior to hearings on Motions for Orders to Show Cause (1st);
- Assisted with debt management and collections issues; training provided to volunteer attorneys (1st);
- Established a foreclosure mediation project (1st);
- Established/refined routine Pro Se Clinics (1st, 3rd, 4th, 5^{E}, 11^{McK});
- Established/Refined Alternative Dispute Resolution Program for DM, CV and PB cases at reduced fee when a party qualifies for free process (1st);
- Maintained/Refined Self Help Center's provisioning of forms, procedural information and access to public computers and/or DVD players to view instructional videos (1st, 11^{SJ});

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

- Provided legal assistance, including Advice & Counsel, Brief Services and Direct Representation, through the administration of the Bernalillo County Volunteer Attorney Pool (VAP) by Law Access New Mexico (2nd); the administration of other VAPs by New Mexico Legal Aid (3rd, 4th, 6th, 8th, 11^{McK}, 12th); and of the San Juan County VLP by DNA People's Legal Services (11^{SJ});

- Developed alternative referral process that sends case to Pro Bono Committee's sub-committee for screening/referral should Legal Aid be unable to handle case for any reason (6th);

- Established/implemented a Courthouse Booth Project that utilized volunteer attorneys to assist in early litigation status conferences in foreclosure cases (2nd);

- Conceived/created/conducted legal fairs, and/or series of seminars/workshops, *during New Mexico Pro Bono Week* that enabled low income individuals to receive free legal information and advice from volunteer attorneys (1st, 2nd, 3rd, 4th, 5^{C}, 5^{E}, 5^{L},6th, 7th, 9th, 11^{McK});

- Assisted self-represented litigants in preparing orders from contested hearings (3rd, 11^{McK});

- Developed/implemented legal workshops, i.e., Default Divorce Workshops (3rd, 5^{C}, 11^{McK});

- Developed Will Preparation and Advice Program for low income senior population held in conjunction with Eddy County Community Action Center (5^{E});

- Developed process for local attorneys to accept referrals from the court to provide unbundled services and legal advice (5^{E});

- Expanded the administration of the Volunteer Attorney Pool to include a sub-committee to review and refer cases if New Mexico Legal Aid is unable to handle (6th);

- Developed experimental VLP Program in which local volunteer attorneys assist DNA with the intake process, enhancing the number of people being interviewed for service (11^{SJ});

- Created/implemented alternative Spring Break Program "Spring Into Action" that is targeted to enabling University of Denver law students to fulfill a public service requirement. Local attorneys are assigned supervisory roles (11^{SJ}).

- No programs have been launched due to the issue of malpractice insurance. Volunteer attorneys ask that the district provide malpractice insurance for court appointed pro bono cases. The issue of how such insurance can be provided to pro bono attorneys has not been resolved (13th).

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

Judicial District	Yes/No	Attorneys in VAP*	Attorneys Participating In Programs **
1st	Yes	26	35
2nd	Yes	352	174
3rd	Yes	88	65
4th	Yes	19	3
5C	Yes	22	6
5E	Yes	7	14
5L	Yes	12	2
6th	Yes	27	11
7th	No***		
8th	Yes	24	10
9th	No***		
10th	No***		
11McK	Yes	13	13
11SJ	Yes	48	59
12th	Yes	26	10
13th	Yes	97	0
Total		**761**	**402**

*****The number of attorneys in the VAP was not requested on this Annual Report; numbers reflect results of initial attorney surveys conducted in each area.

** See individual reports for names of participating attorneys.

******* The 7th Judicial District has to date recruited attorneys on a one-on-one basis rather than rely on a written survey instrument. The 9th & 10 Judicial Districts will be forming VAPs in 2010.

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

1st **Yes.** (1) The committee has attempted to implement one-on-one pro se sessions at the courthouse, matching a client with an attorney; due to no-shows by the client which resulted in non-productive time for the attorney, this program was discontinued. A revised approach is being considered; (2) the private non-attorney mediation process was discontinued due to a reluctance by the pro se litigant as well as the client with attorneys to participate in a settlement facilitation process conducted by non-attorney mediators.

2nd **No**. The committee has been fairly successful attracting attorneys.

3rd **Yes**. (1) Assistance with preparation of orders. Attorneys were willing to participate in this program at a reduced fee rather than a free-of-charge basis. By providing names of the participating attorneys to the public, it was determined the court was conferring a commercial benefit using public resources, a violation of the State Constitution's anti-donation clause. The program was discontinued in May of 2009. (2) Very few Direct Representation referrals from NMLA were accepted by participating attorneys, due to the general inability to predict up front the time and resource commitment. (3) Workshops to teach non-family law attorneys how to give default divorce classes were not held as planned, mainly due to an inability to locate a venue for the NMLA workshops.

4th **No.**

5C **Yes**. (1) Only 4 attorneys assisted or attended the Pro Bono/Pro Se Divorce Workshop and (2) only 3 attorneys participated in leading educational presentations during Pro Bono Week. This limited success may be due to a mismatch between pro bono opportunities and attorney interest. The committee is working to correct that.

5E **No.** However, the programs have not had good public response.

5L **No.**

6th **Yes**. The largest obstacle to having pro bono involvement by a large segment of licensed attorneys has been the resistance of government agency attorneys who routinely resist Pro Bono work, even if the work is only for purposes of educating the public on public interest subjects.

7th **No**.

8th **No**.

9th **No**.

10th **No**.

11McK **No**.

11SJ **No.** The program implementation process is slow due to the busy schedules of committee members. A change in DNA staffing should alleviate some of this.

12th **Yes.** The Legal Aid referral program has been of very limited success; only 3 cases have been accepted by local attorneys in Otero county and 5 in Lincoln county.

13th **No.**

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

The estimated number of the low-income population benefiting from attorney pro bono efforts is **3,766**. See individual Pro Bono Committee Annual Reports for details.

1st	240	**5C**	235	**7th**	143	**11SJ -**	517
2nd	940	**5E**	236	**8th**	20	**12th -**	59
3rd	776	**6th**	199	**11McK**	141	**13th -**	0
4th	260						

In addition, the 1st Judicial District reported its Self Help Center's provisioning of non-legal assistance (forms packages distributed or purchased, review of forms, setting of hearing dates, etc.) to approximately 17,000 court constituents. This information was not provided by other committees.

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

- Lack of significant participation (apathy) by members of the general bar (1st, 5L, 11SJ);
- Lack of funding (1st, 3rd);
- Limitation on amount of additional time family law bar members can expend (1st, 11SJ);
- Full representation of clients too costly for solo practitioners or small firms (1st, 5C);
- Overcoming perceived lack of familiarity in certain areas of law (1st);
- Low number of attorneys experienced in the area of consumer protection (1st);
- Matching interests and experience of VAP lawyers with needs of clients (2nd, 5C);
- Lack of structured opportunities for attorney base to provide pro bono assistance in a manner in which they are capable and comfortable (4th);
- Lack of public awareness of available services (5E);
- Lack of Legal Aid physical presence to direct public to attorneys or other resources (5E);
- Lack of easy-to-use and understand legal forms for the self-represented litigant (5L);
- High proportion of government attorneys resisting participation (6th, 11McK, 11SJ);
- Low number of attorneys with high number of individuals needing legal help (6th, 7th, 11McK, 11SJ);
- Minimal number of attorneys specializing in legal needs of the poor (6th);
- Large geographical area to be covered by small number of attorneys (7th).
- Large geographical area limits clients of already limited means from traveling into town to visit with an attorney or even attend hearings (7th);
- Reluctance of volunteer attorneys to take NMLA referred cases (8th);
- Members of the bar don't have a good understanding of the variety of ways in which pro bono work can be done (11SJ, 12th);
- Current economic environment is not conducive to attorneys risking involvement in a pro bono case that may consume to many resources (12th);
- Lack of malpractice insurance (13th).

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

- Programs can grow if impediments are addressed (1st).
- Growth is dependent on the success of additional recruiting of new members to provide legal assistance, in some cases from additional counties, and/or to accept referrals from NMLA or other referral agent (1st, 5C, 6th, 7th, 8th, 10th, 11McK, 12th).
- Funding should be provided to support some of the committee's efforts to grow (1st).
- Growth plans include increasing the size of the VAP, conducting quarterly Law-La-Palooza Legal Fairs, expanding the Courthouse Booth project to address civil issues, and using volunteer attorneys to assist in early litigation status conferences in foreclosure cases (2nd);
- Growth plans include offing the 2nd Judicial District's VAP as a resource for other districts to opt in to (2nd).
- Growth plans include the continuance/expansion of offering CLE's to attorneys to make them more comfortable providing legal information and advice in areas outside their normal practice area (2nd).
- Growth plans include the continuance of soliciting attorneys by visiting large firms and other various legal organizations such as the NM Trial Lawyers Association and the NM Defense Lawyers Association (2nd);
- The committee will focus on *maintaining* status of programs designed to meet the need of the low income population (3rd, 5E, 11SJ).
- Growth plans include identifying new programs to attract additional attorney involvement (4th, 5C, 5L, 8th).
- Growth plans include developing public educational programs (6th, 11McK, 12th).
- Growth plans include recruiting additional attorneys on a one-on-one basis (7th).
- The program will remain stagnant without malpractice insurance (13th).

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

All 16 committees participated in New Mexico Pro Bono Week in varying degrees. Based on information provided in the reports, approximately ***800 consumers received legal information*** during the week at the sponsored events, over ***335 pro bono attorneys were recognized for their participation in the pro bono program****s*, and ***320 attorneys attended CLEs addressing pro bono responsibilities***. For those committees dissatisfied with the level of public event participation, most thought was due to lack of adequate advance notification/advertisement. See attached *Bar Bulletin – November 30, 2009 – Volume 48, No. 48*, article, "Celebrate Pro Bono Week – 2009" for an overall summary of events. Responses for the districts are broadly summarized below; see individual annual reports for details.

1st The committee sponsored *Free Help* seminars addressing debt and foreclosure issues, attended by 72 individuals. In addition, they hosted a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Court of Appeals Judge Linda Vanzi.

2nd The committee sponsored two legal fairs, *Law-La-Palooza*, served by 33 attorneys, 12 legal service providers, 30 or more UNM students and others, providing legal assistance to nearly 200 low income individuals. In addition, they hosted a recognition reception for its volunteer attorneys. Guest speaker at the reception was Court of Appeals Judge Robert Robles.

3rd The committee sponsored *Free Legal Help Day*, with 25 one-hour seminars presented by 23 attorneys or judges and 147 private consultations given by 32 volunteer attorneys, resulting in 312 individuals receiving information and assistance about their legal problems. In addition, the committee sponsored a recognition reception for its volunteer attorneys. Guest speaker at the reception was Supreme Court Justice Patricio Serna.

4th The committee sponsored *The Law and You – How to Address Legal Matters on Your Own*, with 5 public seminars presented by 5 attorneys and judges during the week, attended by approximately 60 individuals. In addition, the committee sponsored a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Supreme Court Chief Justice Edward Chavez.

5C The committee sponsored *Roswell Law Week*, during which 5 public seminars were offered to the public, presented by local attorneys. In addition, the committee sponsored a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Supreme Court Justice Petra Jimenez Maes.

5E The committee sponsored *Free Legal Help Day*, during which 8 public seminars were offered to the public, presented by local attorneys. In addition, the committee sponsored a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Supreme Court Justice Petra Jimenez Maes.

5L The committee sponsored *Legal Aid Day*, during which 8 public seminars were offered to the public, presented by local attorneys. In addition, the committee

sponsored a recognition reception for its volunteer attorneys. Guest speaker at the reception was Supreme Court Justice Petra Jimenez Maes.

6th The committee sponsored *Pro Bono Day*, during which 8 local attorneys made presentations to approximately 100 individuals on various subjects; 60 persons received free legal advice in 15 minute blocks of time, resulting in 19 private counsel representations. In addition, the committee sponsored a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Supreme Court Justice Patricio Serna.

7th The committee sponsored 4 workshops with legal information provided by local attorneys. In addition, it sponsored a Pro Bono Week Celebration, honoring the district's pro bono attorneys. Special guest speaker was Supreme Court Justice Patricio Serna.

8th The committee hosted a recognition luncheon for its volunteer attorneys. Guest speaker for the luncheon was Supreme Court Chief Justice Edward Chavez.

9th The committee sponsored *Free Legal Information Day*, during which 3 legal seminars were offered to the public, presented by local attorneys. In addition, the committee sponsored a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Supreme Court Justice Charles Daniels.

10th The committee celebrated Pro Bono Week by hosting a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Court of Appeals Judge Tim Garcia.

11McK The committee celebrated *Pro Bono Appreciation Week* by offering a public legal information clinic, Domestic Relations 101. In addition, it hosted a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Supreme Court Justice Richard Bosson.

11SJ The Pro Bono Week concept was not well received by this Committee; felt it was an additional unnecessary burden. The particular week conflicted with other activities the committee had already planned, and as a result no public functions were sponsored or planned. The committee did host a recognition luncheon for its volunteer attorneys. Guest speaker at the luncheon was Court of Appeals Judge Linda Vanzi.

12th The committee sponsored *Celebrate Pro Bono Week* by offering 13 public legal information seminars in Alamogordo, Tularosa and Ruidoso, presented by local attorneys. In addition, it hosted a recognition dinner for its volunteer attorneys. Guest speaker at the dinner was Supreme Court Justice Patricio Serna.

13th The committee sponsored a recognition breakfast for its pro bono attorneys. Guest speaker at the breakfast was Supreme Court Justice Richard Bosson.

In addition, most committees provided an opportunity for its attorneys to attend CLE seminars developed specifically for the week. The CLE's sponsored by the State Bar of New Mexico and the Chaves County Bar, resulted in 1 hour of professionalism credit, were offered for $1 each and were suitcased to each location.

- Committee provided the opportunity for attorneys to attend the CLE, "Professional Presentation in Honor of Pro Bono Week", developed and presented by Sarah Singleton. (1st, 3rd, 4th, 8th, 11^{McK}, 11^{SJ}, and 13th). The CLE was presented by Judge Drew Tatum in the 9th Judicial District.
- Committee provided the opportunity for attorneys to attend the CLE, "Pro Bono On Purpose", developed and presented by Janay Haas, New Mexico Legal Aid. (5^{C}, 5^{E}, 5^{L}).

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

- The 11^{SJ} would prefer to continue with their own "Law Day", based on their own clinics and ideas. The day consists of clinics and a Volunteer Lawyers Program Appreciation Luncheon which awards certificates of appreciation to attorneys providing pro bono service in the community. The committee was also in the planning stages of "Spring Into Action", which could become an annual pro bono committee sponsored event.

- All other committees support participation in another "New Mexico Pro Bono Week".

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

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

- Attorney recruitment letters
- Attorney surveys
- Thank you letters to volunteers
- Legal clinic brochures
- Media releases
- Bar Bulletin articles
- Newspaper articles
- Pro Bono Week flyers
- Newsletters to members of VAP
- Client Intake Forms
- Radio sound bites
- Public Service Announcements
- Government issued Proclamations
- Letters of invitation
- Client referral authorization form
- Steps to take in the referral process
- Referral authorization forms
- Referral letters to volunteer attorneys
- Malpractice Insurance Forms
- Case Disposition Forms
- Case Tracking Checklist
- Client notification letters
- Tips (to attorney) for a successful case