

NH Pro Bono Referral Program

Year-End IOLTA Report for FY 2018-2019

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Executive Summary

Through the work of staff and the program's network of volunteer attorneys, Pro Bono strives to give those living on the economic margins access to legal representation and the opportunity for a fair shake when it comes to the legal system. IOLTA funding, which covers basic services and operating expenses, provides the financial wherewithal for Pro Bono to maintain and continue its key role in delivering legal services to low-income families and individuals throughout the Granite State. A few highlights of Pro Bono's 2018/19 services and activities funded in whole or part by IOLTA include:

- **Launching NH Free Legal Answers enabling lower-income people across the Granite State to access basic legal advice by posting questions via an online portal for participating volunteer attorneys to answer.**
- **Coordinating, supporting and overseeing 1918 unique services benefiting more than 4310 adults and children.**
- **Serving 145 individual clients through clinics, both periodic payments and criminal record annulments.**
- **Providing training to more than five dozen social service providers on identifying legal issues, legal resources and "bread and butter" legal topics.**
- **Participating in the national celebration of Pro Bono Month with the Program's own traditions, including the Bruce Friedman Pro Bono Award reception and the annual UNH Franklin Pierce School of Law faculty and staff referral marathon.**
- **Helping low-income seniors, veterans and people with disabilities secure relief from \$670,000 in disputed tax debt and prevent levying of their limited Social Security retirement and disability benefits and/or tax returns earmarked for car repairs, back utility bills and other necessities.**
- **Developing and holding several volunteer attorney trainings, including defending tenants in evictions and the basics of criminal record annulments.**
- **Holding several trainings/educational sessions for social service providers and client communities.**
- **Offering unbundled service options for victims of domestic violence and other clients, where full representation may not be an option due to limited resources.**

- **Actively participating in the Access to Justice Commission’s subcommittee work.**
- **Partnering with LARC and NHLA to improve online access to legal services, including expansion of intake questionnaires tailored to specific case types.**
- **And much more!**

Expanding Access—NH Free Legal Answers!

Several years in the making, NH Free Legal Answers debuted in mid-March 2019, with more than 60 clients helped during the final months of FY 2018/19. Advocacy by the NH Pro Bono Director and Board coupled with the Access to Justice Commission elevating the issue to the NH Supreme Court resulted in a change to Rule 6.5 that specifically allows for attorneys to volunteer with Free Legal Answers. Close to 70 have now signed on. The program is offered in partnership with the ABA’s Free Legal Answers, which hosts and administers the software program, a web-based portal where lower-income people can post civil legal questions for volunteer attorneys to select and answer. The genius of the system lies in two components: 1) the site is available to clients and attorneys 24/7, and 2) geography does not matter—any licensed NH attorney anywhere there is an internet connection can answer the question of a client located in any New Hampshire location.

As the local site administrator, NH Pro Bono is responsible for public outreach; attorney recruitment and engagement; oversight of posted questions, including taking down anything outside the site’s parameters; development of additional resource listings; weekly updates for participating attorneys and many other associated tasks. These efforts support a site that offers an alternative way for lower-income people to access basic legal information, while giving attorneys a time-limited way of doing meaningful *pro bono*. Not surprisingly, family law is at 30 per cent of request, followed by housing and consumer matters, each at 15%.

The Pro Bono Advantage: Leveraging Donated Services

Volunteers are at the core of the “Pro Bono advantage,” a critical resource engaged by Program staff, who marshal, support, and recognize attorneys, galvanizing them into a force to help the poor. The trained, experienced staff is the link that connects families and individuals in need of legal services with volunteer attorneys to assist the economically and socially disadvantaged in stabilizing and improving their lives. For every dollar of IOLTA funding invested in the program, Pro Bono produces up to a three-fold return in donated services. Pro Bono’s effectiveness stems from this catalyzing power—the program’s capacity to leverage the contributed legal services of the private bar to give the vulnerable and needy access to legal representation. In

addition to generating free legal services in excess of \$2 million, Pro Bono also achieves outcomes for clients that carry direct monetary value. While not all attorneys report financial outcomes, very conservatively their efforts put more than \$870,000 in child support, alimony, medical benefits and more in the pockets of low-income clients each year.

Making A Difference

During the past fiscal year, Pro Bono connected with 1918 clients in FY 2018/2019, benefitting almost 4310 adults and children. From information and referral to other sources and legal advice via Free Legal Answers or clinics to new referrals to attorneys and ongoing oversight of cases referral in prior years, staff serve clients in a variety of ways. Improved lives, reclaimed dignity, wrongs put right, rights established, economic stability secured and more—Pro Bono is often the catalyst for positive change in the lives of its clients. Below are stories from 2018/19 that illustrate the difference Pro Bono makes for those in need of help and hope when none seemed possible. Even if original goals are not always achieved, confidence in the justice system and lawyers is often restored.

Divorce and Domestic Violence

Jane, a young mother of two children with a 3rd on the way, found herself unemployed and living with relatives after she fled her severely abusive husband. Her husband had attempted to strangle her and repeatedly told her he wished she were dead. Despite the horrendous abuse, Jane tried to keep her family together by participating in couples counseling and encouraging her husband to pursue his new career path. When she was ultimately faced with the reality that the abuse was unlikely to cease and was unhealthy for her children, she fled and filed for a legal separation. Fueled by his possessiveness and strict religious beliefs, Jane's husband refused to consent to the separation and began harassing her. With help from the area crisis center and the Pro Bono Referral Program, she obtained a volunteer attorney who advocated for her in a way she was unable to do on her own. Through the legal divorce process, she was able to get a marital restraining order to prevent her ex-husband from harassing her, the VA benefits owed her due to his military service during the marriage, and a parenting plan that gave her primary residential responsibility for the children. These orders gave her the financial and emotional stability that she and the children had not had in years. Pro Bono's capacity to connect her with a volunteer attorney was integral to this young mother embarking on new abuse-free life.

Eviction Defense

A single woman in her seventies faced eviction from an apartment she lived in for five years. An increasingly common scenario, her Social Security check barely covered her rent, requiring that she borrow money from her friends and church to cover living expenses. When served with an eviction notice during late winter, alleging damage to the unit due to frozen pipes and other issues, the older tenant knew she would need to leave the unit but required additional time to find senior housing or other alternative housing. Her limited income made such a transition a challenge. Pro Bono referred the client to an attorney who was able to defeat the eviction to provide her with more time to locate other housing. Pro Bono staff also equipped this client with contact information for social service agencies who could help her locate housing and assist in meeting her basic needs.

Consumer Debt Relief

Many of the clients who contact Pro Bono for bankruptcy assistance are senior citizens who have been struggling with credit card payments for some time and finally reach a point where they can no longer make minimum payments and cover necessities such as food and prescriptions. Add to this, one more debt, or health issue and it becomes overwhelming. Such was the situation for a North Country couple when the spouse's advancing dementia further strained their resources. Fortunately, with the help of two volunteer attorneys, the client was able to file bankruptcy and obtain guardianship. Another senior living near the seacoast desperate to pay off credit cards, took out a small title loan on her car, only to find the interest rate of 30% coupled with other debts to be overwhelming and losing her car when the payments on the title loan fell behind. And then there was the Manchester widow who was a victim of a scam, losing her savings, and forcing her to take out a home equity loan to keep housing for herself and her adult handicapped daughter. In all three cases, filing bankruptcy allowed them relief from mounting debt and the stress that accompanies it for those with limited income.

Criminal Record Annulment

Seeking information on how to annul a criminal charge from 1992, a Manchester woman attended one of the Pro Bono Program's Criminal Record Annulment clinics to learn more about the law and meet with a volunteer attorney to go over her specific case. She left with great optimism as the volunteer explained that she would qualify for an annulment based on the information she provided. Her next step was gathering the necessary documents and then contacting Pro Bono for a referral to a volunteer who

would prepare the petition. The attorney's efforts resulted in removal of this old criminal charge and the stigma associated with a criminal record. As client wrote in her evaluation, she has been able to expand the types of employment she can pursue and the housing she needs.

DOVE/Domestic Violence

A single mother's life was turned upside down when her new boyfriend revealed himself as a serial abuser. Despite having an active DV Protective Order against him by a woman in another state, the abuser subjected the single mother to substantial physical, emotional, and sexual abuse. Her breaking point came when the abuser took her phone, pinned her to the floor and strangled her with both hands, leaving marks later photographed by the police. Without a means to call for help, the single mother had to wait to get her young child safely on the bus for school and then flee the home to seek help from a family member. With assistance from an advocate at her local crisis center and a passionate volunteer attorney recruited and trained by the DOVE Project, the young mom obtained a Final Protective Order and now has some peace of mind knowing that the abuser is legally barred from coming near her or her child.

Federal Income Taxes

An elderly, disabled man came to the tax clinic after a relative used a durable power of attorney to steal the client's life savings out of a trust the client had set up for his retirement years. Prior to the theft, the relative had also neglected to withhold taxes for the retirement fund distribution the client had requested to fund the trust – and then failed to report the distribution on the tax return she prepared for him, despite receipt of Form 1099-R listing the distribution. Because no basis for the stock sale was reported to the IRS, Pro Bono's client received a tax notice proposing an amount due of several thousand dollars. The Elder Abuse & Financial Exploitation Unit of the New Hampshire Attorney General's Office referred the client to the tax clinic. The clinic's staff attorney untangled the criminal financial abuse from the non-criminal failings, secured a brokerage statement with the needed stock basis information, and then assisted a volunteer attorney in submitting a response to the IRS showing that, in fact, no balance was due. Needless to say, the client was grateful for the tax clinic's services in clearing his name with the IRS.

A Spectrum of Services

- Direct Legal Services: Many of the cases summarized above illustrate the full representation cases handled by Pro Bono. Program staff develops and prepares cases to connect low-income people with volunteer attorneys for advice, preparation of documents, limited scope (unbundled) legal services, representation in court or before administrative bodies, and appellate advocacy. Pro Bono concentrates on cases where legal intervention can make a measurable difference in the daily lives of clients, focusing on issues such as debt collection, bankruptcy, divorce, parenting, domestic violence, eviction defense, foreclosure, elder law and more.
- Innovative Services: Pro Bono Program capitalizes on creating and implementing new methods to enhance and expand opportunities for low-income families and individuals to access legal services. NH Free Legal Answers detailed earlier in this report is a striking example of this element of Pro Bono Program advances in delivery. In addition, the Program is engaged in:
 - Expanding limited scope or unbundled services clinics for domestic violence victims in collaboration with NHLA and crisis centers;
 - Expanding services to address unmet needs such as annulments of criminal records to help overcome roadblocks to employment, military service, housing and secondary education.
 - Designing ways to reach under-served consumers facing debt collection through clinics and collaboration with the Circuit Court on a consumer debt docket project.
 - Developing a program to address the need for victims of stalking to access representation, applying the successful DOVE Project model.
- Legal Information/Other Resources: If possible, Pro Bono assures no one goes away empty-handed. Staff members point people in the right direction when full services are not possible. We post legal and project information on the web. Staff perform outreach and training about our services and special topics--tax, domestic violence and criminal annulments--for audiences including social service agencies, AmeriCorps volunteers, housing counselors and other groups.

Special Projects

Annulment Project: Word is spreading about Pro Bono's efforts in this area with requests coming in from libraries and social service agencies to hold clinics in their areas or at their sites. Bank of America funding has been instrumental to this project's

success, covering both staff time and fees associated with the annulment process. A criminal arrest or conviction record can prevent someone from ever getting on their feet financially or moving on with their lives. This project, too, shows our progress in growing the range of subject areas it handles as a win-win scenario—giving attorneys with “non-traditional” Pro Bono case experience, especially criminal defense attorneys, the opportunity to help clients with weighty but unserved legal needs. Pro Bono is forging many new partnerships, including with the NAACP, with whom we have coordinated four clinics, as well as Workplace Success at the NH Department of Health and Human Services, CAP agencies and NH Vocational Rehabilitation.

DOVE Project/Domestic Violence: DOVE has had a busy year. In a continuing attempt to recruit volunteers, Project staff presented two Regional DOVE Attorney Trainings in April. The first served the Manchester/Nashua area with 12 members of the private bar, two NHLA attorneys and two law students attending. The second held in Portsmouth was attended by seven members of the private bar and two NHLA attorneys. Staff seized on NHBA outreach opportunities offered by the Practical Skills CLE, Mid- Year Meeting and a State Employees Campaign event. In a continuation of DOVE’s partnership with the UNH Franklin Pierce School of Law Daniel Webster Scholars Program, staff coordinated a three-day DOVE training of law school scholars. Three DOVE volunteers, one local crisis center advocate, and a Marital Master were a part of the training team, which culminated with two mock DV Protective Order Hearings. Twenty-one scholars participated and will be eligible volunteers upon graduation. DOVE also spent considerable time meeting with and training crisis center advocates on the DOVE referral process and other legal services available for crisis center clients. Visits were made to crisis centers in Concord, Claremont, Manchester, and Portsmouth and were attended by 27 advocates. Ongoing Project activities included participation in regular meetings with NHLA and LARC, the Greater Manchester Coalition Against Domestic and Sexual Violence, the Domestic Violence Advisory Council, the Domestic Violence Advocacy Project, and the Pro Bono Board; grant management, which included applying for two new grants and receiving an “exceeds expectations” rating after a VAWA audit; and attending the UNH Franklin Pierce School of Law Public Interest Job Fair which resulted in recruitment of a volunteer summer legal intern.

Plymouth Periodic Payment Clinic: Pro Bono coordinates a periodic payment clinic at the Plymouth District Court which entails volunteer attorneys assisting low-income consumers with their periodic payment hearings. Participating attorneys set up shop at the court to screen clients, who receive same day unbundled Pro Bono legal services. The clinic is a work in progress to link needy clients with Pro Bono volunteers through a court-based delivery model.

Low-Income Taxpayer Project (LITP): Pro Bono's Low-income Taxpayer Project offers a continuum of client services, from information and outreach education to full representation by volunteer attorneys (with some direct service by Coordinator, Attorney Barbara Heggie). Each year training is held for participating LITP attorneys on topics identified as areas of greatest need by clients. Several years ago the LITP has expanded its efforts to include taxpayer education, with a particular concentration on those who do not speak English, thanks to increased IRS funding. As well as equipping attendees with important taxpayer information on rights and responsibilities, these sessions offer an opportunity for Pro Bono to connect with refugee communities and other newcomers, who may need/benefit from other legal services.

Challenges and Opportunities

Funding: Each year, the Pro Bono Program is charged with raising its own budget, an increasingly challenging endeavor as grants become more issue-focused. "Regular" grant requirements also change and grow, requiring additional staff time for reporting and documentation. Reduced United Way funding is one example as these organizations pursue a community impact approach focusing on specific or singular target populations or problems. In the positive column, Pro Bono's collaboration with its legal services partners continues to reap results, including Victims of Crime Act funding to expand efforts to assist victims of domestic violence and stalking.

Family Law: Pro Bono is the only program within the legal services network accepting both domestic violence-related and non-domestic violence family cases for full or extended representation. With Divorce Camp and other recruitment efforts, trainings and supports, Pro Bono tries its best to maintain a panel of attorneys to handle a significant number of family cases. The Program finds, however, that the level of client need and case contentiousness quickly depletes both staff time and attorney resources. This problem is exacerbated by the lack of a fund to cover the cost of GALs, whose services proved instrumental to both clients and volunteer attorneys in resolving more complex parenting issues. While Pro Bono uses its creativity to tackle the edges of the issue, the problem is much larger than the Pro Bono Program alone will ever be able to solve. Simply stated: demand far outstrips resource—an ongoing issue for many, many years.

Case Management System: Although a long time in the making, Pro Bono is on the cusp of implementing a "bridge" between LegalServer and the NHBA's attorney database developed during the past FY with implementation slated for summer 2019. The bridge will eliminate manual entry of changes in attorney demographic and Bar status information, saving staff time.

Pro Bono's Core Legal Case Work

Pro Bono persisted with its core legal efforts, counted on by its legal services partners and hundreds upon hundreds of low-income families and individuals.

Eviction Defense: In collaboration with LARC, the Pro Bono Program is the primary source of representation for tenants in private housing seeking to protect their rights/preserve their shelter. LARC screens the cases and identifies potential defenses, directing cases to Pro Bono with legal merit and/or compelling facts for placement with volunteers. With a streamlined review process for these cases, Pro Bono maintains a high rate of referral. In most instances (greater than 85%), volunteer attorneys achieve positive results for tenants—either the eviction is averted or extra time granted to find different, often more appropriate housing.

Bankruptcy and Debt Collection: Despite an overall improvement in the economy, debt issues still loom large for many Granite Staters. Helping consumers submerged in debt secure a fresh financial start has long been part of Pro Bono's mission, with Chapter 7 bankruptcy a program priority. Pro Bono focuses on helping current or previous homeowners, where the home/mortgage debt is a major issue. Job loss and medical bills remain the main reasons people find themselves mired in debt. More recently, Pro Bono widened the door to include some non-property bankruptcies where other significant considerations are at stake, including a vehicle or other life necessity. Pro Bono has also enlisted volunteers to represent clients in debt collection litigation where special case circumstances dictate, such as lien avoidance.

Seniors: For many seniors, their later years are far from golden. The legal problems of seniors run the gamut from divorce to bankruptcy and debt collection. Given the New Hampshire population has the second oldest median age in the country, Pro Bono expects to experience an increase in requests from seniors in the coming years. Within the legal services system, Pro Bono coordinates basic estate planning assistance for seniors. Often, the trigger for requests stems from one spouse needing to plan for the failing competency of his/her partner. If clients follow through, Pro Bono's is almost 100% for these legal services.

Family: At close to half Pro Bono's caseload, family law still holds a Pro Bono operations and its resource allocation, both of staff and volunteer attorney time. Cases range from divorce and parenting rights and responsibilities to child support. The case related above is but one example of the importance of volunteer legal services when it comes to making a difference for clients in this area. The Pro Bono Board and staff will be working with other legal services providers in the coming year to review family law priorities in view of changes in the law and court procedures to help assure Pro Bono

Program involvement is strategic and meets important current client needs, while also attracting and retaining family law volunteers. The increase in limited English proficient clients in need of legal help, too, presents challenges for Pro Bono, especially in the domestic area. Even though the program covers interpreter costs thanks to IOLTA funding, many attorneys find it difficult to navigate cultural differences on top of language barriers in the course of representation. Pro Bono intends to hold a training to equip volunteers with more tools to handle these issues.

Work with Our Legal Services Partners

All through this report we discuss collaborative efforts with our legal services partners on cases and projects. This collaboration extends further to the efforts below:

Legal Services Planning

Pro Bono is engaged with LARC and NHLA in reviewing the current delivery configuration and exploring ways to improve and/or revamp the system in place now for more than two decades. Examining/updating priorities is part of the planning process to help assure the programs help meet the most critical needs of low-income Granite Staters.

LARC/Pro Bono Work Group

Staff from both organizations continue to hold meetings to address ways to improve work flow between the programs and to foster effective communication. These meetings help strengthen the partnership between the two organizations, including ongoing dialogue about systems and priorities which benefit our mutual clients.

Need for IOLTA

Pro Bono is deeply grateful to the Bar Foundation's IOLTA Grants Program and the important work it helps fund. IOLTA is Pro Bono's largest and most important funding source. The organization's work of leveraging volunteer legal resources for the benefit of low-income families and individuals would not be possible without significant IOLTA support.

Pro Bono Clients Helped June 1, 2018 - May 31, 2019

<i>Services</i>		<i>Consumer</i>	<i>Education</i>	<i>Employment</i>	<i>Family</i>	<i>Juvenile</i>	<i>Housing</i>	<i>Income Mainten- ance</i>	<i>Individual Rights- Record Expungemen- t</i>	<i>MSCLL</i>	<i>Total Services</i>	<i>Total Benefici- aries</i>
Unknown	Services	29	1	33	112	1	16	0	43	74	309	
	Household Merr	63	2	71	250	2	35	0	97	161		681
Belknap	Services	16		12	31	0	9	2	7	15	92	
	Beneficiaries	34		26	79	0	15	6	12	34		206
Carroll	Services	14		9	19	1	6	0	4	8	61	
	Beneficiaries	24		15	42	2	19	0	6	19		127
Cheshire	Services	8		8	30	0	12	0	5	18	81	
	Beneficiaries	15		23	74	0	39	0	13	30		194
Coos	Services	13		3	8	0	4	0	0	6	34	
	Beneficiaries	23		4	17	0	11	0	0	10		65
Grafton	Services	57		5	60	0	13	0	1	10	146	
	Beneficiaries	130		6	142	0	26	0	2	17		323
Hillsborough (N)	Services	32	1	25	156	10	31	2	62	28	347	
	Beneficiaries	59	2	44	418	101	72	3	124	47		870
Hillsborough (S)	Services	13		8	88	0	12	0	44	10	175	
	Beneficiaries	24		12	214	0	29	0	91	20		390
Merrimack	Services	35		27	94	1	21	1	42	20	241	
	Beneficiaries	63		46	232	2	56	2	95	33		529
OOS	Services	3		9	14	1	1	1	7	2	38	
	Beneficiaries	10		32	31	3	5	1	12	3		97
Rockingham	Services	33		17	85	1	33	0	11	27	207	
	Beneficiaries	63		30	216	3	73	0	18	41		444
Strafford	Services	21		19	53	2	17	0	16	9	137	
	Beneficiaries	37		29	126	4	46	0	26	10		278
Sullivan	Services	10		2	16	2	12	0	4	4	50	
	Beneficiaries	25		2	34	7	24	0	7	7		106
Totals	Services	284	2	177	766	19	187	6	246	231	1,918	
	Beneficiaries	570	4	340	1875	124	450	12	503	432		4,310