

# **NH Pro Bono Referral Program**

## **Year-End IOLTA Report for FY 2017-2018**

Submitted by: Virginia Martin, Director  
715-3221, [gmartin@nhbar.org](mailto:gmartin@nhbar.org)

### **Executive Summary**

Much is written and said about equal access to justice. In reality, many who live on limited incomes find themselves without the resources to protect and/or pursue their legal rights. Through the work of staff and the program's network of volunteer attorneys, Pro Bono endeavors to give those living on the economic margins an opportunity for a fair shake when it comes to the legal system. IOLTA funding, covering basic services and operating expenses, is at the core of Pro Bono's capacity 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 2017/18 services and activities funded in whole or part by IOLTA include:

- **Coordinating, supporting and overseeing more than 1530 cases placed with volunteer attorneys, with 3,540 adults and children benefitting. (Up slightly over the prior year.)**
- **Providing almost 550 additional people with information and referral to other resources.**
- **Expanding the reach of criminal annulment clinics staffed by volunteer attorneys, serving almost 100 clients seeking to improve their lives, especially chances for more substantial employment.**
- **Conducting another productive celebration of national Pro Bono Month with almost a dozen events, including the Bruce Friedman Pro Bono Award reception and the annual UNH Law faculty and staff referral marathon.**
- **Helping low-income seniors, veterans and people with disabilities secure relief from \$600,000 in federal 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 the multi-part series Divorce Camp.**
- **Receiving federal Victims of Crime Act funding to strengthen DOVE and launch a stalking project under the umbrella of DOVE.**
- **Collaborating with the Circuit Court on a consumer debt docket project and launching Pro Bono services for low-income consumers at the Concord District Court.**

- **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.**
- **Holding several trainings/educational sessions for social service providers and client communities.**
- **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!**

### **The Pro Bono Advantage: Leveraging Donated Services**

Volunteers are at the heart of the “Pro Bono advantage,” a key resource activated and engaged by Program staff, who marshal, support, and recognize attorneys, galvanizing them into a force to help the poor. The 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 \$400,000 in child support and alimony in the pockets of low-income clients each year.

### **Making A Difference**

During the past fiscal year, Pro Bono maintained a caseload of 1534 clients referred to attorneys, benefitting almost 3500 adults and children. These cases consisted of those referred in prior years but remaining open, in addition to new referrals during 2017/18. As Pro Bono takes in new cases and makes new attorney-client connections, it is always in the process of providing case support, from litigation reimbursement to coordination of interpreters and meeting requests for mentors. On top of this work, Pro Bono staff worked with almost 550 additional applicants, providing intake services and referrals to other programs or services.

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 2017/18 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 Subsistence**

After more than three decades of marriage, Mrs. M found herself alone after her husband moved out of their shared apartment. Although employed, her spouse left her with a mountain of debt and unpaid rent. Already confronting significant challenges--legally blind and caring for an elderly parent with significant cognitive issues--she was now faced with the additional challenges of how to support herself and pay the rent. Abandoned with over \$20,000 in joint debt, no resources and rent due, she borrowed money to prevent an eviction. Her husband meanwhile filed for divorce without addressing spousal support or the marital debt. Fortunately, Mrs. M applied for assistance and Pro Bono was able to locate a volunteer to represent her in the divorce proceeding. As a result of her Pro Bono attorney's efforts, the client received an alimony award for five years to allow Mrs. M time to apply for Social Security Disability, find secure housing and look after her father. The Court's final order, too, called for her spouse to pay the joint bills.

### **Eviction Defense and the Impact of Addiction**

A married couple in their fifties took in their preschool-aged grandchildren when the children's mother—their daughter---became unable to parent due to opioid addiction. Not long after, the husband was diagnosed with a terminal illness and became unemployed. Although the family was able to secure a Section 8 voucher to help with their housing costs, the landlord was reluctant to accept it and served the family with an eviction notice. Pro Bono referred them to an attorney who attended a court hearing and was successful in defending against the eviction. As the family qualified for Section 8, it was imperative to defeat the eviction to protect their voucher—their key to affordable shelter. The volunteer attorney was also able to negotiate an agreement which allowed the family to remain in the unit on a long term basis. Help for the family did not end there. This attorney and his law firm went above and beyond providing legal assistance. The family had captured their hearts and at the holidays the law firm made sure the children had many presents to enjoy despite the family's difficult financial circumstances.

### **Consumer Debt Relief**

Bankruptcy is often characterized as giving the honest debtor a fresh start and that became true for one client in rural New Hampshire. For Mr. K., losing a good paying

job in his 50's, led to a downward financial spiral. While searching for work, his financial resources were depleted leaving only a very modest pension from his previous employer to live on. At first, it was just the credit card payments he was unable to make, later it was the utilities, and then housing. Eventually he was forced to live out of his truck while working seasonal outdoor jobs. He worried how he would make court ordered monthly payments of \$100 each to two of the credit card companies that had taken him to court. Unable to afford legal fees, he found the Pro Bono Program as a resource. In his words, 'please let me start by saying how lucky I was to have been chosen for the program. The outcome was fast and could not have been better. The truly best part of this situation was dealing with the Pro Bono Staff (Carolann Wooding) and my attorney... my sincere thank yous to all involved.'

### **Criminal Annulment**

Ms. Y came to Pro Bono confused about her criminal record history, which is not unusual. Having worked with autistic children as a behavior technician for four years, she applied for a second job and was informed that she had a felony on her record. The client felt sure she had pled to a misdemeanor and could not understand the court paperwork. In fact, the record showed that she was charged with a misdemeanor, but the original felony conviction was still on file. The issue was moot once a Pro Bono attorney was involved. He met with the client, filed the petition and had it granted within a few months. Ms. Y, a young woman with her whole career ahead of her, is now able to move on with her life. She expressed her gratitude to her attorney, telling Pro Bono that "even though my case was probably minor compared to others, he never made me feel unimportant. A huge weight has been lifted now that it's officially annulled, and I can't thank him enough!"

### **DOVE/Domestic Violence**

After domestic violence in the home escalated to the point that her abuser threatened to kill her and her children, Ms. G took her two children and fled for safety. In a civil Domestic Violence Petition, she pled, "this man will absolutely without a doubt kill me if he has access to me." A single mother, now homeless with two children (one disabled), Ms. G had no resources to hire an attorney for the Final Hearing on her Protective Order. Through her local crisis center, Ms. G was paired with a DOVE attorney willing to take her case pro bono. After a contested hearing, Ms. G was granted a Final Protective Order. When asked about her hearing she said, "That part went very smoothly for me." Having an attorney representing her through the DOVE Project gave her confidence that the hearing would end in her favor. "My attorney was great! I felt

confident that if I stumbled he would be there.” With the protective order now in place, Ms. G has begun to move forward. She and her children have a new, safe, place to call home. “We are very happy,” she concluded.

### **Federal Income Taxes**

A client of Pro Bono’s Low-Income Taxpayer Project (LITP) was fortunate to receive assistance to retain a \$3,000 in a retirement account needed to buy a car needed for work in order to escape an abusive marriage. She had been in danger of losing the account when a revenue officer filed a federal tax lien after helping the couple prepare several years’ worth of balance-due joint tax returns. The revenue officer didn’t realize the client’s situation, and the husband gave his wife no real choice but to sign the returns, despite the absence of any taxable income attributable to the client. Once she client came to the LITP, however, the clinic was able to convince the revenue officer of the client’s need for the \$3,000. The case, however, did not end there. The now-ex-husband fought the request all the way to Appeals, making horrible accusations against her each step of the way. But he finally lost, late last year. The client is now gainfully employed, securely housed, and thoroughly relieved to be rid of that joint liability.

### **Opening Doors to Legal Access**

- **Direct Legal Services:** Pro Bono staff prepare cases and 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. The Program concentrates on cases where legal intervention can make a measurable difference in the daily lives our clients, focusing on case types including 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.
  - 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.

### **Improvements and Accomplishments**

**Annulment Project**: Word is spreading about Pro Bono's efforts in this area, which have really taken off thanks in significant part to Bank of America funding, after an initial launch with a small Justice Grant. 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**: The list is a long one for DOVE activities and accomplishments, which has been substantially abbreviated for this report. (DOVE's 25<sup>th</sup> anniversary celebration is noted in the six-month report.)

### **Outreach/collaboration with partners and stakeholders**

- As members of the statewide Domestic Violence Advisory Council the DOVE coordinator and her assistant attend quarterly meetings to address trends, positive and negative, that impact the safety of victims/survivors of domestic violence. The DOVE coordinator has joined a sub-committee to identify resources and develop strategies to keep families safe during child exchange and parental visitation in light of two supervised visitation center closures. This sub-committee met with Judges Kelly and Carbon as the Court developed a plan to address the needs of litigants needing new orders regarding child visitation.
- Attendance to the Greater Manchester Council Against Domestic & Sexual Violence monthly meetings to address issues and trends. The networking opportunity has resulted in DOVE connecting with medical professionals from the Veterans Administration and the development of presentations for VA

therapists and counselors to help them guide their patients to access our volunteer resources.

- The DOVE assistant coordinator personally visited 12 of New Hampshire's 13 domestic violence crisis centers, since she began with DOVE in February. These visits provided an opportunity for her to explain her new role with DOVE, to answer questions about DOVE's stalking project, and to get feedback about problems facing crisis centers in their individual catchment areas.

### **Training events**

- **North Country Regional Training** – The DOVE assistant presented a 3-hour condensed stalking and domestic violence seminar in Littleton, NH in March, attended by a dozen private attorneys, prosecutors, law enforcement and crisis center advocates.
- **Daniel Webster Inn of Court** – The DOVE Coordinator spoke at September 2017 meeting to share information about our project and our partners, provide educational information and offer members a volunteer opportunity. We maintained a connection with some of the lawyers and see this as an opportunity to build on the volunteer spirit of new lawyers.
- **DWS Miniseries** – DOVE conducted a mini-series for the Daniel Webster Scholars at UNH Law. Over the course of six hours, students received a vigorous presentation of domestic violence dynamics and substantive laws. After students worked with numerous DOVE attorneys to prepare a case, the series culminated in two mock final protective order hearings in the Law School's courtroom, with a New Hampshire Judge presiding.

**Plymouth Periodic Payment Clinic:** Utilizing a model developed by NHLA for the Candia District Court, Pro Bono is coordinating a periodic payment clinic at the Plymouth District Court. Pro Bono has recruited attorneys to assist low-income consumers with their periodic payment hearings, setting up shop at the court to screen clients, who receive same day Pro Bono legal services on-site at the courthouse. The clinic is a work in progress to link needy clients with Pro Bono volunteers through a court-based delivery model.

### **Challenges and Opportunities**

**Funding:** Pro Bono must raise its own budget every year, which has become more and more difficult 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 concentrating on particular or singular populations or

problems. At the same time, Pro Bono's collaboration with its legal services partners continues to reap rewards, such as Victims of Crime Act funding to expand efforts to assist victims of domestic violence and stalking.

**Family Law:** Pro Bono remains the only program within the legal services network that accepts domestic violence-related and non-domestic violence family cases for full 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, though, that the level of client need and case contentiousness quickly depletes both staff time and attorney resources. 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 Software Transition:** To take greater advantage of the software's capabilities, the Program is working with LARC and NHLA to pursue online intake. Building a "bridge" between LegalServer and the NHBA's database has proved more difficult than anticipated and has carried over into the coming fiscal year. The goal is for the bridge to 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/keep 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. Several years ago, Pro Bono has streamlined the review process for these cases and maintains a high rate of referral. Results for tenants are successful in most instances—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.

IRS Tax Disputes: Attorney Barbara Heggie serves as Pro Bono's Low-income Taxpayer Project coordinator. The project has thrived under her leadership, with a continuum of client services, from information and outreach education to full representation by volunteer attorneys (with some direct service by Ms. Heggie). 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.

Family: At about half of Pro Bono's caseload, family law remains a key component of 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 through 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:

**NHLA/LARC Online Intake Work Group**—Pro Bono staff are an integral part of this collaboration, participating in discussions aimed at expanding online intake for specific

areas of law beyond templates currently in use along with improvements to the flow of cases among the organizations. Current plans entail working together to develop the forms for people to apply for Pro Bono assistance with bankruptcy and consumer debt adapting LARC's online intake capabilities.

**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 for basic operations. 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.