

## **PBA IOLTA 2005-06 GRANT Program Report**

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Below please find a report on the grant activity on the PBA IOLTA Pro Bono Grant Project from 7/1/05 to 6/30/06 for the twelve months of the grant. The technological tools for this initiative are PALawHelp.org and PApronono.net, partnership efforts of the Pennsylvania Bar Association and the Pennsylvania Legal Aid Network.

PALawHelp.org is the Pennsylvania site for general information about the law and the resources available to needy clients; PApronono.net is the Pennsylvania version of an online resource for legal advocates, including pro bono and legal services attorneys, law professors and law students, and other social services advocates across the country.

This report is structured in five parts with an appendix to show the grant activity in the clearest manner possible and to reflect the work provided through the funding sources. Since the purpose of the grant was to take advantage of technological innovations that are improving the ability of pro bono lawyers to provide service to the poor across Pennsylvania to both mobilize and expand the organized pro bono efforts in every county in the Commonwealth, this report begins with a section, Project Summary, of statistics showing how many additional pro bono lawyers became involved in the project and how many civil legal aid matters were handled as a result.

Moving to the funding, and noting that the in-kind funding for the grant flows mainly from activities of the Pro Bono Coordinator (with his salary and his travel) the second section of this report is the Report of Pro Bono Coordinator. Given that actual grant funding was divided into three areas, those areas provide the final three of the five sections of this report. There is a section called PBA Staff Activity, summarizing the work of PBA staff on the grant, a section summarizing the work of the interns entitled Intern Activity, and a section called Supplies and Materials detailing the use of the funds for supplies/materials. The appendix provides examples of how matters were handled. The grant itself can be found on the PBA Pro Bono Website at <http://www.pabar.org/public/probono/pbaioltagrantsum.asp>.

### **PROJECT SUMMARY**

The resources supplied by the IOLTA grant allowed PBA staff and interns to involve more than 600 lawyers and support staff across the state in new pro bono activity that handled over 1200 matters and brought more than 700 of those matters to resolution from the client's perspective. Though the efforts did not reach the grant goal of having 1000 lawyers resolve 1000 matters, the overall effort greatly increased pro bono service in the Commonwealth and has set the stage for further development during the coming year.

The vast majority of the more than 1200 matters that came before the PBA involved family law issues of divorce, custody and support (more than 1000). Specific matters involving employment and public benefits issues, nearly all arising from the PBA's Legal Assistance for Military Personnel outreach, were the second biggest area of concern and totaled nearly 100. Interestingly, the number of pro bono cases handled through the

PBA's LAMP Program declined significantly (more than 100 in the first six months of the grant, 18 in the second six months), a statistic that probably reflects the significant reduction in Pennsylvania reserve servicepersons being called to active duty status.

A wide variety of other matters covering the full reach of the law completed the total. There were 42 requests from persons charged with crimes and from prisoners and families of prisoners, many for help with post-conviction appeals. These were referred out to other sources but not counted in these totals since they involved criminal rather than civil matters. There were about a dozen requests that came in from prisoners and their families that involved civil legal aid issues and those were counted.

Many of the legal matters were resolved through legal information provided to clients using the PALawHelp.org site with either staff help or support from attorneys in navigating the site. Direct attorney involvement was almost always secured by electronic means mostly through two main listservs, each serving a standing Committee of the PBA, and somewhat less often through listservs that target County Bar leaders and Legal Aid professionals. Phone calls were utilized in fewer than 5% of the referrals. PBA staff found that posting cases on the PApronono.net site was not yet, as of the June 30, 2006 closing date of this grant, as efficient as direct phone and email solicitation through the various lists and listservs, whether handled at the local level or handled at the PBA level. The expectation is that this will change in the coming year as active listservs, such as the one for Legal Assistance for Military Personnel, are auto-enrolled onto the PApronono.net site.

By the end of June, 2006, the monthly page views (hits) for PALawHelp.org was nearing 15,000, more than double the hits received before the grant period. Few cases were actually posted on PApronono.net during the grant year because of the difficulty in getting lawyers to sign up for the website. Despite all of the outreach efforts of PBA staff, and ongoing efforts of Pennsylvania Legal Services (soon to be Pennsylvania Legal Aid Network) staff, less than 300 lawyers were registered on the site.

The auto-enrollment of the York County Bar Association Pro Bono Program this spring showcased a way to easily sign-up large numbers at one time and plans are in place to auto-enroll the PBA's Pro Bono and Legal Assistance to Military Personnel Listservs. Discussions have taken place with Philadelphia Volunteers for the Indigent Program, Lackawanna Pro Bono, Erie's Legal Assistance Volunteer Attorneys Program, the AIDS Law Project and many other county and specialty pro bono programs about auto-enrolling their volunteer lists and posting their cases on the PApronono.net site but no firm commitments have been reached at this point.

### **Pro Bono Coordinator's Report**

Here follows a list of presentations and meetings conducted by the Pro Bono Coordinator and supported by PBA staff, with notes providing detail where appropriate. This only covers activities of the Pro Bono Coordinator since January 1, 2006 since the earlier six

months were covered in the interim report made for the first six months of this grant.

Wednesday, January 4, 2006

Philadelphia

A presentation was made to the Delivery of Legal Services to the Public Committee of the Philadelphia Bar Association about the web resources and all participants were encouraged to sign-up on PApobono.net.

Tuesday, January 10, 2006

Philadelphia

A meeting was held with the Large Firm Pro Bono Committee of the Philadelphia Bar Association to discuss how the PApobono.net site might be used by large firms to increase their pro bono efforts. Plans for using summer interns at the law firms to update materials for both that site and PALawHelp.org were also discussed.

Tuesday, January 17, 2006

Harrisburg

The Dauphin County Pro Bono Committee met to discuss ways to use PApobono.net

Thursday, February 2, 2006

Doylestown

Meeting with Chair of PBA Legal Services to the Public Committee and Bucks County Bar staff about websites and reporting pro bono cases.

Monday, February 13, 2006

Pittsburgh

PApobono.net CLE Program

Wednesday, February 15, 2006

Norristown

Meeting with bar leaders to discuss PApobono.net and its use in Montgomery County

Wednesday, February 22, 2006

Philadelphia

Presentation on PApobono.net to participants in the Philadelphia Bar Association Young Lawyers Division (YLD) Annual Meeting. Discussion of possible pro bono reporting and use of the web tools.

Friday, February 24, 2006

Philadelphia

Presentation on PALawhelp.org and PApobono.net at Community College of Philadelphia Law Day program.

Tuesday, February 28, 2006

Johnstown

Meeting with Cambria County Pro Bono Committee about use of PApobono.net.

Friday-Saturday, March 3-4, 2006

State College

At the Conference of County Bar Leaders, an exhibit table with a computer hooked up to P<sub>A</sub>probono.net and P<sub>A</sub>LawHelp.org was set up for the entire conference and a session on the tools was provided for Bar leaders from counties across the Commonwealth.

Thursday, March 9, 2006

Philadelphia

Materials on the web tools was disseminated at the PBA's Public Interest Institute.

Friday, March 10, 2006

Harrisburg

This was the first ethics CLE workshop, held at Widener-Harrisburg School of Law, that was completed in a computer lab so that all in attendance could work hands on using the electronic sites.

Thursday, March 23, 2006

Harrisburg

At the Minority Law Day in Harrisburg materials on the web tools was distributed.

Tuesday, March 28, 2006

Philadelphia

At the Sparer Conference at the University of Pennsylvania Law School in Philadelphia materials on P<sub>A</sub>probono.net were shared with all participants.

Tuesday, April 4, 2006

Harrisburg

Meeting with large law firm to establish support for web tools.

Tuesday, April 18, 2006

Philadelphia

Presentation to large law firm group.

Wednesday, April 26, 2006

Philadelphia

At Jenkins Law Library in Philadelphia, two 2-hour hands-on CLE programs were conducted in their computer lab giving 28 Philadelphia area lawyers a chance to use the websites and see their value.

April 28, 2006

Pittsburgh

Presentation to Allegheny County Bar Association Pro Bono Committee on web resources and virtual pro bono clinic model.

Monday, May 1, 2006  
Lancaster  
Materials on websites distributed.

Monday, May 22, 2006  
Philadelphia  
Website Subcommittee of Self-Representation Task Force Meeting; PALawHelp.org promoted as the best tool for the courts to use for pro se clients.

Thursday, May 25, 2006  
Harrisburg  
The websites and materials were featured in a CLE presentation at the PLS Conference.

Friday, May 26, 2006  
Clearfield  
Meeting with Pro Bono Coordinator to explore virtual law clinic approach.

Thursday, June 1, 2006  
Philadelphia  
Presentation on PApronobono.net at Summer Associates Pro Bono Day.

Wednesday, June 7, 2006  
PBA Pro Bono Conference in Hershey  
Updates on PALawhelp.org and PApronobono.net were provided at the Pro Bono Conference as part of the PBA Annual Meeting. PBA Board of Governor members were all shown the materials and encouraged to sign up for PApronobono.net.

Wednesday, June 14, 2006  
Chester  
Meeting with Delaware County pro bono contacts on web tools and their use.

CLE Programs for 2006-2007 have been set for 7/11/06 in Westmoreland County, 9/20/06 in Lycoming, 10/19/06 in Lackawanna County and 2/2/07 in Washington County with dates TBA in Erie, Beaver and Franklin counties.

### **PBA Staff Report**

Technological innovations are improving the ability of pro bono lawyers to provide service to the poor across Pennsylvania. This IOLTA Pro Bono Initiative grant of the Pennsylvania Bar Association, in cooperation with Pennsylvania Legal Services and numerous local bar associations, is taking advantage of those innovations to both mobilize and expand the organized pro bono efforts in every county in the Commonwealth.

PBA staff was primarily responsible for supporting the Pro Bono Coordinator in his

travels and in processing request for pro bono services. Developing a properly working protocol for handling such requests took place over the past six months during the second half of the grant period. Currently, the process flows as follows for individuals who contact the PBA directly: Individuals making requests for pro bono services are asked basic questions by PBA staff (name, address, contact information) and are asked to provide a brief description of their issue and detail what steps they have taken seeking help. They are self-screened for eligibility, meaning that PBA staff ask requesters if they qualify financially for legal aid. Each person, even those who say they do not qualify for legal aid, is given, at the minimum, the PALawHelp.org site to look at the resources there (and if the individual is unable to access the internet, PBA staff will print out and mail resources to those individuals where possible). Those who affirm to PBA staff that they have cases that qualify for pro bono support are told that the PBA office will post their case for consideration by pro bono lawyers. However, each person is informed clearly that there is no guarantee that their case will be picked up by a pro bono lawyer so they must keep working to resolve their problems and watch their deadlines. PBA staff then checks with the local legal service provider to make sure that the individual has gone through the steps of trying to have his or her case handled by Legal Aid and to double check during such inquiries that the person qualifies for such assistance. If that inquiry checks out, the case is posted for pro bono consideration, using the authentic language of the individual describing the matter. If a pro bono lawyer agrees to take the case, the PBA staffer sends the individual's contact information to the lawyer and asks the lawyer to send notice of the disposition.

Here is the exact protocol being followed by the PBA Pro Bono Office as of the close of this grant period:

### **Pro Bono Referral Protocol**

1. When an email comes in, the email response should be to ask whether the inquirer has been in contact with their local legal services agency and has looked at [www.palawhelp.org](http://www.palawhelp.org).
2. If a person calls in, ask them if they have been in touch with their local legal services provider. Provide the phone number for that provider if they have not been in touch with legal aid. Ask if they have access to the internet and provide the [www.palawhelp.org](http://www.palawhelp.org) website at this time. Explain that they can email in a request for help in writing if they cannot be helped by legal aid to [david.trevaskis@pabar.org](mailto:david.trevaskis@pabar.org).
3. If the caller does not have email access, ask them if they have been in touch with their local legal services provider. Provide the phone number for that provider if they have not been in touch with legal aid. Also direct them to their local library for internet access to [www.palawhelp.org](http://www.palawhelp.org) and to sending in their email to the PBA if legal aid cannot help them.

4. If the inquirer has already contacted their local legal services program and checked out [www.palawhelp.org](http://www.palawhelp.org), then explain our “program.” Explain that there are no attorneys in our office who can help with their legal matter, but note that a new web resource, [www.paprobono.net](http://www.paprobono.net), has been created as a place to post potential pro bono cases. Explain that we have various groups of attorneys who volunteer their time when they can to help with pro bono cases and that those attorneys are able to view all posted cases, but stress that these attorneys only take cases when their schedules allow and that, because they volunteer their time, we can not guarantee placement of any particular case that is posted.
5. Tell them that their request for assistance must be in writing, either via e-mail or regular mail. This is done so that the request can be posted in their own words, rather than adding any personal interpretation to it, and also as a way of attempting to “weed out” those who are not serious about seeking help.
6. When a request in writing is presented, the following response is sent by the same means the request is received: “This is confirmation that your request for pro bono assistance has been received. Please remember that our attorneys volunteer their services and note that we do not guarantee placement of any case. You will only be contacted if someone agrees to assist with your legal matter. In the meantime, you should continue seeking assistance from other resources such as those available at and listed on [www.palawhelp.org](http://www.palawhelp.org).”
7. Before posting a request on [www.PAprobono.net](http://www.PAprobono.net), the request is sent to the local legal services agency to be absolutely sure they can not assist with the case. Sometimes they respond; often they do not. This was requested by Sam Milkes, Executive Director of the Pennsylvania Legal Aid Network, to prevent any embarrassment to the local legal services programs and to avoid sending inappropriate cases out to our lawyer volunteers. Each legal services program has a point of contact (often the Executive Director of that program).
8. If the local legal services office can not help or does not respond within two business days, the case is posted on [www.probono.net](http://www.probono.net) and sent out to our pro bono listserv. Information that would identify the person requesting help – name and contact information – is removed in order to maintain confidentiality. The city/county of the person requesting assistance is provided so lawyers can take cases in their area. Any case listed by the Pro Bono office has the Pro Bono Office as the contact agency for the case so all responses to cases we post will be to our office. When a response comes in from an attorney who is willing to assist a posted matter, the contact information for that case is provided to the attorney. In most cases, that attorney contacts the client directly and that ends our involvement. Occasionally, an attorney will ask us to have the client contact her.

9. As regards the PBA and other lawyer referral programs, we have informed those programs to suggest [www.palawhelp.org](http://www.palawhelp.org) when clients are clearly seeking pro bono help and not a paid attorney. We are working to get information out to all such programs so that they might follow the above protocol and post cases to [www.paprobono.net](http://www.paprobono.net) directly.

### **PBA/IOLTA Interns Report**

The Pro Bono Office has used a combination of summer and year-long pre-law and law student interns to support the grant project. The interns pulled together materials already prepared by the PBA and PLS and created a contact list for recruitment for the websites. They developed flyers and other informational materials on the websites, contacted lawyers about the technological tools, and responded to initial calls for pro bono support by screening possible clients.

Arlene Marshall-Hockensmith, a 4<sup>th</sup> year evening student and Martin Luther King intern from Widener-Harrisburg School of Law, served as the primary PBA IOLTA Intern for 2005-06. Work space on the 2<sup>nd</sup> Floor of the Fleming building on the PBA campus was established by the PBA for her with computer and phone resources. She performed a wide variety of duties in her first few months that she reported on in the six-month interim grant report. Her primary work from January through June, 2006, involved helping to find resources for pro bono clients so that their legal matters could be resolved.

Upon passing the Bar, Ms. Marshall-Hockensmith gained employment at MidPenn Legal Services as a civil legal aid attorney. Upon her hiring by MidPenn, she noted that her work with the PBA as the IOLTA intern had a huge impact in her choice of areas in which to work. She was also named earlier in the summer as the Widener Law School's Pro Bono honoree.

Summer intern and pre-law student Chanel Broadus, a single mother of two and a past welfare recipient, is currently applying to law schools for the fall 2007 entering class and she has remarked on her wish that such resources as those provided through this grant had been available to her while she was living in poverty.

### **Materials/Supplies for Promoting the Tools**

At numerous Bar events, the Pro Bono Office has maintained a computer for immediate sign-up by PBA members and provided brochures and other information to all involved to motivate lawyers to register on PApobono.net. PBA staff have also worked with county Bar leaders and pro bono coordinators to have the materials featured in various county Bar and PBA publications. Various mailings to promote the sites have been sent out by PBA staff and brochures on PApobono.net were included in the packages used at the 80 Malpractice Avoidance Seminars conducted by the PBA.

The PBA used the grant to develop unique tools to promote P Aprobono.net such as gavel pencils and special awards, as well as brochures and flyers. In-house production and the copying of other materials by PBA staff and the interns, as well as other in-kind donations of materials and supplies from other sources, significantly increased the amount of materials and supplies on the pro bono tools disseminated through the grant. More than 20,000 individual contacts were made with the materials to both attorneys and the public at large. There will be a need to restock brochures and purchase other materials and supplies in the coming months and resources for that re-supply will be sought outside the 2006-07 grant.

### **Conclusion**

Significant increases in the pro bono outreach of the Pennsylvania Bar Association has taken place under this grant and its continuation and expansion with funding for 2006-07 holds the promise of making an even bigger difference in the access to justice for Pennsylvania's poor.

Better mechanisms for getting pro bono cases from the various legal services programs across the state need to be developed and one of the most promising appears to be through referrals from lawyer referral programs. These programs exist in every county with many being coordinated through the PBA though the larger counties tend to have their own programs. Every day, a number of calls come in from people unable to pay the low fees of the program for an initial consultation, people who are really seeking pro bono support. Those calls are now referred, at least at the PBA, to the Pro Bono Office for handling. More than half of the matters handled through this grant came in through this process in 2005-06 and the expectation is that that number will greatly increase in 2006-07 as more programs refer persons to the Pro Bono Office of the PBA.