

Introduction to Legal Aid, Pro Bono, Low Bono And Helping Your Community

This resource will help facilitate a discussion about pro bono agencies and opportunities, legal aid in New Mexico, and civic and charitable work.

- Review the attached information about the New Mexico Commission on Access to Justice.
- Read the attached sections Rule 16-601 NMRA and Rule 14-108 NMRA regarding the provision of legal services for the needy.
- Discuss why it is necessary to provide pro bono representation and why this responsibility is included in the Creed of Professionalism of the New Mexico Bench and Bar (see BTG Resource 2).
- Read and discuss the attached article, "Give back (Because You Can and You Should)" by Steven Faston.
- Discuss the types of pro bono, low bono, and other charitable or civic activities the mentor engages in and why s/he does so. What tangible and intangible benefits does the mentor find that offsets the investment of time and resources? Discuss the mandatory reporting requirement.
- Discuss how pro bono work contributes to or detracts from having balance in the mentor's life.
- Read the attached article and discuss the different ways to provide service: Tarlton, Merriynn. "What Gives?" 21 Ways Lawyers Can Give Back – Every Day." <u>Law Practice Today</u>, September 2005.
- For more information on volunteer opportunities, refer to attached brochure and application or contact:
 - The State Bar of New Mexico Foundation at 505-797-6053 (Stormy Ralston)
 - The Volunteer Attorney Pool at 505-814-6719 (Dina Afek)
 - Access to Justice at 505-476-0509

The New Mexico Commission on Access to Justice

The New Mexico Commission on Access to Justice was created by Order 06-8500 on April 28, 2006 as a statewide body dedicated to expanding and improving civil legal assistance to New Mexicans living in poverty. The Commission goals include expanding resources, increasing public awareness through communication and message development, encouraging more pro bono work by attorneys, and improving training and technology. Through district court *pro bono* committees, the Commission coordinates efforts to recruit pro bono attorneys and volunteers, to coordinate efforts of the State Bar of New Mexico, local committees, and legal aid providers to establish a website to offer and facilitate pro bono opportunities, and to promote recruitment of law students.

Commission Membership:

- Co-chairs: Supreme Court Justice Petra Maes and Judge Sarah Singleton
- John Arango, Douglas Echols, Michelle Giger, Bruce Hall, and Levon Henry

STATEWIDE PRO BONO EFFORTS: In March 2006, the Commission submitted a comprehensive report entitled "The New Mexico Ten Step Plan for Improving Access to Justice" (the "Ten Step Plan") to the Supreme Court, and the Court immediately acted to adopt the plan in April of that year. The Ten Step Plan outlined several key components of New Mexico's strategy for improving access to justice. Perhaps the most important aspect of the Ten Step Plan was its recognition of the judiciary's critical role in a successful effort to increase access to justice. The Commission worked with the Supreme Court to implement the Ten Step Plan, resulting in a series of groundbreaking steps: mandatory pro bono reporting, the establishment of pro bono committees in each of the thirteen judicial districts, creation of the position of Statewide Pro Bono Coordinator housed at the New Mexico State Bar, and the establishment of the Volunteer Attorney Pool in the 2nd Judicial District. As a consequence of these steps, pro bono service around the state has increased dramatically, as have cash donations in lieu of pro bono service.

The Commission has actively supported the efforts of local pro bono committees throughout the state. Most significantly, the Commission has promoted cooperative arrangements between New Mexico Legal Aid and Law Access New Mexico, which make their own professional liability insurance coverage available to attorneys who volunteer their services on local pro bono committee projects. With this support, volunteer attorneys have provided pro bono services to thousands of low-income New Mexicans.

Rule 16-601 Voluntary Pro Bono Publico Legal Service

A lawyer should aspire to render at least fifty (50) hours of *pro bono publico* legal services per year. In fulfilling this aspiration, the lawyer may:

- **A.** Provide a substantial majority of the fifty (50) hours of legal services without fee or expectation of fee to:
- (1) persons of limited means; or
- (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- **B.** Provide any additional services through:
- (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of the standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
- (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- (3) participation in activities for improving the law, the legal system or the legal profession; or
- **C.** Alternatively, fulfill this aspiration by contributing financial support to organizations that provide legal services to persons of limited means, in the amount of three hundred fifty dollars (\$350.00) per year.

Comment - Rule 6.1

- [1] The ABA House of Delegates has formally acknowledged "the basic responsibility of each lawyer engaged in the practice of law to provide public interest legal services" without fee, or at a substantially reduced fee, in one or more of the following areas: poverty law, civil rights law, public rights law, charitable organization representation and the administration of justice. This Rule expresses that policy but is not intended to be enforced through disciplinary process.
- [2] The rights and responsibilities of individuals and organizations in the United States are increasingly defined in legal terms. As a consequence, legal assistance in coping with the web of statutes, rules and regulations is imperative for persons of modest and limited means, as well as for the relatively well-to-do.
- [3] The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer as well as the profession generally, but the efforts of individual lawyers are often not enough to meet the need.

Thus, it has been necessary for the profession, the government, and the courts to institute additional programs to provide legal services. Accordingly, legal aid offices, lawyer referral services, and other related problems have been developed, and more will be developed by the profession, the government, and the courts. Every lawyer should support all proper efforts to meet this need for legal services.

- [4] The goal of 50 hours per year for pro bono legal service established in paragraph (b) of this Rule is aspirational; it is a goal, not a requirement. The number used is intended as an average yearly amount over the course of the lawyer's career.
- [5] A lawyer in government service who is prohibited by constitutional, statutory, or regulatory restrictions from performing the pro bono legal services described in paragraph (b)(1) of the Rule may discharge the lawyer's responsibility by participating in activities described in paragraph (b)(2).

Rule 24-108 Pro Bono Publico Service.

- A. **Professional Responsibility**. In attempting to meet the professional responsibility established in Rule <u>16-601</u> NMRA of the Rules of Professional Conduct, a lawyer should aspire to render at least fifty (50) hours of pro bono publico legal services per year. The substantial majority of the fifty (50) hours of service should be provided as indicated in Subparagraphs (1) and (2) of Paragraph A of Rule <u>16-601</u> NMRA of the Rules of Professional Conduct. Additional services may be provided as indicated in Paragraphs B or C of Rule <u>16-601</u> NMRA of the Rules of Professional Conduct.
- B. **Financial Contribution.** Alternatively or in addition to the service provided under Paragraph A of this rule, a lawyer may fulfill this professional responsibility by:
- (1) contributing financial support to organizations that provide legal services to persons of limited means in New Mexico, in the amount of five hundred dollars (\$500) per year; or
- (2) providing a combination of pro bono hours and a financial contribution as suggested in this table:

Pro Bono Hours	0	5	10	15	20	25	30	35	40	45	50+
Suggested Contribution	\$500	\$450	\$400	\$350	\$300	\$250	\$200	\$150	\$100	\$50	Attorney Discretion

- C. **Pro Bono Certification.** Each lawyer of the bar shall annually certify whether the lawyer has satisfied the lawyer's professional responsibility to provide pro bono services to the poor. Each lawyer shall certify this information through a form that is made a part of the lawyer's annual membership fees statement that shall require the lawyer to report the following information:
- (1) the number of hours the lawyer dedicated to pro bono legal services, and

(2) if the lawyer has satisfied the obligation by contribution or part contribution, the amount of that contribution.

[Approved by Supreme Court Order 08-8300-04, effective March 15, 2008.]

Committee commentary. — The provisions of Rule 24-108 NMRA of the Rules Governing the New Mexico Bar are an affirmation of the lawyer's professional responsibility, as provided in Rule 16-601 NMRA of the Rules of Professional Conduct and are not mandatory nor do they constitute a basis for discipline under the Rules Governing Discipline for the State Bar of New Mexico. However, the reporting requirements of Paragraph C of Rule 24-108 NMRA of the Rules Governing the New Mexico Bar are mandatory and the failure to report this information shall be treated in the same manner as failure to pay dues or comply with mandatory continuing legal education. The information provided pursuant to this rule is designed for statistical purposes only and shall be used by the State Bar of New Mexico and distributed only in statistical form. Individual attorney responses shall remain confidential.

While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono services exclusively through activities described in Subparagraphs (1) and (2) of Paragraph A of Rule 16-601 NMRA of the Rules of Professional Conduct, to the extent that any hours of service remained unfulfilled, the remaining commitment can be met in the variety of ways as set forth in Paragraphs B, C and D of Rule 16-601 NMRA of the Rules of Professional Conduct. Constitutional, statutory or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in Subparagraphs (1) and (2) of Paragraph A of Rule 16-601 NMRA of the Rules of Professional Conduct. Accordingly, where those restrictions apply, government and public sector lawyers and judges may fulfill their pro bono responsibility by performing services outlined in Paragraphs B, C and D of Rule 16-601 NMRA of the Rules of Professional Conduct.

Attorneys licensed in New Mexico who reside outside of New Mexico may fulfill their pro bono responsibilities in their own state or provide monetary contributions to organizations providing assistance in New Mexico.

To facilitate the goals of this rule the Supreme Court adopted an order on April 28, 2006, establishing district court pro bono committees in each judicial district. Under the Pro Bono Plan adopted by the Court, a local pro bono committee convened by the chief judge and comprised of local lawyers, judges, legal service providers and other interested participants shall establish a local pro bono plan. The time deadlines and content for local pro bono plans shall be recommended by the Supreme Court's Access to Justice Commission and established by further administrative order of the Supreme Court.

PERSPECTIVE: STEPHEN D. EASTON

Give Back (Because You Can and You Should)

"At least one time.

throw vourself into

a case just because it

is the right thing to do.

At least one time,

do what you came to

law school to do-

seek justice."

In "My Last Lecture: Unsolicited Advice for Future and Current Lawyers," University of Missouri-Columbia law professor Stephen Easton delivers a fictional final lecture to a group of law students in which he presents suggestions for how to increase professionalism, civility, job satisfaction, happiness and service while practicing law. The original article received the 2004 American Inns of Court first annual Warren E. Burger Prize. While the audience for the lecture is students about to enter the workforce, the author provides invaluable words on how every member of the profession can give back as well. Here is an excerpt of that sage advice.

e lawyers are given many gifts. As is often the case for beneficiaries of largess, we sometimes

forget how much we have been given. Allow me to quickly list just a few of the things others have given you. First, though you have certainly sacrificed a lot for the law license you will soon obtain, so have your parents and other loved ones. Second, by the time you have graduated from law school, you will have been the beneficiary of at least 20 years of education, much, if not all, of it subsidized by taxpayers. Third, when

you get that law license, you will become a member of the only profession to which an entire branch of government is devoted. Think of it: courthouses, judges, clerks, bailiffs, jurors and many other resources, all taxpayer-funded. Although our fellow citizens may not like us, they have provided us with the infrastructure that makes our jobs possible.

So give something back. Not because you have to. Because you should. It is undignified to take without giving in return. Moreover, give because you can. You have skills that can be very valuable to the community. Finally, give because it feels good.

Perhaps the best place to start is to provide pro bono legal services to the poor, but this, at least in my view, is not the only valuable way to give back to the community. Aside from providing services to the poor, attorneys serve their communities by: sitting on boards of charitable organizations and offering their

legal skills and advice without compensation; sacrificing income to run for office because they have unique skills for drafting legislation, advocating on behalf of constituencies and resolving disputes; accepting low-paying legal jobs that help those who would otherwise go without legal services; and volunteering to assist public interest groups. There are countless ways for attorneys to offer their valuable combination of intellect, education, advocacy, conflict resolution and logic skills. Find one or, better yet, several.

While service is on your mind, let me offer one specific suggestion. Before the end of your legal career, make sure you have been someone's Atticus Finch. At least once in your career, represent an unpopular client even though you will not make a dime (and may, in fact, lose income); even though your partners will complain about it; even though your other clients

will be concerned that you are not paying adequate attention to them; and even though the judge will be irate that you are wasting her time.

Of course, the case need not be for a "client" in the traditional sense, and you do not have to be a private practitioner, but the idea is the same. I am talking about the kind of case that hurts you because it keeps you from other pressing concerns. At least one

time, throw yourself into a case just because it is the right thing to do. At least one time, do what you came to law school to do-seek justice.

When you have represented your last client, that one case will mean more to you than any of the others, regardless of whether you "win" or simply spend every ounce of energy you can muster trying to win and nevertheless fail. There is no higher use for a law license than for the person who holds it to fight against all odds, and perhaps even against all common sense, for justice, LP

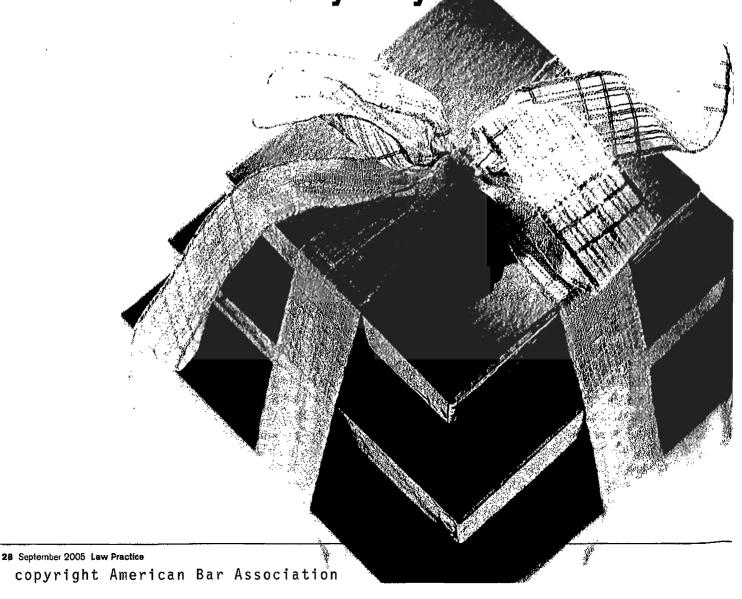
Stephen D. Easton (eastons@missourl.edu) is an Associate Professor at the University of Missouri-Columbia School of Law. He previously practiced for over a decade at Pearce & Durick in Bismark and served as U.S. Attorney for the District of North Dakota.

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What Cives?

21 Ways Lawyers
Can Give Back—
Every Day



GPSolo Magazine - March 2006

Practice Management What Gives: 21 Ways Lawyers Can Give Back—Every Day

By Merrilyn Astin Tarlton

The legal profession sure gets its share of shin kicking. We all know about the popular characterization of lawyers as heartless money-grubbers. The jokes portraying the profession as some special breed of bottom-feeding predator. The national media devoting endless ink to the crass and selfish deeds of lawyers far and wide. It doesn't feel good, does it? Does it make you think glumly about your career choice? Fear not. Just as they always have, lawyers are giving back to their communities. Just as they always will, lawyers see ways to change the world for good and are acting to make it so. And just as they said they would, the partners in your own firm are modeling volunteerism and public service regularly.

Every day thousands of lawyers help people, through actions large and little, public and imperceptible. Take a quick tour through this list of 21 ways that you can give.

Start now. It feels good to do good.

- 1) Embrace pro bono. Pro bono legal work is the chief framework of any lawyer's life: "The responsibility to ensure access to justice for all by meeting not only the legal needs of those who can afford a lawyer but also the legal needs of those individuals and communities that cannot."
- 2) Volunteer. Find an issue you care deeply about and give your time and money to it.
- 3) Serve on a board. Every organization values a board member with a legal perspective. Your reliable knowledge of legal and business issues, as well as your time and energy, can help a fledgling or established organization move smartly—and safely—ahead.
- **4) Mentor.** The best and perhaps only way to repay those kind and wise lawyers who helped you when you were a novice is to do the same for young lawyers in your firm. How many times have you bemoaned all the things they don't teach young lawyers anymore? Find a young lawyer who will benefit from some perspective and coaching, and take her under your wing.
- 5) Be a safe resource. Make it your business to keep track of public and private resources that offer reliable and current legal information and support in your area of practice. Offer this information freely to those who need it.

- 6) Help a client get ahead. Yes, it is your job—the one they pay you for—to help your clients with their legal problems. But have you considered that they are people with non-legal needs, too? Offer a connection for a client's college-bound teen. Suggest a new market for her business.
- 7) Educate the public. There are some spectacular ways for you to disseminate information. Check out the Colorado Divorce Handbook at www.harhai.com or the immigration resources at www.visalaw.com for stellar examples of ways lawyers are using the Internet to provide information to folks where and when they need it. You don't have to do this electronically, however. Bring a simple legal FAQ sheet for potential clients. Offer a "how to know when it's time to call your lawyer" card. Speak on helpful topics before groups.
- **8) Organize.** Do you know a neighborhood group that's anxious about encroaching development? Have your local school's PTO leaders told you there are safety concerns with the school buses? Help these people get organized to take action and make something happen.
- 9) Express your caring. You do care about the outcome of your client's matter, don't you? And beyond that, you care about the impact of the legal events on your client's business and family, right? Make sure your clients know it. Don't assume they can read your mind, or your heart.
- **10**) **Get involved.** Don't allow your billable-hours mentality to prevent you from raising your hand. It may be something as simple as coaching a T-ball team—but it will be important to those you coach, it will set an example for your colleagues, and most of all, you'll have a ball.
- **11) Help a child.** If you've looked into pro bono programs, you know that the greatest ongoing need is for lawyers trained and willing to help indigent families with custody and abuse situations. It doesn't take much to change a child's life forever.
- **12) Teach a class.** Yes, you could teach a CLE course. Bar associations are always looking for expert instructors. But you might visit your local high school or junior college to teach a session on conflict resolution. Or maybe a group of seniors in your community is looking for an introduction to the basics of living wills.
- 13) Write a book. At this point in your career, you've learned a lot, haven't you? Perhaps your family law practice has taught you how to avoid the pitfalls that the court system presents for juveniles. You might have seen too many gifted entrepreneurs bite the dust owing to a lack of sophistication about the basic legal requirements for new businesses. Well, write the book.
- **14) Adopt a law student.** Remember how lost you sometimes felt in law school? Did you think you'd ever find a paying job as a lawyer? Many practitioners are finding ways to reach beyond the confines of their own firms to guide young lawyers' careers.
- **15) Tutor.** There's nothing like the look in a child's eyes in that first magical moment when she realizes she's reading. It doesn't take a lot to lead a child to that moment—just patience, kindness, and the understanding gained from your own struggles with learning.

- **16**) **Run for office.** It's true. Politics is probably the way that U.S. lawyers got their bad image in the first place. (Watergate trials, anyone?) Maybe it's time someone like you demonstrated how it's really done: with scruples, integrity, and a sense of what needs to happen to put things right.
- 17) Launch a not-for-profit. If there's a social cause that's got you burning but you've found no organization that focuses on it, then start your own organization. Recruit like-minded friends and colleagues to join in.
- **18)** Contribute. It's simple. Just write a check to a deserving charity. Get your partners to write checks, too. In fact, you could consider arranging for the firm to flat-out adopt a charity that you can all get behind.
- **19) Say thank you.** Of course it's a business deal between you and your client. But even your local barista smiles and says, "Thanks a latte!" when your morning coffee transaction concludes. Don't hesitate to pipe up and thank your clients and colleagues for their business and their loyalty.
- **20) Resolve conflict.** Put heavy emphasis on the word "resolve." Volunteer your mediation and facilitation skills to community organizations. Take pride in stepping forward to guide neighborhood, church, and school groups from conflict to collaboration. Demonstrate the steps to agreement.
- **21) Go on, change the world!** And keep in mind that the small steps can prove as important as the big ones. There's a job for everyone who is willing to pitch in. Your gifts to the world need not be on a grand scale. As French author Paul Carvel said, "He who wants to change the world should already begin by cleaning the dishes."

Pro Bono Month



The American Bar Association designates a week at the end of October as National "Celebrate Pro Bono" week. In New Mexico, the local Judicial District Pro Bono Committees have extended this celebration to span the entire month. The Volunteer Attorney Pro-gram partners with these Committees to offer a number of pro bono events during the month of October, including free legal fairs, clinics, recognition luncheons, Continuing Legal Education classes, and more. To learn more about pro bono month or to get involved with your local Pro Bono Committee, please contact Aja Brooks, Pro Bono Coordinator for the Volunteer Attorney Program, at ajab@nmlegalaid.org or (505)814-5033.







LEGAL SERVICES CORPORATION



The Volunteer Attorney Program is a program of New Mexico Legal Aid. We work in partnership with the State Bar of New Mexico, the New Mexico Commission on Access to Justice, the sixteen local local Judicial District Pro Bono Committees, other legal service providers, and the private bar to create a culture of pro bono in New Mexico.

For More information or to sign up, please contact:

Dina Afek, J.D., M.A.

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301 Gold St. SW.

Albuquerque, NM 87102

Telephone: (505)-814-6719 E-mail: dinaa@nmlegalaid.org



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Pro Bono Opportunities in New Mexico



Providing Pro Bono
Services Across
The State of New Mexico

The Volunteer Attorney Program (VAP)



WHO WE ARE

The Volunteer Attorney Program's mission is to expand and support an active statewide network of volunteer attorneys, paralegals, and law students to meet the civil justice needs of low-income New Mexicans in all communities throughout the state. The VAP works closely with the State Bar of New Mexico, the New Mexico Supreme Court's Commission on Access to Justice, local Judicial District Pro Bono Committees, the UNM School of Law, private bar partners, courts and other legal services providers to plan and coordinate the delivery of high-quality pro bono legal services through direct representation, individual client counseling, community legal fairs and other innovative strategies.

HOW TO GET INVOLVED

♦ Fill out the Volunteer Attorney Application Form and become part of the Pro Bono movement in New Mexico.

WHAT WE PROVIDE

- ♦ Malpractice Insurance for pro bono work done through the VAP.
- ♦ Free CLEs in exchange for taking on a case.
- ♦ Mentor and mentee opportunities.
- ♦ Support and follow-up.

SOME OF OUR PROJECTS

- ♦ **Direct Representation:** Pro Bono Attorneys are matched with low-income clients for full or limited scope representation, brief service, or advice and counsel based on the attorney's expertise and preferences.
- ♦ 2nd Judicial District Court Civil Legal Clinics: Local law firms sponsor and staff this clinic every first Wednesday from 10 AM until 1 PM at the 2nd Judicial District Court. Attorneys provide advice and counsel.
- ♦ **Family Law Clinic:** Monthly clinic at the 2nd Judicial District Court. Every third Wednesday of the month.
- ♦ 1st Judicial District Court Civil Legal Clinics: Local law firms sponsor and staff this clinic the first Friday of every other month from 10 AM until 1 PM at the 1st Judicial District Court. Attorneys provide advice and counsel.
- ♦ **Law-La-Palooza:** Legal Fair provided four times per year, sponsored by the 2nd Judicial District Pro Bono Committee.
- ♦ **Subpoena Defense:** Specially trained pro bono attorneys work in collaboration with the NM Coalition Against Domestic Violence to help domestic violence programs respond to and quash subpoenas.
- ♦ Special Immigrant Juvenile Status (SIJS): Pro bono attorneys work with immigration organizations to help children who have been abused, neglected, or abandoned by a parent to obtain legal residency.
- ♦ Indian Estate Planning Clinics: In conjunction with the UNM School of Law's Southwest Indian Law Clinic and the Office of the Special Trustee, pro bono attorneys and law students receive training and provide AIPRA-compliant estate planning services to tribal members.
- **◇Pro Bono Appeals Project:** In conjunction with the Appeals Section of the State Bar. Volunteer Attorneys will represent low-income litigants in the Court of Appeals.



Justice for Families Project



The Volunteer Attorney Program Justice for Families Project (JFP) is a project of New Mexico Legal Aid which utilizes pro bono attorneys, law students and pro bono paralegals from the 3 urban areas of the state (Albuquerque, Santa Fe and Las Cruces) to assist low-income families in the 10 poorest counties in New Mexico - primarily rural counties. The project uses technology systems, including Skype, videoconferencing, and a secure web portal to respond to cases regardless of any geographic distance separating the client and the pro bono attorney. New Mexico Legal Aid is partnering with the Southwest Women's Law Center and the Women's Bar Association to recruit volunteer attorneys for this exciting new project. To learn more or to get involved, please contact Kasey Daniel, Project Coordinator, at kaseyd@nmlegalaid.org or (505) 545-8543.





Volunteer Attorney Program Justice for Families Project Pro Bono Volunteer Form



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Advice/counsel virtually by Skype or phone					Representation in Appellate Court						
Brief Services, such as drafting documents				_	Mentoring other pro bono volunteers						
Representation of Metropolitan Court				۱ ٦٠	Teach a free CLE for VAP/JFP volunteers						

Please send to Dina Afek at dinaa@nmlegalaid.org or by fax to 505-933-6033. Dina can be contacted by telephone at 505-814-6719. Thank you for your participation!