



**PISGAH**  
LEGAL SERVICES

# **Pro Bono: Meeting the Goal**

Can you lend an hour per week to  
help those in need?

*We stand for Justice*

*[pisgahlegal.org](http://pisgahlegal.org)*

# Presenter

**Thomas K. Gallagher**

Staff Attorney

Pisgah Legal Services



**PISGAH**  
LEGAL SERVICES

# Justice in Jeopardy

- “‘Equal justice under law’ is not merely a caption on the façade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. . . It is fundamental that justice should be the same, in substance and availability, without regard to economic status.”
  - Former United States Supreme Court Justice Lewis Powell, Jr. as President of the American Bar Association prior to his appointment



PISGAH  
LEGAL SERVICES

# Poverty in NC

Liberty and Justice for All\*

\*Offer not available in some areas, not available to those who can not afford it.



**PISGAH**  
LEGAL SERVICES

# Poverty in North Carolina

- The State of North Carolina ranks 38<sup>th</sup> nation wide for people living in poverty
- Overall 15.4% of North Carolinians live in poverty
- 21.3% are children



**PISGAH**  
LEGAL SERVICES

# Poverty in North Carolina

Buncombe - 38,925 in poverty – 15.2%  
Henderson – 15,075 in poverty – 13.2%  
Madison - 4,460 in poverty – 20.9%  
Polk 2,745 in poverty – 13.5%  
Rutherford- 12,752 in poverty – 19.2%  
Transylvania 5,156 in poverty – 15.4%



**PISGAH**  
LEGAL SERVICES

# Equal Access to Justice

- It is the mission of the Pisgah Legal Services since its inception 40 years ago to expand access to the civil justice system for people of low income and modest means in Western North Carolina.



**PISGAH**  
LEGAL SERVICES

# How does poverty impact justice?

The poor can't afford an attorney and often lack the skills & knowledge to advocate for themselves:

- Food
- Medical care,
- Health
- Financial options
- Income supports
- Employment
- Education
- Safety from abuse
- Children's issues



**PISGAH**  
LEGAL SERVICES



# How can you help?

- Volunteer to take a pro bono case.
- Pisgah Legal can assist with
  - Providing cases
  - Providing training,
  - Providing malpractice insurance
- More in a few minutes. . .



**PISGAH**  
LEGAL SERVICES

# Why provide Pro Bono Services?

- Because there is a true need
- Because your education/training can help those who can't help themselves
- Because you'll feel good about what you are doing to promote justice
- Because . . .



**PISGAH**  
LEGAL SERVICES

# NC Rule 6.1

## Rules of professional conduct

**PRO BONO:  
Only You  
Can Do It**



**PISGAH**  
LEGAL SERVICES

# NC Rule 6.1

NC RPC 6.1: Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least **(50)** hours of pro bono public legal services per year.



**PISGAH**  
LEGAL SERVICES

# Rule 6.1: Pro Bono Legal Services

In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
  - (1) persons of limited means;
  - (2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; or



**PISGAH**  
LEGAL SERVICES

# Rule 6.1: Law Related Activities

- (b) provide any additional services through:
  - (1) the delivery of legal services described in paragraph (a) at a substantially reduced fee; or
  - (2) participation in activities for improving the law, the legal system or the legal profession.



**PISGAH**  
LEGAL SERVICES

## **Rule 6.1: Financial Support**

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.



**PISGAH**  
LEGAL SERVICES

# Why are we asked to take on this responsibility?

[8] The legal profession is a group of people united in a learned calling for the public good. At their best, lawyers assure the availability of legal services to all, regardless of ability to pay, and as leaders of their communities, states, and nation, lawyers use their education and experience to improve society. It is the basic responsibility of each lawyer to provide community service, community leadership, and public interest legal services without fee, or at a substantially reduced fee, in such areas as poverty law, civil rights, public rights law, charitable organization representation, and the administration of justice.



**PISGAH**  
LEGAL SERVICES



**How can You meet this  
responsibility?**

Become

Part of

**MAVL**



**PISGAH**  
LEGAL SERVICES

# MAVL- housing

- Wrongful Evictions,
  - Assist clients in court to correct substandard housing conditions
- subsidized housing rights cases,
  - Fair Housing Act issues
- Negotiate settlements with landlords
- Drafting deeds
- other



**PISGAH**  
LEGAL SERVICES

# MAVL –benefits

- Food Stamp denials, terminations, reductions, overpayments
- Medicaid denials, terminations, loss of health care coverage
- Social Security issues: Disability denials, SSA overpayments, Various administrative issues.



**PISGAH**  
LEGAL SERVICES

# MAVL – Consumer Issues

- Debt collection,
- Cases involving money owed,
- foreclosure
- Consumer credit issues
- Auto repair fraud
- Etc.



**PISGAH**  
LEGAL SERVICES

# MAVL – DV

- Domestic violence cases
  - Dozens of requests for help each week
  - DV Court – Thursday morning
  - Brief service – Big impact.
- Child Abuse issues
- Custody matters arising from DV



**PISGAH**  
LEGAL SERVICES

# Your help is greater than you know!

- Our clients average 2-3 civil legal issues
  - Not uncommon for the presenting legal issue to NOT be the most urgent
  - Example –
    - Client seeks help for food stamp denial
    - May be entitled to Medicaid, Social Security benefits, housing, other rights he or she not aware of.



**PISGAH**  
LEGAL SERVICES

# Be aware of our client's issues:

- Most of our client's are extremely pleased to obtain assistance, and very grateful for your help
- However, some clients' past encounters with legal system have been negative
- Barriers:
  - Transportation
  - Limited access to phone
  - Language
- Some clients have untreated mental health issues



**PISGAH**  
LEGAL SERVICES

# Justice in Jeopardy

Most legal needs studies show that 80% of low-income people have no access to a lawyer when they need one in civil matters.



**PISGAH**  
LEGAL SERVICES



# The barriers faced by unrepresented litigants

- lack of familiarity with court procedures and forms
- lack of knowledge of their rights and obligations under the law
- how to file a document
- where to stand in court
- how to prepare and present evidence
- how to correspond with opposing parties, counsel and the court
- what documents they will need, how to respond to questions about their case



**PISGAH**  
LEGAL SERVICES

# Because of these issues, without an attorney:

- Many defendants simply don't show up hearings or trial
- Many believe they won't get a fair shake, so why bother.
- they believe any effort to advocate for themselves is futile
- those who do show don't know what their rights are
- very small percentage have counsel, or have spoken to an attorney.
- Therefore, your advice takes minutes, but can change a client's world.



**PISGAH**  
LEGAL SERVICES

# Pro Bono Attorneys make a Difference

Studies show those without lawyers lose!

- A domestic violence study showed 83 percent of woman represented by an attorney obtained a protection order, compared to only about 33 percent who were pro se.



**PISGAH**  
LEGAL SERVICES

# Unmet Legal Needs

- More than 80,000 people in poverty in western North Carolina are eligible for legal aid.
- Average income of Pisgah Legal Services' clients is \$11,700.
- 10,817 request for service at Pisgah Legal Services
- We can't meet that need without your help



**PISGAH**  
LEGAL SERVICES

# Be a part of MAVL

- Accepting referrals to provide representation to Pisgah Legal's low-income clients
- Providing legal advice through our pro bono legal hotline
- Helping with periodic legal clinics.



**PISGAH**  
LEGAL SERVICES

# How MAVL works

- Pisgah Legal Services does an initial intake with the clients we refer through the MAVL program to help ensure that they meet income eligibility guidelines and have a priority legal need.
- MAVL attorneys select the types of cases they will accept, and review proposed case referrals prior to accepting a client for representation.



**PISGAH**  
LEGAL SERVICES

# Retired attorneys are needed

- What is Pro Bono Status?
  - Pro bono practice status allows inactive/retired and out-of-state lawyers to provide pro bono legal assistance to indigent clients through a nonprofit legal services corporation in a variety of practice areas and levels of time commitment.



**PISGAH**  
LEGAL SERVICES

# Who can provide pro bono services in retirement

- Who is Eligible?
  - Pro Bono Emeritus = inactive North Carolina attorneys in good standing
  - Pro Bono Status for Out-of-State Lawyers = attorney living in North Carolina who is licensed in another state (whether active or inactive) in good standing



**PISGAH**  
LEGAL SERVICES



# Benefits of Serving in Retirement with Pro Bono Status

- No membership dues are owed to the NC State Bar;
- No mandatory continuing legal education must be completed each year (though CLE may be taken if desired); and
- Pisgah Legal Services' malpractice insurance covers pro bono volunteers.



**PISGAH**  
LEGAL SERVICES

# Supervision over Pro Bono Status

- The rules require all lawyers granted pro bono practice status to work under the supervision of a licensed NC attorney at a legal aid organization (who will provide a statement of supervision to the NC State Bar Council).



**PISGAH**  
LEGAL SERVICES

# Pro Bono Reporting

- Lawyers are encouraged to report pro bono legal services to Pisgah Legal Services in order that such service might be recognized and serve as an inspiration to others.
- It significantly helps the reputation of lawyers when the public is aware of the work you do for those who can't afford to pay for justice.



**PISGAH**  
LEGAL SERVICES

# Pro Bono Reporting

- 22 other states track pro bono hours of attorneys.
  - 9 Mandatory
    - Florida, Hawaii, Illinois, Indiana, Maryland, Mississippi, Nevada, New Mexico, New York
  - 13 Voluntary
    - Arizona, Connecticut, Georgia, Kentucky, Louisiana, Michigan, Montana, Ohio, Oregon, Tennessee, Texas, Virginia, Washington + North Carolina



**PISGAH**  
LEGAL SERVICES

# Reporting Pisgah Legal MAVL Service

- Closing MAVL cases can be done easily on the Pisgah Legal Services website or by emailing a MAVL staff member the outcomes of the case and number of pro bono hours spent:
- <http://www.pisgahlegal.org/volunteer/volunteer-lawyers/>



**PISGAH**  
LEGAL SERVICES

# Reporting Pisgah Legal MAVL Service

- You can also report pro bono cases you've done for low-income clients that were not referred by PLS and we can count these hours towards some of our grant goals for improving the lives of people in WNC.
- <https://www.pisgahlegal.org/volunteer/mavl-self-reporting-form/>



**PISGAH**  
LEGAL SERVICES

# Pro Bono Recognition

- Each Attorney who reports at least 50 hours of pro bono legal service in 2018 will:
  - be inducted into the 2018 North Carolina Pro Bono Honor Society
  - receive a certificate from the Supreme Court of North Carolina honoring their achievement



**PISGAH**  
LEGAL SERVICES

# Barriers to Pro Bono

- Time constraints as the top factor discouraging them from providing more pro bono service.
- Lack of skills or experience in the practice areas needed.
- Lack of desire or interest in doing pro bono was not a highly discouraging factor.



PISGAH  
LEGAL SERVICES



# Overcoming the barriers

- Short time to prepare
  - Domestic Violence cases tried always on Thursday (Buncombe)
  - Housing cases less than a week to prepare
  - Pisgah Legal can help



**PISGAH**  
LEGAL SERVICES

# How can you get involved?

- Visit <http://www.pisgahlegal.org> to learn more about volunteer opportunities.
- Contact Katie Russell Miller at Pisgah Legal Services
  - [katie@pisgahlegal.org](mailto:katie@pisgahlegal.org)
  - (828) 210-3420



**PISGAH**  
LEGAL SERVICES

# Questions?

Pisgah Legal Services

Mountain Area Volunteer Lawyer Program

Katie Russell Miller, [katie@pisgahlegal.org](mailto:katie@pisgahlegal.org)



**PISGAH**  
LEGAL SERVICES