

Clinically Speaking: Two Counties' Approaches to Pro Bono Service

Franklin County Bar Association Legal Clinic

It's Friday afternoon in the hallway of Franklin Superior Court, a venerable red brick building on the green in St. Albans City. Although court is not in session, several people are waiting on benches outside the clerk's office, murmuring to each other, or silently reading posted notices.

The arrival of an attorney causes a brief stir. Notes are checked, names are called, and one by one, clients enter a small conference room for their twenty minutes of free legal help.

This is the Franklin County Bar Association's Legal Clinic, a pro bono project started in September of 1994 and continuing in operation each Friday afternoon.

Jim Pelkey, clerk of the superior court and an attorney himself, estimates that there are fifteen attorneys regularly serving in the advice clinic. Two volunteer attorneys sign up for separate one-hour blocks each Friday, and handle a maximum of three consultations each, for a total of six clients seen every week.

Clients must sign up in advance of the clinic. The superior court staff provides the one-page form requesting information on the nature the case or legal matter, opposing party and attorney(s) involved, if any. The forms are sent to that week's pro bono clinic attorneys for conflicts checks in advance of the Friday sessions. Then the court staff assigns three clients to arrive at 1 p.m. and a second set of three at 2 p.m. This clustering of clients prevents lost attorney time if one or two clients are late or fail to show up for the appointment. To avoid "frequent flyers," a recently instituted clinic rule limits the clients to two visits in a two-month period.

The clinic resources are available to Franklin County residents regardless of their financial circumstance or legal issue involved. Some clients take advantage of the time to have the clinic attorney review and explain a legal document, or describe the process in a court proceeding. Other clients receive

referrals to state agencies, non-profit programs, Law Line and Legal Aid, or the Vermont Volunteer Lawyers Project. Under clinic rules the lawyer for the day cannot refer a case to herself or her law firm, but can refer to another attorney or firm in the area.

Paula J. Kane, member of the Franklin County Bar Association and a participating clinic attorney, notes that there are some things that can be done in twenty minutes, and some that just cannot. "When there is a complicated family court post-judgment proceeding, there is not enough time at the clinic," said Kane. "But we can explain legal rights, investigate if a client is judgment proof, or help with a small claims complaint or answer." Kane believes that the Franklin Legal clinic is a means of educating folks about the legal system. "It reflects well on the bar, and is an easy way doing pro bono service," she noted. Most clients appreciate the clinic attorney's advice "even if it is not what they wanted to hear," says Kane.

After the twenty minutes consultation, the clinic attorney completes the client's intake form with a note of what advice was given, and keeps a copy of the sheet for future conflicts checks. The original form remains with the court.

Washington County Advice Clinic

The free legal clinic approach is also popular in Washington County, according to Washington family court clerk Elizabeth Battey. Begun in the mid-1990s, the clinic operates twice a month at the family court in Barre. Clients are seen regardless of income or legal issue, although family law problems are the most frequently reviewed.

Clients are served as walk-ins on a first come-first served basis. On average three to six clients are seen on any given Friday afternoon. Those wanting to speak to a volunteer attorney are asked to arrive by 12:30 to complete a brief intake form identifying themselves and their legal issue. Then, beginning at 1 p.m., they are assigned to one of two attorney volunteers. Most consultations

last about a half hour.

Over a dozen Washington County attorneys provide pro bono service at the clinic. Sometimes they assist with filling out forms, particularly Form 813, the income, expense asset form used in family court proceedings. At other times, they tackle more unusual requests, such as how to accomplish notice by publication.

"Often," notes Attorney Nanci Smith, a frequent client volunteer, "clients just need someone to talk to." "You need to be very patient," she adds.

As follow-up, clinic clients are given self-help suggestions, referrals to Law Line or Vermont or Legal Aid, and other legal resources. Before they leave the clinic, they are asked to fill out a post-conference questionnaire. "The response from the questionnaires is that the clinic is universally helpful," reports Battey.

Battey also notes that in addition to clinic work, attorneys volunteer to teach the pro se litigants workshop held once a month in family court. The combination of pro se workshop and pro bono clinic provides much needed legal advice, taking some of the pressure off court staff who cannot give legal advice.

Volunteer in Your County

Many attorneys are seeking ways to meet their pro bono service obligations under Rule 6.1 of the Vermont Rules of Professional Responsibility. The legal clinic approach is a proven way of delivering some advice to those in need. For more information about starting a legal advice clinic in your county, please contact Mary C Ashcroft, Pro Bono Coordinator, at the VBA.

Mary C. Ashcroft, Esq., is the Pro Bono Coordinator at the Vermont Bar Association and maintains a private practice in Rutland, Vermont.

