

Private Attorney Involvement (PAI) Plan
Legal Aid of West Virginia, Inc.
2022

INTRODUCTION

Legal Aid of West Virginia, Inc. (LAWV) provides civil legal advocacy services to low-income West Virginians. To better serve a potentially eligible low-income population of approximately 330,000 people, LAWV engages volunteer attorneys to help low-income clients through our Pro Bono Program. Clients who meet LAWV financial and subject matter eligibility requirements are referred to volunteer attorneys for free legal assistance through the Pro Bono Program.

Under the rules and regulations of the Legal Services Corporation (LSC), programs that receive LSC funding must develop a Private Attorney Involvement (PAI) Plan, pursuant to LSC regulation 45 CFR § 1614.6, to describe how we support pro bono work in providing legal assistance to eligible clients. This 2022 PAI Plan (1) outlines how LAWV's Pro Bono Program currently operates; (2) describes LAWV's new Pro Bono Innovation Fund Transformation Grant and how we plan to move forward with grant goals; and (3) sets forth our goals for 2022 to create a blueprint for transforming our pro bono services moving forward.

LSC programs must also provide a copy of the plan to all organized bar organizations in the area for comments or questions. *Comments, suggestions, or critiques of the ideas in this PAI Plan are welcome.*

(1) PRO BONO PROGRAM STRUCTURE & OPERATIONS

a. Structure and Staffing

A Private Attorney Involvement (PAI) Assistant is assigned to each of the twelve Legal Aid offices across the state. In most offices, PAI Assistants dedicate approximately twenty percent of their time to PAI work, including recruiting volunteers, screening applicants, referring cases, scheduling classes and clinics, recognizing the work of our volunteers, and creating new opportunities for service.

A full time PAI Support Specialist provides services for two Legal Aid offices in north central West Virginia. This region includes Morgantown, where cooperative efforts with the West Virginia University College of Law are designed to provide volunteer opportunities shared among law students, private attorneys, and law professors. Another full time PAI Support Specialist is in Legal Aid's Charleston office to provide PAI support locally and to process Judicare payment requests statewide.

The Access to Services Manager in Charleston is responsible for overseeing the goals and structure of the Pro Bono Program statewide and for providing assistance to ensure effective case referrals and advocacy.

Finally, through the PBIF Transformation Grant discussed more fully below, LAWV has recently created a Pro Bono Supervising Attorney Position that will initially be very involved with facilitating an assessment of LAWV's Pro Bono Program but will also be immediately responsible for increasing communication among pro bono staff and for supporting pro bono staff and volunteers in their work.

b. Operations

LAWV strives to ensure that clients receive professional and zealous representation from staff and private attorneys. When attorneys first volunteer to work with LAWV, they talk with pro bono staff to get a better sense of our Program and the ways our staff can support their work. Our pro bono staff verify on the West Virginia State Bar website that each lawyer is licensed and on active status before entering their information into our database. To further support the quality of service provided, LAWV also offers CLE training, sample pleadings, and support/mentorship from our staff members as well as other private attorneys.

LAWV staff identify cases that would be appropriate for pro bono referral by screening case type, geographical location, likelihood that the case will be resolved in a shorter or longer amount of time, and priority of the situation. The client information obtained from the interview is entered into the case management database. Private attorneys are then contacted, and the circumstances of the potential client are presented.

Once an attorney accepts a case, a formal referral is made by letter to the attorney, along with information from the client interview and relevant documents. The client also receives a letter indicating that the case has been referred to the private attorney who will perform the services at no cost and requesting that the client remain in contact and cooperate with the volunteer attorney. PAI Assistants monitor and track cases after referral to assure quality services are provided to clients once they have had a lawyer assigned to the case. Program wide, PAI Assistants check in with the volunteer attorney

on case status by mail or e-mail generally every ninety days to six months, depending on the circumstances.

When the case is completed, the private attorney returns a Case Closure form to the PAI Assistant, indicating the work performed, the time donated, and the outcome achieved. Finally, a closing letter and satisfaction survey are sent to the client, the attorney's time is recorded, and the case is closed in the LAWV database. These mechanisms are intended to help ensure that all LAWV clients receive high quality services that address the legal problem LAWV has identified.

Further, to help ensure that pro bono systems and protocols are consistent throughout the program, LAWV has developed a Pro Bono Manual that outlines program standards and expectations. Also, the entire PAI staff meets three times each year to collaborate on new projects and ideas; discuss problems; to help achieve uniform, efficiently-delivered pro bono services; to improve the program overall; and ultimately to increase the number of clients served. Between meetings, PAI staff communicate regularly via telephone and e-mail.

c. Meeting Client Legal Needs

Through our Strategic Planning Process performed during 2020, LAWV surveyed and sought input from clients, local non-profit agencies, charities, social service providers, attorneys, the judiciary, LAWV staff, LAWV Board members, and LAWV Client Board Members about the most pressing issues impacting low income and vulnerable West Virginians. Generally, the input we received is that clients continue to face legal needs surrounding (1) responses to the impact of the drug epidemic and (2) barriers to stable

income. COVID-19 has created even more uncertainty for many families facing these issues.

These legal needs are similar to the areas of law identified by the majority of client applications LAWV receives for assistance. Most applications relate to domestic relations concerns, such as domestic violence problems, divorce, custody, or other family issues. Increasingly, because of the drug epidemic, LAWV receives a high number of requests from third-party caregivers, like grandparents raising grandchildren, to stabilize children through adoption, infant guardianship, and custody when their parents can no longer care for them due to struggles with substance use, drug related incarceration, and overdose death. In response, LAWV has trained staff across the program on how West Virginia's civil court system addresses substance use and has prioritized legal education for and representation of family members who assume care for children in addiction-impacted families.

Other high priority concerns for LAWV include loss of shelter cases, particularly during COVID-19, as well as income maintenance, such as Social Security Supplemental Security Income or other income benefits, expungements, and certain bankruptcy proceedings. A smaller number of applicants receive help with wills, deeds, and a wide variety of other civil matters.

d. How we engage volunteers

Pro bono services extend the limited resources of LAWV, allowing the program to serve a higher number of clients. LAWV's Pro Bono Program offers volunteer

opportunities for multiple levels of involvement and is committed to expanding these efforts. Across the state, lawyers can sign up for any of the following services:

- **Direct Representation by Volunteer Attorneys:** This is the heart of the pro bono effort to involve private attorneys. LAWV pro bono clients are referred to volunteer attorneys who represent individuals at no charge to the client or to the program. LAWV provides first dollar malpractice coverage for every volunteer attorney and offers funds for necessary out-of-pocket litigation costs.
- **Screening and Advice by Volunteer Attorneys:** Volunteer attorneys conduct initial interviews with potential clients in several LAWV local offices or by phone. These attorneys determine whether the potential client presents a case with actual legal merit and then decide whether simple advice and counseling would be sufficient. The volunteer attorneys can provide advice or refer the case for full representation by a staff advocate or another volunteer attorney.
- **Presenting at *Pro Se* Clinics and Classes:** Volunteer attorneys provide information on completing pleadings, filing a case *pro se*, the judicial process, and representing oneself in court. Clinics provide one-on-one information and support to a small group of clients; classes reach a larger group, and do not generally include any direct, individual advice or help.

- **Advice Days:** Volunteer attorneys provide advice to clients of LAWV at regular set appointments on a particular day, often at a location in the community or by phone.
- **Judicare (reduced fee) Representation:** In some cases, LAWV contracts with lawyers to make representation available to clients. Individual cases are referred to counsel through a Judicare system, providing reduced-fee payments with a maximum specified billable amount. These cases are supported by LSC funds and other sources.
- **Alternative Volunteer Contributions:** LAWV welcomes volunteers who wish to serve as a mentor or co-counsel with LAWV staff, volunteer attorneys, and law students. In-kind contributions such as equipment, typing, copying, other secretarial or paralegal support, legal drafting, or legal research are all needed and greatly appreciated.

e. Volunteer Recognition

LAWV engages in several volunteer appreciation and recognition efforts to retain our current volunteers. Throughout the year, pro bono staff continually work to recognize and thank volunteers on an individual level. During Pro Bono Celebration Week in October, pro bono staff engage in extra efforts to personally thank volunteer attorneys and provide small tokens of appreciation to those who have been particularly helpful throughout the year.

Annually, LAWV works with the West Virginia State Bar to present the Kaufman Award for the private attorney with the highest number of donated hours over the

previous year and the Law Firm of the Year Award for the firm with the highest number of donated hours. LAWV also presents the Distinguished Pro Bono Service award to an attorney, law firm, or organization whose pro bono efforts each year have gone “above and beyond” the call of duty and are deserving of special recognition. These awards are presented as part of the Annual State Bar Dinner and are featured in the West Virginia Lawyer Magazine.

Additionally, each year LAWV places a “Thank You” advertisement in the West Virginia Lawyer magazine to thank and recognize the attorneys who donated their time the previous year.

Finally, a small budget is also available for the pro bono staff to host appreciation lunches for volunteers or provide free or low-cost Continuing Legal Education seminars (CLEs) to thank participating attorneys and recruit new volunteers. West Virginia state and federal judges have frequently been presenters at program CLEs, which shows judicial support for pro bono work and increases attendance by attorneys.

(2) PRO BONO TRANSFORMATION GRANT

In 2021, LAWV applied for and was awarded an LSC Pro Bono Innovation Fund Transformation (PBIF) Grant. LSC awards Transformation Grants to “LSC grantees whose leadership is committed to restructuring an entire pro bono program and incorporating pro bono best practices into core, high-priority client services with an urgency to create a high-impact pro bono program.”¹ This three-year grant will provide LAWV the

¹ <https://www.lsc.gov/grants/pro-bono-innovation-fund>

opportunity to engage in an extensive Pro Bono Assessment, identify pro bono best practices to meet our needs, and develop and implement short term and long term goals for our Pro Bono Program transformation. Specifically, LAWV's vision is to transform our Pro Bono Program to more strategically engage pro bono volunteers to meet high priority needs of clients in a manner that is client-centered, that is supportive of volunteers, and that connects services across distances to better serve low-income West Virginians regardless of where they live. This vision involves (1) integrating pro bono across our program, (2) increasing internal pro bono leadership, (3) developing pro bono projects, and (4) effectively engaging technology.

As this grant and the related assessment of our program will be instrumental in our PAI Plan for years to come, LAWV has decided to change the length of time for our PAI Plan. Since 2008, LAWV's PAI Plan has traditionally covered a three-year cycle of activities and goals to allow LAWV to develop more in-depth plans that place importance on strategic goals. Our previous plans included concrete steps and allotted the time necessary to accomplish them. Given the timing of the PBIF Grant and Pro Bono Assessment, which will result in the development of actionable goals and plans, LAWV is developing this PAI Plan with goals to cover just one year. After the Pro Bono Assessment in 2022, we anticipate returning to three-year PAI Plans in the future.

(3) GOALS 2022

With a key focus on LAWV's new Pro Bono Innovation Fund (PBIF) Transformation Grant, LAWV will seek to accomplish the following goals, which will

enable our program to develop a clear pathway forward for transforming our ability to better serve clients and engage more volunteers.

Comprehensive Pro Bono Assessment & Blueprint for Transformation

A key starting point for accomplishing the goals of our PBIF Transformation Grant and transforming our work is to comprehensively assess the efficacy of LAWV's Pro Bono Program, including our staffing structure, processes, and integration with LAWV's overall work. An assessment will help LAWV identify the best ways we can fully embed pro bono into the work of our program and in a way that better meets the needs of clients and volunteers. LAWV believes this assessment should also have an external analysis component, including seeking input from volunteers, LAWV's Board, law firms, and key partners like the WVU College of Law, our state's only law school.

LAWV's recently hired Pro Bono Supervising Attorney will be a key internal driver of the assessment process, along with the Access to Services Manager. To conduct this assessment, LAWV will work with an experienced pro bono consultant. While LAWV staff will do a lot of the groundwork, the consultant will bring a valuable outside perspective, including how we can engage stakeholders to ensure that the various perspectives of clients, volunteers, pro bono staff and LAWV staff are all incorporated into our plan.

During 2022, LAWV will conduct this Comprehensive Pro Bono Assessment and will then use the information and data collected to develop a specific, final blueprint for a transformation of our Pro Bono Program, including specific recommendations regarding staff structure, internal processes, external processes, and technology, all

with the goal of better integrating pro bono into LAWV’s service delivery model. This blueprint will then be incorporated into LAWV’s next PAI Plan for 2023 and beyond.

Transition Volunteers to LAWV’s New Case Management System

Starting in the Spring of 2022, LAWV is moving to LegalServer as our new case management system. As the use of technology is a key foundational part of our new Pro Bono Program goals in the PBIF grant, the importance of this case management system transition cannot be overstated. Our Pro Bono Program is facing key initial decisions with the new system regarding how to transition and update data, how to engage volunteers, and how we use the system to assist clients more efficiently.

LAWV’s list of “active” volunteers is not current. Despite piecemeal efforts to update it, LAWV needs to perform a comprehensive review of the data, including updating contact information and case acceptance priorities for volunteers, while also setting criteria for updating the list moving forward. Making decisions about what volunteer information is most important to record and keep in LegalServer will be an important first step in better understanding the volunteers we currently have, what case types they are willing to take, and where geographically they are willing to help.

Additionally, LAWV will need to quickly determine how to move volunteers from our current Pro Bono Portal, launched in 2017, to LegalServer. The current Portal is a website where volunteers can sign up to see cases needing volunteer help and to update their assigned cases. In addition, the Portal houses Online Trainings developed through a Technology Innovation Grant (TIG) in 2016. When initially launched, more than 370 attorneys engaged via the Portal and Trainings. Due to technology upgrades in 2019, we

had to ask attorneys to sign up for the Portal again. As a result, we lost a lot of participation, with only 62 attorneys registered now. As we move to LegalServer, we know that we need to significantly improve how we engage volunteers online. If we do not get the process right this time, we stand to permanently lose our ability to engage with volunteers in this way.

During 2022, LAWV will work with pro bono staff and volunteers to customize LegalServer to meet their respective needs, particularly for capturing needed information for pro bono cases, while also ensuring that information about our pool of volunteers is accurate. This initial process will help LAWV identify later changes that will likely require more work and customization over a longer period.

CONCLUSION

Management and pro bono staff at LAWV are excited to begin the process of reviewing and refining how we do our work through the PBIF Transformation Grant. Private attorney support for legal aid work is a key part of the access to justice system in West Virginia. Throughout the life of LAWV's Pro Bono Program, our staff has consistently invested energy and creativity into supporting and continuing this private bar commitment to support the highest level and quality of assistance to our clients. Recognizing that our program has been in existence for nearly 20 years and has recently experienced many internal changes, that pro bono best practices have evolved, and that the practice of law has dramatically changed even over the past two years, it is the perfect time to review how we can improve volunteer engagement while seeking to better serve more low-income and vulnerable West Virginians.