

Private Attorney Involvement (PAI) Plan
Legal Aid of West Virginia, Inc.
2023

INTRODUCTION

Legal Aid of West Virginia, Inc. (LAWV) provides civil legal advocacy services to low-income West Virginians. To better serve our low-income population of approximately 330,000 people, LAWV engages volunteer attorneys to help these 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 2023 PAI Plan (1) outlines how LAWV's Pro Bono Program currently operates; (2) describes LAWV's progress with grant goals for the Pro Bono Innovation Fund (PBIF) Transformation Grant; and (3) sets forth our goals for 2023 to create a blueprint to continue our Pro Bono Program transformation.

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

The core unit of the Pro Bono Program consists of the two (2) PAI Specialists, the ATLAS/Pro Bono Attorney, the Pro Bono Supervising Attorney, and the Access to Services Manager.

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.

A Pro Bono Supervising Attorney, who is based in Morgantown, is responsible for overseeing increasing communication among pro bono staff and for supporting pro bono staff and volunteers in their work. Additionally, the Pro Bono Supervising Attorney is responsible for the process of creating, designing, and implementing new pro bono opportunities statewide. The position is intentionally based in Morgantown to allow for relationship building with WVU College of Law.

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.

A Pro Bono Team Attorney position was added during the Summer of 2022. The Pro Bono Team Attorney spends approximately 50% of their time handling Access to Legal Aid Services (ATLAS) advice cases and 50% of their time working with the Pro Bono Program. The goal for this position is to improve the assessment for potential pro bono cases at intake, which will ultimately lead to more cases being placed.

In addition to the core unit, 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 20% 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.

b. Operations

LAWV strives to ensure that clients receive professional and zealous representation from staff and private attorneys. When attorneys volunteer to work with LAWV, they first communicate with pro bono staff to get a better sense of our program and the ways in which our staff can support them. Our pro bono staff

verify 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, estimated timeframe to complete the case, 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 presented.

Once an attorney accepts a case, a formal referral is made by letter to the attorney, accompanied by 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 a lawyer has been assigned to their case. Program wide, PAI Assistants check in with the volunteer attorneys on case status by mail, e-mail, or telephone approximately every ninety days or every 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 issue LAWV has identified.

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. In addition, the entire PAI staff meets three times each year to collaborate on new projects and ideas, to discuss problems, to help achieve uniform, efficiently-delivered pro bono services, to improve the overall program, 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 the Strategic Planning Process performed during 2020, LAWV surveyed and sought input from clients, local non-profit agencies, charities, social services providers, attorneys, the judiciary, LAWV staff, LAWV Board members, and LAWV Client Board Members to determine the most pressing issues impacting low-income and vulnerable West Virginians. 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 indicated by the majority of the client applications LAWV receives for assistance. However, most applications are domestic relations concerns, such as domestic violence problems, divorce, custody, or other family issues. Because of the current drug epidemic, LAWV receives an increasingly 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), 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 at 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 attorney 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 information and support to a small group of clients. Small group instruction reaches a larger group and does not generally include any direct, individual advice or help.
- **Advice Days:** Volunteer attorneys provide advice to clients of LAWV at regular set appointments on specific days, at locations 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 mentors 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 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.

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

The West Virginia State Bar has also started a new segment in the West Virginia Lawyer Magazine called “Pro Bono Spotlight: Meeting the Need.” This is

going to be a regular segment in the magazine about attorneys who volunteer their time for Tuesday Legal Connect, WV Free Legal Answers, or Legal Aid. The first volunteer to be recognized is LAWV Board Vice President: Adam Taylor.

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 (CLE) Education seminars to thank participating attorneys and recruit new volunteers. West Virginia state and federal judges frequently present at program CLEs, showcasing the judicial support for pro bono work and their participation often 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 provides LAWV the 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.

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

LAWV recently completed the assessment phase of our PBIF grant. This progress has been broken down into months to provide more detail about the process and the plan moving forward after completion of the assessment.

January & February

- A Request for Proposal (RFP) went out to three different consultants for the Pro Bono Assessment at the beginning of January 2022. LAWV received proposals from two different programs.
- The Pro Bono Unit reviewed each companies' proposal, corresponded with each companies' listed references, and ultimately selected thredpartners² to complete the Pro Bono Assessment.

March, April, & May

- The Pro Bono Program completed a self-assessment to analyze the pro bono protocol and procedures.
- Using a Google Drive, the Pro Bono Unit provided thredpartners with all the documents the Pro Bono Program utilizes.
- The Pro Bono Program identified stakeholders to be interviewed and selected several to serve on a working group. A stakeholder is defined as a person from either inside LAWV or from an outside organization that has either experience with or some level of knowledge or vested interest in the success of the LAWV

² <https://thredpartners.com>

pro bono transformation project. This includes people from: the law school, law firms, solo practitioners, corporate counsel, bar association/foundation leaders, courts or judiciary, funders, legal partner, non-legal partners, board member, committee members, & former clients.

May

- The Pro Bono Unit worked with thredpartners to create a survey to collect data on pro bono representation for members of the West Virginia State Bar.
 - Some sample questions included:
 - When did you last use your legal skills to provide pro bono assistance?
 - When was the last time you volunteered with LAWV?
- The Pro Bono Unit discussed and identified the best most effective places to advertise the survey, including the listservs to disseminate the survey to allow for a higher rate of participation.
- The Pro Bono Unit attended the Equal Justice Conference in Minneapolis, Minnesota May 11th-13th, 2022. At this conference, the Pro Bono Unit networked with other pro bono programs receiving the PBIF grant and attended sessions on pro bono opportunities utilized by pro bono programs nationwide.

June & July

- The survey became available statewide.
 - Upon closure, thredpartners revealed that LAWV had the largest survey participation rate of any agency with which they had previously worked.
- The Pro Bono Unit contacted stakeholders directly to request participation in a one-on-one interview with thredpartners.
- thredpartners conducted interviews with eighteen (18) stakeholders.

August

- A Stakeholder working session was held on August 4, 2022. The three-hour design session was facilitated virtually and utilized a collaborative online working platform for the design-process exercises.
- thredpartners had a session with the PAI Assistants in each office on August 8, 2022. During this session, PAI Assistants spoke candidly about what they perceived to be strengths and weaknesses of the Pro Bono Program.

September

- thredpartners provided LAWV with a Pro Bono Transformation Report.
- thredpartners presented findings of the Pro Bono Transformation Report at LAWV's statewide meeting at Glade Springs Resort on September 29, 2022.

October

- The Transformation Leadership Team met to discuss findings of the Transformation Report and to select areas to prioritize for 2023.
 - The Transformation Leadership Team consists of the Executive Director, Legal Director, Legal Services Manager, Advocacy Manager, Access to Services Manager, and Pro Bono Supervising Attorney
- LAWV Pro Bono Program staff met at the Elk River Hotel & Café on October 28, 2022, to discuss the findings of the Transformation Report and to select areas to prioritize for 2023.

November

- LAWV opted to continue use of thredpartners services for development of key performance indicators (KPIs) and goals.
- The Access to Services Manager and Pro Bono Supervising Attorney met with thredpartners to outline the priorities selected by the Transformation Leadership Team and the Pro Bono Program staff.

December

- On December 1, 2022, the Pro Bono Unit met with thredpartners to begin KPI and goal development. Working meetings are scheduled for December 8, 2022, and December 15, 2022, to allow for completion of KPI and goal creation.

(3) GOALS 2023

With a key focus on implementing the results of the assessment and Pro Bono Transformation Report, LAWV will seek to accomplish the following goals, which will serve as a blueprint for LAWV's path forward for transforming our ability to better serve clients and engage more volunteers.

Creation of a "Listserv" for Volunteers

During the evaluation process, particularly during the working groups session, it became clear that there needed to be a more formal process for LAWV to be able to communicate with pro bono attorneys and for pro bono attorneys to be able to communicate with each other.

The creation of a "listserv" of pro bono volunteers will serve a dual purpose. First, it will allow for quicker placement of cases. LAWV Pro Bono Program staff will be able to send out communications to pro bono attorneys notifying them of available cases more quickly. Presently, LAWV has contact information for most of the pro bono attorneys it utilizes; however, some of that information may be out of date or inaccurate. Starting at the end of December 2022, the Pro Bono Program will have its first intern from WVU College of Law, and she will be responsible for updating and correcting information for all LAWV pro bono attorneys on LegalServer.

The Pro Bono Program will also utilize a "listserv" to allow pro bono

attorneys to communicate with each other. Among LAWV's most valuable resources are the task force listservs. Modeling the pro bono "listserv" after these task force listservs will give pro bono attorneys the ability to directly connect with other pro bono attorneys and LAWV mentors easily. Pro bono attorneys will be able to pose questions, request sample forms, engage with others in the pro bono community, etc.

During 2023, LAWV will create a listserv for pro bono attorneys and will then use this "listserv" in the following ways: 1) to notify pro bono attorneys of available pro bono cases, and 2) to allow pro bono attorneys to communicate with each other and LAWV staff attorney mentors. This "listserv" will allow for faster placement of pro bono cases and for pro bono attorneys to build a stronger community amongst themselves.

Improve Pro Bono Referral Criteria

Prior to the thredpartners assessment, PAI Specialists would often note the potential referrals from other LAWV staff were less than ideal cases for pro bono attorneys. During the thredpartners assessment, it became more clear that LAWV Staff did not know how the Pro Bono Program evaluated cases for pro bono representation, nor did they know what would make an ideal case. To help educate the LAWV Staff, the Pro Bono Staff Attorney will create a checklist that goes through what makes an ideal pro bono case step by step and when someone

should refer a case to the Pro Bono Program. Additionally, the Pro Bono Staff Attorney will create a checklist to facilitate quicker identification of potential pro bono cases at the ATLAS intake level.

During 2023, LAWV will create two Pro Bono Checklists to help LAWV Staff identify appropriate pro bono cases, and to help more quickly identify cases at the intake level. LAWV anticipates these checklists will be used to both educate employees and to streamline the process of referrals to the Pro Bono Program.

Integration of All Staff with the Pro Bono Program

The thredpartners Pro Bono Transformation Report highlighted that the responsibility to recruit, educate, and retain new pro bono attorneys largely falls on the PAI Assistant in each office. The PAI Assistants are expected to allocate 20% of their time for pro bono work. With all the additional assigned office duties and responsibilities, it is difficult for PAI Assistants to find time to recruit, educate, and retain new pro bono attorneys while continuing to perform other duties at the highest level.

The assessment process showed LAWV that one of the most underutilized resources is the rest of the staff at LAWV. While LAWV Staff know there is a Pro Bono Program, know there is a designated person in each office, but they are largely unaware of the pro bono processes, opportunities, and benefits the Pro

Bono Program offers for pro bono attorneys.

In 2023, the Pro Bono Supervising Attorney will go “on-tour” to each LAWV Office to talk about the Pro Bono Program and share how each staff member at LAWV can help enhance the program. While at each office, the Pro Bono Supervising Attorney will educate LAWV staff members on the pro bono processes, the new pro bono checklist, and how to recruit - particularly through the use of pro bono business cards. These business cards will contain information about the benefits of the Pro Bono Program, and who to contact to begin volunteering. Cards will be distributed to each LAWV office for staff to recruit other local attorneys.

During 2023, LAWV will educate its staff on the pro bono processes, evaluating cases for potential pro bono representation, and the pro bono opportunities available through LAWV to better equip staff to recruit new pro bono attorneys. The goal is to make pro bono work a part of LAWV culture rather than a separate program; each and every employee can play a part.

Conclusion

Management and Pro Bono Staff at LAWV are thrilled to begin incorporating the results of our extensive assessment. We believe the goals outlined above will increase pro bono representation in West Virginia, and will increase access to justice for all program eligible West Virginians.