

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

2024

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 2024 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 2024 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.

The 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.

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.

In addition to the core unit, a Private Attorney Involvement (PAI) Assistant is assigned to each of the other ten Legal Aid offices across the state that do not have a full-time PAI Specialist. 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

To support our new Strategic Planning Process that will more formally begin in 2024, LAWV recently 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. The

longer-term financial impacts of COVID-19 have also 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 bankruptcy proceedings. Other clients receive help with wills, deeds, name change, 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 the case can be assigned to a staff attorney or referred to a volunteer attorney for full representation.

- **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 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.

In 2022, the West Virginia State Bar added a segment in the West Virginia Lawyer Magazine called “Pro Bono Spotlight: Meeting the Need.” This is a regular

segment in the magazine about attorneys who volunteer their time for Tuesday Legal Connect, WV Free Legal Answers, or Legal Aid. LAWV works with the State Bar to identify volunteers to highlight for each segment. The first volunteer to be recognized in 2022 was LAWV Board Vice President: Adam Taylor. In the upcoming winter addition, Elizabeth Stryker and Wesley Prince, who are both volunteer attorneys for LAWV, will be recognized.

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

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

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.

In 2022, LAWV completed the assessment phase of our PBIF grant. During 2023, the Pro Bono Program focused on foundation building to enter our final year of the PBIF grant in 2024. Below is an update on each of the Pro Bono goals set for 2023.

Creation of a “Listserv for Volunteers”

The foundation for this project ended up being much more daunting than originally anticipated. In January 2023, a student volunteer from WVU College of Law (College of Law) began updating, revising, and creating attorney profiles for all volunteer attorneys at LAWV.

She updated one office at a time, beginning with Morgantown. While updating each individual office, the student volunteer was in contact with the PAI Specialist that provides coverage to that office to ensure that any questions about the volunteer’s profile could be accurately answered. By the end of the spring semester, the WVU College of Law student volunteer had completed the volunteer attorney profiles for Clarksburg (29 profiles), Morgantown (82 profiles), and Wheeling (342 profiles) offices.

Though we tried to streamline the profile updating process through the

creation of step-by-step instructions for creating new profiles on Legal Server and creating profile norms, we did not accurately anticipate the amount of time that would be required to update all of the pro bono attorney information on LegalServer.

In order to expedite volunteer attorney profile completion, the Pro Bono Program brought on two additional student volunteers to assist during the Fall Semester of 2023. The student volunteer from the previous semester became the lead intern on the project and updated the profile creation protocol. (See Pg. 1-7 of Appendix)

As of December 1, 2023, the three student volunteers have completed the following offices: Clarksburg, Elkins, Lewisburg, Logan, Martinsburg, Morgantown, Princeton, and Wheeling, which is 699 volunteer attorney profiles. The student volunteers also began the volunteer attorney profiles in the Charleston office, one of the bigger databases. Once the volunteer attorney profiles are completed, we can finalize our Listserv. Please review Goals 2024 for more information.

Education of LAWV Staff

To achieve this goal, LAWV's Pro Bono Supervising Attorney, Molly Russell, toured eleven out of the twelve offices for the "Pro Bono Roadshow," providing LAWV staff with foundational pro bono information and encouraging

them to think through ways which they can participate in pro bono. A remote meeting option was held for the office she did not get to visit and to make sure those who were unable to attend in person had an additional opportunity to attend.

Each presentation reviewed the newly developed Pro Bono Information Packet. (See Pg. 8-11 of Appendix) The informational packet covered general information, the staff pro bono placement criteria checklist (described more in-depth below), pro bono business card FAQ, and pro bono timekeeping. In the future, this information will be covered during onboarding to ensure pro bono is a part of LAWV's culture, not just for those in the pro bono unit.

Prior to beginning the "Roadshow" the core pro bono unit discussed how we could foster more support for all staff to engage in pro bono time, not just staff with pro bono responsibilities. To feed on attorneys' natural inclination to compete, we created the "Pro Bono Games" or "PB Games" for short. The PB Games are a statewide competition between the twelve LAWV offices. During the tour, Molly teased the idea of the competition to encourage staff to 1) focus on the presentation information and 2) to encourage staff to begin thinking in more of a pro bono mindset. Please review Goals 2024 for more information about the PB Games.

Creation of Pro Bono Checklists

Staff Pro Bono Placement Criteria Checklist

When we initially set this goal, we believed we needed to create one checklist for LAWV Staff to be able to assess if a case would be appropriate for pro bono placement within LAWV and an additional checklist to be utilized by ATLAS at the intake level.

The Staff Pro Bono Placement Criteria Checklist (See Pg. 9 of Appendix) was created after the pro bono reviewed previous pro bono cases and discussed similarities for placement or nonplacement of pro bono cases. Simply put, we decided what makes a pro bono case a good pro bono case and created the checklist. The checklist is short and simple to follow and asks LAWV Staff to assess if the following factors are present: sympathetic situation, sympathetic client, responsive client, opposing party represented, no urgent deadlines, legal issue not too complex, and legal issue falls under pro bono protocol (specific to their office). Note: this list is not all encompassing. The checklist notes all staff should talk to their office's PAI Specialist and review the checklist together to determine if they have a good pro bono case. This step is important for two reasons: 1) we want to build the relationships between PAI Specialists and the rest of their office's staff and 2) we want all LAWV Staff to complete a quick pro bono placement assessment for every case prior to determining level of services. We believe this

will ultimately result in higher levels of services being obtained by our clients.

ATLAS Checklist

This goal was modified mid-year as we continue to determine the best use for our Pro Bono Team Attorney. Since 50 percent of the position is to work with the pro bono program and the 50 percent to work with ATLAS, we wanted to find a way to integrate both pro bono and ATLAS into the work she was completing. Instead of creating a separate checklist to be utilized by all ATLAS staff at intake, the cases are assigned to the ATLAS/Pro Bono Team Attorney on the front end. After she is assigned the case, the attorney utilizes her own intake to further assess for pro bono placement. (See Pg. 12 of Appendix)

This separate assessment was developed for adoption cases. Additionally, the Morgantown office is beginning to evaluate custody and divorce cases in a similar fashion. Referrals which come in through local domestic violence programs first go to the ATLAS/Pro Bono Team Attorney or the Pro Bono Supervising Attorney for an additional layer of intake/assessment. This additional assessment ultimately leads to services being provided at a faster pace for our applicants; regardless of whether they are assigned to a staff attorney or are recommended to attend one of the custody clinics. It also lightens the load of our staff attorneys because a preliminary assessment has already been completed by another attorney.

Foundation Building in 2023

Pro Bono Clinics

In addition to working on our 2023 goals, the Pro Bono Unit completed foundation building to prepare for 2024 goals. As part of the PBIF grant, we knew we would need to prepare for a pro bono wills clinic model. Maria Borrer, the ATLAS/Pro Bono Team Attorney, created a binder of forms, guidelines, and questionnaires to make the clinic model simple to host and easy to replicate. Dane Henry, our Advocacy, Training, and Technology Attorney, created estate planning software which allows pro bono attorneys to create a will by simply entering information. This software was utilized during a Wills Clinic for Veterans in Wheeling and a Wills Clinic in Charleston, both on November 8, 2023. The response from the pro bono attorneys about the software was outstanding.

The Pro Bono Unit also held our first name change clinic on April 1, 2023. Pro bono attorneys volunteered with students from the WVU College of Law to assist clients with the name change paperwork. A total of seven clients were assisted at this clinic.

It was during this clinic, that we realized the Name Change Guide from Fairness West Virginia had not been updated since recent court rulings and DHHR's name change process was updated. LAWV collaborated with Fairness WV and the WV Coalition Against Domestic Violence to update the Name &

Gender Change [Guide](#) for West Virginia Residents. The guide was launched in November 2023, which will help serve as a training guide on name change for volunteers.

During the process of updating this guide and developing relationships with other LGBTQIA+ friendly agencies, we realized there was a need for clients to be assisted in filling out the name change paperwork. We updated our goal in the PBIIF grant for offices to have the option of either a wills clinic or a name change clinic. Dane Henry developed name change software to be utilized during these clinics. Maria Borrer created another binder of forms, guidelines, and questionnaires to make the clinic model simple to host and easy to replicate.

Law School Relationship Building

One of the areas the pro bono unit continues to focus on is building relationships at the law school and teaching the students about pro bono opportunities. Molly Russell taught several times during the semester: one lecture on domestic violence hearings for the WVU Clinical Law Program and one lecture for the ethics class about pro bono representation. The Pro Bono Unit was also at the College of Law Community Fair. The goal of being at the law school for these lectures and events is for students to learn who LAWV is and the kind of pro bono opportunities we offer.

The Pro Bono Unit also made an effort this year to create opportunities for pro bono attorneys to work with law students. We found volunteer attorneys who usually say no, have said yes if they are assisting clients and mentoring law students. Two pro bono attorneys volunteered for the name change clinic and mentored seven law students. A Bankruptcy Clinic with the WV Bankruptcy Bar was held at the WVU College of Law Clinic. Two attorneys mentored four students and several employees from LAWV. In 2024, we will continue to develop opportunities for attorneys to be able to mentor law students.

(3) GOALS 2024

Our focus is to utilize the framework built in 2023 to execute our 2024 goals, which will ultimately better serve clients and engage more volunteers.

Finalization of a “Listserv” for Volunteers

In 2023, we made large strides in updating volunteer attorney profiles. With the three (3) interns, we anticipate all attorney profiles to be completed by February 1, 2024. We will then move forward with selecting the appropriate platform and setting up guidelines for using said platform. After completing the volunteer attorney profiles, the interns will then serve as beta testers in the newly developed “listserv.”

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.

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 2024, LAWV will finalize 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.

Pro Bono Clinics at Each LAWV Office

One of our major goals for the PBIF grant was to host a pro bono wills clinic at each office. After hosting a name change clinic in April and assisting in the update of the Name and Gender Change Guide, we amended our PBIF goal to have an option of either a wills clinic or a name change clinic.

Building on the foundation developed in 2023, each LAWV office will host either a Name Change Clinic or a Wills clinic in 2024, which is to be staffed by pro bono attorneys. Wills clinics were held in both Charleston and Wheeling on November 8, 2023. A name change clinic is scheduled to be held at the Logan office on December 8, 2023. The clinics held in 2023 were to evaluate forms and determine any changes needed to help the clinic run more smoothly.

Integration of All Staff with the Pro Bono Program

During 2024, all LAWV staff will increase pro bono engagement through the categories in LAWV's 1st Annual Pro Bono Games. There are five (5) categories: pro bono billing hours, number of attorneys recruited, number of attorneys engaged, number of cases referred to the pro bono unit, and number of pro bono cases placed. Our goal was the five (5) categories would catch all pro bono time entered by staff. Additionally, due to the office sizes, one of our pro bono specialists suggested we break LAWV up into divisions much like West Virginia sports. Class A is for LAWV offices with 7 or fewer employees. Class AA is for LAWV offices with fewer than 15 employees, but more than 7. Class AAA is LAWV offices with more than 15 employees. The competition runs for a year, and the winners will be announced at the 2024 LAWV statewide meeting.

The PB games were kicked off by Adrienne Worthy on October 11, 2023. She sent out her weekly Executive Director email which included the rules of the

game and encouraged all staff to participate in the games. (See Pg. 13-15 of Appendix) It has been fun and exciting to see staff becoming more active and engaging in more pro bono by asking simple questions. The mindset shift appears to be occurring; we just need to continue to encourage participation. We plan to do this through quarterly score updates. The first update on scoring will be provided on December 11, 2023, during the Pro Bono Weekly Update. The update will also include the official announcement of the prizes. The pro bono unit has discussed utilizing a plaque or WWE style belt which can be passed on from year to year.

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 ready to embark on our final year of the PBIF grant and to see all our foundation building put into action. 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.

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