

Private Attorney Involvement (PAI) Plan
Legal Aid of West Virginia, Inc.
2025 & 2026

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 2025 and 2026 PAI Plan (1) outlines how LAWV's Pro Bono Program currently operates; (2) describes LAWV's progress and achievement of grant goals for the PBIF Transformation Grant, which ended in 2024; and (3) sets forth our goals for 2025 and 2026 to both implement the Solid Foundations Project, funded by a new PBIF Project Grant, and to continue the transformation of our Pro Bono Program.

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 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% working with the Pro Bono Program. This position helps to support LAWV's pro bono clinics by developing tools for each office to use while also improving the placement of pro bono cases by assessing potential pro bono cases at intake.

The Pro Bono Supervising Attorney, based in Morgantown, oversees statewide pro bono work, increases communication among pro bono staff, and supports pro bono staff and volunteers in their work. The Pro Bono Supervising Attorney also creates, designs, and implements 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 oversees the goals and structure of the Pro Bono Program statewide and helps ensure effective case referrals and advocacy.

In addition to the core unit, a Private Attorney Involvement (PAI) Specialist is assigned to each of the other ten (10) Legal Aid offices across the state that do not have a full-time PAI Specialist. In most offices, PAI Specialists 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 service opportunities.

b. Operations

LAWV strives to ensure 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 better understand our program and how 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. LAWV also offers CLE training, sample pleadings, and support/mentorship from our staff members and other private attorneys to further support the quality of service provided.

LAWV staff identify cases that would be appropriate for pro bono referral by screening case type, geographical location, estimated time 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 potential client's circumstances are 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 a private attorney, who will perform the services at no cost. PAI Specialists monitor and track cases after referral to ensure quality services are provided to clients once a lawyer has been assigned to their case. Program-wide,

PAI Specialists check in with the volunteer attorneys on case status by mail, e-mail, or telephone every ninety days or every six (6) months, depending on the circumstances.

When the case is completed, the private attorney returns a Case Closure form to the PAI Specialist, 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 issues 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, discuss problems, help achieve uniform, efficiently delivered pro bono services, improve the overall program, and increase the number of clients served. Between meetings, PAI staff communicate regularly via telephone and e-mail.

c. Meeting Client Legal Needs

Based on a legal needs assessment performed in 2023 as part of LAWV's new Strategic Plan, the primary area of law impacting our client community is domestic relations, such as domestic violence problems, divorce, custody, or other family issues. In addition, because of the ongoing 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.

The Pro Bono Program plans to further address creating stability for kinship care families over the next two years. In September 2024, LAWV was awarded a two-year Pro Bono Innovation Fund Project Grant from the Legal Services Corporation to start our Solid Foundations Project, helping kinship families. This project aims to 1) increase pro bono representation in targeted West Virginia cities Clarksburg, Huntington, and Martinsburg, and 2) create a legal matter pipeline for kinship care providers. The clients will begin with either

guardianship or an adoption matter and will conclude with estate planning, which includes the considerations resulting from the new guardianship or adoption. The goal is to increase stability in kinship care households by utilizing pro bono attorneys.

Other high-priority concerns for LAWV include loss of shelter cases, 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 changes, and various other civil matters.

d. How We Engage Volunteers

Pro bono services extend the limited resources of LAWV, allowing the program to serve more 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 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 offer information and support to a small group of clients. Small group instruction reaches a larger group and does not include any direct, individual advice or help.
- **Advice Days:** Volunteer attorneys provide advice to LAWV clients 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 provide representation to clients. Individual cases are referred to counsel through a Judicare system, which provides reduced-fee payments with a maximum specified billable amount. LSC funds and other sources support these cases.

- **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 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 individually. During Pro Bono Celebration Week in October, pro bono staff make 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 deserve 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, LAWV places a “Thank You” advertisement in the West Virginia Lawyer magazine each year 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 attorneys who excel in these three noted pro bono opportunities.

Finally, a small budget is also available for the pro bono staff to host volunteer appreciation lunches or free or low-cost Continuing Legal Education (CLE) seminars to thank participating attorneys and recruit new volunteers. West Virginia state and federal judges frequently present at program CLEs to showcase the judicial support for pro bono work, and their participation often increases attorneys' attendance.

(2) CONCLUSION OF PRO BONO TRANSFORMATION GRANT AND PROGRESS ON 2024 GOALS

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 allowed LAWV to engage in an extensive pro bono assessment, identify pro bono best practices to meet our needs, and to 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 transformation grant. In 2023, the Pro Bono Program focused on foundation building in preparation for the final year of the three-year grant. In 2024, the Pro Bono Unit worked diligently to complete the annual goals set forth in the 2024 PAI Plan and to close out the PBIF Transformation Grant successfully. Below is an update on each of the goals set for 2024.

Finalization of a “Listserv” for Volunteers

One of our most ambitious goals from the PBIF Transformation Grant was to create a communication platform that could be utilized by pro bono attorneys who volunteer with LAWV. We wanted the platform to allow pro bono attorneys to interact with other pro bono attorneys and LAWV staff to ask questions and to notify attorneys of available pro bono cases more quickly.

This task was much more challenging than initially anticipated, as it required updating every pro bono attorney to profile on LegalServer. A team of

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

three interns from WVU College of Law completed the profile task in March 2024. The next step was to select a communication platform. LAWV also utilized the interns to provide preliminary research on the best communication platform. Choosing a platform that met all our identified needs was more challenging than expected, and ultimately, the pro bono team abandoned this goal based on discussions from our PBIF Site Visit in August 2024 with LSC PBIF Program Counsel.

Instead of using a communication platform, we will create a regular email newsletter that utilizes a template notifying pro bono attorneys of pertinent pro bono information, as outlined in more detail in the 2025 and 2026 Goals.

Pro Bono Clinics at Each LAWV Office

In the final year of the PBIF Transformation Grant, all offices aimed to host at least one clinic, either name change or estate planning. Ten out of twelve offices successfully held one or both types of clinics. Clinics were not held in two (2) offices for various reasons, including staffing, capacity, and challenges with changing local practices.

In 2024, LAWV hosted nine (9) Wills Clinics, and three (3) Name Change Clinics, for a total of twelve (12) pro bono clinics. Forty-nine (49) clients were served at Wills Clinics, and thirty-five (35) clients were served at Name Change clinics. Eighty-four (84) clients received services from our pro bono clinic models.

(See 2024 Clinic Data Chart)

Even more exciting was the engagement we received from pro bono attorneys. Thirteen (13) attorneys were re-engaged to participate in the clinics, and sixteen (16) new attorneys began engaging with the LAWV Pro Bono Program through the clinic model.

We are thrilled with the effectiveness of the clinic model and look forward to continued success in our Solid Foundations Project.

Integration of All Staff with the Pro Bono Program

To increase staff engagement and the visibility of the Pro Bono Program, the pro bono team launched the “Pro Bono Games” among all LAWV offices in October 2023. This competition sought to feed on attorneys' natural inclination to compete while measuring the impact of LAWV engagement with pro bono. The competition was based on pro bono time entry by LAWV staff, which tracked the time they spent on pro bono recruitment, case consultation/identification, and clinic participation. Due to the difference in office sizes, we divided LAWV offices into divisions, like West Virginia High School Sports, based on the number of staff per office.

As a result of the “Pro Bono Games,” from October 1, 2023, to September 30, 2024, LAWV staff recorded 747.2 hours of pro bono work, which was an increase of 669% in pro bono time recorded from the beginning of the

Transformation Grant in 2021. Additionally, seventy-four (74) LAWV staff members logged pro bono time during the Pro Bono Games, compared to only forty-four (44) in 2022. Overall, each office increased its pro bono engagement except for one, which has experienced numerous vacant positions over the last year.

Winning offices were presented with the “Pro Bono Cup” during LAWV’s bi-annual Statewide Staff Meeting in October 2024. We will relaunch the Pro Bono Games in January 2025, incorporating suggestions from LAWV staff to make the competition even more exciting.

(3) GOALS 2025 and 2026

Over the next two years, we will build on the progress from our recently completed PBIF Transformation Grant to better serve clients and engage more volunteers through the goals outlined below.

Implementation of Solid Foundations Project

The Pro Bono Program was awarded a two-year LSC PBIF Project Grant that began on October 1, 2024. LSC created PBIF Project Grants to “leverage [pro bono attorneys] to meet a critical, unmet, and well-defined client need.” Our proposed project, named Solid Foundations, aims to provide holistic legal services in adoption, guardianship, and estate planning for grandfamilies and kinship care families in the Martinsburg, Clarksburg, and Huntington service areas.

In West Virginia, we have one of the nation's highest rates of grandparents and kinship caregivers raising children. More than 22,000 grandparents are raising grandchildren in our state, and more than 33,000 West Virginia children are being raised by non-parent relative caregivers. Unfortunately, yet unsurprisingly, these numbers are primarily due to the opioid epidemic affecting so many families throughout our state. These families experience legal challenges, both common and unique to their circumstances, including the need to achieve permanency in custody and to create financial stability for younger generations.

LAWV's achievements through existing client services and the recently completed LSC PBIF Transformation Grant have laid the foundation for the Solid Foundations project. Through the Transformation Grant, we saw great success with statewide clinics and engagement with large law firms, and we believe that replicating these efforts will efficiently meet the needs of the grandfamilies and other kinship families we serve. Our work through different programs, such as TANF and Lawyer in the School-funded legal assistance, has enabled us to identify the specific types of services needed and given us in-house expertise and resources to adapt for pro bono purposes.

For our Solid Foundations project, we have identified three objectives: (1) recruiting pro bono attorneys from law firms and bar groups, (2) comprehensive training for these pro bono attorneys, and (3) higher levels of assistance to our

grandparent and kinship caregiver clients and their families. Further, because this is a pilot project, we identified three regions in the state to focus these efforts: Martinsburg, Clarksburg, and Huntington.

By the end of September 2026, we aim to conduct eight (8) skills-based training courses in the targeted geographical regions. These training sessions will be live and recorded, and we will provide mentorship and establish peer mentor groups as part of the ongoing support. To further support our pro bono attorneys, we will develop an online platform to house training materials and other resources, including guided interviews and forms. **We also aim to recruit and train approximately 30 pro bono attorneys from seven (7) or more law firms or bar groups in the service regions.** We determined these as target numbers based on 1) our knowledge of large law firm presence and activity levels of bar organizations in those areas and 2) the estimated number of grandfamilies and kinship families needing such services. During these two years, our goal is to provide higher levels of legal assistance (e.g., in-court representation and drafting of estate planning documents) in 60-80 cases. Ultimately, we expect the Solid Foundations Project to help these families achieve permanency and long-term stability using an efficient clinic model that provides comprehensive and ongoing support to our pro bono attorneys. We anticipate that the accomplishments over the next two years will lead to Solid Foundations expanding statewide.

Improve Communication with existing LAWV volunteers, the West Virginia State Bar, and the judiciary.

LAWV's current Strategic Plan, adopted in early 2024, identified three (3) priority areas of strategic focus in support of LAWV's mission: recruit and retain high-quality workforce, create impact in our core mission, and build our community of support vital to fulfill our mission. All three (3) of the strategic pathways include planned tactics that will impact the Pro Bono Program; however, for this plan, our primary focus will be on priority three (3): building our community. Per the strategic planning goal, the Pro Bono Program will work in 2025 and 2026 to expand its pro bono network, specifically by improving communication with existing LAWV volunteers, the West Virginia State Bar, and the judiciary. This will be accomplished through four (4) primary goals:

1) Creation of a regular newsletter

In lieu of the "listserv," the LAWV Pro Bono Program will send a regular newsletter to all volunteer attorneys with LAWV. The newsletter will highlight upcoming pro bono opportunities, including clinics scheduled for the Solid Foundations Project, client stories, reminders of the nuts and bolts of volunteering with LAWV, and any other pertinent information. We still want to incorporate the social aspect of a "listserv" and plan to do so by allowing a comment feature.

2) Improved Pro Bono Handouts

As we saw with the Pro Bono Road Show, collecting all pro bono

information in short, easily accessible documents increases comprehension of the minutiae details of the Pro Bono Program. To continue educating current LAWV volunteers and new volunteers, **the Pro Bono Program will create one-page handouts on topics such as volunteering with emeritus status and CLE credit for volunteering with LAWV.** These one-page information sheets will be housed on the Pro Bono SharePoint page and can be utilized by all staff during outreach events. These one-pagers will also educate the judiciary on the benefits of pro bono engagement with LAWV.

3) Pro Bono Branding

With the success of the Pro Bono Games, the Pro Bono Program wanted to create a similar competition for attorneys of the West Virginia State Bar. **The Pro Bono Program will create a criterion for volunteer attorneys to be able to earn a LAWV “Badge.”** The digital badge will be awarded to solo practitioners, small firms, and large firms upon completion of the criterion. Practitioners can use this badge on their websites, social media, letterhead, and email signatures. The hope is that the prestige surrounding the badge award will encourage more volunteers to engage with LAWV.

4) Work with Local Offices on outreach and engagement with the judiciary

As LAWV seeks to perform outreach and engagement with the judiciary, according to LAWV’s Strategic Plan, the Pro Bono Team will work with local

offices to better educate staff and the judiciary about how they can encourage local attorneys to engage in pro bono work. **The Pro Bono Team will seek to host at least two (2) Continuing Legal Education (CLE) events with judiciary members, focusing on educating local attorneys about the need for pro bono work in a particular substantive area.**

Continue Internal LAWV Pro Bono Program Building

The PBIF Transformation Grant was a three-year period in which the Pro Bono Program achieved many of the goals we had set out to accomplish. As we worked through the grant, more areas to improve and grow became apparent. Even though the grant concluded, the Pro Bono Program is still working to improve our internal program. This will be accomplished through three (3) primary goals:

1) Creation of a user-friendly SharePoint page

The Pro Bono Program plans to update its SharePoint page to make it easier for staff to navigate and find information. The revamped SharePoint page will include the one-page documents listed above, dates of upcoming clinics, the Pro Bono Games, and all other pertinent information.

2) Outlining expectations of part-time PAI staff

During the PBIF Transformation Grant assessment process, the part-time PAI Specialists noted they did not have clear guidelines for their pro bono duties and responsibilities. Additionally, as we sought to engage with local offices on clinics, it became more apparent that they needed guidance about their pro bono role. **LAWV will develop a set of pro bono duties and responsibilities for all part-time PAI Specialists.** These duties and responsibilities will be integrated into the PAI staff's annual goals.

3) Relaunching the Pro Bono Games

As noted previously, the Pro Bono Games were successful agency wide. **LAWV will relaunch the Pro Bono Games competition in January 2025.** The pro bono SharePoint page will house all the information about the games and will be updated with real-time scores.

Conclusion

Management and Pro Bono Staff at LAWV have concluded the PBIF Transformation Grant, but we will continue to build our pro bono program both in house and through a community network. The Solid Foundations Program will allow us to expand our clinic model and assist more kinship care clients while focusing on engaging new pro bono attorneys.

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.