



PRO BONO & ACCESS TO JUSTICE IN THE SECOND JUDICIAL DISTRICT

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Executive Director

Equal Justice Wyoming

Equal Justice Wyoming

- First state-sponsored civil legal aid program in Wyoming
- Division of the Wyoming Supreme Court
- Funding, resources, and support for legal aid programs in Wyoming
 - Wyoming Coalition Against Domestic Violence and Sexual Assault
 - Legal Aid of Wyoming, Inc.
 - Wyoming Children's Law Center
 - Wyoming's first Medical-Legal Partnership
 - UW Legal Clinics
 - Teton County Access to Justice Center
- Provide support and resources for self-represented litigants in Wyoming
 - Legal Information and Forms
 - Online Classrooms and Automated Forms
 - Self-Help Centers & Kiosks
- Manage and support a statewide pro bono program of volunteer attorneys in collaboration with the Wyoming State Bar and local bar associations
- Participate in court and bar initiatives

Changing Legal Landscape

- Increasing number of self-represented litigants in the courts
- This trend is not going to change in the near future
- Judges spend a large portion of their time handling cases in which at least one party is self-represented
- This change presents challenges to courts, attorneys, and litigants

No Lawyer. No Choice.

- National court-based research shows most self-represented litigants cannot afford an attorney
- Only a small number of self-represented litigants could afford an attorney (many times by making a significant sacrifice if they do so)

Level of Poverty in Wyoming

- 11.1% of Wyoming's population lives below 100% of the Federal Poverty Level
 - 20.4% in Albany County
 - 13.4% in Carbon County
- 27% of Wyoming's population lives below 200% of the Federal Poverty Level

Level of Access to an Attorney

In Wyoming:

- There is one ***attorney*** in practice for every **330** Wyoming residents
- There is only one ***legal aid attorney*** for every **8,050** Wyoming residents who are financially eligible for free legal assistance (those at or below 200% of the federal poverty level)

Delivery of Services to the Low-Income

- Civil Legal Aid Programs
 - Only able to fully serve a fraction of the need
- Pro Bono Attorneys
 - Integral part of delivering services to low-income individuals
- Pro Se Litigants
 - Access to information, trusted legal resources, and limited scope representation is essential

Barriers for Pro Se Litigants

- Legal language barrier
- Complexity of legal processes and procedures
- Problems understanding the role of the court
- Legal requirements are not always intuitive
- Procedural rules vary between types of court and types of cases
- Lack of understanding of judgments or orders, which leads to noncompliance

Challenges Faced by Pro Se Litigants

- Self-Represented litigants have difficulty
 - Preparing complete pleadings or bringing motions
 - Understanding and meeting procedural requirements
 - Determining what facts and laws are relevant to their case
 - Clearly articulating their case to the court

Wyoming Rules of Professional Conduct

Preamble: a Lawyer's Responsibilities

“... a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the profession. . . A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice . . .” WRPC Preamble, cmt 6.

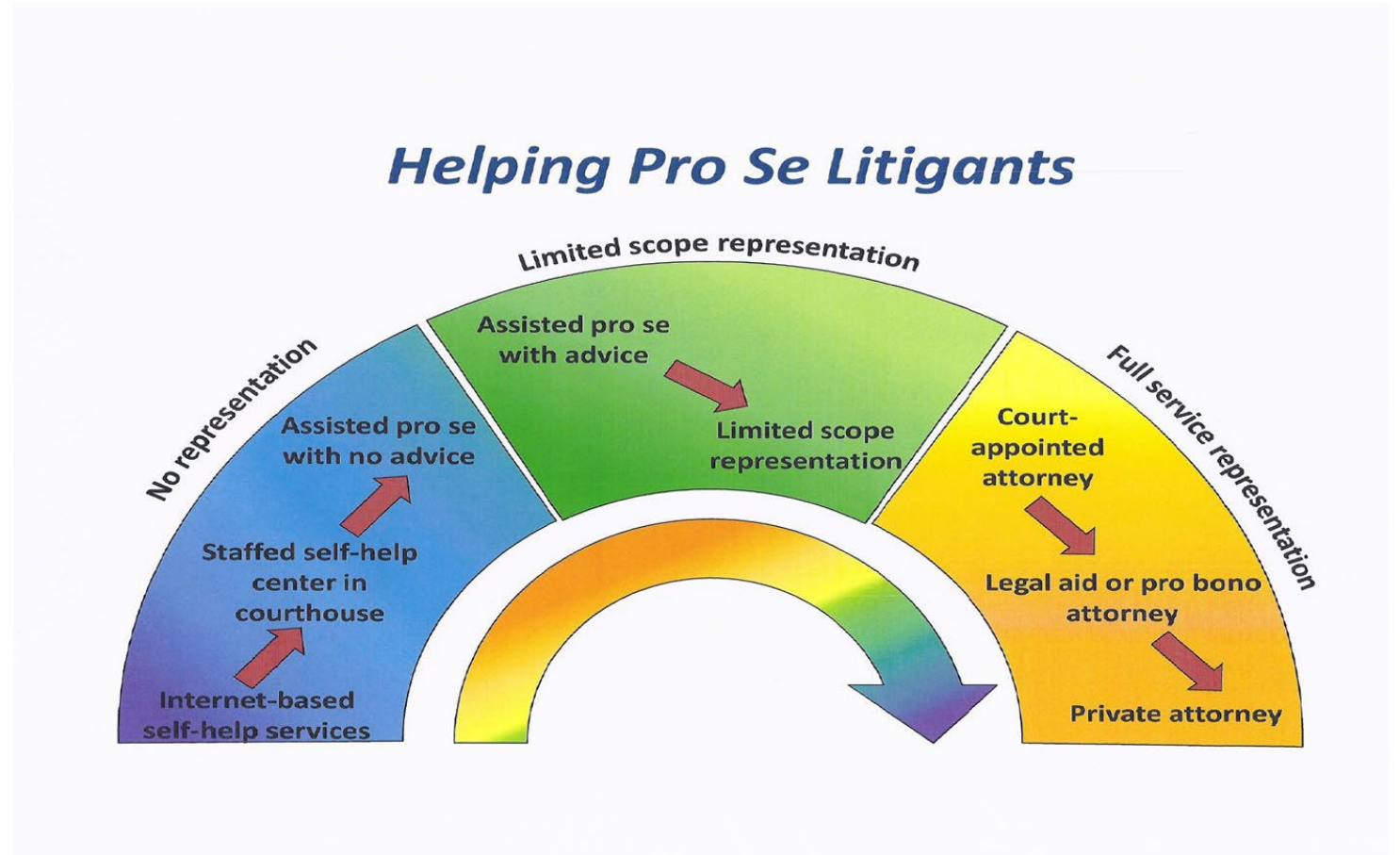
W.R.P.C. 6.1 Pro bono public service

“Every lawyer has a **professional responsibility** to provide legal services to those unable to pay. A lawyer should aspire to tender at least fifty (50) hours of pro bono legal services per year.”

- The substantial amount by providing legal services **without fee or expectation of fee** to persons of limited means, or organizations servicing persons of limited means
- Provide additional services to other civic or charitable organizations, or by providing legal services at a substantially reduced rate to persons of limited means
- Participate in improving the law, legal system and/or legal profession
- Alternative is to donate at least \$500.00 per year

Bridging the Gap with Pro Bono – Why Is It Important?

- Public trust and confidence in our courts
- Sense of fairness
- Perceived degree of access to court services



W.R.P.C. 1.2 Scope of Representation and Allocation of Authority

- Representation may be limited (unbundled) if **reasonable under the circumstances** and client gives **informed consent**.
 - No longer a written informed consent requirement
- Important for pro bono representation because often can be unbundled

Common Limited-Scope Representation

- Provide advice and counsel on a particular issue or issues
- Assist in drafting or reviewing pleadings or other documents
- Make a limited court appearance

Walk-in Legal Advice Clinics

- Quarterly clinics in Cheyenne and periodically in other areas
 - Pro Bono Week – statewide clinics sponsored by local bar associations
- Form of limited-scope representation
- Help clients assess their case and provide advice about next steps
- Help clients complete pro se packets

Wyoming Free Legal Answers

- Barriers to accessing legal help make an online model attractive and necessary:
 - Limited options for in-person free legal advice for low-income individuals in rural areas
 - Many low-income individuals have limited access to transportation or childcare, but do have access to the internet
 - Can be difficult for low-wage workers to take off work without adverse consequences to their employment
- How does it work:
 - WFLA platform screens clients for eligibility
 - Eligible clients submit questions anytime from anywhere with an internet connection
 - Volunteer attorneys then provide legal advice anytime, anywhere you have internet
 - Volunteer attorneys choose the questions you want to answer
 - Volunteer attorneys decide how much time to donate
- To register, go to wyoming.freelegalanswers.org

W.R.P.C. 6.5

Non-profit limited legal services programs

- Legal Advice Clinic setting (limited scope) requirements of attorney conflict check obligation are relaxed
- Rules 1.7 and 1.9(a) apply only if lawyer knows a conflict of interest exists
 - Does not require a full-blown conflict search “back at the firm”
- Lawyer must obtain informed consent for limited scope representation
- Virtual clinics and answering questions on wyoming.freelegalanswers.org treated as virtual limited legal services programs

Tips for Working with Low-Income Clients

- Working with pro bono clients can be challenging, but is also rewarding
- Pro bono clients may be very different from your regular clientele
- You may be the first lawyer your client has ever had
- Your client may be uncomfortable having some conversations with you
- If you know the client is having trouble dealing with a delicate topic, be the first to bring it up and encourage the client to ask questions and discuss the issue
- Verify that the client understands the scope of the representation
 - Best practice to have a written agreement to assure the expectations are clearly set out – this is especially important if you are providing limited scope representation
- Explain the legal process and what to expect
- Take the time to ask the client if they understand the process and procedure after you discuss it with them

Communicate Expectations

- Set Ground Rules
 - Be clear in your first meeting what you expect
 - Easier for clients to meet expectations when expectations are clear – communicate the ground rules up front
 - Address the importance of punctuality – client may not understand the importance of scheduled commitments
 - Stress the importance of keeping you informed and the consequences if the client does not keep appointments or stay in touch – consider getting alternate contacts
- Provide a Road Map
 - Give clients an idea of what is ahead and what to expect

Volunteer Reference Attorney Program

- VRAs' role
 - Provide legal information and procedural assistance to self-represented litigants
 - Help users navigate the Equal Justice Wyoming and courts' resources and forms
 - Provide referrals to other legal resources and legal aid providers
 - Provide assistance and information, but not legal advice

Legal Advice vs. Legal Information

- A good rule of thumb is that, if you are explaining to someone what they *should* do in their court case to further their interests, you are offering legal advice. Stay away from communicating what someone “should” do, and stick to information that could be shared with either party in a case.
- Legal information is factual information. Questions that seek legal information often start with “who,” “what,” “when,” “where,” “why,” or “how.” A Volunteer Reference Attorney may tell a litigant *how* to bring an issue to the court’s attention, such as how to file a case, but should not suggest *whether* it would be wise to do so.
- Think of providing legal information as educating a litigant whereas providing legal advice is directing a litigant. As a Volunteer Reference Attorney, you are providing information to help an unrepresented individual understand the court process and their legal options.

Legal Information

- General explanation of court procedures and practices
- General information about service of process
- General information about deadlines
- Referral to resources and information about the courts, such as court forms and instructions, court rules, and statutes
- Explain how to request to get a hearing scheduled
- Explain the meaning of unfamiliar terms or what type of information a form is seeking
- Contact information for lawyer referral services, legal aid programs, and other sources of legal assistance

Legal Advice

- Opinion on whether a case should be filed
- Opinions about what the outcome of a case will be or what a judge will decide
- Opinions about what course of action a person *should* take (vs. explaining the options available)
- Applies the specific facts of the case and provides analysis and advice based on those facts

Equal Justice Wyoming Resources and Support for Volunteer Attorneys

- Malpractice coverage under Equal Justice Wyoming for pro bono work
- Web-based Pro Bono Portal: forms, outlines, CLE archives
www.equaljustice.wy.gov
- Placement with mentor attorneys
- Assistance in out-of-pocket cost reimbursement from Wyoming State Bar
- Receive CLE credit for pro bono work performed

THANK YOU!

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