

# NH Pro Bono Referral Program

## Year-End IOLTA Report for FY 2019-2020

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### Executive Summary

A small dedicated staff, committed board and strong network of volunteer attorneys propels the Pro Bono Program's mission of giving the vulnerable and others on society's economic margins access to legal representation and the opportunity for a fair shake. By covering basic services and operating expenses, IOLTA funding provides the core financial support for Pro Bono to maintain and strengthen its role in delivering legal services to low-income families and individuals throughout the Granite State as detailed below. Limited ability to fundraise during the current pandemic as evidenced by cancellation of Pro Bono's annual golf tournament gives the program even greater need for the IOLTA dollars generously allocated by the NH Bar Foundation.\* Although COVID-19's impact during the last months of the 2019/2020 grant year seems to overshadow most that came before, Pro Bono accomplished a great deal during the past year and made a difference in the lives of several thousand low-income Granite Staters (about 4400 household members). Highlights of Pro Bono's 2019/2020 services and activities funded in whole or part by IOLTA include:

#### COVID-19 response, entailing:

- Expanding (temporarily) the eligibility guidelines for Free Legal Answers to 400% of poverty from 250%;
- Joining our legal services partners in planning a coordinated response to anticipated surges in unemployment insurance appeals and evictions;
- Working with crisis centers and DOVE attorneys to assure continued availability of volunteers to assist victims;

\*Pro Bono is diligently seeking other funding and has received a one-time supplement of LSC funding for COVID-19 related legal work through LARC.

- Providing information and guidance to more than 200 lower-income taxpayers around stimulus payments in addition to educating legal services partners and social service agencies on the CARES Act stimulus payment provisions;
- Posting resources/government updates for the public on the NHBA website and more.

Non-pandemic efforts:

- Coordinating, supporting and overseeing client services, including legal information and/or referrals, advice and representation, benefiting more than 4400 adults and children.
- Improving Free Legal Answers by more than doubling the volunteer attorney base (now over 90) from the end of last year's grant and expanding awareness of the website to reach a greater number of lower-income people across the Granite State.
- Providing cutting edge training for volunteer attorneys on working with interpreters and appreciating/understanding cultural differences to address these timely, emergent topics demanding increased attention given the rise in Pro Bono's (and legal services) newcomer and ESL (English as a Second Language) caseload.
- Coordinating, supporting and overseeing client services, including legal information and/or referrals, advice and representation, benefiting more than 4400 adults and children.
- Collaborating with the US Bankruptcy Court to create a quarterly court honor roll to recognize attorneys taking two or more Pro Bono bankruptcies.
- Holding six criminal annulment clinics, helping more than 90 people with guidance and advice regarding removing their old criminal records.
- Developing and holding an advanced version of the popular, interactive training series, "Divorce Camp," to offer family law volunteers guidance and education on more complex legal topics than through the traditional Pro Bono basic "boot camp" training.
- Engaging in statewide planning with NHLA and LARC leading to the potential merger of LARC with Pro Bono and the centralization of civil legal intake at the new entity.
- Participating in the national celebration of Pro Bono Month with the Program's own traditions, including the Bruce Friedman Pro Bono Award reception which honored former NHLA and LARC Attorney Tom

- Fredenburg, and the annual UNH Franklin Pierce School of Law faculty and staff referral marathon.
- Offering unbundled service options for victims of domestic violence and other clients, where full representation may not be an option due to limited resources.

## *“Core” Pro Bono* Family Law

### *Helping the Newcomer Access Justice and Escape Abuse*

When a married newcomer sought a divorce from her abusive husband after he was arrested for assault, she did so to provide a safe environment for herself and her young son. With little English-speaking proficiency and no knowledge of the American legal system, the cards were stacked against her, leaving her unable to navigate the legal system or advocate for herself effectively in court. When Pro Bono located a volunteer attorney to accept her case, the program enabled the frightened woman to receive the legal advocacy required to develop and defend a parenting plan to allow relocation to a different state to live near family. The Pro Bono Program organized and paid for an interpreter so she could meaningfully confer with her attorney prior to the hearing. Ultimately, she was granted everything she asked for after a contested hearing. Not only did this mother obtain her divorce and receive a child support order, she was granted sole residential responsibility and decision-making for her son. Thanks to Pro Bono and a loyal volunteer, she achieved her goal--relocation to safely raise her child with her family around to support them.

Since its inception, Pro Bono has been the primary source of assistance for low-income people with family law matters. Though it has become harder to make referrals in this area since many attorneys now specialize and don't fold family law into their practices, Pro Bono remains a key resource for representation with matters ranging from parenting plans to divorce and QDROs. To encourage private attorney involvement with domestic cases, Pro Bono provides specialized training under the title, "Divorce Camp." This interactive program has proven to be a successful and fun way to recruit attorneys to take cases in this critical area of client need. A primer on family law basics in past years, last fall's offering that attracted two dozen attorneys covered more advanced topics to benefit the intermediate practitioner. Pro Bono anticipates employing this model in future years, alternating with basic training, to help assure the program is supporting attorneys at all experience levels.

## Consumer Debt

### *Helping a Grandmother Stay Afloat (and Avoid Jail)*

For more than a decade, this grandmother (Mrs. S) had been making regular payments on a judgment entered against her. That is, until misfortune hit when her father became ill and she had to quit her job to take care of him. Though her father passed away, Mrs. S was still unable to return to work due to her own disabilities plus she had also taken on care of her grandson. Her Social Security Disability payments coupled with those of her disabled son, also living with her, just didn't add up to enough to pay on the old debt and also keep a roof over their heads and food on the table. Unfortunately, the creditor filed a Motion for Contempt with the court. Thankfully, Mrs. S got in touch with Pro Bono as she knew if found in contempt she could be incarcerated, leaving her grandson without a caretaker. Pro Bono works hard to find attorneys to help people in this client's situation. The attorney who said "yes" to Pro Bono contacted the opposing party's lawyer and provided information about the client's income and situation. The attorney was able to convince counsel for the creditor that the client's income was protected and to withdraw their motion. Grateful, Mrs. S sent the following note to the volunteer attorney: "I want to thank you so much for helping me. your (sic) the best. . . once again thank you."

As in prior years, Pro Bono assisted low-income consumers like Mrs. S with debt-related issues, whether through representation on individual debt collection cases or with bankruptcy to secure a fresh financial start. Until the closure of the courts due to COVID, Pro Bono coordinated a periodic payment clinic at the Plymouth District Court where volunteer attorneys met with and assisted low-income consumers in preparing and filing proposed court orders based on current and projected individual financial circumstances. To date, the court has accepted all orders, informing Pro Bono staff and volunteers that the clinic helps not only the clients but also the court in saving scarce judge time.

To encourage bankruptcy practitioners to step up to take cases, Pro Bono held a lunch for about 20 volunteer attorneys with Bankruptcy Court Judge Bruce Harwood, who made a strong case for Pro Bono engagement. One initiative stemming from the meeting has involved the creation of a special Bankruptcy Court honor roll for attorneys accepting cases through the Pro Bono Program. Unfortunately, the pandemic has thwarted launch of this effort, which should resume soon.

## **Housing and Eviction Defense**

“It is hard to argue that housing is not a fundamental human need. Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart.”

– **Matthew Desmond, Evicted: Poverty and Profit in the American City**

### *Helping a Disabled, Elderly Couple Buy Time That Counts*

The elderly couple faced eviction from the home where they had been living for several years when the landlord claimed they had breached material terms of their lease. Although disputing the allegations, including failure to pay one month’s rent which they reported spending to fix a sewer back-up problem ignored by the landlord, the couple did in fact wish to move to a more suitable place. The thing is that at the time of the eviction notice they were both wheel-chair bound and each facing surgery. Despite help from hospital social workers, they had not been able to find alternative housing. Enter their Pro Bono attorney who accepted the case in a county where the number of private attorneys is limited. The attorney succeeded in negotiating an agreement with the landlord under which the couple could remain in the home for another six months. The agreement gave the husband and wife enough time to undergo their surgeries and rehabilitation before relocating, providing an enormous measure of relief and peace of mind, all thanks to timely intervention by Pro Bono and one of its steadfast volunteer attorneys.

While some cases require litigation on the merits, many other evictions like the one recounted above can be resolved through negotiations to give tenants a fair resolution. Housing is a fundamental need and in New Hampshire the high cost and low vacancy rate spell disaster for many low-income families and individuals. Among the legal services providers, Pro Bono handles most of the private housing evictions requiring full representation, with LARC screening these cases and providing initial, critical advice before referral to Pro Bono. With the lifting of the eviction moratorium and expiration of expanded unemployment benefits, Pro Bono expects to keep its eviction defense attorneys and newly recruited practitioners busy as the program and its partners respond to the demand for help with nonpayment evictions.

## **Special Projects**

### **Free Legal Answers**

While taking a long time to secure approval, the ABA-supported program Free Legal Answers was worth the wait. The legal advice website offers lower-income

members of the public with the opportunity to post their civil legal questions 24/7, while simultaneously permitting attorneys to answer questions any time, any place with an internet connection. The online nature of the service also allows NH Bar members located virtually anywhere to answer questions no matter the location of the questioner within the Granite State. During the grant year, 325 questions were posted by financially eligible people, with the program producing an answer rate of 82%, which exceeds the national average for this online program. Family law took the top spot, followed closely by housing with other questions posed in a wide variety of areas, including debts and purchases, wills and estates and employment/unemployment. Since the closure of the courts and other COVID-19-related changes, Free Legal Answers has taken on increased importance as an accessible legal resource in light of its virtual platform. To expand access at such an unprecedented time, NH Free Legal Answers raised its income guidelines to 400% of poverty, which will remain in effect as long as the virus ravages our communities, economically and health wise.

### **Criminal Record Annulment Project**

#### *Getting a Second Chance/Securing Financial Stability*

Ms. A, a single young woman, contacted Pro Bono looking for assistance in annulling her criminal record to assure she could move forward with her chosen career. When just out of her teens, she was arrested and charged with possession of a false id. At the time she approached Pro Bono, she was finishing up her clinical rotation and getting ready to take her boards to become a licensed medical therapist. She feared the criminal charge associated with a youthful mistake would come back to haunt her and ruin her chances of becoming licensed. Having financed her education with student loans and with no other means of support, she desperately needed the required credentials to obtain gainful employment. Pro Bono connected Ms. A with a volunteer attorney, who helped her annul her criminal record, paving the way for her to secure her license. With the weight of this youthful indiscretion lifted, she then took and passed her boards, became licensed and is now a practicing therapist, moving forward with her career and her life.

Pro Bono has made assisting lower-income people with removing old criminal records a priority given the life-changing impact of this work as the client summary above illustrates. Until the pandemic struck, Pro Bono held criminal record annulment clinics in six (6) locations around the state, including first-time events in Littleton, Laconia and Lebanon, where more than 90 people met one-one-one with

attorneys following a group presentation on New Hampshire's annulment law and process. Pro Bono is exploring the possibility of virtual clinics to allow continuation of this popular and valuable service. In the meantime, Pro Bono is still able to make individual attorney referrals for qualified people seeking to expunge criminal records that stand in their way of securing employment, housing and/or other vital life needs.

### **The Domestic Violence Emergency (DOVE) Project**

#### *One Survivor's Story*

When a young woman left an abusive relationship and moved back in with her parents, she thought she was finally safe. Yet, when leaving the house to visit a friend, she was accosted and sexually assaulted by her ex-boyfriend, leaving her to understand that his threats to harm her and her family could no longer be dealt with alone. With the help of her local crisis center, the young woman got a temporary protective order. Subsequently, a volunteer attorney recruited and trained by Pro Bono's DOVE Project represented her at her final hearing, securing the protective order she so desperately needed. The crisis center advocate involved with the case reported to Pro Bono that the DOVE attorney "was able to balance incredible compassion with being thorough and addressing the most difficult questions and portions of testimony."

Now in its 28<sup>th</sup> year of delivering lifesaving civil legal representation to victims of domestic violence for protective order hearings, DOVE expanded its mission to include victims of stalking in 2017. With each passing year, DOVE staff provide tailored program support to the evolving demographics of the attorney panel, technical assistance to crisis service partners, and an integrated response with legal services colleagues, New Hampshire Legal Assistance and Legal Advice & Referral Center, to link the state's most vulnerable with free legal representation. During 2019/2020, DOVE matched 127 survivors with volunteer attorneys, assisting as many secondary victims (children) impacted by the violence in their homes. The value of the contributed attorney time is calculated to be more than \$160,000, while the ultimate value of these free services to the victims is almost incalculable when their personal safety has been violated and their lives endangered.

#### **Collaboration, Partnerships and Outreach**

The DOVE team, comprised of the full-time coordinator and full-time assistant coordinator, administer all program activities under the supervision of the NHBA

Legal Services Director. DOVE staff members are active participants in the wider domestic violence network as evidenced by engagement with the Greater Manchester Council Against Domestic & Sexual Violence and, through partnership with NHLA, the NH Statewide DV Advisory Council since its inception under an OVW Legal Assistance for Victims award in 1999. Last year in addition to routine technical support to crisis service advocates regarding the delivery of DOVE services, the DOVE team coordinated a Roundtable Discussion to consider improvements in the delivery model, many of which Pro Bono and its legal services partners are weaving into the project.

### **Attorney/ Law Student Educational Programs**

Each year DOVE offers training opportunities to volunteer lawyers, legal services partners and other stakeholders, providing social and practical support to victims of domestic violence and stalking. During the grant year these efforts included a webcast, *Firearms Law and Victim Safety*, and a seminar, *Cultural Humility + Professional Interpreters = Access to Justice*. Additionally, through collaboration with UNH Franklin Pierce Law, DOVE coordinated a miniseries on New Hampshire laws and the DOVE Project, an annual training program offered to second-year Daniel Webster Scholars. DOVE was also invited by Hon. Andrea Johnstone to present on volunteer opportunities available through the DOVE Project as part of compliance with the Federal Courts' POWER ACT. In conclusion, more than 100 lawyers and law students benefitted from DOVE training and expanded their awareness of opportunities to get involved in assisting victims of domestic violence.

### **COVID-19 Related Work**

The year 2020 presented unexpected, unprecedented challenges. While *shelter at home* recommendations along with many business closings were critical to promote health and safety, many of our most vulnerable – victims of domestic abuse - were placed at high risk to lethality. With the foresight of the NH Bar's leadership and management team, Pro Bono's staff was prepared to work remotely with minimal interruption to our service. The DOVE coordinator and assistant coordinator worked closely with volunteer lawyers, crisis service advocates and legal services partners to help victims actively seeking protective orders and are preparing to assist those who need these services as social distancing measures ease. DOVE has not skipped a beat.

### **Low-Income Taxpayer Project (LITC)**

*The Tax Project Helps Save a Veteran's Home*

Serving in Desert Storm left the then young New Hampshire man severely

disabled with PTSD. Still, he worked on and off in construction for a few years but could never hold down a job for long. Finally, he started working for himself, but couldn't handle the paperwork required to keep up with his self-employment taxes. By the time he was deemed totally and permanently disabled, he had accumulated a large federal tax liability. Deeply depressed, he barely spoke to anyone but a sibling and his counselor at the VA. Meanwhile, the IRS filed a notice of federal tax lien, encumbering his house. Fortunately, he had given his sister durable power of attorney over his finances, and she happened upon the Low-Income Taxpayer Project during an online search. Working with his sister, the clinic filed an offer in compromise for him, and – after many months and a trip to Appeals – the IRS accepted it. The veteran and his sister were grateful to have the LITC in their corner to solve a seemingly insurmountable problem, reaching a solution allowing the service member to keep his home along with his sense of dignity and some hope for the future.

This is but one example of the tax project's work to assist low-income people with IRS tax disputes that impinge on financial stability and health. The LITC also engages in outreach and tax education, with efforts including:

- Numerous (pre-pandemic) in-person presentations to social service providers on various tax topics affecting low-income people, including self-employed people, veterans, and victims of domestic violence;
- Appearance on NHPR's *The Exchange* regarding tax issues affecting low-income people;
- Interview on WMUR regarding deadline for non-filers to claim \$500 economic impact payments for qualifying dependents;
- Information and advice to more than 200 people calling with questions about stimulus payments; and
- Numerous video conferencing presentations to social service providers (115) on helping eligible clients claim and receive the economic impact payment authorized by the CARES Act.

## **Summary**

Pro Bono is grateful for its precious IOLTA funding, which supported in whole or part many of the achievements detailed in this report – from homes saved and second chances secured, to escape from abuse realized and funds to feed one's family protected, all with abundant relief from fear and stress. The next months or year hold many challenges, including some not even imagined

right now. Pro Bono is collaborating with its legal services partners to respond to challenges identified – from eviction defense to unemployment insurance appeals – while preparing to make innovations to find the best ways to help the most people with the most significant needs as the pandemic pervades all aspects of life, creating an environment of economic uncertainty in its wake. As the state’s legal services programs have done with crises in the past, we will collectively rise to meet them, thanks in no small part to IOLTA.

<b>CASES</b>	<b>Type of Legal Issue:</b>	<b>Consumer</b>	<b>Employment includes Federal Tax</b>	<b>Family</b>	<b>Juvenile</b>	<b>Health</b>	<b>Housing</b>	<b>Income Maintenance</b>	<b>Individual Rights includes Record Expungement &amp; Immigration</b>	<b>Misc includes Non-Profit Assistance &amp; Wills/Estate</b>	<b>Total Beneficiaries</b>
County of Residence											Totals
Unknown		0	0	2	0	0	0	0	5	0	7
Belknap		16	19	31	0	0	15	4	16	10	111
Carroll		11	12	32	0	0	18	0	2	10	85
Cheshire		8	9	53	0	0	39	0	16	11	136
Coos		6	1	10	0	0	3	0	0	4	24
Grafton		109	10	113	0	0	22	0	14	35	303
Hillsborough (N)		43	37	371	6	0	58	1	53	30	599
Hillsborough (S)		16	14	209	0	0	37	0	50	8	334
Merrimack		36	59	160	0	0	21	0	51	28	355
OOS		0	15	31	0	0	5	1	11	2	65
Rockingham		43	27	159	0	1	34	0	3	28	295
Strafford		43	13	126	0	0	14	2	12	15	225
Sullivan		18	5	9	7	0	20	0	6	6	71
		349	221	1306	13	1	286	8	239	187	2610

<b>MATTERS</b>	<b>Type of Legal Issue:</b>	<b>Consumer</b>	<b>Employment- includes Federal Tax</b>	<b>Family</b>	<b>Juvenile</b>	<b>Health</b>	<b>Housing</b>	<b>Income Maintenance</b>	<b>Individual Rights- includes Record Expungement &amp; Immigration</b>	<b>Misc- includes Non-Profit Assistance &amp; Wills/Estate</b>	<b>Total Beneficiaries</b>
Unknown		13	451	238	0	2	7	4	26	18	759
Belknap		9	9	7	0	0	0	2	11	2	40
Carroll		7	2	2	0	0	2	0	4	2	20
Cheshire		9	7	7	0	0	4	0	0	4	31
Coos		2	2	2	0	0	0	0	0	0	7
Grafton		7	2	11	0	0	7	0	9	2	37
Hillsborough (N)		31	13	13	0	2	9	0	31	15	114
Hillsborough (S)		9	9	20	0	0	2	0	18	2	59
Merrimack		18	20	11	0	0	9	0	7	15	79
OOS		2	0	4	0	0	2	0	4	0	13
Rockingham		20	11	22	0	2	7	0	4	13	79
Strafford		22	4	9	0	0	11	0	0	2	48
Sullivan		4	9	2	0	0	4	0	0	7	26
		152	539	348	0	7	64	7	114	84	1313

<b>Free Legal Answers</b>	<b>Consumer</b>	<b>Employment- includes Federal Tax</b>	<b>Family</b>	<b>Juvenile &amp; Special Education</b>	<b>Health</b>	<b>Housing</b>	<b>Income Maintenance</b>	<b>Individual Rights- includes Record Expungement &amp; Immigration</b>	<b>Misc- includes Non-Profit Assistance &amp; Wills/Estate</b>	<b>Total Beneficiaries</b>
<b>Questions asked</b>	42	90	183	7	2	174	4	18	136	656