

Metro Pro Bono Advocate

A publication of the Pro Bono Committee of The Bar Association of the City of Richmond

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Spring 2006

GRBF-CVLAS fundraising campaign sets goal of \$50,000

*by John M. Oakey, Jr., President
Greater Richmond Bar Association*

The annual fund raising campaign, sponsored by the Greater Richmond Bar Foundation and the Central Virginia Legal Aid Society, will commence in the middle of April and last for approximately thirty days. The purpose of the campaign is to raise money to assist the Central Virginia Legal Aid Society in carrying out its programs. Because of budget cuts over the past few years, CVLAS has sustained a one-third reduction in its staff. In 1980 there were 17 full-time legal aid lawyers in Richmond. There are now less than half that number.

The fundraising campaign will commence with a joint letter from the Greater Richmond Bar Foundation and CVLAS to all attorneys in the Richmond area asking for their participation in the cam-

paign and enclosing a pledge card. If you respond, you will not get a call. If you do not, you will be contacted by one of the many volunteers who will make calls on behalf of the campaign. We have been fortunate to have many of the leaders of the local and state bar organizations performing this service.

This is the fourth year the campaign has taken place. Last year we were able to raise \$43,172.75 from Richmond area lawyers. Each year the campaign has raised more money, and we are hoping to raise at least \$50,000.00 this year.

Because of this campaign CVLAS has been able to furnish more services to poor people in our community. This is an opportunity for each attorney in the area to make a difference. Please join with the rest of the legal community. Please make your pledge or contribution and become a supporter of our Pro Bono effort.

A letter from the Committee Chair

*By Charles G. Meyer, III, Chair
Richmond Bar Association Pro Bono
Committee*

Those in attendance at the January 19, 2006, Richmond Bar Association lunch meeting gained new appreciation for how pro bono service is much more than a professional obligation. At that lunch, we learned of just a few of the accomplishments of our immediate past chair, Tara Casey, the RBA's 2005 recipient of the John C. Kenny Pro Bono Service Award. In her remarks, Tara recognized the enduring influence of both of her parents in fostering her passion for public service at an early age. Our Committee and Association are grateful beneficiaries of the selfless leadership and pro bono service of volunteers like Tara, for whom pro bono service is a way of life.

The Committee is comprised of a number of equally dedicated volunteers who have revived existing programs and launched new initiatives to expand and improve pro bono public service in metropolitan Richmond. If the sheer number of programs is any measure, then 2005-2006 has been a record year. A summary of the Committee's work tells part of the story.

In November 2005, Committee members organized a training session for the Housing Law Program. In addition to the new lawyer volunteers, nearly twenty law student volunteers now assist program attorneys with case management and advocacy.

In February, 2006, Committee members Chuck Seyfarth and Marilyn Goss provided training for volunteer attorneys interested in the No Fault Divorce Project administered by Central Virginia Legal Aid. Designed to provide pro bono representation to indigent and low income clients seeking representation in

Volunteer attorneys needed for No Fault Divorce program

by Marilyn C. Goss

On February 21, 2006 the Richmond Bar Association's Pro Bono Committee sponsored its first training session for Central Virginia Legal Aid Society's "No Fault Divorce Program." Marilyn C. Goss, Senior Managing Attorney at legal aid, provided training in the no-fault divorce process and participants were provided with copies of the routine pleadings.

Central Virginia Legal Aid Society (CVLAS) was founded in 1972. Its mission is, and has always been, the zealous legal representation without charge to low income or elderly clients in civil cases and to help the low income and elderly client community through preventive community legal education. CVLAS is a non-profit organization pro-

viding legal assistance in the following areas: family law, including domestic violence; elder law; employment law; disability and public benefits law; consumer law; and housing law. CVLAS has been fortunate to have an outstanding working relationship with the private bar and pro bono services.

What can you do to help? Volunteer attorneys can handle uncontested divorce matters and obtain a Final Decree of Divorce for eligible clients. These cases do not involve issues of custody, support or equitable distribution. CVLAS will interview and screen potential clients to determine if the client is qualified to participate in this program. The file, along with a completed divorce ques-

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Pro Bono Committee explores expanded GAL participation

by Tara L. Casey

A Guardian Ad Litem (“GAL”), otherwise known as a “guardian for the suit,” is an attorney appointed by the court to assist with its determination of the case and to provide independent advice to the court. To that end, the GAL may conduct interviews and investigations, make reports to the court, and participate in court hearings or mediation sessions.

GALs are frequently appointed in cases in which the interest of an incapacitated adult is at stake. To protect the interests of an incapacitated adult, a petition may be filed by any person for guardianship or conservatorship, which thus triggers the court’s appointment of a GAL. *See* Va. Code Ann. § 37.2-1002. In these cases, the GAL receives a fee that is fixed by the court to be paid by the petitioner or borne by the Commonwealth, as the court directs. *See* Va. Code Ann. §§ 37.2-1003, 1009.

A few times per month, though, Richmond courts regularly need the assistance of a GAL in civil cases where the defendant is incarcerated or has been deployed for military service.¹ In those cases, the absentee defendant risks default judgment against him should he not respond to the Complaint or Bill of Particulars. In this situation, many judges prefer to appoint a GAL to protect the

interests of, but not represent, the defendant. Many of these cases are landlord/tenant matters, where possession is an issue, or simple collection matters.

In collection cases requiring the appointment of a GAL, some judges are willing to set the matter off for 60 to 90 days so that a GAL may become acquainted with the case. During that time, the GAL can review the file, speak to the plaintiff’s attorney, and contact the defendant via mail if necessary. If there are real defenses to be raised, a GAL can do so on behalf of the ward; if not, a GAL needs only to report to the court that a judgment would be appropriate. The same protocol is followed in landlord/tenant matters, except a fairly prompt personal contact might be required, especially if the defendant is incarcerated in a local jail. Oftentimes, though, it is clear that the defendant does not intend to use the premises again, or cannot pay for them, even if possession is not granted. Therefore, the most that the GAL would have to do is contact the family of the defendant and arrange to have his possessions removed.

Unfortunately, there is no mechanism in place to pay a GAL in these cases; therefore, any services provided by a GAL are wholly pro bono. Judges typically rely upon certified GALs who prac-

tice regularly in their courts to provide the needed pro bono assistance. This practice, though, does not provide a long-term solution to the problem, as the same attorneys are repeatedly being called upon to provide this service.

As a result, the Pro Bono Service Committee is exploring the possibility of a GAL pro bono program. For example, if as few as five to ten attorneys volunteer to act in the capacity of a GAL, then each attorney would have at most three to five cases a year. Even then, very few of these cases reach trial; those that do last only a few minutes to an hour. Therefore, in exchange for a small effort on the part of the Committee, a great service could be provided to the community.

More development of this program will occur in the coming year, and the Pro Bono Service Committee will keep the Richmond Bar Association updated with its progress. However, to learn more about becoming a pro bono GAL now, please contact the Hon. Robert Pustilnik at the Richmond General District Court at 804-646-6461.

(Footnotes)

¹ In the latter instance, the defendant may be entitled to the protection of the Servicemembers Civil Relief Act (50 App. U.S.C. § 501 *et seq.*).

GRBF receives grant

The Greater Richmond Bar Foundation is pleased to announce that it recently received a \$20,000 grant from The Community Foundation *servicing Richmond and Central Virginia*. The grant will be used to support the Pro Bono Clearinghouse project which matches local non-profit organizations needing legal assistance with volunteer attorneys.

The Clearinghouse has linked 15 non-profits with volunteer attorneys this year, saving these organizations thousands of dollars in legal fees. For additional information or to enrol in the program as a volunteer, contact Carol Murray at 780-2600.

Divorce program

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tionnaire, will then be transferred to the pro bono volunteer attorney. Free malpractice insurance coverage is provided.

This program is an excellent opportunity for those attorneys looking to participate in pro bono services, but who have a limited amount of time to commit. You can volunteer to take one or more cases.

If you are interested in volunteering, please contact Marilyn Goss at (804) 648-1012, ext. 3006 or send an e-mail to marilynn@cvlas.org. We hope to schedule a second training session in the near future.

Pro Bono Committee

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Letter from Chair

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no fault divorces not involving child support or contested property claims, the program offers transactional attorneys an opportunity to provide much needed pro bono representation for one of CVLAS' most active programs.

Another new initiative launched by the Committee this year is the Wills for Heroes Program sponsored by the Virginia State Bar Young Lawyers Conference and the Virginia Bar Association Young Lawyers Division. Inspired by the tragedy of September 11, the Wills for Heroes Program offers free wills, durable powers of attorney and advance medical directives to "First Responders" - firefighters, police, sheriff's deputies and other emergency personnel. The Committee is spearheading the Wills for Heroes Program and plans to kick off the initiative in Richmond this Fall. If you are interested in volunteering, please e-mail Tia Brantley at Tia.Brantley@OHSDF.com. For general information about the Wills for Heroes Program, visit www.vayounglawyers.org.

Through distribution of its two pro se education pamphlets to local courts, the Pro Se Education Project continues to offer valuable educational information on civil procedure in General District Court and in housing law litigation. The Committee is working on translating both of its pamphlets, "Your Guide to Civil Litigation in General District Court" and "Your Guide to Landlord/Tenant Litigation," into Spanish.

Finally, the Committee is continuing to recruit and train eligible senior status volunteers for the Emeritus Rule Project. These volunteers, who are not required to pay bar dues, will provide pro bono representation through a licensed legal aid agency.

The opportunities for service abound, and the Committee is grateful to the many volunteers who devote hundreds of hours a year to our pro bono programs. As some of our members cycle off the committee following years of service, we are reminded that pro bono service remains a way of life which each of us can embrace whether we serve on a committee or in a courtroom.

Make a difference through Pro Bono Publico and community service work

by Margaret I. Bacigal

Richmond lawyers devote countless hours each year to pro bono *publico* legal work and community service, heeding the profession's calling to serve others. As a result, protective orders are obtained for victims of domestic violence, low-income tenants receive representation in court, a nonprofit is formed, and a child in Whitcomb Court gains a lunch buddy.

To recognize lawyers and judges statewide who seek to insure access to justice and improve their communities, as well as to encourage others to become actively involved, The Virginia Bar Association (VBA) developed the Community Service Program in 2004. This program, which works on an honor system and is open to all regardless of VBA affiliation, asks members of the legal community to pledge 50 hours of service during a calendar year. An individual can become a **Pro Bono Servant** and perform 50 hours of pro bono *publico* legal service as defined by Rule 6.1 (a) of Virginia Rules of Professional Responsibility. Alternatively, an individual can become a **Community Servant** pledging 50 hours of either community service work or a combination of community service and pro bono work.

In 2005, over 1,600 lawyers, judges, and law school faculty, administrators, and students participated in the program. (After a successful first year, the Community Service Program was expanded to include all the accredited Virginia law schools. Law students pledge 35 service hours a year.) If you are a member of the Richmond bar and would like to participate in the program, it is not too late. Pledges are being accepted until June 30. Forms, along with additional information about the program, can be obtained from the VBA website located at www.vba.org.

Perhaps you are asking "Why should I pledge? I am going to do it anyway." Yes, but by pledging, you are making the statement that service is important and your example may spur others to action. You may also be wondering, "How can I

become involved?" The Bar Association of Richmond offers a wealth of opportunities for its members. For a partial list of offerings, see the last page of this newsletter.

Finally, some may ask, "What is in it for me?" Gina Burgin at Hirschler Fleischer formed The Virginia - Nebraska Alliance, Inc. to increase minority participation in the health and science professions. She put it this way: "Community and pro bono legal service are vital components of my legal practice, bringing meaning and purpose to all that I have learned." Lisa Taylor Hudson of Sands Anderson Marks & Miller, who has worked with Junior Achievement, the American Cancer Society, her alma mater, and her church, enjoys the "depth of experiences, exposure, and variety of people" with whom she comes in contact. She says, "The 'returns' in terms of feelings of accomplishment, satisfaction, and pride are immeasurable."

The Association wishes to acknowledge the firms who have responded to our annual request for financial support to Central Virginia Legal Aid Society, Inc. as of April 10, 2006.

Bremner, Janus, Cook & Marcus
Brenner, Evans & Millman
Christian & Barton
Hirschler Fleischer
James D. Hundley
Hunton & Williams
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LeClair Ryan
McGuire Woods
Midkiff, Muncie & Ross
Morris & Morris
ParisBlank
Reed Smith
Sands Anderson Marks & Miller
Spotts Fain
Thompson & McMullan
Troutman Sanders
Carolyn White
Williams Mullen
Williamson & Lavecchia

RICHMOND METRO PRO BONO SAMPLER

Attorneys, please refer to the list below to learn more about the activity that interests you.

<u>Program</u>	<u>Contact Person</u>	<u>Telephone</u>
Appeal Bond Fund	Marcel Slag Henry McLaughlin	643-1086 648-1012
Community Tax Law Project	Elaine Javonovich	358-5855
LAJC Housing Law	Marcel Slag	643-1086
CVLAS Wills Program	Kathy Brigman	862-1100
Henrico Bar Association Pro Bono Volunteers	Christopher H. Macturk	762-9500
Hunton & Williams - Church Hill office	George Hettrick	775-2248
VBA-YLD Central VA Pro Bono Hotline	Coburn Beck, Agustin Rodriguez	788-8576, 274-5731
Pro Bono Clearinghouse (www.grbf.org)	Carol Murray	780-2600
Legal Information Network for Cancer (LINC)		662-5462
Virginia Poverty Law Center	Jay Speer	782-9430
Richmond Domestic Violence Project	Robbi Gray/Alexis Fishel	775-1227/771-5765
VBA-YLD Legal Services for the Mentally Ill	John Phelps	662-7242
VSJ Young Lawyers Board Match	Beth Hungate-Noland	783-6913
Refugee and Immigration Services - Catholic Diocese of Richmond	Marilyn Breslow	355-4559

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