

# 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 2008

## Pro Bono Committee and CVLAS Launch Emergency Lawyer Program

The Pro Bono Committee of the Richmond Bar Association has teamed up with Central Virginia Legal Services to assist CVLAS with emergency hearings when CVLAS staff attorneys are not available. McGuireWoods is providing assistance with a pilot program to provide volunteer attorneys to assist CVLAS in emergency cases. The Pro Bono Committee and CVLAS are planning to expand the program in the fall to additional firms and volunteer attorneys.

CVLAS receives many requests for legal assistance on an emergency basis. These cases include a variety of emergency matters, such as:

A client in an eviction case calls CVLAS a few days before the return date for the hearing in court. CVLAS determines that the client has a good faith defense. An attorney represents the client at the hearing and assists the client with successfully raising the defense.

The client calls for assistance a day or two before a scheduled

eviction. CVLAS determines that there are legal grounds to stop the eviction and files a motion seeking an emergency hearing. CVLAS often files such motions seeking a hearing the day after or even the day the motion is filed; often the court will hold the hearing and stay an eviction that otherwise would occur later that day.

A judgment creditor has frozen the client's bank account even though the only funds in the account are exempt from the client's debts. For example, the account consists solely of income from Supplemental Security Income benefits. The client is seeking relief from the freeze on the bank account.

A woman has been assaulted by a man to whom she is married or with whom she has been involved. She has obtained an ex-parte protective order and needs a lawyer to represent her to obtain an extended protective order.

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## Local organizations partner to create No Fault Divorce Project

The Richmond Bar Association, the University of Richmond School of Law, and the Central Virginia Legal Aid Society are excited to announce a new pro bono partnership that will help low-income individuals move forward with their lives. The No Fault Divorce Project pairs volunteer attorneys with law students, who together will represent clients seeking no-fault divorces in the greater Richmond area.

A no-fault divorce is available to Virginians if the "husband and wife have lived separate and apart without any cohabitation and without interruption for one year." Va. Code Ann. § 20-91. Furthermore, in instances "where the parties have entered into a separation agreement and there are no minor children . . . a divorce may be decreed . . . if and when the husband and wife have lived separately and apart without cohabitation and without interruption for six months." *Id.* However, even when both parties are in agreement about the divorce, an attorney is nevertheless required in Virginia. An attorney must file the paperwork with the Court, as well as conduct the required deposition testimony of a third-party witness. *See* Va. Code Ann. § 20-99.

Many low-income individuals cannot afford the services of an attorney, so they languish in marriages that have ended in all other respects. Especially in situations where domestic violence has occurred, these marriages in name only force a standing legal relationship upon those wishing to sever all ties with their abusers. Without financial resources at their disposal, these individuals are un-

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## Pro Bono Housing Law Program training available on video

The Pro Bono Committee of the Richmond Bar Association and the Legal Aid Justice Center held a Pro Bono Housing Law training session on Tuesday, December 4, 2007. The three hour training session is available on video for those who are interested in volunteering for the Pro Bono Housing Law Program. If two or more volunteers watch the training together, 3.0 hours of general CLE credit will be awarded. For more information, please contact Carole Timberlake at 697-1489 or [carole.timberlake@troutmansanders.com](mailto:carole.timberlake@troutmansanders.com).

# A letter from the Committee Chair

by W. Benjamin Pace, Chair, Richmond Bar Association Pro Bono Committee

It is an exciting time to serve as Chair of the Richmond Bar Association's Pro Bono Committee. The two primary goals of our Committee are: (1) to increase access to legal services in our community and (2) to provide outlets for the Richmond Bar's members to fulfill their obligation to provide pro bono legal services. To meet these important objectives, the Pro Bono Committee administers and develops pro bono projects in the Metro Richmond area.

You have probably heard of the Legal Aid Justice Center's Housing Law Project and are aware of the hundreds of clients who annually receive much needed legal services from the Richmond Bar attorneys who staff it. You may be aware of our committee's ongoing efforts to produce the Pro Se Education pamphlets for litigants in Richmond area General District Courts. What you need to know is that our Committee wants to make sure that attorneys looking for pro bono outlets need look no further than the Bar's programs. I encourage you to review the menu of pro bono service opportunities included in this newsletter and to get involved in a program that both suits your interests and serves our community.

There's more good news - we're just getting started. In concert with Central Virginia's dedicated legal aid professionals, our active and engaged committee members are working to provide more pro bono service opportunities to our Bar's membership than ever before. We are actively developing new programs that will assist our legal aid community in increasing the volume and scope of services that

they provide to our community. In this issue of the Pro Bono Advocate, you will read about two exciting new programs that further our mission. In partnership with the University of Richmond Law School, the Richmond Bar is creating a No Fault Divorce Project. Our legal aid community informed us that the demand for legal assistance in this area is overwhelming. This program will supplement the good work already being done in this area by our legal aid community, Hunton & Williams and Troutman Sanders.

Additionally, under the leadership of Henry McLaughlin of the Central Virginia Legal Aid Society, the Richmond Bar is proud to announce its participation in a new Emergency Lawyer program. CVLAS is inundated with emergency cases, often related to evictions. Many times, individuals without the means to hire an attorney are victims of abusive practices or have a legitimate defense to an eviction. The volume of these emergency cases is greater than our legal aid professionals can handle. McGuire Woods has admirably stepped up to conduct a pilot of the emergency lawyer program over the next few months, with the Richmond Bar planning to implement a full scale program by the Fall of 2008.

It is never too early to contact the organizers of these new programs to express your interest, and I encourage you to do so. Also, please feel free to contact me directly if you need any information about the Richmond Bar's Pro Bono Committee or if you have any ideas for ways in which the Richmond Bar can better promote and/or provide pro bono opportunities to our membership.

## GRBF co-sponsoring CLE seminar on non-profit Board service

The Greater Richmond Bar Foundation will co-sponsor a workshop for attorneys and other professionals serving on nonprofit boards. Attendees will gain an understanding of the standards and limitations of conduct applicable under Virginia and federal law in their capacities as board directors or officers. Discussion will include limits on liability stemming from such activities (including charitable immunity and volunteer protection) and ethical considerations of serving as directors and/or officers of nonprofit organizations.

**DATE:** June 5, 2008

**TIME:** 4:00 pm - 6:15 pm

**LOCATION:**

University of Richmond School of Law  
Moot Court Room  
28 Westhampton Way  
Richmond, Virginia

**COST:**

Regular Attendee: \$100 (\$125 after June 2, 2008)

Volunteer Attendee: \$35 (materials fee—must agree to accept two pro bono referrals from The Community Tax Law Project or the Pro Bono Clearinghouse)

Legal Aid/Nonprofit Professional/  
Full-time Student: \$35 (materials fee)

Approval is pending for 2.0 hours Virginia MCLE ethics credits.

For additional information please call 804-358-5855 or download registration form at [www.grbf.org](http://www.grbf.org).

*Presented by The Community Tax Law Project, the Greater Richmond Bar Foundation Pro Bono Clearinghouse, the University of Richmond School of Law, the University of Richmond School of Continuing Studies Institute on Philanthropy, and the Virginia Network of Nonprofit Organizations.*

### Pro Bono Committee Members:

W. Benjamin Pace, Chair  
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## No Fault Divorce Program allows people to move ahead with their lives

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able to close that chapter in their lives.

The Central Virginia Legal Aid Society (CVLAS) provides much needed legal assistance to these clients; furthermore, CVLAS is grateful for the pro bono assistance that area firms and attorneys have already provided. However, due to limited resources, there is only so much that can be done. Currently, CVLAS estimates that there is a three-month wait for all prospective no-fault divorce clients to receive representation.

Enter the No Fault Divorce Project. Through this landmark partnership, clients will be assigned a pro bono attorney and volunteer law student to their respective no-fault divorce cases. Law students will assist with drafting the court pleadings, as well as deposition preparation, all under the supervision of the pro bono attorney. In return, the pro bono attorney will guide the student through the case, while also fostering a mentor relation-

ship that includes a spirit of service.

Because most no-fault divorce cases require approximately five hours of an attorney's time, the Project hopes that the availability of law student assistance will encourage area attorneys to donate their time and expertise to this great need in our community. Also, these attorneys will have the unique opportunity to cultivate a one-on-one relationship with a law student and help shape the future of our legal community, one law student at a time.

If you are interested in volunteering with this project, or would like more information, please contact Tara Casey, Director of Pro Bono Services at the University of Richmond School of Law, at 804-287-1207. The University of Richmond recently hosted a training for law students and attorneys, which is available for viewing online through the RBA's website.

## Virginia Law Student Fellowships awarded

Equal Justice America (EJA) has announced they have successfully funded the second year of Virginians for Equal Justice (VEJ). Eighteen Virginia law students will be working full-time this summer at seven Virginia legal service organizations providing legal services to the poor. The students attend law schools at The University of Virginia, Washington and Lee, Regent University, George Mason University, William and Mary, and the University of Richmond. The legal aid offices are in Falls Church, Petersburg, Culpepper, Fredericksburg, Charlottesville, Fairfax, Harrisonburg, and Richmond. Several Virginia law students received fellowships to work in Washington D.C., Philadelphia, and Boston.

Nationally, EJA has sponsored 300 Law Student Fellowships in the past year. In its 15th year of working to protect the rights of children and families in poverty, EJA has put nearly 1,900 law stu-

dents to work with over 200 legal assistance organizations throughout the United States in 40 states. What began in 1993 as an organization that sponsored just five law student fellowships in its first year, Equal Justice America has awarded more than \$5.5 million in grants and has provided approximately 550,000 hours of free legal services for the poor.

"There is always a need for Virginia law students who can help reduce the legal services gap for the poor and disadvantaged. By supporting Equal Justice America, Virginians provide opportunities for future lawyers to be exposed to public interest law and become more aware of their obligation to assist those in need. I am pleased that all of the Commonwealth's law schools will be participating and many of our legal service organizations will provide work opportunities for the selected law students," said Governor Timothy Kaine.

## Emergency Lawyer Program established

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The client has been sued in a civil case in General District Court. When the client calls CVLAS, the return date is scheduled one day or a few days away. CVLAS determines the client has a meritorious defense in the case.

Intake in emergency cases will be handled by CVLAS. CVLAS will make immediate case acceptance decisions, commit to representation in meritorious cases and prepare necessary pleadings such as emergency motions to stay evictions or injunction lawsuits. CVLAS will then forward the case to the participating law firms, who will be in charge of coordinating the pro bono lawyers to make sure the case is assigned. Assuming there are no conflicts, the pro bono lawyer assigned by the law firm would then co-counsel with a CVLAS lawyer, who would see to the filing of the papers and notification of the opposing party and consultation with the client. The pro bono lawyer would appear in court, allowing CVLAS lawyer to handle other matters. Lawyers in this program would receive primary malpractice insurance coverage through CVLAS.

The Pro Bono Committee is now recruiting law firms and attorneys interested in participating in this worthwhile program. CVLAS and the Pro Bono Committee are planning training for volunteer attorneys for the fall of 2008. For more information or to participate in this program, please contact Chuck Seyfarth at (804) 285-5200 or [CSeayfarth@ohaganspencer.com](mailto:CSeayfarth@ohaganspencer.com).

**Don't forget to mail your Ukrops Golden Gift certificates to the Greater Richmond Bar Foundation, P. O. Box 1213 Richmond, VA 23218 by June 10th!**

## 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	Kevin Georgerian; Rich Brooks	787-8960, 787-8058
Pro Bono Clearinghouse (www.grbf.org)	Carol Deitrick	780-2600
Legal Information Network for Cancer (LINC)	Allison Held	371-9543
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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The Bar Association of the  
City of Richmond  
P.O. Box 1213  
Richmond, Virginia 23218-1213