

Opinions: Legal Community Responds to Access to Justice Initiatives

In an effort to expand and reinvigorate the involvement of the bar in supporting legal services, particularly through *pro bono* participation, NH Supreme Court Chief Justice John T. Broderick began meeting informally with leaders of the New Hampshire legal community this spring.

In a speech during the NHBA Midyear Meeting, Broderick said it was time to extend a great tradition: "The New Hampshire bar has a distinguished history of service to the disadvantaged and for many *pro bono* has been more a privilege than an obligation." He added, "Our bar stands taller than many others around the country in addressing the legal needs of the poor, but the justice gap is widening and we are called to do more. In my view, the proper comparison is not to what others are doing but to the needs we are not serving in our own state. Those who run legal services here tell me that only half of the New Hampshire lawyers who are eligible to do *pro bono* cases are actually doing them. Where is the other half? Why haven't those lawyers pitched in to represent someone in need of legal help? Too many of us remain on the sidelines."

As promised at the Midyear Meeting, Broderick has met with gatherings of lawyers to discuss how the bench and bar could work together to address unmet legal needs in the state. Over the past few months, Justice Broderick met with the managing partners of many of the state's largest law firms; past presidents of the NH Bar; retired and inactive members of the Bar; leaders of the NH Trial Lawyers Association; and New Hampshire lawyers who are Fellows of the American College of Trial Lawyers, among others. Broderick also has conferred regularly with the leadership of the NHBA.

Firms Make Commitments

Broderick said he was encouraged by responses he had received to his outreach efforts, which will lay the groundwork for the formation of a permanent entity that will help coordinate and provide leadership and continuity to efforts to extend access to justice. The following are a sampling of responses by legal leaders to the initial discussions:

Alexander J. Walker, managing partner of the Devine Millimet firm, in a letter to Broderick, said "rededication to our *pro bono* commitment" is going to be a key initiative of the firm during his tenure as managing partner. "Devine Millimet has a long and rich history of *pro bono* work and it is time for us to re-establish the firm, once again, as a leader in the delivery of *pro bono* legal services." Walker said a Pro Bono Committee had been established at the firm to coordinate referrals from the NHBA Pro Bono Referral Program and to identify other opportunities where the firm's talents could be employed in *pro bono* service. Members of the firm's Pro Bono Committee include George Moore, Ovide Lamontagne, Matt Johnson, Pam Peterson and Pat McGrath, as well as Walker.

The Devine firm also has formed a direct collaboration with the NHBA Pro Bono Program to train a group of Devine attorneys to serve on a "SWAT team" to handle *pro bono* landlord-tenant appeals on an expedited basis. The Pro Bono Committee also is exploring partnering opportunities with other organizations, such as CASA (Court Appointed Special Advocates) of NH whose mission involves access to justice issues, Walker said in his letter to Broderick.

A specific commitment also was made by Gary B. Richardson, managing partner of the Upton & Hatfield law firm, that "every lawyer in this firm will accept at least one *pro bono* case each year," in addition to the other community and charitable work performed by members of the firm.

Alternative Means Discussed

Marty Van Oot and Bruce W. Felmy, both Fellows of the American College of Trial Lawyers and past presidents of the NHBA, discussed several alternative means of delivering *pro bono* services

NH Bar News

July 21, 2006, Vol. 17, No. 4

they and other attorneys would be exploring to increase access to justice for the underprivileged, including:

- volunteer referees to meet with *pro se* parties to help them better understand the court processes;
- teams of lawyers making themselves available to help mediate cases in particular courts on specific dates, coordinated with the availability of a judge or judges to try the cases if mediation failed;
- training lawyers for *pro bono* work;
- organizing fundraising efforts to increase the number of staff attorneys at legal services organizations;
- encouraging senior attorneys to serve as “intake partners” within their firms to increase participation and provide support for associates to take *pro bono* cases;
- coordinating with NH Legal Assistance to provide expertise for complex cases.

Felmy also provided the chief justice with information about a program run by the San Antonio Bar Association using alternative delivery methods.” I think if we are going to make a significant change in handling the caseload, we need to find ways to do this in much more efficient settings.”

Justice for All

In his speech to the Bar at the Midyear Meeting, Broderick underlined the importance of equal access to justice for all citizens:

“I ask all of you to look at the justice system through the indignity of poverty and the seeming hopelessness of needing help but not being able to afford it. Of all things, access to justice should not be beyond the reach of any of our citizens. It doesn’t need to be.

I would like it said years from now that during *our* collective watch no one was turned away and that the dignity of all who sought justice was respected and that the courts were truly open. If we work together, if we all strive harder—the courts included—all things are possible,” Broderick said, concluding: “The integrity of our profession and the core mission of the judicial system are depending on our success. I’m hopeful that I can count on all of you and so are a lot of desperate people who need your skill and wisdom.”