

Applicant Name: NEW MEXICO LEGAL AID, INC.
Applicant Number: 732010



2013 PAI PLAN

Introduction

New Mexico Legal Aid, Inc. (NMLA) provides civil legal services to low-income persons in 32 of 33 counties statewide.¹ It has 10 offices located throughout the state. NMLA also administers a Native American Program based in Santa Ana Pueblo in northern New Mexico, and a Migrant Program based in Las Cruces in southwestern New Mexico, where a significant farm worker population lives. The Albuquerque, Santa Fe, and Las Cruces offices are located in urban centers of New Mexico, while the other seven offices are located in rural New Mexico.

NMLA recognizes that pro bono services are essential to fulfilling its mission. In 2013, NMLA will use its new role as lead agency for the statewide Volunteer Attorney Program (VAP) as the cornerstone of NMLA's Private Attorney Involvement Plan. The VAP serves the pro bono needs of communities throughout the state through a variety of modes of service delivery, described in further detail throughout this plan. NMLA's strategies for the VAP are designed to maximize the availability and the talents of pro bono attorneys throughout New Mexico to provide high quality legal services to low-income New Mexicans.

NMLA Service Area

New Mexico is a mostly rural state. Only four counties - Bernalillo, Dona Ana, Santa Fe, and Sandoval – contain urban cities of greater than 50,000 population. Approximately one-half of

¹ DNA People's Legal Services (www.dnalegalservices.org) provides assistance to Native Americans and non-Native American eligible persons residing in San Juan County and McKinley County in the northwestern part of the State. The largest town in the DNA service area is Farmington, population 45,877, in San Juan County.

the population lives in the Albuquerque-Santa Fe corridor along the Rio Grande River. New Mexico has the highest percentage of Hispanics of any state, representing 46% of the state's population. New Mexico's Native American citizens total almost 10% of the state's population.

The U.S. Department of Agriculture's 2010 report on county level poverty rates for New Mexico shows that 28 of New Mexico's 33 counties have poverty populations of 16.9% or higher.² Counties located in western and eastern parts of New Mexico outside the Rio Grande corridor have the highest concentrations of poverty, ranging as high as 32.6% in McKinley County in northwestern New Mexico. The USDA's figures show that 28.5% of all New Mexico's children ages 0-17 in 2010 lived in a household with income below the poverty line, one of the highest rates of children in poverty for the entire nation.

The high poverty rates in New Mexico's rural areas are long-standing. Hispanic, Native Americans, farmers and some African American populations are disproportionately concentrated in New Mexico's highest-poverty non-metro counties. It is anticipated that the high poverty rates in those counties will continue under the current economy.

Legal Needs of Eligible Clients

NMLA, in collaboration with New Mexico's Access to Justice Commission (ATJ)³, will conduct a statewide legal needs assessment in the spring of 2013. The needs assessment will include information gathered from focus group meetings with stakeholders and low income-persons.

The last needs assessment update conducted in 2008 found critical legal needs in five areas: Housing, Consumer, Family Law, Employment and Public Benefits. Responders to the 2008 survey identified domestic violence, child support, lack of affordable housing, social security disability and SSI, and Medicaid as the most critical needs.

The Private Bar/New Mexico Attorney Pool

According to State Bar of New Mexico data compiled in 2011, New Mexico had 5,350 active, licensed, in-state attorneys. Of those, 3,646 were private practitioners, 1,346 were government attorneys, 96 worked for legal service providers, 115 were corporate attorneys, and 132 did not designate their type of practice, and 15 were had active licenses but were no longer practicing. Given numerous logistics issues which make it difficult for many government attorneys to do pro bono work, and deducting the 96 legal service provider attorneys, that leaves 3,893 potential attorneys available to do pro bono work.

Two counties in New Mexico have no attorneys at all.⁴ Six counties have fewer than ten

² <http://www.ers.usda.gov/data-products/county-level-data-sets/poverty.aspx>

³ <http://www.nmbar.org/Attorneys/AccessJusticecommission.html>

⁴ De Baca and Harding Counties.

attorneys.⁵ Seven counties have 11 – 25 attorneys.⁶ These are all extremely rural areas. The majority of attorneys in these counties work for the District Attorney's Office, Public Defender's Office, government agencies such as Child Support Enforcement, or NMLA.

Development of NMLA's PAI Plan

NMLA's PAI plan was developed in collaboration with the New Mexico's Access to Justice Commission (ATJ), the State Bar of New Mexico, and the pro bono committees of the states' judicial districts. Each district also has created its own local plan for private bar involvement. NMLA staff attorneys and managers participated in the local committees. NMLA also continues to participate in ATJ working committees including the Systems Planning, Pro Bono, Resource Development, Self-Represented Litigants, and Technology committees.

In accordance with 45 CFR 1614.4, NMLA's 2013 Private Attorney Involvement (PAI) Plan describes:

- The goals of the PAI program for 2013
- Specific PAI projects designed to achieve program goals
- Staffing of the program
- Attorney recruitment, recognition, and retention
- Technical resources and assistance
- Quality control
- Consultation and collaboration with community partners, interested groups and individuals

VOLUNTEER ATTORNEY PROGRAM (VAP)

The key changes for NMLA's PAI Plan in 2013 focus on NMLA's new leadership of the statewide Volunteer Attorney Program (VAP). The VAP originally was established in 2008 with funding from the New Mexico Civil Legal Services Commission, and originally was operated by a statewide hotline program known as Law Access New Mexico. In August of 2012, NMLA became the lead agency for operation of the VAP.

There are two primary components of the VAP: direct case placement and management, and development and support of pro bono activities.

Prior to 2013, the VAP has placed cases primarily in a four-county mostly urban region, including the Albuquerque metro area, in the center of the state. The four counties include Bernalillo County, with the state's largest population; Sandoval, one of New Mexico's fastest growing counties; Valencia and Torrance, which are both rural). Leading up to 2013, the VAP

⁵ Catron (2 attorneys), Guadalupe (2), Hidalgo (4), Mora (1), Roosevelt (8), Torrance (7), and Union (5).

⁶ Cibola (21), Colfax (12), Luna (23), Quay (11), Rio Arriba (22), Sierra (11), Socorro (25).

also had started placing cases in Santa Fe county as well. There are 550 volunteer attorneys currently registered with the VAP. These attorneys will provide assistance to nearly 1,200 low-income families in the coming year. If LSC adopts the proposed changes to PAI regulations, the VAP also will increase efforts to recruit, train and support students at the University of New Mexico School of Law to deliver legal services in collaboration with private attorneys.

In 2013 the VAP will expand its direct case placement services throughout the state of New Mexico. Currently, there are 15 pro bono committees in the state. Those committees outside of the Second Judicial pro bono committee (Bernalillo County/Albuquerque metro area) previously have placed cases through local processes, usually working in conjunction with the local NMLA office. Starting in 2013, the VAP program will increasingly offer to directly place a larger number of these cases, relieving local committees of the administrative burdens that go with case placement and tracking, and allowing the committees to devote more of their time and resources to community activities that encourage greater pro bono participation.

A. VAP Delivery System

The VAP provides pro bono services through direct individual case referrals, group clinics and legal fairs.

Direct Referral - Nine community agencies provide client referrals directly to the VAP. These agencies are New Mexico Legal Aid, Senior Citizen's Law Office, Law Access New Mexico, Pegasus Legal Services for Children, NM State Office on Guardianship, Cancer Services of NM, Southwest Women's Law Center, ENLACE Comunitario, and the Courts (metro courts, district courts, and NM Court of Appeals).

When a case is referred to the VAP, the VAP director reviews the case to determine if it appropriate for placement, by reviewing the income and assets of the client and whether the case is within the program priority areas.⁷ The director will also review the intake notes, determine if she needs to contact the client for additional information, and then begin to evaluate the list of volunteers to determine which volunteer would be most appropriate.

The director considers several factors in determining which volunteers to contact, attempting to match attorney skill with client need. The VAP database allows a search for volunteers by availability, preferred practice area, type of representation and geographic area. Typically, the director or VAP paralegal will send an email that outlines the facts of the case to the selected attorneys. If an attorney does not respond to the email affirmatively, the director will place follow-up phone calls to individual attorneys, providing them with more information regarding the case. When an attorney accepts the case, a letter is sent to the attorney and the client to confirm the referral. A phone call is also placed to the client to inform the client that the referral has been accepted.

⁷ VAP priorities are those established in the NM Access to Justice State Plan.

In 2013, cases will also come into the VAP for placement through other service providers and court systems throughout the state.

Clinics The VAP uses clinics in order to assist a greater number of clients than can be assisted through individual case representation. Currently the VAP operates two clinics:

a. Foreclosure Clinic: This clinic is held once a month. It is led by a core group of local attorneys with expertise in foreclosure. Clients are seen by an attorney who provides individual advice to the client regarding foreclosure matters. At the clinic, clients are also referred to other legal service providers or directly to the VAP for case placement. On average, 20 clients are served a month. Information about the clinic is attached to each foreclosure case that is filed in District Court.

b. Pro Se Divorce Clinic: This clinic is held twice a month at the Albuquerque office of New Mexico Legal Aid. The clinic provides an overview of the divorce process, prepares client pleadings, and gives clients individual advice on their divorce situation.

In 2013, the VAP will expand the clinics it provides in order to increase the number of clients served. The VAP would like to expand both the pro se divorce clinic and the foreclosure clinic to the Santa Fe area. The VAP is also considering the feasibility of additional clinics to meet growing need. One clinic the VAP is considering implementing is an alternative dispute resolution divorce clinic that would be coordinated with the Second Judicial District Court's pro se docket. A similar clinic is currently being run through the NM State Bar in a testing period and its success indicates that there is a need for a similar permanent resource.

Legal Fairs - In 2012 the VAP, in conjunction with the Second Judicial District Court Pro Bono Committee in Albuquerque, organized a day-long free legal fair, Law-la-Palooza. In addition to the more than 160 volunteer attorneys, a number of judges, paralegals and law students also collaborated to serve 550 individual clients in all areas of the law by providing free consultations.

In 2013, the VAP plans to host three pro bono legal fairs in the Albuquerque area. There will be two smaller community legal fairs in the spring and summer. The VAP is working with the pro bono committee to determine the best service model for the event in October, pro bono month, which has traditionally been the Law-la-Palooza event as described for 2012.

In the spring, the VAP will coordinate a remote legal fair, using technology to connect clients in rural areas with attorneys in urban areas. The first event will be staffed by attorneys in the Albuquerque area and match them with clients in a rural area of northern New Mexico who will be at a community center or another host organization. Based on the results of that, the VAP will be expanding the technology legal fair to other rural areas of the state.

In October 2013, each of the 15 pro bono committees will host a local legal fair and other activities in celebration of pro bono month. These events will range from a free CLE involving an issue in pro bono practice, an appreciation luncheon, a legal fair or other targeted service to each community's needs.

Student Program - In anticipation of proposed changes to the LSC PAI Regs, the VAP has started a discussion with the University of New Mexico School of Law regarding possibilities for increased student involvement. Some of the preliminary discussions focus on student involvement through clinic participation, the school's mandatory six-hour volunteer requirement for 1Ls, and case placement through the school's Poverty Law course, which includes both law students and practicing attorneys who are learning more about issues related to poverty law. The VAP is hoping to implement these methods for increased student involvement by the start of the 2013-2014 school year.

B. Staffing and Organization: The VAP is staffed by a director who is an attorney, and a part-time paralegal. The VAP is currently negotiating with the State Bar of New Mexico and other stakeholders for options that would allow at least one additional full-time pro-bono coordinator to join the VAP staff.

The VAP director is responsible for case placement, volunteer recruitment and retention, program messaging, and program communication. The director is also responsible to the New Mexico Access to Justice Commission regarding achievement of statewide pro bono goals and activities. The director is the liaison to local and state leaders, as well as with civil legal service providers.

The part-time program paralegal provides administrative support to the program, particularly in processing cases for referral.

In addition to the staff, the VAP receives oversight from the NMLA Executive Director and Board of Directors. In 2013, the VAP will recruit volunteer attorneys and community stakeholders to staff a VAP Advisory Board.

C. Recruitment of Volunteers:

In 2013, the VAP will work with the 15 Pro Bono Committees to recruit new attorney participants for the VAP. Recruitment activities will target specific segments of the bar that have been underrepresented, starting with the family law bar. The VAP also plans to recruit volunteer attorneys through specialized local bar organizations. The VAP also will increase recruitment efforts for multi-attorney private firms and government agencies.

In order to assist with recruiting, the VAP is developing a new brochure and webpage. As a recruiting incentive, the VAP also will provide CLEs at no cost to participating VAP attorneys.

D. Quality Control, Outcomes and Evaluation:

The VAP uses Zoho project management software to supplement case data compiled and tracked by NMLA's Pika case management software. When a case is placed within the system, several milestones are calendared for review, including whether the attorney has successfully made contact with the client, a mid-case status review, and a case completion milestone. At each of these milestones, the VAP makes contact with the attorney regarding case status and is able to assist if a procedural or legal question arises.

When an attorney indicates that a case has been completed, the VAP will send a case closing letter and client survey to the client. The client survey asks for feedback regarding the client's experience with the VAP. A closing letter will be sent to the volunteer attorney, thanking them for their work on the case.

The data received from the client surveys will be compiled and evaluated as a whole, as well as any individual comments that require follow-up will be addressed.

In 2013 the VAP will improve its evaluation methodology for legal clinics. A client survey will be provided to each individual to evaluate their experience at the clinic. The VAP is evaluating what other types of follow-up with client participants would maximize the benefit provided to the client.

The VAP director is consistently requesting feedback from the volunteer attorneys regarding their experiences with the program. Any input received is used to make improvements to the program.

E. Support Services:

In 2013 the VAP will provide the following incentives and support services to its volunteer attorneys:

- a. Malpractice Insurance
- b. Mentoring
- c. Co-counseling
- d. CLEs - The VAP will provide Continuing Legal Education (CLE) classes to volunteers who either work in the clinic or accept cases. CLEs that will be provided include: domestic violence Orders of Protection, landlord/tenant, rules and ethics of limited representation, and foreclosure.
- e. Translation/Interpretation - Currently translation and interpretation services are available in cases involving domestic violence or sexual assault. In 2013, the VAP

would like to expand availability of translation and interpretation services by recruiting volunteers in this area.

f. In-kind services - In 2013 the VAP would like to expand its roster of volunteers to include court reporters, process services, real estate agents, and others who can provide their expertise in pro bono cases.

F. Rural Delivery: In 2013, NMLA will expand its pro bono capacity for rural delivery and work to centralize the delivery system. Offices outside of the central urban communities in Santa Fe and Albuquerque serve counties that are primarily rural. These counties have fewer attorneys and resources than the metropolitan areas. In order to expand services to rural areas, NMLA will do the following activities:

a. VAP expansion for case placement: The existing model in New Mexico is that most local NMLA offices handle pro bono internally, with the office manager screening and placing cases using a local pool of volunteer attorneys. Starting in 2013, this system will be replaced by the centralized VAP model. Moving pro bono case placement to a centralized VAP model will allow NMLA to more efficiently provide pro bono services. The rural attorneys will have full access to the benefits and incentives of the VAP program.

b. Legal fairs: Legal fairs are held throughout the year in all areas of the state. Nearly all of the 15 pro bono committees host a legal advice fair in October in celebration of pro bono month. In 2013 we will continue to develop and expand legal fairs as necessary, with an emphasis on using technology as appropriate.

c. Clinics: The VAP will continue to work to promote targeted legal clinics throughout the state.

G. Other VAP Matters:

Technology: VAP intends to develop a new pro bono website in 2013. The timeline for this project will be dependent on financial sponsorship by a participating firm or individual, or other available funding. A web presence is essential for recruitment, recognition, and communication with volunteers. The VAP plans for the website to have features that would allow for on-line volunteer registration, CLE registration, and the capacity to have donations made directly to the VAP.

In 2013 the VAP will use email to deliver a monthly newsletter to its volunteers. The newsletter will be a good communication and training tool for volunteers, and can serve as a mode of recognition for volunteers.

The VAP will launch a Facebook page and Twitter account in 2013. Once these basic technologies are in place, the VAP will evaluate what other technologies or social media sites should be used to maximize services provided to clients.

Recognition: Recognition is essential to the continued success of the VAP.

In April 2013, the VAP will have its first ever volunteer recognition event. The event is scheduled to be a luncheon hosted by the VAP and the Second Judicial District Pro Bono Committee to recognize outstanding volunteers (individual, firm, etc.) and to thank all of the volunteers.

Also in 2013, the VAP will have monthly awards for Outstanding Pro Bono Attorney, recognizing both urban and rural volunteer attorneys and programs. These awards will be announced through the monthly newsletter and recognized at the annual recognition luncheon.

The VAP will continue to provide support all of the pro bono committees in New Mexico regarding volunteer recognition.

Additional NMLA Pro Bono Volunteers

In collaboration with the VAP, NMLA also will continue to use in-house volunteer attorneys at NMLA offices wherever possible. The current pool of in-house volunteers perform all aspects of case-handling including conducting intake, interviewing clients, research, document drafting and providing legal assistance including direct representation in court. In-house volunteers now have access to most of NMLA's technology, including Pika case management software and LEXIS, to perform their work.

Contract Attorneys: NMLA will continue to work with reduced fee private attorneys under a New Mexico state contract providing funding for domestic violence and related cases. Although there was some decrease in New Mexico funding for these purposes beginning in 2011, NMLA will continue to make strong effort to maintain current availability of services provided through reduced fee contracts with private attorneys. These contract attorneys have access to NMLA's research, pleadings, other resources and attorney expertise to assist them in their representation of clients.

Pro Se Clinics: NMLA will continue to participate in pro se clinics run by local judicial districts including both rural and metro areas. NMLA will continue working to expand and/or develop pro se clinics throughout the state. In addition to NMLA staff, private bar attorneys actively participate in these pro se clinics.

NMLA will work with Native American Program staff to identify potential private bar activities in the various trial court jurisdictions.

Government attorneys: In 2011, ATJ Commission leaders initiated negotiations with the New

Mexico Attorney General's Office to make it possible for state government attorneys to be allowed to do pro bono work. NMLA will continue to support these efforts and provide assistance where appropriate in encouraging government attorneys to do pro bono work.

Technical Support and Assistance

To make sample legal pleadings and other support materials more accessible to pro bono volunteers, NMLA continues to update its website, with the goal of having pleadings available for both pro se litigants (in "HotDocs" format) and for in-house attorneys and volunteer pro bono attorneys. NMLA is working with Law Access of New Mexico (LANM) to expand and update an on-line bank of civil pleadings which can be accessed and completed by self-represented litigations and volunteer attorneys.

Volunteer attorneys also have access to NMLA's regional offices, including access to office space for client meetings, computers, telephone, copier/fax/scanner, and research materials. NMLA continues to work on its brief bank for use by volunteer attorneys. Under a new NMLA protocol, volunteers can also have access to client data that allows them to track their cases, and access to research tools such as Lexis.

Quality Control

NMLA's commitment to high-quality services extends to its PAI program. Before working with a volunteer attorney, NMLA investigates the attorney's experience level and background, including whether the attorney has been subject to discipline or malpractice claims. For those volunteer attorneys who request it, also NMLA provides malpractice insurance coverage for pro bono cases referred to the attorney.

When a case has been referred, the Managing Attorney of the local office works in collaboration with the Volunteer Attorney Program director to track the progress of the case and obtain closure data. The Managing Attorneys are required to supervise both pro bono and reduced-fee contract attorney referrals for NMLA. The NMLA Volunteer Attorney Project director also will periodically monitor cases referred to pro bono attorneys.

The VAP director and the NMLA Executive Director also will continue regularly meeting with the State Bar, the Access to Justice Commission, local pro bono committee leaders and other stakeholders to ensure that NMLA pro bono activities and efforts continue to produce high quality outcomes.

Input on Plan

The 2013 PAI Plan will be disseminated to all local Pro Bono Committee chairpersons, all Access to Justice Commissioners, to the current presidents of local and specialty Bar Associations, to the State Bar, the Access to Justice Commission, to other civil legal service providers, and to various community partners. All comments received will be reviewed by the NMLA Executive

Director and VAP director and will be distributed to the NMLA Board for review and approval.

**NEW MEXICO LEGAL AID, INC.
Collaborative Partners in 2013**

Local Pro Bono Committees – Counties & Major City for the County

- 1st Judicial District (Santa Fe County/Santa Fe; Rio Arriba County/Espanola)
- 2nd Judicial District (Bernalillo County/Albuquerque)
- 3rd Judicial District (Dona Ana County/Las Cruces)
- 4th Judicial District (San Miguel County/Las Vegas; Mora County/Mora; Guadalupe County/Santa Rosa)
- 5th Judicial District – separate committees for each county
 - ♦ Chaves County/Roswell
 - ♦ Eddy County/Carlsbad
 - ♦ Lea County/Hobbs
- 6th Judicial District (Grant County/Silver City; Luna County/Deming; Hidalgo County/Lordsburg)
- 7th Judicial District (Catron County/Reserve; Socorro County/Socorro; Sierra County/Truth-or-Consequences; Torrance County/Estancia)
- 8th Judicial District (Colfax County/Raton; Taos County/Taos; Union County/Clayton)
- 9th Judicial District (Curry County/Clovis; Roosevelt County/Portales)
- 10th Judicial District (De Baca County/Ft. Sumner; Harding County/Mesquero; Quay County/Tucumcari)
- 11th Judicial District – separate committees for each county
 - ♦ McKinley County/Gallup
 - ♦ San Juan County/Farmington – covered by DNA People’s Legal Services
- 12th Judicial District (Lincoln County/Carrizozo; Otero County/Alamogordo)
- 13th Judicial District (Cibola County/Grants; Sandoval County/Rio Rancho; Valencia County/Los Lunas)

Select Other Civil Legal Service Providers with which NMLA frequently interacts

- Law Access New Mexico
- Center on Law & Poverty
- Pegasus Children’s Legal Services
- State Bar Lawyer Referral for the Elderly Program
- DNA People’s Legal Services
- Disability Rights New Mexico (formerly Protection & Advocacy)
- United South Broadway (deals with foreclosure and predatory lending matters)
- Southwest Women’s Law Center
- Senior Citizens Law Office (Albuquerque and surrounding areas)

- Catholic Charities

State Bar of New Mexico

- State Bar Bridge to Justice referral program
- State Bar's Public & Legal Services Department (handles community education work shops on multiple topics)

Local & Specialty Bar Associations

- Albuquerque Bar Association
- 2nd Judicial District Volunteer Attorney Program (VAP)
- Taos County Bar Association
- Santa Fe County Bar Association

Community Organizations

- Access to Justice Commission
- Civil Legal Services (CLS) Commission
- New Mexico Supreme Court library
- University of New Mexico School of Law clinical program