

DNA-PEOPLE'S LEGAL SERVICES, INC.

RESOLUTION OF THE BOARD OF DIRECTORS

SUBJECT: In Support Of Enhanced Private Attorney Involvement With Legal Services Corporation (LSC)-Funded Programs

WHEREAS:

1. The Legal Services Corporation (LSC) and the programs it funds, including DNA-People's Legal Services, Inc., have long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital resources, and increased *pro bono* commitment; and

2. At its April 2007 meeting, the Board of Directors of the Legal Services Corporation adopted Resolution 2007-03 supporting and encouraging private attorney involvement and urging governing boards of LSC-funded programs to collaborate with other organizations to effectively engage lawyers in *pro bono* representation and other services that benefit low-income persons; and

3. The LSC Board of Directors resolution builds upon the following national LSC initiatives:

- The October 2005 LSC report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, which found that 50 percent of the potential clients requesting assistance from an LSC grantee were turned away for lack of resources on the part of the program
- The *LSC Strategic Directions 2006-2010*, which calls upon LSC to increase public awareness of and support for legal services to low-income persons in order to respond appropriately to more of their legal needs
- The *LSC Performance Criteria*, which consider, in evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area, whether that program effectively integrates private attorneys into its work in order to supplement the amount and effectiveness of its representation and other services
- The Provision for the Delivery of Legal Services Committee of the LSC Board of Directors 2006 meetings, which highlighted the potential, opportunities and challenges of private attorney involvement and determined ways in which this critical resource can be used more effectively by LSC-funded programs as a means to help close the justice gap
- The unanimous adoption in January 2007 by LSC Board of Directors of a strategic work plan entitled *Action Plan for Private Attorney Involvement: Help Close the Justice Gap, Unleash the Power of Pro Bono*, which highlights the benefits of engaging private attorneys to help represent clients of LSC-funded programs and describes ways in which the LSC Board and staff will work to expand private attorney involvement
- The American Bar Association's Model Rule 6.1 and similar state bar rules note the professional responsibility of every lawyer to provide *pro bono* legal assistance to persons of limited means

4. In New Mexico the Supreme Court issued an Order adopting a Pro Bono Plan in which: (1) The Court assumes oversight of a Pro Bono Plan through the New Mexico Commission on Access to Justice; (2) The Court shall establish district court *pro bono* committees; and (3) The Court supports the creation of a funded support staff to be housed at the State Bar of New Mexico and shall assist in attaining funding. **(Order attached)**

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Directors of DNA-People's Legal Services, Inc. in an effort to help close the justice gap in New Mexico, Arizona, and Utah supports and encourages private attorney involvement with DNA-People's Legal Services, Inc. and will endeavor to:

- Collaborate with other organizations and entities in New Mexico, Arizona, and Utah to develop and facilitate educational efforts that demonstrate the extent of the unmet civil legal need and encourage collective responsibility within New Mexico, Arizona, and Utah by both public and private entities to help meet this unmet civil legal need
- Collaborate with other organizations and entities in New Mexico, Arizona, and Utah to develop effective strategies for engaging lawyers in *pro bono* representation and other services that benefit low-income persons
- Consider including in that collaboration organizations and entities such as:
 - ◆ The State Bar of New Mexico
 - ◆ New Mexico Commission on Access to Justice
 - ◆ New Mexico Civil Legal Services Commission
 - ◆ McKinley County, New Mexico District Attorney
 - ◆ The State Bar of Arizona
 - ◆ The State Bar of Arizona Legal Services Committee
 - ◆ The State Bar of Utah
 - ◆ State County Bar Associations
- Develop strategies that encourage *pro bono*, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules; and training, mentoring, support, and recognition of volunteers

NOW THEREFORE BE IT FURTHER RESOLVED THAT

The Board of Directors of DNA-People's Legal Services, Inc. will promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of DNA-People's Legal Services, Inc. and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

CERTIFICATION

I, Leo Sheppard, Sr., President of the DNA Board of Directors, certify that the foregoing Resolution was duly considered by the Board of Directors of DNA-People's Legal Services, Inc. at a duly called meeting on August 25, 2007 at Window Rock, Arizona at which a quorum was present and that the same was passed by a vote of 16 in favor, 0 opposed, and 0 abstaining.



Leo Sheppard, Sr.
President

MOTION: Charley Long
SECOND: David Barrow

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 28, 2006

NO. 06-8500

IN THE MATTER OF THE APPROVAL OF THE REPORT OF
THE NEW MEXICO COMMISSION ON ACCESS TO JUSTICE

ORDER

WHEREAS, this matter came on for consideration by the Court upon request of the New Mexico Commission on Access to Justice to adopt the recommendations presented in its revised report dated April 17, 2006;

WHEREAS, the Commission has presented this Court with compelling data, which continues to demonstrate that there is a severe shortage of civil legal assistance available to low income New Mexicans. For example, the Commission estimates that less than twenty percent of the legal needs of low income New Mexicans are being met;

WHEREAS, the types of problems not being met include: domestic violence, family law, housing, health access, consumer problems, benefits, education and employment issues; and

WHEREAS, the Court believes this issue demands immediate action, and the Court having considered the request of the Commission and being sufficiently advised, Chief Justice Richard C. Bosson, Justice Pamela B. Minzner, Justice Patricio M. Serna, Justice Petra Jimenez Maes, and Justice Edward L. Chávez concurring;

NOW, THEREFORE, IT IS ORDERED that the recommendation hereby is ADOPTED as follows:

Pro Bono Plan

1. This Court assumes oversight of a *Pro Bono* Plan through the New Mexico Commission on Access to Justice;
2. This Court shall establish district court *pro bono* committees; and
3. This Court supports the creation of a funded support staff to be housed at the State Bar of New Mexico and shall assist in obtaining funding.

IT IS FURTHER ORDERED that the Commission hereby is AUTHORIZED to coordinate efforts to recruit *pro bono* attorneys and volunteers, to coordinate efforts of the State Bar of New Mexico, local committees, and legal aid providers to establish a website to offer and facilitate *pro bono* opportunities, and to promote recruitment of law students for *pro bono* service;

IT IS FURTHER ORDERED that the Commission's proposed amendments to Rule 16-601 NMRA, concerning the reporting of *pro bono* hours and an annual goal of fifty (50) hours of *pro bono* work or an annual contribution of \$500.00 (or a combination of work and donation), shall be referred to the Code of Professional Conduct Committee for review, in consultation with the Commission's co-chairs, if necessary, and to submit proposed rule amendments to this Court; and

IT IS FURTHER ORDERED that the Commission's proposed amendments to Rule 18-201 NMRA, concerning Minimum Continuing Legal Education credit for providing *pro bono* services, shall be referred to the Minimum Continuing Legal Education Board for review, in consultation with the Commission's co-chairs, if necessary, and to submit proposed rule amendments to this Court.

Pilot Project for Uniform Free Process Procedures for Civil Cases

IT IS FURTHER ORDERED that the current pilot project testing a uniform means of obtaining free process in civil cases shall continue until November 1, 2006, in the Second Judicial District Court, the Bernalillo County Metropolitan Court, and the New Mexico Court of Appeals using the forms contained in Appendix 3 of the Commission's revised report dated April 17, 2006;

IT IS FURTHER ORDERED that, as the current pilot project proceeds, the Commission shall coordinate with the chairs of the Rules of Civil Procedure Committee, the Rules for Courts of Limited Jurisdiction Committee, and the Rules of Appellate Procedure Committee to review the forms in Appendix 3 of the Commission's revised report dated April 17, 2006, as may be necessary and appropriate in light of feedback received during the period of the pilot project; and

IT IS FURTHER ORDERED that on or before November 1, 2006, the Commission shall coordinate with the chairs of the Rules of Civil Procedure Committee, the Rules for Courts of Limited Jurisdiction Committee, and the Rules of Appellate Procedure Committee to submit proposed rule amendments to this Court for implementing a uniform means of obtaining free process in civil cases.

Staffing Needs of the Commission on Access to Justice

IT IS FURTHER ORDERED that the Administrative Office of the Courts hereby is AUTHORIZED to include in its fiscal year 2008 appropriation request to the Legislature an expansion request totaling \$100,000 for a full time employee dedicated

to staff the Commission.

Funding Needs for Civil Legal Services for Low Income Individuals

FURTHER, this Court acknowledges the need for funding for civil legal services for low income individuals, including funding for *pro se* services.

DONE at Santa Fe, New Mexico, this 28th day of April, 2006.

Chief Justice Richard C. Bosson

Justice Pamela B. Minzner

Justice Patricio M. Serna

Justice Petra Jimenez Maes

Justice Edward L. Chavez



BOARD OF DIRECTORS

RESOLUTION

In Support of Enhanced Private Attorney Involvement with LSC-Funded Programs

Whereas, the Legal Services Corporation (LSC) has long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital resources, and increased *pro bono* commitment; and

Whereas, the LSC report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, found that 50 percent of the potential clients requesting assistance from an LSC grantee were turned away for lack of resources on the part of the program; and

Whereas, the LSC *Strategic Directions 2006-2010* calls upon LSC to increase public awareness of and support for legal services to low-income persons in order to respond appropriately to more of their legal needs; and

Whereas, the LSC *Performance Criteria* consider, in evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area, whether that program effectively integrates private attorneys into its work in order to supplement the amount and effectiveness of its representation and other services; and

Whereas, the Provision for the Delivery of Legal Services Committee of the LSC Board of Directors focused its 2006 meetings on highlighting the potential, opportunities and challenges of private attorney involvement and on determining ways in which this critical resource can be used more effectively by LSC-funded programs as a means to help close the justice gap; and

Whereas, at its January 2007 meeting, the LSC Board of Directors unanimously adopted a strategic work plan entitled *Action Plan for Private Attorney Involvement: Help Close the Justice Gap, Unleash the Power of Pro Bono*, which highlights the benefits of engaging private attorneys to help represent clients of LSC-funded programs and describes ways in which the LSC Board and staff will work to expand private attorney involvement;

Whereas, the American Bar Association's Model Rule 6.1 and similar state bar rules note the ethical obligation of every attorney to provide *pro bono* legal assistance to those unable to afford legal assistance;

Now, Therefore, Be It Resolved that the Legal Services Corporation Board of Directors, in its efforts to help close the justice gap, supports and encourages private attorney involvement with LSC-funded programs and urges governing boards of LSC-funded programs to:

Collaborate with other organizations and entities in their service area to develop and facilitate educational efforts that demonstrate the extent of the unmet civil legal need and encourage collective responsibility within the service area by both public and private entities to help meet this unmet civil legal need;

Collaborate with other organizations and entities in their service areas to develop effective strategies for engaging lawyers in *pro bono* representation and other services that benefit low-income persons;

Consider including in that collaboration organizations and entities such as state and local bar associations, access to justice entities, law firms and corporate law departments, law schools and clinics, government and military law offices, and state and federal courts; and

Develop strategies that encourage *pro bono*, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers.

Be it Further Resolved that the Legal Services Corporation Board of Directors, in its national leadership position, will promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of LSC-funded programs and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

Adopted by the Board of Directors
On April 28, 2007



Frank B. Strickland
Chairman



Victor M. Fortuno
Corporate Secretary