

CBA Makes Providing Civil Legal Representation A Top Priority

Proposed “civil Gideon” program would fill need for access to the courts

By JAY STAPLETON

The leadership of the Connecticut Bar Association says providing legal representation for people who cannot afford lawyers for civil matters will be a top priority in the coming year.

Bill Clendenen, vice president of the CBA and chair of its Pro Bono Committee, said the idea of providing legal assistance for the working poor and other people of limited means in civil matters is in the best interest of all who use the courts.

With a growing number of self-represented parties slowing court dockets, especially in housing and family law matters, the time is right for the CBA to play a leading role in the effort.

“There is a crisis that is severe, and the courts are being inundated by individuals without representation of lawyers,” Clendenen said.

The overall goal, he said, is to ensure equal access to the courts “in a meaningful way for all people.”

The idea, he said, is to work with legislators, working lawyers, law schools and the courts to create a “civil Gideon” program.

“None of us have the answers yet, we believe the CBA should take a leadership role in this, and say, ‘let’s identify the problems and try to help our

communities to be better” Clendenen said.

Among initiatives being discussed, is the creation of a separate office in the state, similar to the Public Defender’s Office, which would provide civil legal assistance for people of limited means. “We might look at models to provide legal work for some people at reduced rates,” he said. “Our first step is to get people talking about possible ideas.”

Ever since the U.S. Supreme Court’s March 18, 1963 ruling in *Gideon v. Wainwright*, which requires state-funded legal representation to criminal defendants who cannot afford attorneys, legal aid organizations have struggled with the needs of the poor in civil court matters.

Despite the protections of Gideon on the criminal side, when low-income individuals face civil legal challenges such as housing, family and income insecurity, or in some cases even deportation, affordable legal assistance is seldom available.

As a matter of statute or under their own constitutions, some states provide legal representation in some cases, particularly those involving termination of parental rights. While it is possible to discern a slow, incremental expansion of the civil right to counsel on the state level, the law in this area remains a bare patchwork,

Clendenen said.

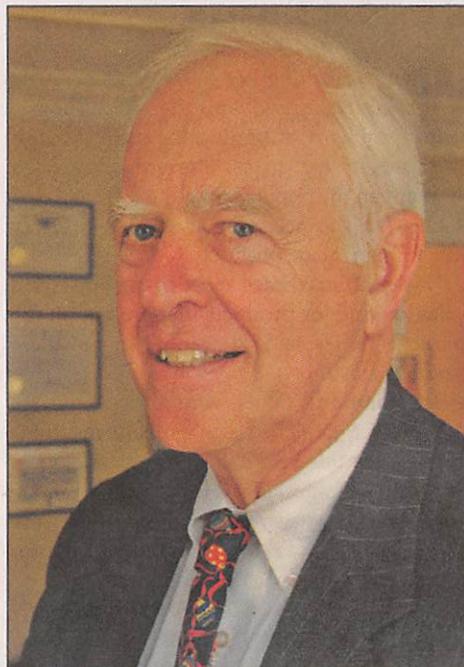
“Working together, we want to find a way to match supply with demand for competent, affordable and essential legal services.”

Matthew S. Necci, who is vice chair of the CBA’s Young Lawyers Section and an attorney with Halloran & Sage, said the section will continue its practice of providing pro bono services for people who can’t afford attorneys.

Based on the obvious needs of low income people, and the challenges young lawyers face gaining practical experience early in their careers, the section will be creating a statewide Modest Means program that will refer clients to attorneys that will perform services at a reduced cost, Necci said.

“This type of program has already been successful in New Haven,” he said. “By making this a statewide initiative, we believe that we will give more people access to legal services and to the courts, while also serving our young lawyer constituents by providing an opportunity to practice in the courtroom setting earlier in their careers.”

The program is intended to help provide meaningful access to the courts for those who need it at a cost they can afford, Necci said. “Whether a person can pay a lot or a little, he or she deserves to have a day in court.” ■



Bill Clendenen, vice president of the Connecticut Bar Association, said finding ways to expand legal services for civil court matters will be a top priority of bar leaders in the next few years.

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