

Retired Attorneys: Bridging the Pro Bono Gap



By Krista Hess and Peter Arakas

Krista Hess has been the program manager at the Connecticut Judicial Branch for 10 years.

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Just four short years after the first Emeritus Small Claims Volunteer Attorney Program (VAP) launched in the Hartford Judicial District, the partnership between the Connecticut Bar Association and the Judicial Branch has produced two additional Small Claims Volunteer Attorney Programs in the Middletown and New Haven Judicial Districts with aspirations for additional programs in other court locations.

Bolstered by revisions to Practice Book § 2-55 that became effective on January 1, 2014, the Emeritus Small Claims VAP held 848 advice sessions in 2016 with just 14 volunteer attorneys, most of whom are retired or semi-retired. Practice Book § 2-55, subsection (e) provides: "An attorney who has retired pursuant to this section may engage in uncompensated services to clients under the supervision of an organized legal aid society, a state or local bar association project, or a court-affiliated pro bono program." This rule opened the door for retired attorneys, possibly our legal profession's most valuable and underutilized source of pro bono hours and expertise, to dedicate themselves to the cause of pro bono.

With the ever increasing demand for low cost and free legal services, the Small Claims Volunteer Attorney Programs play a critical role in bridging the access to justice gap for Connecticut litigants in our small claims courts. These programs provide self-represented parties with an opportunity to meet one-on-one with retired volunteer attorneys to discuss their legal problems at no cost. For Connecticut's self-represented parties in our small claims courts, these advice-only programs, and the pro bono attorneys who participate in them, can provide calm in the face of crisis; normalcy in the midst of extraordinary circumstances; and deliberate, measured steps where there might otherwise only be confusion. Retired lawyers can help. They have a wealth of legal knowledge and practical skills, the desire to use their talents to contribute to those with unmet legal needs and the determination to remain engaged with their colleagues in the legal community.

The rising number of self-represented parties directly correlates

to an increasing level of unmet legal needs among Connecticut individuals and families. The CBA, in conjunction with the Judicial Branch, has created flexible pro bono programs that allow retired lawyers to allocate their time so they can provide pro bono services while still pursuing other interests. "This is about the most rewarding pro bono work I have done," said retired attorney and small claims volunteer, Peter Arakas. "Our clients really appreciate the help we provide. My wife and I like to travel, and the flexibility of this project is perfect for me."

The Small Claims VAP provides advice and counsel to unrepresented small claims court litigants around the state. The commentary to Rule 6.5 of the Rules of Professional Conduct (RPC) states in relevant part that volunteer attorneys form a limited relationship with their clients only for the period of time they meet for consultation, and have no on-going obligation to represent or advise the client after the end of the session. Volunteers sign up for two-hour sessions several times throughout the year. Participating attorneys can volunteer as often or as little as they would like, there is no minimum time commitment. No prior litigation experience is necessary to be a very effective counselor to these clients.

The CBA provides training for small claims volunteer attorneys who participate in the program and also provides malpractice coverage. Operating in the Hartford, Middletown, and New Haven Judicial Districts, the small claims programs have proven to be very satisfactory for both retired attorney volunteers and the clients who have used the service. "Planning for retirement, I desired to provide pro bono legal services," said retired volunteer attorney William J. Anderson. "The Small Claims Volunteer Program provided needed training and support. Based on direct client feedback, the advice [self-represented parties] receive provides value and the work is very rewarding."

In order to gauge the efficacy of the program, the CBA and the Judicial Branch administer a satisfaction survey to the self-represented parties who are assisted by the small claims volunteer

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Short Term Rentals (Continued from page 21)

4. Accountability

Critics of short term rentals are quick to argue that short term tenants are more likely than permanent residents, or long term tenants, to engage in behavior that is disruptive to a neighborhood. Fortunately, municipalities can craft regulations providing direct accountability to the short term rental host, who has a financial (and perhaps, social) interest in ensuring that their guests do not create a nuisance.

For example, Hartford requires that property owners of lots improved with one-unit dwellings, or lots within certain single family neighborhoods, remain on site during the duration of a short term rental occurring thereon.²² Similarly, in Philadelphia, only the “primary resident” of a dwelling unit may use their dwelling unit as short term rental for 91-180 days per year.²³ Only the owner of a dwelling unit, or a tenant who lives within the dwelling unit for at least half of the year and who has the dwelling unit owner’s permission to operate a short term rental qualify as a “primary resident” under the Philadelphia regulation.

Other Considerations

Compliance with local zoning regulations is just one of a number of concerns attorneys should have in mind if a client expresses an interest in using their property for a short term rental use. Landlords who are wary of allowing their tenants to make a dwelling unit available for short term rental use may want to consider amending their lease agreement to state that a tenant may only rent the premises as a short term rental with the landlord’s express permission to do so. Similarly, property owners and tenants alike should review their insurance policies to determine whether or not: (1) the owner is covered in the event a guest suffers an injury on the property or within the dwelling unit during their stay; and (2) that the tenant’s renters insurance coverage extends to guests or invitees who pay to occupy the dwelling unit as a short term rental.

Conclusion

Short term rentals bring more travelers to our communities, shoppers to our stores and diners to our restaurants. They bring guests to our towns and cities that might not otherwise come to Connecticut. And, they can make a difference in helping a homeowner or tenant stay in the place they call home. Municipalities should proactively address community-specific concerns to make sure local residents and business owners can enjoy the benefits of this growing industry without adversely impacting the character of the surrounding community. **CL**

Notes

1. Daddona, Patricia, “CT attracts 64,000 Airbnb guests, \$11M in income.” *The Hartford Business Journal*. February 28, 2017.
2. Bennett, Macaela J, “Airbnb Connecticut hosts raked in \$11 million last year.” *Greenwich Time*. March 22, 2017.
3. *Id.*
4. See *Adams v. Lakeside Place Homeowners Association, Inc.*, No. 09-CI-00537, 5 (August 8, 2014).
5. *Id.* at 9.
6. *Id.*
7. *Tarr v. Timberwood Park Owners Association, Inc.*, No. 04-16-00022-CV, 2016 WL 6775591 at *4 (November 16, 2016).
8. *Wilkinson v. Chiwawa Communities Association*, 180 Wash.2d 241, 253 (2014).
9. *Id.* (emphasis added).
10. City of Hartford Zoning Regulations, Sec. 3.5.E.(1).
11. Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances Sec. 17.16.250.E.
12. Philadelphia, Pennsylvania Code of Ordinances Sec. 14-604.13.b.1.
13. Jersey City, New Jersey Code of Ordinances Sec. 345-60.Y.1.b.
14. City of Hartford Zoning Regulations, Sec. 3.5.1.E.
15. City of Hartford Zoning Regulations, Sec. 3.5.1.E.(4).
16. Philadelphia, Pennsylvania Code of Ordinances Sec. 14-604.13.b.2.
17. Daddona, Patricia, “CT attracts 64,000 Airbnb guests, \$11M in income.” *The Hartford Business Journal*. February 28, 2017.
18. City of Hartford Zoning Regulations, Sec. 3.5.1.E.(2).
19. *Id.*
20. Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances Sec. 6.28.030.K.
21. Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances Sec. 17.04.060.

22. City of Hartford Zoning Regulations, Sec. 3.5.1.E.(2).
23. Philadelphia, Pennsylvania Code of Ordinances Sec. 14-604.13.b.2.

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attorneys and the response has been overwhelmingly positive:

“This service is very helpful for those who could not afford an attorney. They really prepare you for courtroom.”

“I feel this service is a definite need for the public. I am very grateful to be able to have many questions answered. The attorney was patient, answered all questions, and was very informative. Thank you so very much for this service.”

The CBA and the Judicial Branch are grateful for the continued support and dedication of the volunteer attorneys and their sustained commitment to providing pro bono services to those in need. Plans to expand the program are currently underway. Anyone interested in volunteering for this program should contact Krista Hess at the Judicial Branch at Krista.Hess@jud.ct.gov or (860)263-2734, x3043.

Besides the small claims pro bono program, retired lawyers can get involved in the many other pro bono opportunities available in Connecticut. A descriptive list of these opportunities can be found on the “Pro Bono Portal” at <http://pro-bono.ctlawhelp.org/>. The portal provides detailed information on a number of pro bono opportunities in many different practice areas. Lawyers are encouraged to browse the portal to find the pro bono opportunity that works best for them. **CL**