

Enhancing Pro Bono

CREATION OF A WORKABLE PRO BONO REPRESENTATION RULE

On August 2, 2021, D. Conn. Bankr. L. Civ. P. 9083-6 became effective. Local Rule 9083-6 (and related Appendix P, which provides the operative procedures of the program) creates a volunteer lawyer pro bono program for consumer Chapter 7 cases, and is the product of a lengthy collaboration involving Chief Judge Julie A. Manning and Judges Ann M. Nevins and James J. Tancredi of the United States Bankruptcy Court in Connecticut; the CBA's Commercial Law & Bankruptcy Section largely working through its Pro Bono Committee, which is also the Panel Administrator ("PA") of this pro bono program under the Local Rule; and Statewide Legal Services of CT, Inc. ("SLS"). The goal of this collaborative effort was to address the ever-increasing need for competent bankruptcy counsel in consumer bankruptcy matters. In addition, the efforts of this working group have created a comprehensive and uniform process to increase lawyer participation in the pro bono volunteer program, as set forth in detail in Appendix P to the new Local Rule. Most critically, this entirely new Local Rule helps to ensure that the most indigent individuals will receive pro bono legal assistance from experienced attorneys, enhancing the prospects for success in their efforts to obtain relief under Chapter 7 of the Bankruptcy Code.

Image credit: erhu11979/DigitalVision Vectors

Representation in Consumer Bankruptcy Cases

BY MATTHEW K. BEATMAN AND
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HOW THE NEW RULE WORKS TO PROMOTE PARTICIPATION

The unique structure of Local Rule 9083-6 is creative in how it assists financially strapped consumers seek Chapter 7 Bankruptcy relief, and encourages more attorneys to participate in providing the necessary professional assistance. As more fully explained in the Local Rule and Appendix P, www.ctb.uscourts.gov/local-rules-effective-august-2-2021, there are two sections to the volunteer pro bono attorney pane (the "Panel") for which an attorney can register. Section 1 of the Panel is for services to be provided in preparing and filing Chapter 7 petitions. Section 2 of the Panel is for representation in adversary proceedings and contested matters. Volunteer attorneys can select either or both of these two Sections in which they desire to participate. In addition, a volunteer attorney can designate which of our three Bankruptcy Courts into which they would be willing to practice under this new program. There is no restriction against a volunteer participating in more than one court. Members of the two Sections are limited in the number of active cases they would be asked to handle each year (capped at no more than four) and retain discretion whether to accept or reject a particular referral. Appendix P and Local Rules also details the process for withdrawal of representation once an appearance has been filed, should that become necessary. Potential volunteer attorneys will be interested

to note that participation in either Section of the Panel also satisfies the requirement for pro bono service in the United States District Court for the District of Connecticut as otherwise required under D. Conn. L. Civ. R. 83.10 for the year in which such services were performed.

WHO CAN PARTICIPATE IN THE PROGRAM

The program is open to all qualified attorneys admitted to the United States Bankruptcy Court in the District of Connecticut and is not limited to CBA members. Attorneys who wish to participate in this bankruptcy pro bono program should complete the application form on the CBA website or by using the following direct link:

<https://members.ctbar.org/general/custom.asp?page=AttorneyApplicationforProBonoChapter7>

PRO BONO CLIENT SCREENING

Potential pro bono clients are initially screened by SLS using structured financial standards established by the PA. SLS then makes a referral to a Section 1 or Section 2 volunteer attorney based upon the representation required and the practice location preference indicated by the volunteer attorney. The PA has oversight over the SLS's screening process as well as



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the solicitation and development of Section 1 and Section 2 volunteer attorneys.

AVAILABLE FUNDING FOR EXPENSES RELATING TO A PRO BONO MATTER

In addition, and subject to certain guidelines available from the PA, and court oversight, there are also resources available to the pro bono counsel for reimbursement of non-routine expenses and disbursements associated with handling an individual bankruptcy pro bono matter. This resource is primarily the “Krechevsky Fund,” which was established by the Commercial Law and Bankruptcy Section some time ago, named in honor of the late Hon. Robert L. Krechevsky, who presided over the Hartford Bankruptcy Court for many years. Resources are limited, so counsel should carefully assess the need and limits for each reimbursement request.

WHY GIVE PRO BONO SERVICE

Apart from service to the profession and the public, there are many reasons why attorneys should consider providing time dedicated to the voluntary service of the financially less fortunate Connecticut residents. The recent crushing and continuing effects of the COVID-19 pandemic is but one reason. There are many other personal benefits, including additional experi-

ence in the Bankruptcy Court as well as enhancing one’s professional reputation, developing opportunities, networking, and fostering a greater sense of community and purpose. Not to mention the mandate of Rule 6.1 of the Connecticut Rules of Professional Conduct.

It is hoped that every bankruptcy attorney will consider volunteering for this program. We encourage you to join today. Further information can be obtained by contacting a member of the Panel Administrator by writing to ProBonoAdministrator@ctbar.org. ■

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Attorneys Beatman and Gugliotti are long-time members of the Commercial Law & Bankruptcy Section of the Connecticut Bar Association, and have served as Chair of the Section.

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