

Bankruptcy Pro Bono Project

“Timely.”
“Relevant.”
“Hard-hitting.”

These are the kinds of words you expect to see on the dust cover of a best-selling book, perhaps that novel each of us lawyers is always thinking of writing. You don't expect – or at least I don't expect – to see them describing a pro bono program. And while I don't think anybody is going to break out those terms to describe my prose, I do believe that the program under consideration deserves every one of them.

The Bankruptcy Pro Bono Project is different in many important ways from most of the pro bono and public service programs I have described over recent months. First, it requires some level of specialized expertise, as it provides a particular kind of pro bono legal service to needy people. The good news is that the Cleveland Metropolitan Bar Association presents continuing legal education programs specifically directed to the issues presented by cases in this Project. In addition, the Legal Aid Society of Cleveland screens these cases, presenting volunteers with a packet of ready-to-go materials. But it wasn't always this way.

A program begun by members of the former Cuyahoga County Bar Association, the Bankruptcy Pro Bono Project began in 1999 as a program to bring together the various constituencies of the bankruptcy practice – practitioners, trustees and the bankruptcy courts, including clerk's office and judicial personnel – to handle the growing volume of people who needed to declare bankruptcy but who lacked the resources to pay a bankruptcy lawyer. According to Diana Thimmig, partner-in-charge of the Cleveland office of Roetzel & Andress and a busy bankruptcy lawyer, the program was begun in part to equalize the pro bono work load among practitioners willing to take on pro bono cases, and in part to streamline the process. As an example of streamlining, Thimmig remembers the days of bankruptcy docket calls, in which bankruptcy lawyers handling a pro bono case might have to wait all morning for their case to be called, alongside other lawyers on paying cases, who could at least bill their time. One effect of the Project was to enable a docket call priority for pro bono cases, so that volunteer lawyers could get in and get out with a minimum of wasted time and without in effect being penalized for their generosity.

Thimmig recalls the level of cooperation among practitioners, trustees and court personnel in these early days as very high. The first cases were assigned in 2002, and various tweaks over the years have made the Project the successful program that it is. One important change over the years has

been the greater involvement of the Legal Aid Society of Cleveland as a partner in the Project.

Legal Aid now pre-qualifies people seeking pro bono bankruptcy representation on the basis of financial eligibility and the propriety and necessity of filing. No repeat filers are accepted. Clearly defined guidelines determine whether the representation stays with Legal Aid or goes to a volunteer attorney – if the client's financial status is at 125% or less of the federal poverty level, then the case stays with Legal Aid and the filing fee is requested to be waived. If the client's financial status is above 125% of the federal poverty level, then the representation goes to a volunteer lawyer. Those clients are required to provide the filing fee, which is held in escrow until Legal Aid has completed the initial screening and put together the packet for the volunteer lawyer. Gone are the days of the volunteer lawyer working up a case for filing, only to be told that the client did not have the filing fee, and then waiting months for the fee to be presented.

Legal Aid's tailored intake process both standardizes the packets presented to volunteer attorneys and gathers much of the information required to be gathered under 2005 revisions to the bankruptcy code. Although those revisions were initially viewed with some concern by pro bono bankruptcy attorneys, the involvement of Legal Aid in the initial screening has essentially resulted in no appreciable additional burden on volunteer attorneys from the revisions, according to Diana Thimmig.

One way in which the Bankruptcy Pro Bono Project is similar to the other projects and programs I have described in this column is that it always needs additional volunteers – especially now. Bankruptcy is one of the most significant legal issues facing the people of our community today. Our neighbors not only are hearing about it in relation to big companies – including their own employers – but also are facing it in unprecedented numbers in their own lives. We lawyers – particularly bankruptcy practitioners – have the opportunity to help, and this Project makes it almost easy for us to do so. For more information about how to participate in the Bankruptcy Pro Bono Project, please contact Mary Groth at the Cleveland Metropolitan Bar Association.

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All good words to describe the Bankruptcy Pro Bono Project, don't you think? My novel, however, will have to wait. I've got some pro bono legal work to do first. ■



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