

Kansas Legal Services - 2025 Private Attorney Involvement Plan

2024 Overview

We appreciate that 629 clients received representation and/or advice in legal matters through volunteer attorneys in the 2024 calendar year. An additional 4 clients will be assisted with legal matters through low fee retainer attorneys, paid for by KLS. In the calendar year 2024, 724.98 hours of legal services were donated to KLS clients by private attorneys. In 2024, 2422.48 hours of legal services were donated to KLS clients by law students.

Expungement clinics were held in Shawnee County, twice in Sedgwick County, Wyandotte County, twice in Johnson County, Crawford County, Lyon County, Dickinson County, Montgomery County, McPherson County, Ellis County, and Saline County.

PBIF Driver's License Restoration Clinics were held in Shawnee County, Johnson County, Saline County, and Douglas County.

Why Pro Bono?

As lawyers, we know firsthand the value and necessity of quality legal representation. We see victims of domestic violence, abused children, and families losing their homes all too frequently because they cannot afford a lawyer. We have a professional responsibility to help others in our community gain access to the justice system to protect their rights, their freedom, their homes, their livelihoods, and their families. In the LSC 2022 Justice Gap Study, low-income Americans did not receive any or enough legal help for 92% of their civil legal problems. In addition, funding per eligible person has dropped dramatically in recent years. As of 2022, 11.6 % of the Kansas population lives in poverty. That is about 341,156 people. In Kansas, our numbers continue to show that 1 percent of the Kansas population calls our intake line annually, and 10 percent of the Kansas population accesses our website. This is a crisis and lawyers must get involved. Supporting civil legal aid is a way to work for justice and access for all.

Volunteer attorneys are needed for three reasons:

1) Legal services can provide life-changing differences in the lives of low-income Kansans.

From a simple landlord letter to a complex child custody case, the impact of legal issues on our lives is dramatic. When a family is involved in a legal matter, it is unsettling for them, to say the least. Parents lose needed hours of work to deal with the situation, for which many have no paid vacation time. The lost income means they are short on rent or on other essential bills. Feeling that they must deal with the problem alone creates a sense of hopelessness.

With accurate legal information or representation by an attorney, they can achieve a sense of justice. The Judge can hear their case and make a fair decision. Their children can have the stability of a court-ordered parenting plan. The family can have a little time

to find a new apartment in their children's school district, saving the children from the disruption of changing schools.

An attorney's help can make the difference and change Hopelessness to Hope and a Sense of Justice from our legal system.

- 2) **Rule 226 of the Kansas Rules of Professional Conduct** says, “lawyers should render public interest legal services.” While acknowledging that legal aid programs were created to help meet this need, the rule encourages lawyers to support these programs by continuing to provide services on a pro bono or reduced fee basis. Kansas Legal Services stands ready to help Kansas attorneys meet this professional obligation.
- 3) **The justice gap is growing.** Estimates are that 50 percent or more of the litigants in family law courts in Kansas are self-represented. Estimates are that 90% or more of tenants in eviction courts nationwide are self-represented. Some initiatives have been put in place to allow the Courts to handle the large number of self-represented litigants. This includes forms created by the Judicial Council, which create the basis for many of the forms that Kansas Legal Services makes available online via interactive interviews. These actions are done only because Kansas Legal Services and its volunteer lawyers cannot meet the demand for legal services by low-income persons. Modifications of the Rules of Professional Responsibility allow attorneys to be involved in limited scope representation. One example of this is an attorney review of documents that a low-income person has prepared. The attorney can review the documents and “coach” the client for success as a self-represented litigant.

The Legal Services Corporation, a funder of Kansas Legal Services, requires that an annual plan exists for involving private attorneys in helping meet the civil legal needs of low-income persons. [45 CFR 1614.4] The 2025 plan will be approved by the Kansas Legal Services Board of Directors in January 2025. The Board is currently seeking comments on the proposed plan. Please provide comments to **Molly Wood, President, Board of Directors, Kansas Legal Services, 712 S Kansas Ave, Suite 200, Topeka, KS 66603** or email president@klsinc.org.

How Pro Bono Referrals Work:

Kansas Legal Services allows a potential applicant to apply by phone (316.267.3975) or initially online (www.kansaslegalservices.org). Staff dedicated to screening applicants for financial eligibility take calls from 8:00 a.m. to 4:30 p.m. Monday through Friday. Questions about family size, current and potential income and assets, citizenship status and other eligibility factors are used in determining initial eligibility. To be eligible for pro bono services, the applicant must have household income below 150 percent of the Federal Poverty level. (For a family of four that is \$45,000.) Online applications are available Monday through Thursday 24 hours a day. We also let potential applicants contact us by emailing at klsprobono@klsinc.org if it is difficult to get through the phone lines.

In addition, the Kansas Legal Services Board of Directors has determined, by legal problem type, the matters that can qualify for representation by Kansas Legal Services. The limited resources

available to meet the needs of low-income Kansans make this type of prioritization necessary. Some types of legal problems can only be accepted if a pro bono attorney is willing to accept the case.

After an applicant has been determined to be eligible for KLS services, the case is reviewed in the local office covering the applicant's county. The applicant is contacted and more information about their situation and their legal need is obtained. Information about upcoming court deadlines, etc. are key to determining if a case is appropriate for pro bono referral. The length of time it takes to place a case with a volunteer attorney eliminates cases with rapidly approaching deadlines. The applicant's access to reliable transportation is another factor considered. With knowledge of all relevant factors, the managing attorney of the office makes the decision that a case is appropriate for placement with a volunteer attorney.



Once a case has been designated for placement with a volunteer attorney, the list of volunteer attorneys is reviewed by staff. In making determinations about which lawyers to contact, the various staff making contacts with attorneys take into consideration the geographic location, substantive areas of the law and when the attorney last took a pro bono case. Attempts to place cases are made by telephone and email contact.

Following referral of a case, KLS staff regularly follow-up on the case to determine the status of representation. The follow-up is done until the attorney notifies KLS that the case is concluded. Assistance can be provided to the attorney throughout the case by KLS staff, unless the case referred represents a conflict of interest for KLS.

KLS is aware that some volunteer attorneys are not regularly referred a case, despite their willingness to accept cases. The match between case type and the location of the volunteer attorney sometimes makes a match difficult. KLS continues to work to utilize technology and all volunteer attorneys to meet the needs of eligible clients.

Components of the 2025 Pro Bono Plan

During 2025, KLS will continue to grow the connections between lawyers and the KLS Pro Bono program.

When not focused on expungement, drug registry and Driver's License Restoration activities, the Statewide Pro Bono Director will work on other activities set out in this plan, including the following.

- 1) The director will support the local pro bono coordinators as they work to meet the needs of their local offices and volunteers.
- 2) The director will implement the use of surveys to the majority of clients on closed pro bono cases.

- 3) The director will collaborate with law firms, agencies, voluntary bars, and corporate law departments to enable lawyers to participate easily. The director will continue to coordinate “KLS Pro Bono Partners,” a project to encourage law firms to commit to four hours of pro bono work per lawyer in their firm per year. Upon commitment and a signed agreement, the firms will receive this logo to put on their websites or other promotional material to show they are a proud KLS Pro Bono Partner. Ideally, this would be a statewide competition during Pro Bono Month (October).
- 4) The director will work with county bar associations to promote the inclusion of KLS pro bono information in their local bar email blasts or newsletters.
- 5) The director will work on recognizing and rewarding stellar pro bono volunteers during Pro Bono Month.
- 6) The director or volunteers will write articles in the KBA Journal and Johnson County Bar Association *The BarLetter*.
- 7) The director will attend county bar association events around the state to speak about the Justice Gap and PAI pro bono opportunities to local attorneys.
- 8) The director will present at law firms in person or virtually about partnering with KLS and the PAI opportunities available to summer associates, associates and partners.
- 9) The director will find a vendor to partner with to build a user-friendly, current one stop Kansas pro bono site.
- 10) The director will build a lasting partnership with the local law school clinics and their students.
- 11) The director will work to implement a Rural Outreach Initiative following the Kansas Supreme Court’s lead.

Among the ongoing activities that will continue to be pursued as part of the 2025 plan:

A. Direct Services to Clients Referred from Kansas Legal Services

Each KLS office may recruit one or more attorneys to participate in a Retainer Contract Program, through which referred cases are accepted by the attorney for participation on a reduced fee basis. For accepted participants with incomes under 125 percent of poverty, KLS will pay the retainer contract attorney a limited hourly fee for the representation. These attorneys are generally located in places where the expense of travel for KLS staff attorneys is the greatest.

B. Projects Requiring a Limited or Predictable Time Commitment

Kansas Legal Services understands that one of the barriers for attorneys in accepting pro bono work is the unpredictable nature of the time commitment. A “simple” case can become complicated, where the attorney spends more hours than expected. Three volunteer options are designed to provide attorneys with volunteer opportunities with a limited and predictable time commitment.

- 1) **Rule 6.5 - Limited Legal Services Through a Nonprofit or Court Program** - attorneys may now limit the terms of their representation of a client. Kansas Legal Services has embraced the option of limiting the scope of representation and encourages volunteer attorneys to do so when appropriate. One example would be an attorney who accepts referrals of clients who have created their own divorce documents using the approved Supreme Court forms. The attorney meets with the client, reviews their situation and the forms they have prepared. By discussing topics like court jurisdiction and service, the attorney can greatly improve the likelihood the client will be successful in self-representation. When the attorney has reviewed the forms and explained to the client what will happen at the final hearing, the attorney has completed their obligation to that client. If the attorney prefers, this entire consultation can occur by phone. KLS refers cases through this program where it is unlikely a response will be filed by the Respondent. However, even if a response is filed, the attorney has completed all the work to which they agreed (via limited scope representation agreement) and has no obligation to do more with that case.
- 2) The adoption by the Kansas Supreme Court of Model Rule 6.5 to the Code of Professional Responsibility opens up a new pool of volunteer attorneys for assistance at courthouse-based self-help centers. This rule means conflicts do not come back to the office. This takes some of the burden off of law firms having to run conflict checks against every limited scope client a law firm associate or partner would like to assist at a clinic or self-help center.

NEW PILOT PROGRAM* Low Income Ventures Pro Bono Project (LIV Project) - gives transactional attorneys pro bono opportunities. In partnership with the UMKC Entrepreneurial Services Clinic and Legal Aid of Western Missouri, this new pro bono initiative will help nonprofits and small businesses with their legal needs such as Intellectual Property, Non-Profit Formation, Business Formation, Trademark etc... Once UMKC finds a potential low-income Kansas client, KLS will do an intake and review the client to see if they are LSC eligible for KLS services. If so, the Pro bono Director will work with UMKC Entrepreneurial Services Clinic and the KLS pro bono volunteer pool to find a pro bono attorney for the LSC- eligible small business or non-profit.

While not directed exclusively at low-income persons, Kansas Legal Services provides another opportunity for attorneys to serve Kansans.

The Kansas Elder Hotline Advice Line gives attorneys the opportunity to provide legal advice or information to Kansans age 60 and over. Attorneys volunteer for a four-hour shift and work from their own home or offices. Telephone technology allows KLS to seamlessly transfer the caller to the attorney.

Kansas Legal Services Supports Volunteer Attorneys

Consistent with its goal of supporting attorneys who provide pro bono services through Kansas Legal Services, KLS will provide the following support to those attorneys who request it:

- 1) Access to legal materials that are available to KLS staff. Needed materials can be requested from the pro bono coordinator in the office or from a KLS staff attorney.
- 2) Access to KLS CLEs. KLS puts on Free CLEs for attorneys in person, virtual or hybrid. When KLS sponsors a Continuing Legal Education event, volunteer attorneys are notified via email, electronic invitations, or partner law firm pro bono coordinators. These are offered free of charge in hopes that they will volunteer at upcoming events or the self-help centers. These events are held around the year.
- 3) Retired and Inactive Attorneys. Supreme Court Rule 1404 allows retired and inactive attorneys to perform pro bono work through an approved organization. Kansas Legal Services was approved to supervise these attorneys. KLS has recruited several Emeritus attorneys and will continue to publicize this opportunity to eligible Kansas attorneys and find ways to incorporate those attorneys in existing or new volunteer opportunities. This must be an ongoing effort, as some retired lawyers must leave the program each year.
- 6) Single Employer-Licensed Attorney. Supreme Court Rule 1404 allows Kansas lawyers licensed under rule 721 (restricted license to provide legal services for a single employer) to perform pro bono work through an approved organization. Kansas Legal Services was approved to supervise these attorneys. KLS will publicize this opportunity to local businesses with in-house counsel and find ways to incorporate those attorneys in existing or new volunteer opportunities.

Kansas Legal Services Supports Law Student Volunteers

Kansas Legal Services believes that engaging law students in pro bono service has long-term effects. The interns see firsthand the needs of low-income people and experience the rewards of helping them. They leave law school determined to continue giving back in this manner. They are also excellent “extenders” of KLS staff, allowing more clients to be served than could occur through staff resources alone.

For these reasons, KLS hosts law student volunteers in a variety of ways.

- 1) The Topeka and Kansas City offices recruit and supervise law student volunteers from area law schools during the school year.
- 2) Kansas Legal Services staff teach the Elder Law Externship at the University of Kansas School of Law and host the enrolled students, who contribute 100+ hours a semester as interns.
- 3) KLS offices in Pittsburg and Wichita have sponsored Washburn Third Year Anywhere students. These students get academic credit for time spent in our offices, while attending their last semester of law school online.
- 4) All KLS offices recruit and supervise law student volunteers and pre-law volunteers during the summers.
- 5) Specialty student groups within the law schools are recruited to assist with events, for example the Expungement Clinics across the state.
- 6) With the receipt of the new PBIF Driver's License restoration grant, we want to use law school clinic students in a various way such as assist at the clinic, survey clients, follow up with clients to make sure they are progressing toward getting their licenses reinstated or to restricted status, and those not yet eligible will be assisted in completing a Roadmap to Reinstatement.

Other KLS Activities

KLS staff is engaged in recruiting and retaining volunteers through direct communication, outreach at local bar functions and other means.

KLS maintains, as part of a malpractice insurance policy, coverage for attorneys who represent clients on a pro bono basis through KLS programs, in order to protect attorneys from possible claims. This effort allows participation by attorneys who have a limited or corporate practice and do not maintain malpractice insurance or who do not want to risk the consequences of a possible claim on their policy.

KLS recognizes that not all attorneys have the type of practice or available time to volunteer. KLS will continue the private bar donation solicitation to seek direct financial contributions and volunteer commitments from private attorneys. As seen through our statewide trivia fundraiser, we continue to strive for bar involvement in our fundraising efforts.

Role of the Kansas Bar Association in Support of Pro Bono Activities

Communication

- 1) KBA will carry an article from the Director of Pro Bono Services in every issue of the Journal
- 2) The Director will work with KBA's communications staff to build awareness of the justice gap, poverty law issues and the need for pro bono volunteers to step up and serve the community
- 3) KBA will send out email blasts to its membership at the request of the Director of Pro Bono Services
- 4) The Director is a member of the KBA Access To Justice "Pro Bono Incentive" Subcommittee. This subcommittee was tasked with creating a program to incentivize and document pro-bono activities by Kansas lawyers. We proposed the "Pillars of the Bar" program to encourage Kansas lawyers to engage in substantial and documented pro bono practice.

Recognition

The Kansas Bar Association will continue to recognize attorneys for their pro bono work through the Pro Bono Award and Pro Bono Certificates. These certificates will be publicly presented at the KBA Annual meeting, recognized in the Kansas Bar Journal and on the KBA website.

Other Activities

The KBA has modified the member profile to allow attorneys to track the hours of pro bono service that they provide. It is hoped that this will lead to a greater ability to recognize the attorneys who provide pro bono services. In addition, this tracking will allow the KBA to report the tremendous monetary value of the services provided collectively to Kansans through the volunteer actions of its members.