

YOUNG LAWYERS

J. Christopher Gardill

Chairperson
Young Lawyers Section
The West Virginia State Bar



ENHANCING ACCESS TO JUSTICE

As I write this column upon my return from The West Virginia State Bar Annual Meeting, I am reflecting on a major theme discussed at the meeting – access to justice. Although the Executive Committee of the Young Lawyers Section is primarily tasked with assisting new lawyers in making the transition between law school and the practice of law, it is no accident that many of the projects that we undertake attempt to do this while also achieving an indirect benefit of providing increased access to justice for West Virginia's citizens. Several projects where these parallels are present are worthy of note.

One major ongoing project of our Executive Committee is the publication of the *Practice Handbook* that seeks to assist young lawyers in introducing them to substantive areas of the

law that they may not be familiar with from law school or have yet to experience in a new practice. While the direct benefit of this publication is assisting primarily young lawyers in venturing into potential new practice areas, it is also a hope that this might allow attorneys to take cases they might not have otherwise been willing to handle and, therefore, provide some increased access to the justice system. I would like to acknowledge and thank Andrea Roberts, a newly elected member of our Committee, for assuming primary responsibility for this project.

Our Committee is presently putting the final planning stages on a Wills for Heroes program working with the national Wills for Heroes Foundation that will seek to provide estate planning and advance directive documents free of charge to West Virginia's

first responders. Though if ever there were a group of people who are in need of having such documents in place since many risk their lives simply as part of doing their jobs, statistics show that only a very small portion of this community actually have them. It is our hope that the establishment of this program here in our State can begin to counteract this problem, thereby providing increased access to legal services as a result.

Another key issue that has been monitored by our group over the past few years that will again be a priority in the coming year is the ongoing problem associated with the State's funding of court-appointed attorneys. The current status of this system presents not only problems directly to many of the State's young lawyers, but in reality also presents significant barriers in providing access to justice. Several problems exist with

this system, though this list is probably not exhaustive. First, the time it takes for private attorneys who handle these cases to be paid for their services is unreasonably long. Second, while a high percentage of lawyers who take these cases are young lawyers or lawyers who have recently opened a small or solo practice and who depend on payment for these services as a key source of support to their fledgling practices, the current reimbursement rates of \$45 per hour for out-of-court time and \$65 for in-court time does not adequately cover the overhead expenses of many of these attorneys providing such services. Third, though many of these cases are handled by attorneys working for the State's local Public Defender Corporations, full-time public defenders are not competitively compensated for the hard work that they perform on these cases compared to many of their colleagues in private practice. Regardless of the cause of these problems, all present significant barriers in providing access to the judicial system by some particularly vulnerable classes of people in this State since it discourages attorneys from taking such cases or entering such career paths. This is of concern to our Committee and will continue to be an item of focus.

Providing enhanced access to justice should be a concern to all West Virginia attorneys, not just young

lawyers and not just those directly involved with the Access to Justice Commission formed by the West Virginia Supreme Court of Appeals. One such project in need of additional help is the Pro Bono Referral Project, a joint venture between Legal Aid of West Virginia, The West Virginia State Bar and West Virginia Senior Legal Aid. This Project gives volunteers the opportunity to provide free legal assistance to low-income West Virginians in need. Attorneys can volunteer in a number of ways, and help is needed with a variety of civil legal issues ranging from divorce and custody to consumer and tax problems. To learn more about the Project's volunteer opportunities I would urge those interested to visit the Legal Aid website, <http://www.LAWV.net>, or call Catherine Eckley, pro bono supervising attorney, at (304) 343-3013 ext. 2167, for more information.

In closing, I would be remiss if I did not extend a sincere thank you to Anders Lindberg for the commitment he showed while serving as Chairperson of the Young Lawyers Executive Committee during the past year, as well as the assistance he has provided in the transition of the leadership of the Committee. The hard work that he performed for the committee, as well as the support shown by his family and colleagues while doing so, is to be commended. **WVL**



Mediation Services

Employment Law
Mary Jo Swartz
 Attorney

Domestic Relations
Mark A. Swartz
 Attorney



601 SIXTH AVENUE
 SUITE 201, P.O. BOX 1808
 ST. ALBANS, WV 25177-1808

EMAIL: mjswartz@swartzlawoffices.com
 PHONE: 304.729.9000 • FAX: 304.729.0099