



COURT OF COMMON PLEAS

GENERAL DIVISION
MONTGOMERY COUNTY COURTS BUILDING
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MARY KATHERINE HUFFMAN
JUDGE

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June 25, 2103

PAIrulemaking@lsc.gov

Attn: Mark Freedman
Senior Assistant General Counsel

Dear Mr. Freedman:

Please consider this correspondence as my request to participate, on behalf of the Greater Dayton Volunteer Lawyers Project (GDVLP), as a panelist in Denver at the Workshop to revise the LSC Private Attorney Involvement (PAI) Regulation to enhance pro bono service. I am the immediate past president of GDVLP and have served on the Board of Trustees of that organization since approximately 2005. The GDVLP is an independent pro bono program first established in 1988 and is an LSC sub-grantee of Legal Aid of Western Ohio (LAWO). The program has approximately 850 attorneys registered with it to provide legal services in a seven county region in western Ohio. Since 1988 the attorneys providing service through GDVLP have donated over \$13.7million in legal services in the region.

The outline of my discussion is as follows:

Topic 1 - Resources spent supervising and training law students, law graduates, deferred associates, and others should be counted to PAI obligations, especially in "incubator" initiatives

Before LSC allows the dilution of the 12.5% already designated, LSC should:

- a. Insure that the LSC grantee **first** has a viable pro bono program. An expansion of programs, without ensuring that the programs are well-organized and managed, could dilute available funds for existing PAI programs where programs are now minimal. It is not additional programs, in and of itself that is necessary, it is the support of existing viable programs. Having volunteers is not necessarily the problem. It is the viable nature of the structure of the pro bono program that is key to the delivery of services. If the program structure is not adequate, even in light of significant volunteers, services cannot be delivered. Engaging new volunteers is rather easy for the GDVLP because of a culture in the community that expects pro bono service from

attorneys and law students and a predictable structure to the program that ensures volunteers that their services will be utilized for those that are vulnerable and in need.

- b. Require that every pro bono program receiving funding have a dedicated employee committed to volunteer management. This should not be a secretary that also covers the reception area, nor an attorney who also carries a case load but a **qualified manager of the volunteers**. A pro bono professional should be viewed as a volunteer management position. The care and feeding of legal community volunteers serves to expand resources that are available to the low income community. It is not the delivery of services that is at issue, but the coordination of the referral of cases to the appropriate volunteer.
- c. Encourage the private bar to take ownership in its pro bono program. When the private bar perceives itself as the owners of a pro bono program, that program becomes a complement to legal aid. The Public and Private bar working hand in hand can go far in providing services to those in need. GDVLP is a stand-alone program which complements Legal Aid.
- d. Before expanding what PAI money can be spent on, it is important to consider what makes a successful pro bono program and whether the grantee is working to create one or working to enhance its existing programs.
 1. Ownership by the private bar – the private bar has many attorneys experienced in family law, consumer law, employment law, bankruptcy. These are the cases that should be referred through a pro bono program. Public Interest law is the expertise of the legal aid lawyer. When you consider the above as the primary relationship, pro bono can expand exponentially.
 2. If PAI money is spent on supervision and training of volunteers, although of value for some well established PAI programs, this could be a dilution of the 12 ½% in programs that do not have well established programs. Perhaps the expansion to supervision and training could be tied to satisfactory PAI statistics from previous years, or documentation of a pro bono professional working with an board or advisory board.
- e. Many successful PAI programs are stand-alones or are located within the Bar Association. It is important to work closely with those programs rather than create a different program that would be in competition with the Bar program. Programs such as GDVLP which are administered by the private bar are very valuable assets in the delivery of pro bono services and cannot be disregarded nor left out of the discussion about pro bono work.

Topic 2 - Enhance screening, advice and referral programs

Before LSC allows the dilution of the 12.5% already designated, LSC should:

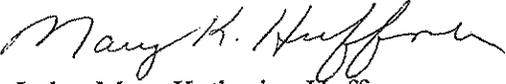
- a. Recognize that integrated intake and referral systems are already being used but are inadequately funded to meet customer needs. The greatest impediment to the delivery of services for GDVLP is the lack of referrals from the integrated system – GDVLP has the capacity to serve many more clients than it does, but without sufficient referrals, the volunteers who are eager to do pro bono work are left without the opportunity to serve those in need.
- b. LSC's current PAI regulations inhibit full use of integrated intake and referral systems – while there are 850 attorneys in our program, they often do not get assigned cases because of the inadequate nature of the referral system.
- c. Recognize that LSC's current regulations do not inhibit full use of integrated intake and referral systems.
- d. Again, diluting the use of PAI monies needs to have some restrictions if we are to insure a viable complementing PAI program for an LSC Grantee.
- e. Recognize that volunteers could also be utilized to do screening and intake. We have begun a project with a very large firm whereby their attorneys will volunteer to do screening and intake outside of the referral system through Legal Aid, which will increase the number of individuals who obtain service because they are not captive to the existing integrated referral system.

GDVLP has a very dedicated and committed Board of Trustees and Advisory Board which is fully prepared, with the assistance of our full-time staff members, to implement any recommended approaches. GDVLP, and its 850 very dedicated attorney volunteers, stands ready, willing and able to provide many more hours of volunteer services on an annual basis, but are hampered in our ability to do so because of the referral process. However, we will continue to attempt to find innovative ways to provide service even in light of the referral system.

Topic 3 – LSC should reexamine the rule, as currently interpreted, that mandates adherence to LSC grantee case handling requirements, including that matters be accepted as grantee cases in order for programs to count toward PAI requirements.

I do not intend to address this topic.

Very truly yours,


Judge Mary Katherine Huffman

Name	Mary Katherine Huffman
Topic 1: LSC Pro Bono Task Force Recommendation 2(a) - Resources spent supervising and training law students, law graduates, deferred associates, and others should be counted toward grantees' PAI obligations, especially in "incubator" initiatives.	
X	How are legal service providers engaging new categories of volunteers? What are the needs of these new categories of volunteers?
X	What are the obstacles to LSC grant recipients' full use of these volunteers?
X	Should LSC implement conditions and guidelines to allow LSC recipients to claim PAI credit for the supervision and training of these volunteers?
	How can LSC ensure against fraud, waste, or abuse related to implementing this recommendation? What caution should LSC exercise to ensure against any unintended consequences?
X	To the extent applicable, discuss how any approaches you recommend might be implemented.
X	Other issues related to Topic 1 (please specify in your submitted outline).
Topic 2: LSC Pro Bono Task Force Recommendation 2(b) - Grantees should be allowed to spend PAI resources to enhance their screening, advice, and referral programs that often attract pro bono volunteers while serving the needs of low-income clients.	
X	How are recipients currently using integrated intake and referral systems?
X	Do LSC's current PAI regulations inhibit full use of integrated intake and referral systems?
X	Should LSC implement conditions and guidelines to allow LSC recipients to claim PAI credit for the resources used to create and staff integrated intake and referral systems?
X	How can LSC ensure against fraud, waste or abuse related to implementing this recommendation? What caution should LSC exercise to ensure against any unintended consequences?
X	To the extent applicable, discuss your organization's ability to execute any recommended approaches.
X	Other issues related to Topic 2 (please specify in your submitted outline).
Topic 3: LSC Pro Bono Task Force Recommendation 2(c) - LSC should reexamine the rule, as currently interpreted, that mandates adherence to LSC grantee case handling requirements, including that matters be accepted as grantee cases in order for programs to count toward PAI requirements.	
	How are recipients currently using or supporting pro bono volunteers in brief service clinics?
	What are the obstacles to recipients' use of pro bono volunteers in brief service clinics?
	Should LSC implement conditions and guidelines to allow LSC recipients to claim PAI credit for the resources used to support volunteer attorneys staffing brief service clinics?
	If LSC were to allow recipients to claim PAI credit for the resources used to support volunteer attorneys staffing brief service clinics under circumstances where the users of the clinics are not screened for LSC eligibility or accepted as clients of the recipient, how could that change be implemented in a manner that ensures compliance with legal restrictions on recipients' activities and uses of LSC funds?
	How can LSC ensure against fraud, waste or abuse related to implementing this recommendation? What caution should LSC exercise to ensure against any unintended consequences?
	To the extent applicable, discuss your organization's ability to execute any recommended approaches.
	Other issues related to Topic 3 (please specify in your submitted outline).

Judge Huffman has been a General Division Judge since 2002. She serves as the Chair of the Personnel Committee, and serves on the Budget, Civil Practice, and Executive Committees. From 2007-2010 Judge Huffman Presided over the Common Pleas Court's Drug Court and presided over the court's Non-Support Court from 2005-2006.

Judge Huffman received her B.A. in political science from Wright State University and her J.D. from the University of Dayton School of Law, graduating summa cum laude from each institution. She is currently enrolled in a Masters program in judicial studies at the University of Nevada. In 2007 Judge Huffman was honored with the Distinguished Alumni Award from the University of Dayton School of Law Alumni Association.

Prior to judicial service, Judge Huffman was a partner in the law firm of Huffman, Landis & Weeks, and served as Special Counsel to the Ohio Attorney General. She was also an active participant in the Volunteer Lawyer's Project.

Judge Huffman is a member of the American, Ohio and Dayton Bar Associations, the Ohio Common Pleas Judges Association, and is a Master at the Carl Kessler Inn of Court, serving as that organization's President from 2011-2013. She serves on the Judicial Advisory Group as well as the Specialized Courts Committee of the Ohio Judicial Conference. In 2007 Judge Huffman completed mediation training at the National Judicial College.

Judge Huffman has taught continuing legal education seminars for the Dayton Bar Association, the Family Law Forum, the University of Dayton School of Law Alumni Association, and the Inn of Court. She also is an adjunct faculty member at the University of Dayton School of Law, teaching a variety of courses including Interviewing, Counseling and Negotiation, Criminal Trial Practice, Business Organizations, Criminal Sanctioning and Adoption Law.

Judge Huffman serves on the Board of Trustees of the Greater Dayton Volunteer Lawyers Project and serves as President of the Board of Trustees of the University of Dayton School of Law Alumni Association. She serves as Vice-President of the Board of Trustees of the Dayton Bar Association and will assume the presidency of that organization in June, 2013. Until recently Judge Huffman was actively involved in youth soccer, serving as a coach, and for almost twenty years as a member of the Board of Directors of the Miami Valley Youth Soccer Association and for twelve years on the Board of Directors of the Ohio South Youth Soccer Association. In 2013 she was awarded the Miami Valley Youth Soccer Association Lifetime Achievement Award.

MARY KATHERINE HUFFMAN

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Education: B.A. Political Science, *summa cum laude*, Wright State University, 1985

Juris Doctorate, University of Dayton School of Law, *summa cum laude*, May, 1990; Pi Sigma Alpha; Member, 1988-1990, and Executive Editor, 1989-1990, University of Dayton, Law Review

Additional graduate work, University of Virginia, 1985-1986

Currently enrolled at University of Nevada, Reno in Masters Program in Judicial Studies, projected graduation June, 2014

Additional Professional Training: Comprehensive Drug Court Judicial Training
Mediation Training

Professional Experience: Judge, Montgomery County Common Pleas Court, February, 2002 - present

Current Court Committee membership:
Personnel Committee (Chair)
Budget Committee
Executive Committee
Criminal Practice Committee

Non-Support Court Judge, January, 2005 – December, 2006
Drug Court Judge, January 2007 - December, 2010

Partner, Huffman, Landis & Weak's Co., LPA
Trial Attorney; practice included domestic relations, appellate practice, medical malpractice, personal injury, consumer actions, felony and misdemeanor criminal matters, probate matters; November, 1990 - February, 2002

Special Counsel to the Attorney General

Bar Admissions:

Ohio, November 1990 - present

Current Professional Organizations
and Committees:

Ohio State Bar Association
Dayton Bar Association, First Vice President
Common Pleas Judges' Association
Inns of Court, Chair
Specialty Courts Committee and
Judicial Advisory Group of the Ohio Judicial
Conference
Greater Dayton Volunteer Lawyers Project,
Immediate Past President
University of Dayton School of Law Advisory
Council
Ohio Supreme Court Lawyer to Lawyer Mentoring
Program Member

Published Articles:

"Tort Law: Social Host Liability for the Negligent
Acts of Intoxicated Minors," 14 University of
Dayton Law Review 377 (1989).

"Immunity and Mental Health Professionals," 33
University of Dayton Law Review 265 (2008).

Teaching Experience:

Adjunct Faculty, University of Dayton School of
Law, Fall, 2003 - present (courses taught include
Landlord/Tenant Law, Business Organizations,
Interviewing, Counseling and Negotiation, Family
Law, Criminal Sanctions, Adoption and Assisted
Reproduction Law, Criminal Trial Practice, The
Death Penalty).

Adjunct Faculty, Sinclair Community College, Fall,
2005 – present (courses taught include Business
Law, Real Estate Law, and Contracts Law for
Paralegals).

Professional Achievements

University of Dayton School of Law, Outstanding
Academic Achievement Award; Dean Richard L.
Braun Award for Outstanding Legal Authorship;
Lawyer's Lawyer Award; Montgomery County
Domestic Relations Court Law Day Award;
Distinguished Alumni Award, University of Dayton

School of Law, 2007; University of Dayton School of Law Commitment to the Community Award, 2008

Other Past Professional Activities:

Criminal Justice Council, Domestic Violence Subcommittee; Participant, Volunteer Lawyer's Project; Presenter, People's Law School; Presenter of continuing legal education for the Dayton Bar Association, Ohio State Bar Association, Ohio Judicial Conference and Family Law Forum; Reader, Ohio Supreme Court, Bar Examination, 1995 - 1999; 2004 Co-Chairman Dayton Bar Association Bench-Bar Conference; Montgomery County Alcohol and Other Drug Abuse Task Force, Co-Chair Drug Court Committee; Montgomery County Alcohol and Other Drug Abuse Implementation Advisory Team, Co-Chair Drug Court Implementation Committee

Community Activities:

President, Board of Trustees, University of Dayton School of Law Alumni Association; Miami Valley Youth Soccer Association, Board Member, 1994-2012, President, 1999-2009; Ohio South Youth Soccer Association, President, 2007 – 2010, Board Member, 2000 - 2012; Youth recreation and select soccer coach 1990 - 2001; Former Board Member, Kids' Turn; Volunteer, Habitat for Humanity; Nominee, Miami Valley's Finest, Cystic Fibrosis Foundation, 2002