

A NEW WAY TO SERVE

The State Bar of Texas' latest pro bono program, NOVA, enlists help from its inactive members.

BY ERIC QUITUGUA

Since its formation in May 2018, the New Opportunities Volunteer Attorney, or NOVA, Pro Bono Program has encouraged inactive members of the State Bar of Texas, as well as out-of-state attorneys, to offer legal services to people needing help. NOVA replaces the Emeritus Attorney Pro Bono Participation Program, which was restricted to retired Texas attorneys and those licensed out of state.

"The NOVA program is a win-win in that it gives the bar an effective way to recruit inactive members to engage with pro bono organizations, increasing capacity at those organizations, and it also provides an opportunity for attorneys on inactive status to maintain their skillset by doing pro bono legal work," said Hannah Allison, the bar's pro bono program administrator.

Attorneys in the program are known as NOVAs and although inactive, remain in good standing with the bar (or governing entity in their jurisdiction) and courts. NOVAs abide by the Texas Disciplinary Rules of Professional Conduct and work with clients through approved organizations, such as certain nonprofits, clinics, or pro bono programs from Texas law schools; pro bono projects or programs within the State Bar; or local and specialty bars.

The NOVA program is governed by Article XIII of the State Bar Rules, which dictates a volunteer's scope of authority, MCLE requirements, and potential discipline, among other standards. For example, a NOVA essentially works like an active status attorney, preparing documents and appearing before a court, but cannot present himself or herself as an active member of the Texas Bar. The attorneys are required to complete at least three CLE credit hours yearly, and they can be sanctioned or disciplined by the State Bar for misconduct.

Volunteers and organizations apply to the program and are approved after meeting the State Bar's requirements. The organizations—which may have their own set of requirements—pair NOVAs with clients and monitor the progress. So far, the program has more than a handful of volunteers, including attorneys who are licensed outside of Texas.

Jamika Hilliard, who is licensed to practice in Georgia but is based in Fort Worth, is working on an uncontested divorce through Legal Aid of NorthWest Texas under the NOVA program. Though her normal law practice is in the corporate/business arena, she jumped at the opportunity to volunteer after hearing about NOVA through a coworker. The program, she said, allows her to give back to the community

while giving her control over her time.

"There is a difference from working at a firm—I work at my own pace," Hilliard said. "No billable hours. My attention is on one client. I am not looking for a paycheck. Money isn't the motivating factor."

Of course, the purpose of NOVA's creation—fine-tuning its pro bono approach to include even more attorneys—centers on Texas' nearly 18,000 inactive attorneys. Austin-based Lynda Frost retired from working for the state in 2017 but has remained a volunteer, lending a hand as a NOVA through Volunteer Legal Services of Central Texas, or VLS.

Frost's background includes family law, mediation, mental health law, and special education law, but with NOVA, she is working a case for a program that represents clients with Class C misdemeanor fines and warrants—primarily people who have received traffic tickets but were unable to pay the fines, which eventually compounded. The clients are screened through VLS—she chooses who she takes on based on location, the nature of the case, and what she's comfortable doing.

"It may be the end of your active legal career but that doesn't mean it has to be the end to volunteering to help people in the community," Frost said. "Those volunteer opportunities are really scalable. People can spend a lot of time volunteering or people can spend a pretty minimal amount of time volunteering and still have a really positive impact—and that's a great thing to have in life. I would encourage people to do that both for the good of the broader community but also for their own satisfaction."

Allison said the State Bar's Legal Access Division Pro Bono Department is always looking for ways to increase pro bono engagement across Texas. One way the bar accomplishes this is by identifying potential volunteer groups and addressing their barriers to providing pro bono services.

"Roberta, an inactive attorney, stops practicing to care for an elderly parent. She knows she will be returning to practice and wants to keep up her skills by volunteering with Houston Volunteer Lawyers. The NOVA program is perfect for her," Allison said. "Drew, who works at ExxonMobil, really wants to volunteer to help low-income Texans with their legal problems, but he's licensed out of state. Now he can under the NOVA program."

For more information on NOVA requirements and how to apply, go to texasbar.com/NOVA. **TBJ**

