



February 1, 2010

## **Access to Justice Headlines**

*New at the Resource Center for Access to Justice Initiatives*

*New at [www.AJsupport.org](http://www.AJsupport.org)*

**Save the Date!** The 2010 National Meeting of State Access to Justice Chairs will take place in Phoenix, Arizona, on Saturday, May 15, in conjunction with the 2010 Equal Justice Conference. Invitations will be mailed out in mid-February.

**Haiti Earthquake Pro Bono Resources.** The ABA has assembled a collection of legal resources relevant to the Haiti earthquake at <http://www.abanet.org/disaster/haiti.html>. Pro bono lawyers and legal aid programs are likely be called on to assist with temporary protective status and other immigration matters, as well as probate, adoption and other legal issues arising from the catastrophe.

**Georgia Roundtables on Civil Legal Needs Study.** The Committee on Civil Justice of the Supreme Court of Georgia Equal Justice Commission has conducted a series of 12 local roundtables discussing the findings of its Civil Legal Needs Study. The study was originally presented at the Georgia Civil Legal Needs Summit on June 24. The roundtables, hosted by the Chief Judge of each circuit, featured a condensed presentation of the findings of the study; presentations of the resources available to help litigants in each area; and a discussion of ways to overcome barriers to justice in the area. Findings and recommendations from the roundtables have been compiled and will be included in an addendum to the study. The Committee anticipates that the local groups will continue to meet and work to implement recommendations.

**D. C. Rationing Justice Report.** The District of Columbia Access to Justice Commission, in conjunction with the D.C. Consortium of Legal Services Providers, released a report in December 2009 examining the impact of the recession on the provision of civil legal services in the District of Columbia. The report, *Rationing Justice: The Effect of the Recession on Access to Justice in the District of Columbia*, found that at a time when client needs are increasing dramatically, the capacity of legal services providers to meet that need is sharply decreasing due to funding losses.

**Maryland Access to Justice Commission Listening Events and Interim Report.** The Maryland Access to Justice Commission is continuing its series of regional listening events around the state, culminating in a final session on April 20 at the Court of Appeals in Annapolis. In November 2009, the Commission issued an interim report based on its findings to date. The interim report includes 62 substantive recommendations in three general areas: ensuring stable and sufficient funding to support the civil legal aid delivery system; developing innovative legal practices, court processes and services to enhance the ability of all persons, including the self-represented, to use the courts or solve legal problems; and operating courts and services in a manner that accommodates the special needs of vulnerable populations and ensures that facilities and services are safe, convenient and accessible.

**Mississippi ATJ Strategic Plan.** In November 2009, the Mississippi Access to Justice Commission conducted a strategic planning retreat to identify the Commission's priorities. The resulting document, *Action Priorities 2010-2012*, was approved at the Commission's meeting on December 7. Top priorities for Commission action include: taking concrete steps to increase the number of pro bono attorneys in every county in the state; launching coordinated efforts to make the courts more receptive to self-represented litigants; building legislative relationships in order to be prepared to move forward to seek increased state funding for civil legal aid when the time is ripe; issuing a report based on the findings of the recently concluded Access to Justice hearings; and using the report strategically to accomplish the Commission's goals. In addition, the plan calls for developing local Access to Justice committees or similar entities to develop local initiatives to expand access to civil justice. The Commission concluded its series of regional hearings with a final hearing at the Mississippi Supreme Court on February 1.

**Texas Access to Justice Speakers Bureau.** In order to expand the number of Access to Justice presentations to local bar associations, young lawyers groups, and other bar and bench groups, the Texas Access to Justice Commission has created a Speakers Bureau, consisting of members of the Commission and its committees. Speakers Bureau presentations, which provide attorneys with one hour of free CLE credit, cover facts about the need for and benefits of civil legal aid, the work of the Commission and the Texas Access to Justice Foundation (IOLTA), and ways that attorneys can engage in pro bono efforts.

**Pennsylvania Chief Justice Castille Keynote at Legal Aid Award Ceremony.** Pennsylvania Chief Justice Ronald D. Castille will be the keynote speaker at the 2010 Pennsylvania Legal Aid Network Excellence Awards on March 23. The awards honor members of the legal community who exemplify excellence in their commitment and accomplishments as advocates for access to justice for low-income people.

**New York Chief Judge Lippman Testimony at Legislative Hearings on Legal Aid Funding.** In January 2010, New York Chief Judge Jonathan Lippman appeared before a joint state Senate/ Assembly hearing addressing the civil legal aid funding crisis. In his testimony, the Chief Judge supported a new \$15 million allocation in the courts' budget for civil legal aid in response to the crisis. He emphasized that this funding, while "absolutely essential, ...cannot serve as anything more than a down payment toward a much greater commitment that must be made toward truly equal justice in this State." Citing the U.S. Supreme Court decision in *Gideon vs. Wainwright*, he stated that "we must start making good on the promise of Gideon in those civil proceedings where fundamental human needs are at stake."

**Texas Video for Law Students.** The Texas Access to Justice Commission has developed a new video, "Access to Justice: A Journey of a Lifetime," introducing law students to legal aid and pro bono opportunities by showcasing real-life experiences of law students working at legal aid organizations. The video, which is introduced and narrated by Texas Supreme Court Justice Harriet O'Neill, will be presented at new student orientations and public-interest law-related events. The Commission has also produced a general video on the importance of civil legal aid, as well as specialized videos targeted to potential pro bono attorneys and corporate counsel. The video is available on-line. (Links through [www.ATJsupport.org](http://www.ATJsupport.org) or YouTube.)

**New Hampshire Video on Legal Aid.** The New Hampshire Access to Justice Commission has partnered with the Campaign for Legal Services to produce a video to raise awareness and understanding of the value of and need for legal aid in New Hampshire and to raise funds for the Campaign, a joint fundraising effort that supports New Hampshire's legal aid organizations. An outreach plan has been developed to ensure that the video reaches a wide audience throughout the state. (Links through [www.ATJsupport.org](http://www.ATJsupport.org) or YouTube.)

**New IOLTA Rule Revisions in Kentucky, Washington and South Carolina.** Both the South Carolina Supreme Court and the Washington State Supreme Court approved revisions in December to their IOLTA rules that require all lawyers to hold IOLTA accounts only in financial institutions that pay those accounts the highest interest rate or dividend generally available to other customers of the institution when IOLTA accounts meet the same minimum balance or other qualifications. The IOLTA rate comparability amendments became effective immediately in Washington State and will become effective in South Carolina on June 15, 2010. In September, the Supreme Court of Kentucky adopted a rule providing for mandatory IOLTA and comparability, effective January 1, 2010. New comparability rules in Wisconsin and Tennessee, approved by the Supreme Courts of those states in July 2009, also went into effect on January 1, 2010. With the addition of these states, there are now 30 U.S. jurisdictions that have adopted IOLTA rate comparability. IOLTA is now mandatory in 41 jurisdictions.

**Oregon: Legal Aid Funding from Unclaimed Lawyer Trust Funds.** Effective January 1, 2010, unclaimed funds held in lawyer trust accounts must be paid over to the Oregon State Bar instead of to the Department of State Lands, as a result of the 2009 Legislature's amendment of the Uniform Disposition of Unclaimed Property Act. The money paid to the bar under the act is "continuously appropriated to" the State Bar for the provision of legal services to the poor under its Legal Services Program.

**North Carolina CLE Fee for ATJ Commission.** The North Carolina Supreme Court has adopted an amendment to the Rules of the State Bar increasing the fee charged to sponsors and attendees of approved CLE courses. The amended rule provides that \$0.50 per approved CLE hour will be allocated to support the activities of the North Carolina Equal Access to Justice Commission. The amendment became effective January 1, 2010.

**LSC Funding Increase.** The Legal Services Corporation will receive a \$30 million increase in funding for Fiscal Year 2010 as part of a consolidated appropriations bill approved by the Congress and signed by President Obama in December. Under the legislation, LSC receives an appropriation of \$420 million. Of that total, \$394.4 million will be distributed to 137 LSC-funded nonprofit legal aid programs across the nation. The legislation also eliminates a restriction that had prohibited recipients of LSC funds from seeking attorneys' fees.

**New Hampshire and California Chief Justices Op-Ed on Civil Right to Counsel and "Unbundled" Legal Services.** In an op-ed in the New York Times (January 2, 2010), New Hampshire Chief Justice John T. Broderick, Jr., and California Chief Justice Ronald M. George call for the promotion of efforts to close the "justice gap." They cite California as having taken a major step forward with the Legislature's recognition of the right to counsel in certain civil cases as a goal and its commitment to a "Civil Gideon" pilot project. In addition, they call for promotion of limited scope representation or "unbundled" legal services, coupled with ethical safeguards, as a means of expanding access to justice, along with other innovative solutions, such as self-help web sites, on-line assistance programs, and court self-help centers.

**California Bar Resolution Supporting Limited Scope Representation.** The California State Bar has adopted a resolution encouraging expansion of limited scope representation ("unbundling") and setting out a framework for future progress involving action steps for Bar section members, particularly the Family Law, Solo and Small Firm, Business, Real Property, and Trust and Estates Sections; law schools; lawyer referral services; the State Bar; insurance carriers; and the courts.

**Texas Civil Right to Counsel Pilot Projects.** The Texas Access to Justice Foundation has announced two special impact initiative grants in a new category, Civil Right to Counsel/“Civil Gideon” pilot projects. The grants will fund collaborative programs with courts in underserved, remote or rural communities to provide representation where basic human needs are at risk, such as shelter, sustenance, safety, health or child custody.

**Texas Right to Civil Counsel Task Force.** The Texas Access to Justice Commission has created a Task Force on Expanding the Right to Civil Counsel in Texas, charged with reviewing right to counsel efforts nationally and proposing a plan for Texas that best suits the state’s needs. The Task Force is developing surveys for the judiciary and legal aid practitioners aimed at determining the types of cases that most warrant a right to representation.

**Washington Civil Representation Symposium.** Washington State Chief Justice Barbara Madsen will give the keynote address at a symposium on “Civil Legal Representation and Access to Justice: Breaking Point or Opportunity for Change,” on February 19, sponsored by three state law schools.

**South Carolina Training for Attorneys on Working with Self-Represented Litigants.** In December 2009, the South Carolina Access to Justice Commission participated in a continuing legal education session hosted by the Lexington County Bar on working with self-represented litigants. The focus of the session was to provide guidance to attorneys about how to stay within ethical boundaries when working with self-represented litigants on the opposing side, while ensuring that the self-represented litigant is able to understand the process. This was the first time the Commission had been involved in training directly for attorneys.

**Texas Self-Representation Forum.** The Self-Represented Work Group of the Texas Access to Justice Commission will convene a Self-Representation Forum on April 8-9 in Dallas. The forum will present a broad range of perspectives, including those of judges, court clerks, attorneys in private practice, legal aid lawyers, and law librarians. It will highlight challenges resulting from the increasing number of pro se litigants in Texas, explore potential solutions, and provide opportunities to develop strategies for increasing resources for self-represented litigants.

**Training on Public Libraries and Access to Justice.** Teams from fifteen states participated in a training conference in Austin on January 10-11 on how public libraries can improve access to online legal information at libraries. Mini-grants are available to participants to help them implement ideas developed at the conference. Conference materials are available at [Selfhelpsupport.org](http://Selfhelpsupport.org). The conference was funded with a grant from the Bill & Melinda Gates Foundation to the National Center for State Courts, and organized by the Self-Represented Litigation Network, in cooperation with the Legal Services Corporation.

**Restructuring of Vermont Court System along Access Principles.**

Responding to a legislative mandate to make the state's court system more efficient and to identify at least \$1 million in savings in the FY 2010 budget, the Vermont Commission on Judicial Operation has developed a proposal that emphasizes improved access to justice while achieving these goals. Among other changes, the plan calls for creation of courthouse service centers for self-represented litigants, and for designated and trained court employees to help self-represented litigants where demand does not warrant service centers. Savings would be achieved through court consolidation and restructuring and increased use of technology. Paralleling the restructuring, and already under way, is the development of a new case management system, which includes capacities for electronic filing and development of interactive court forms.

**New Mexico Center for Language Access.** The New Mexico Judiciary has created the New Mexico Center for Language Access, to help those interested in enhancing their bilingual abilities earn certificates in justice system interpreting, medical interpreting, and bilingual communication. The Center, led by the judiciary and managed through the University of New Mexico-Los Alamos, in collaboration with Doña Ana Community College and Central New Mexico Community College, uses a hybrid (on-line and face-to-face) learning model to provide access across the state. All Center programs are multilingual, including Spanish, Arabic, Chinese, Vietnamese, Navajo, and American Sign Language. The court system's Access to Justice staff attorney has developed a training program on legal information/advice as a component of the program.

**New York Court-Based Public Interest Graduate Fellowship.** Thirty-two New York Law School graduates will participate in the New York State Courts Access to Justice Program through Public Interest Graduate Fellowships during the first quarter of 2010. The fellows will provide pro bono legal advisory services to litigants in the Consumer Debt, Housing, and Foreclosure Volunteer Lawyer for the Day programs, and in the Uncontested Divorce Advice-Only program.

**Montana Veterans Pro Bono Program.** The Montana Supreme Court, through its statewide Pro Bono Program, in partnership with the University of Montana School of Law, has created the Montana Attorneys for Montana Veterans Pro Bono Program, to assist the state's veterans in their claims for disability and other benefits. The program's first initiative was a Veterans Law continuing legal education training in July 2009, designed to provide attorney volunteers with the necessary training to maintain required accreditation with the Department of Veterans Affairs. Using state-of-the-art technology, the CLE was broadcast by video to five remote sites.

**Amended Indiana Pro Bono Rule.** The Indiana Supreme Court has clarified the definition of pro bono in the commentary on state Rule of Professional Responsibility 6.1, effective January 1, 2010.

**Access to Justice Focus at Maine State Bar Association Annual Meeting.** In her address at the Annual Meeting of the Maine State Bar Association in January, incoming President Geraldine Sanchez called upon Maine's lawyers to commit even more of their time, energy and money to pro bono work and Maine's six nonprofit legal aid providers.

**Washington State ATJ Leadership Development Proposal.** The Washington State Access to Justice Board is seeking a consultant to develop and implement a plan to establish a leadership development support structure for the state's civil equal justice community. Components are to include a comprehensive leadership development curriculum and materials; support for functions such as advisory boards, education, information, communication and other technologies; mechanisms for the ongoing "training of trainers"; and an evaluation plan.

**Call for Recognition of Civil Right to Counsel in North Carolina.** In the Winter issue of the *North Carolina State Bar Journal*, UNC Law Professor Gene Nichol charts the progress of "Access to Justice in North Carolina" over the past four years. While finding much to take pride in, he notes that the state's courts, like others, still fall short of meaningful access. Calling the continued reliance on a complicated, attorney-based system of dispute resolution "a choice ... that cannot be squared with our stated constitutional aspirations," he calls for the state's courts to provide leadership through a constitutional finding that, in many disputes, the absence of counsel results in the effective denial of a meaningful opportunity to be heard.

**Colorado ATJ Commission Accomplishments.** A session at the 2009 NLADA Annual Conference in Denver focused on the accomplishments of the Colorado Access to Justice Commission since its creation in 2003. These include a series of hearings around the state on the need for civil legal aid; an increase in state funding for civil legal aid; a network of local access to justice committees organized by judicial districts throughout the state; a number of Supreme Court recognition initiatives and rules changes to promote pro bono service; and initiatives to support self-represented litigants.

*All documents mentioned are posted at [www.ATJsupport.org](http://www.ATJsupport.org). For additional information, contact Bob Echols, State Support Consultant, ABA Resource Center for Access to Justice Initiatives, [echols@suscom-maine.net](mailto:echols@suscom-maine.net).*