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Funding News

✎ **U.S. Supreme Court Renders Victory for IOLTA** – On March 26, 2003, the U.S. Supreme Court issued its decision in *Brown v. Legal Foundation of Washington*, upholding the constitutionality of IOLTA. In this 5-4 ruling, the Court held that even assuming that a law requiring that the interest generated from IOLTA accounts be transferred to a different owner amounted to a per se taking, the taking was for a valid public use and the amount of just compensation due was zero. As a result, the Court found that the operation of the IOLTA program in Washington State does not violate the Fifth Amendment. In a related matter, on March 31, 2003, the Court acted upon the petition for certiorari that had been filed in June 2001 in the Texas IOLTA case. The Court granted the petition, vacated the judgment entered by the Fifth Circuit Court of Appeals, which had found that the program violated the Fifth Amendment, and remanded the case to the Fifth Circuit for further consideration in light of the *Brown* decision. For more information, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at bgroudine@staff.abanet.org or 312/988-5771.

✎ **Kentucky Legislature Approves Filing Fee Surcharge Increase for Legal Services** – The Kentucky legislature recently voted to double the state's current filing fee surcharge for legal services, increasing funding from this source from \$1.3 million to \$2.6 million. Legal services advocates organized a strong grassroots campaign to inform legislators of the impact that significant losses in other funding (LSC, IOLTA, VAWA and state appropriations) would have on service delivery to their constituents if state revenue did not increase. For additional information, contact Jamie Hamon, Executive Director, Access to Justice Foundation, at jamieh@mis.net or 859/225-9913. For copies of materials developed for this campaign, contact Meredith McBurney, PERLS Project Director, at mm8091@aol.com or 303/329-8091.

✎ **Utah Obtains First-Ever State Appropriation for Legal Services Operations** – In February 2003, Utah legal services advocates obtained their first state appropriation to provide legal services to the poor in family law and domestic violence cases. In 2002, the legislature approved \$100,000 to assist with the capital campaign for the purchase of a building in Salt Lake City that now houses Utah Legal Services, the Legal Aid Society of Salt Lake and the Disability Law Center. Currently, there are only eight states that do not have some form of state legislative funding to support legal services operations. For more information, contact Anne Milne, Executive Director, Utah Legal Services, at Amilne@ulsslc.andjusticeforall.org or 801/328-8891, ext. 3301.

Pro Bono Developments

✎ **Results in from the State Bar of Texas Pro Bono Legal Services Survey** – The State Bar of Texas recently commissioned a telephone survey to measure attorney pro bono activity in the state. The survey used a statistically representative sample of 511 attorneys licensed and practicing in Texas. The results show that in 2002, 57.5% of attorneys performed "free legal services to the poor or free indirect legal services that substantially benefit[ed] the poor." On average, lawyers contributed 47 hours of free legal service to the poor in 2002. To learn more, contact Emily Jones, State Bar of Texas, ejones@texasbar.com or 512/463-1463, ext. 2155.

📌 **Florida Supreme Court Issues Opinions Regarding Judicial Involvement in Pro Bono Reporting and Other Pro Bono Activities** – On February 20, 2003, the Supreme Court of Florida declined to adopt amendments to the Code of Judicial Conduct and the Rules Regulating the Florida Bar that would have removed the exemption for judges, judicial staff and government attorneys that currently exists in the state’s aspirational pro bono goal and mandatory reporting requirement. The court did, however, adopt amendments that encourage judges and judicial staff to participate in pro bono activities “to improve the law, the legal system and the administration of justice.” The Court also clarified that judges may engage in activities intended to encourage attorneys to perform pro bono legal services. To learn more, contact Kent Spuehler, Executive Director, Florida Legal Services, Inc., kent@floridalegal.org or 850/385-7900.

Hot On the Web

📖 **ABA Center for Pro Bono Announces the Online Availability of its Pro Bono Clearinghouse Libraries** - The Center has several thousand documents in its growing collection, with a special focus on pro bono program management and operations. The online Clearinghouse makes available each document abstract, description and indexing information and provides users with the capability to search the Clearinghouse by classified subject area, author, title or key word. Users may order most documents through an online shopping cart, while select documents may be downloaded directly from the website. In addition to the main Pro Bono Clearinghouse, the website also makes available the resources of the Pro Bono Child Custody Project and Rural Pro Bono Clearinghouses. To access the Center for Pro Bono Clearinghouses, visit <http://www.abaprobono.org/clearinghouselibrary.html>. For more information, contact Bill Jones, Technology, Information and Content Coordinator, ABA Center for Pro Bono, at jonesw@staff.abanet.org or 312/988-5789.



WASHINGTON UPDATE

On April 11, 2003, the ABA’s Standing Committee on Legal Aid and Indigent Defendants (SCLAID) submitted a statement to the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies recommending that the FY04 funding for the Legal Services Corporation (LSC) be increased from \$338.8 million to \$387.7 million. LSC had previously requested an increase in its funding for FY04 to \$352.4 million.

Also on April 11, the Senate confirmed six new members of the 11-member LSC Board, two Democrats and four Republicans: Robert Deiter, Herbert Garten, Michael McKay, Thomas Meites, Frank Strickland and Florentino Subia. On that same date, David Hall, a Democrat, was nominated for the Board. On April 22, President Bush made two recess appointments to the Board: Thomas Fuentes and Lillian BeVier, both Republicans. The President has not yet made nominations for the two remaining seats on the LSC Board, which is scheduled to meet on April 25-26 in Santa Fe, New Mexico. For more information, contact Terry Brooks, Counsel, SCLAID, at tjbrooks@staff.abanet.org or 312/988-5747.

For more information about specific items, call the contact person listed for that item. To contribute items to future issues of *LEGAL SERVICES NOW*, or for general information about this bulletin, contact Bev Groudine at 312/988-5771, fax 312/988-5483 or e-mail bgroudine@staff.abanet.org.