



December 19, 2003 • Issue #43

## Funding News

✎ **Fifth Circuit Dismisses Texas IOLTA Case** - On November 4, 2003, upon agreement of the parties, the Fifth Circuit Court of Appeals dismissed with prejudice *Washington Legal Foundation v. Texas Equal Access to Justice Foundation*. This nearly decade-long litigation challenged the constitutionality of the Texas IOLTA program on both First and Fifth Amendment grounds. The case had been to the U.S. Supreme Court twice, most recently on a petition for certiorari following the denial of a request for rehearing en banc of a three-judge panel decision holding that the program violated the Fifth Amendment. In March 2003, following the Court's decision upholding the constitutionality of the Washington IOLTA program on Fifth Amendment grounds in *Brown vs. Legal Foundation of Washington*, the Court remanded the Texas case to the Fifth Circuit and ordered it to reconsider its decision in light of *Brown*. For more information, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at [bgroudine@staff.abanet.org](mailto:bgroudine@staff.abanet.org) or 312/988-5771.

✎ **Private Attorneys Generously Donate Fees to Colorado Legal Aid Programs** - Six Denver law firms have collectively donated \$237,000 in attorneys' fees from a major class action pro bono case to the Legal Aid Foundation of Colorado and the Colorado Center on Law and Policy (CCLP). The case successfully challenged the loss of welfare benefits to over 2,000 families who were improperly sanctioned or terminated from Colorado's welfare program. The problems that led to the filing of the case were identified by the Welfare Reform Task Force, which had been created by CCLP to educate members of the private bar about the issues associated with the implementation of welfare reform legislation and to interest them in taking relevant pro bono cases. The pro bono lawyers worked closely with their firms' management committees to obtain the necessary commitments to make the contributions. The firms were honored at a breakfast held recently at the Colorado Bar Association. For more information, contact Natalie Hanlon-Leh, Faegre & Benson, at [NHanlon-Leh@faegre.com](mailto:NHanlon-Leh@faegre.com) or 303/607-3639.

## Pro Bono Developments

✎ **Nevada Approves Changes to Judicial Code to Assist Pro Bono Efforts** - On October 28, 2003, the Nevada Supreme Court amended the commentary to Canon 4C(3) of its Code of Judicial Conduct. This amendment eliminated language that may have discouraged members of the judiciary from assisting legal services organizations in the recruitment of attorneys or law firms to provide pro bono legal services. The Court affirmed that the provision of pro bono legal services furthers the administration of justice by improving access to the courts. The commentary now makes clear that recruitment is permissible so long as it "cannot reasonably be perceived as coercive and is not essentially a fund-raising mechanism . . ." For more information, contact Lynn Etkins, Pro Bono Project Director, Clark County Legal Services at [letkins@clarkcountylegal.com](mailto:letkins@clarkcountylegal.com) or 702/386-1070.

✎ **Santa Clara County Implements Pro Bono Policy Resolution** - The Board of Supervisors for Santa Clara County in California adopted a resolution that requires each law firm under contract with Santa Clara County to make a good faith effort to provide at least 30 hours of pro bono service for each full-time attorney in the firm during each contract year. The resolution defines pro bono legal service as (1) the provision of legal services without fee to low-income individuals or community

organizations that address the needs of low-income individuals; (2) the provision of legal services without fee or with substantially reduced fee to organizations seeking to secure or protect civil rights and liberties; and (3) the participation in activities without fee to improve the law, legal system or legal profession. The resolution does not apply to contracts of less than \$50,000 per year or contracts entered into for the purpose of providing legal representation to low- or middle-income individuals in civil, criminal or administrative matters. For more information contact Kim Forrester, Assistant to Ann M. Ravel, Office of the County Counsel, County of Santa Clara, at [kim.forrester@cco.sccgov.org](mailto:kim.forrester@cco.sccgov.org) or 408/299-5902.

### Hot On the Web

 **ABA Center for Pro Bono's *Directory of Law School Public Interest and Pro Bono Programs*** - This publication provides current information on law school public interest and pro bono programs and curricula. It is designed to help prospective law students identify the law schools that best match their interest in pro bono and public interest programs. The *Directory* can also assist individual law schools seeking to develop stronger pro bono and public interest programs. Law schools were initially surveyed over the winter of 2002 for information on relevant programs, and over 150 of the 188 ABA-accredited law schools completed and returned at least one survey. Since the initial survey, law schools have regularly submitted updates to their entries. The "How to Use" section of the *Directory* contains tips for searching the directory and includes information on how to update a school's listing. To review the *Directory*, visit [www.abaprobono.org/lawschools](http://www.abaprobono.org/lawschools). For more information, contact Catherine M. Dunn, [dunnc@staff.abanet.org](mailto:dunnc@staff.abanet.org) or 312/988-5775.

### Washington Update



Although appropriators completed action Nov. 25 on omnibus fiscal year 2004 appropriations legislation and the House passed the package Dec. 8, the Senate will not be considering the final spending measure until Congress returns from its recess Jan. 20. The omnibus \$820 billion legislation includes funding for the Legal Services Corporation at a level of \$338.8 million. Included in this amount is an allocation of \$2.5 million for programs that lost money under the 2000 decennial census. This special allocation represents a compromise between earlier Senate and House versions of the bill. Until the omnibus legislation is enacted, all federal programs will function at fiscal year 2003 levels under a continuing resolution that expires Jan. 31, 2004. For more information, contact Julie Strandlie, Director, ABA Grassroots Operations/Legislative Counsel, at [jstrandlie@staff.abanet.org](mailto:jstrandlie@staff.abanet.org) or 202/662-1764.

On December 18, 2003, the Legal Services Corporation announced the appointment of Helaine M. Barnett as its next president, effective January 20, 2004. Ms. Barnett, who is currently the Attorney-in-Charge of the Civil Division of the Legal Aid Society of New York, has devoted her entire 37-year legal career to providing legal services to the indigent. She has been active in the bar at the local, state and national levels, including serving as a member of the American Bar Association's Board of Governors and Executive Committee.

**WASHINGTON UPDATE**

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](mailto:bgroudine@staff.abanet.org).