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Funding News

✎ **Another Success Story from the 2002 Legislative Session** - The Florida legislature has passed the Florida Access to Civil Legal Assistance Act. This legislation provides \$2,000,000 in the first year to fund pilot projects in seven of Florida's 20 judicial circuits for legal assistance in family law, juvenile law, entitlement to federal benefits, immigration law and for victims of domestic violence, child abuse and elder abuse. The grant program will be administered by The Florida Bar Foundation. This legislative effort was spearheaded by the president of The Florida Bar, Terry Russell, with support from the Bar's board of governors, the Foundation and the staff and boards of Florida's legal assistance providers. For more information about the Florida success, contact Jane Curran, Executive Director, The Florida Bar Foundation, at jcurran@flabarfndn.org or 407/843-0045. For assistance in preparing for future legislative activity in your state, contact Meredith McBurney, Director, ABA Project to Expand Resources for Legal Services (PERLS), at mm8091@aol.com or 303/329-8091.

✎ **Washington State IOLTA Litigation Update** - On June 10, 2002, the United States Supreme Court granted the petition for certiorari filed by the Washington Legal Foundation in the case of *Washington Legal Foundation v. Legal Foundation of Washington*, No. 01-1325. This case involves a challenge to the application of the IOLTA program to Limited Practice Officers - individuals licensed by the Supreme Court of Washington to practice law for the limited purpose of real estate closings. The petitioners sought review of an *en banc* decision issued by the United States Court of Appeals for the Ninth Circuit on November 14, 2001, finding in favor of the Legal Foundation of Washington (Washington IOLTA program) and rejecting claims that it violates the Fifth Amendment. On August 22, 2002, the Washington Legal Foundation filed its opening brief on the merits. It is currently expected that all briefing in the case will be completed later this fall and that oral argument may be scheduled for as early as December 2002. For more information, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at 312/988-5771 or bgroudine@staff.abanet.org

✎ **Texas IOLTA Litigation Update** - On June 26, 2002, the Texas Equal Access to Justice Foundation (TEAJ) filed a petition for certiorari in the case of *Phillips v. Washington Legal Foundation*, No. 02-1. The petitioners are seeking review of a three-judge panel decision of the United States Court of Appeals for the Fifth Circuit issued on October 15, 2001, which reversed a January 2000 District Court decision in favor of the Texas IOLTA program. In a 2-1 vote, the panel held that the program violated the Fifth Amendment of the United States Constitution. The petition for certiorari was filed after a petition for rehearing *en banc* of the three-judge panel decision was denied by a 7-7 vote on May 31, 2002. On July 26, 2002, the Washington Legal Foundation filed a response to the cert. petition in which it agreed that certiorari should be accepted on two of the three questions presented. On August 15, 2002, petitioners filed a reply brief. The Texas program continues to operate pending a decision by the Court. The American Bar Association remains convinced that ultimately, the constitutionality of this vital resource for providing legal services to the poor will be upheld. For more information, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at bgroudine@staff.abanet.org or 312/988-5771.

Pro Bono Developments

✎ **New York Holds Pro Bono Convocations Across the State** - The New York State Unified Court System is holding a series of four Pro Bono Convocations throughout the state to examine the current challenges to pro bono and design a statewide system that addresses those challenges and expands pro bono. Participants in the convocations include legal services providers, bar associations, the judiciary, attorneys from various practices, and law schools. Presentations on pro bono systems in other states, such as Indiana and Maryland, are followed by facilitated discussion. At the conclusion of the convocations, the office of the Deputy Chief Administrative Judge for Justice Initiatives will issue a report with proposals for improving pro bono participation in New York. The initial Convocation was held in June 2002, with the remaining three to take place throughout the fall. For more information, contact Barbara Mule, New York State Office of Court Administration, at bmule@courts.state.ny.us or (212) 428-2737.

✎ **Mandatory Pro Bono Approved In Principle at University of Denver College of Law** - The faculty at the University of Denver College of Law approved, in principle, a policy providing that all JD students perform a minimum of 50 hours of supervised, uncompensated, law-related public service work as a prerequisite to graduation. The policy also provides that each student's transcript should have a notation on it indicating the number of hours of law-related public service work performed, whether for credit or not. The Dean will appoint an Implementation Committee to finalize the implementation details of the proposal. The Implementation Committee will submit a report to the faculty no later than February 28, 2003, and obtain faculty approval of the report before the requirement is allowed to take effect. Assuming a favorable vote, the public service requirement will first apply to the class entering August 2003. For more information, contact Professor Jerome Borison, University of Denver College of Law, at jbtorison@yahoo.com or 303/871-6251.



WASHINGTON UPDATE

On July 18, 2002, the Senate Appropriations Committee marked up the FY 2003 Commerce, Justice, State (CJS) appropriations bill, including a \$97,000 increase over the FY 2002 funding level to \$329.397 million for the Legal Services Corporation (LSC). During the markup, Senator Tom Harkin (D-IA) offered, then withdrew, an amendment to increase LSC's funding by \$19 million, an amount necessary to eliminate grant reductions to states whose poverty populations have declined per the results of the 2000 Census. During the debate on the amendment, Subcommittee Chairman Ernest Hollings (D-SC) promised to continue to work with Senator Harkin to increase LSC's appropriation to prevent any funding cuts. The House CJS Subcommittee has not announced its plans; a markup could occur as early as September 19 or could be delayed until after the election when Congress is expected to return for "lame duck" session. For more information, contact Julie Strandlie, Director, ABA Grassroots Operations/Legislative Counsel at jstrandlie@staff.abanet.org or 202/662-1764.

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.