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Funding News

➤ **Massachusetts is Final State to Increase Legislative Funding in 2008** – Massachusetts legal services advocates recently reported a \$1,400,000 increase in their state appropriation, finally ending a legislative season that saw very mixed results for funding for civil legal services. There were new appropriations in two states, increased funding in eight, and decreases in five, for a net increase of \$616,000. Work has already begun in many states for 2009, which is expected to be another difficult year because of tight state budgets. For more information, contact Meredith McBurney, Resource Development Consultant, ABA Resource Center for Access to Justice Initiatives, at meredithmcburney@msn.com or call 303/329-8091.

➤ **Cy Pres Provisions Beginning to Make a Difference** – The Legal Foundation of Washington has received a total of \$124,000 to date from several different cases as a result of amendments to Rule 23 adopted by the Washington Supreme Court. That rule now provides that at least 25% of the residual funds in a judgment or proposed compromise of a class action certified under the rule be paid to the Legal Foundation. The new language became effective January 3, 2006, and it was anticipated that it would take time for cases impacted by the rule to move to the residual disbursement phase. In North Carolina, the N.C. State Bar has received \$18,000 for civil legal services in residual funds pursuant to state legislation approved on October 1, 2005. Legislation in Illinois requiring that 50% of residual funds go to legal services providers, approved in 2007 and reported in the February 2008 issue of *Legal Services Now*, became effective July 1, 2008. Other states are considering similar rule revisions or legislative action. For more information on Washington's rule, contact Andrea Axel, Grants Manager, Legal Foundation of Washington, at andrea@legalfoundation.org or call 206/957-6289; for information about North Carolina's legislation, contact Evelyn Pursley, Executive Director, N.C. State Bar Plan for IOLTA, at epursley@ncbar.org or call 919/828-0477.

➤ **New Mexico and Pennsylvania Move Forward with IOLTA Revenue Enhancement Strategies** – Earlier this month, both the New Mexico Supreme Court and the Supreme Court of Pennsylvania adopted rule revisions that should lead to increased IOLTA income in both states. In New Mexico, the court adopted mandatory IOLTA and IOLTA interest rate comparability. In Pennsylvania, the court amended rules to enable the Pennsylvania IOLTA Board to promulgate regulations implementing IOLTA interest rate comparability. The New Mexico rule revisions go into effect on January 1, 2009, while the Pennsylvania revisions take effect upon publication in the Pennsylvania Law Bulletin, which should occur before the end of the month. Once the revisions are effective, there will be 38 mandatory IOLTA states and 23 states with IOLTA interest rate comparability. For more information about these and other IOLTA revenue enhancement strategies, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at bgroudine@staff.abanet.org or call 312/988-5771.

Pro Bono News

➤ **Tennessee Bar Association Launches "4 ALL" Campaign** - The Tennessee Bar Association (TBA), under the leadership of President Buck Lewis, has established a *Justice 4 ALL* campaign, based on the successful campaign in North Carolina. The "4 ALL" campaign will involve lawyers and legal organizations across the state in a four-pronged approach to increase access to justice,

focusing on education, collaboration, participation and legislation. The TBA has produced a DVD highlighting the magnitude of the problem and will hold viewings at each bar meeting and CLE session over the upcoming year. For details, contact Becky Rhodes, Access to Justice Coordinator, Tennessee Bar Association, at brhodes@tnbar.org or call 615/383-7421.

➤ **Idaho Establishes a Pro Bono Commission** – Through a Joint Resolution of the US District Court for the District of Idaho, the Idaho Supreme Court and the Idaho State Bar, the Idaho Pro Bono Commission has been created. It is charged with examining ways to encourage larger Idaho law firms, corporate law departments and government law offices to maximize the involvement of attorneys in pro bono service. In addition, it will explore development of means and incentives to support attorneys in providing assistance to those unable to pay for legal services. The Commission includes members of the judiciary, a representative from the attorney general's office, general counsel of Idaho Power and senior/managing partners of several of Idaho's most prominent local and regional law firms, as well as representatives from legal aid programs and the Idaho State Bar. For more information, contact Mary S. Hobson, Legal Director, Idaho Volunteer Lawyers Program, at mhobson@isb.idaho.gov or call 208/334-4510.

➤ **New Jersey Supreme Court Adopts Katrina Model Court Rule** – New Jersey has become the fifth state to adopt the ABA Model Court Rule for the provision of legal services by out-of-state lawyers following a major disaster. The new rule, NJ Rule 1:21-10, became effective on September 1, 2008. Under its provisions, non-New Jersey lawyers working under established bar association or legal services programs could provide free, out-of-court services if the New Jersey Supreme Court determines that an emergency warrants such services. Fourteen other states are considering adoption of the Model Court Rule. For more information, contact Tony Barash, Director, ABA Center for Pro Bono, at barasha@staff.abanet.org or call 312/988-5773.



Washington Update

The House and Senate did not act on their respective appropriations bills that fund the Legal Services Corporation (LSC) before adjourning for the August recess. Both House and Senate Appropriations Committees had funded LSC at \$390 million for FY 2009. Congressional leadership previously indicated that final action on the FY 2009 appropriations bill will likely not occur until a new Congress and Administration is in place. Congress is scheduled to adjourn again on September 26th and before adjournment, it must pass (and the president must sign) a Continuing Resolution funding the government. With a long list of priority legislation to complete, Congressional leaders are now discussing a possible "lame duck" session following the election. For more information, contact Julie M. Strandlie, Director, Grassroots Operations/Legislative Counsel, at jstrandlie@staff.abanet.org or call 202/662-1764.

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.