Making A Difference in Oklahoma
By Judith Maute and Kade McClure

2008 has been a productive year for the revitalized OBA Access to Justice (ATJ) Committee. These monthly bar journal columns have sought to inspire members of the bar to participate in some pro bono or public service activities. As you wind up the last year and prepare for 2009, we ask you to pause and reflect – have you given a “fair share” of your professional time or other resources in ways that serve the public good? In the words of Gov. Brad Henry, “Public service is the rent you pay for the space you occupy.”

The committee has adopted a statement of its goals and objectives to encourage 1) improved access to justice, not restricted by poverty, geography, literacy or other barriers; 2) meaningful participation in pro bono activities by Oklahoma lawyers and 3) collaboration in the state justice community among judges and court clerks, attorneys, law enforcement, educational institutions, administrative agencies and social service organizations. The committee objectives are detailed in its annual report, which can be found at www.okbar.org/members/committees/access.htm.

After extended discussion spanning three years of research and policy analysis, the ATJ Committee reached consensus on potential changes to the Oklahoma Rules of Professional Conduct to facilitate appropriate unbundled legal services by lawyers who are willing to undertake “limited scope representation” for clients who are unable to pay the customary fees for “full service” representation. Work is underway to consider whether unbundling issues warrant potential changes to court rules. The committee understands that the concept raises numerous delicate issues, affecting legitimate concerns of the practicing bar, the judiciary, clients and the various legal service organizations concerned with the unmet legal needs of the low-income population. The proposal, which in due course will be forwarded for consideration to the Board of Governors and other relevant bar committees, tries to balance the competing interests by means that enhance access to the legal system by those unable to pay, ensuring fairness and candor to the tribunal.

Every law school has in place some type of program for law students to partici-

Rule 6.1 of the Oklahoma Rules of Professional Conduct (adopted effective July 1, 1988) provides:

A lawyer should render public interest legal service.

A lawyer may discharge this responsibility by:

(a) providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations;

(b) serving without compensation in public interest activities that improve the law, the legal system, or the legal profession; or

(c) financial support for organizations that provide legal services to persons of limited means.
participate in pro bono or public service activities – encouraging them to get in the habit of contributing to the public good, as a key component of being a member of the legal profession. Students are available to work with lawyers or legal service organizations in qualifying pro bono activities.

As the ATJ Committee looks forward to the new year, it will address specific legal issues relating to Oklahomans of low and moderate means. Future plans include problems of homelessness and issues relating to pro se litigants. Possible New Year’s wishes: 1) creating a master list of lawyers throughout the state, in designated subject areas, who are willing to accept pro bono matters (whether or not limited in scope); 2) coming up with innovative ways to help Oklahomans understand and access the legal system on matters of significance; 3) improved funding of legal service programs and loan repayment assistance for those lawyers who work in public service.

Attorneys interested in participating in providing pro bono services and being included on a new master list of lawyers should contact the following ATJ Committee members:

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If you would like to write an article on these topics, contact the editor.