Greetings, ATJ enthusiasts. It’s back-to-school time. I’ve recently spoken with a handful of folks who have sent children off to their freshman year at college. I was reminded of the annually published Beloit College Mindset List. The list, which is produced by two college professors, “was originally created as a reminder to faculty to be aware of dated references. It quickly became an internationally monitored catalog of the changing worldview of each new college generation.” If you’re searching for amusement, surprise, a little fear for what the future holds, or some admixture thereof, this will suit you. For example, of college freshman:

- With GPS, they have never needed directions to get someplace, just an address.
- They have never attended a concert in a smoke-filled arena.
- “GM” means food that is genetically modified.
- Olympic fever has always erupted every two years.
- Eminem and LL Cool J could show up at parents’ weekend.

From LL Cool J to ATJ, let’s move to business. The news in very, very short:

- An ABA presidential citation for an ATJ Commission Chairman
- TX Chief Justice Jefferson, a committed ATJ advocate, is retiring
- Maine Justice Action Group newsletter offers the latest ATJ news
- A Call to Action on Language Access issues, from the Nat’l. Center for State Courts
- Bipartisan support for the Legal Aid Society of Cleveland
- Not 1, not 2, but 3 stories on legal aid funding woes in the Keystone State
- Lawsuit to help legal aid combat notario fraud seeks FTC consumer data
- How can the legal aid community better communicate its mission?
- “Lawyers in Libraries” rolling out in Florida.
- Pro bono project unites a law firm, corporate counsel, and legal aid on poverty law cases
- Annual pro bono report from the Connecticut Judiciary

The summaries…

ATJ Commission & Related News
9.4.13 – Big congrats to Tennessee ATJ Commission chairman Buck Lewis! “George T. ‘Buck’ Lewis, of the law firm Baker Donelson, has received a 2013 Presidential Citation from the American Bar Association (ABA)…. During his term as president of the Tennessee Bar Association from June 2008 through June 2009, Lewis launched the “4ALL” campaign to bring much-needed legal services to Tennesseans of modest means. Proposals developed as part of the “4ALL” campaign resulted in eight Tennessee Supreme Court rules and legislative changes that have been instrumental in enhancing the delivery of pro bono services in Tennessee. Lewis currently serves as chairman of the Tennessee Supreme Court’s Access to Justice Commission.” (Story from the Memphis Commercial Appeal.)

9.3.13 – From the Texas Lawyer: “Texas Supreme Court Chief Justice Wallace Jefferson announced Tuesday that he’ll retire from the bench on Oct. 1…. Jefferson will be missed, says Justice Nathan Hecht, the court’s most senior justice. ‘We’ve lost a great leader, and I wish him well. But we have his outstanding legacy to build on,’ Hecht says ‘His work for access to justice and transparency and just exceptional quality will keep going’.”

September, 2013 – The Maine Justice Action Group, which functions as the ATJ commission in the Pine Tree State, has published an update on recent activities. Here at the ABA we’re delighted that JAG’s Chairman, Justice Jon D. Levy, is joining the Standing Committee on Legal Aid and Indigent Defendants (SCLAID), where we will introduce him to even crazier acronyms.

July, 2013 – From our friends at the National Center for State Courts: a “National Call to Action on Language Access for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts.” From the document: “Limited English Proficiency individuals, throughout our nation, look to state court systems to resolve some of the most important issues and controversies in their lives. State court systems recognize the importance of having processes in place to prevent language barriers from intruding into the process of justice. In 2011, the NCSC, with SJI funding and support, launched an initiative to help jurisdictions achieve their goals of providing effective LEP services.” The report includes information from a national summit that NCSC convened and recommended action steps for state court systems.

Legal Aid Funding & Service Delivery

9.3.13 – Supporting equal justice is not a partisan issue. “U.S. Sen. Rob Portman joined more than 800 members of the Greater Cleveland legal community on Tuesday to salute the Legal Aid Society of Cleveland’s efforts to pursue justice for the poor, needy and vulnerable…. Portman was introduced at Tuesday’s luncheon by former [Democratic] U.S. Congressman and retired Legal Aid board member Louis Stokes, who said Portman strongly supports Legal Aid’s work to ensure shelter, safety and economic security for those most in need, not only in Cleveland but nationwide.” (Story from the Cleveland Plain Dealer.)

9.3.13 – Coincidentally, I suppose, a troika of bad-funding-news stories out of PA:

- the Bucks County Courier Times reports on Legal Aid of Southeastern, PA, which serves the four densely populated counties bordering Philadelphia: “Budget cuts have forced the nonprofit…to lay off about 15 percent of its staff in Philadelphia suburbs. Attorneys are taking on 41 percent fewer pro bono child custody cases and 8 percent fewer clients seeking protection from abuse orders, officials said.”
- the Scranton Times-Tribune reports that North Penn Legal Services, which covers 20 counties in central and northeastern, PA, is consolidating two of its biggest offices “in a merger intended to conserve the scarce resources of a nonprofit agency stung hard by state and federal budget cuts.”
- Finally, the Pittsburgh Post-Gazette reports that Neighborhood Legal Services Association is taking an all-hands-on-deck approach with its board members and fundraising efforts.

9.2.13 – Legal fraud targeting immigrants is on the rise, according to immigration lawyers who blame confusion arising from the political debate over immigration reform. Washington-area civil legal services groups recently sued the Federal Trade Commission for access to a national database of consumer complaints, saying the information would aid in the fight against
Of special concern to some of the plaintiffs is “notario” fraud. Notarios publicos are authorized in some Latin American countries to provide legal services, but they can’t practice law in the United States. Immigration lawyers and advocates say that notarios prey on immigrants seeking less expensive legal help. (Story from the National Law Journal. You can access the complaint through PACER.)

- 8.29.13 – This is a Tweet from San Francisco-based OneJustice: “This is BRILLIANT! Why can’t we come up with something playful and interactive that explains why LEGAL SERVICES…” OneJustice was referring to this interactive online presentation that looks at economic inequality in the U.S. Whether you agree with the message or not, it is a great use of technology to carry a message. And the legal aid community will benefit as more of us refine and expand our messaging to reach new communities and recruit new allies.

Pro Bono

- 9.2.13 – The Jacksonville Daily Record reports: “‘Lawyers in Libraries’ is a new statewide pro bono project designed to provide guidance to public library customers and staff on the types and locations of online legal resources available to the public and free of charge. [A]ttorneys will meet with citizens in one-hour presentations to describe online resources for legal information, filing and monitoring cases, where to get pro se forms and how to find an attorney. Some pro bono attorneys will also speak to the librarians about the available legal resources and to present information on how to avoid the unauthorized practice of law when providing research assistance.” The program’s being rolled out in conjunction with the ABA’s Celebrate Pro Bono Week.
  - Careful ATJ observers will recall that a Lawyers in Libraries program launched in Maine earlier this year, under the auspices of the Justice Action Group. Pretty smart of Lawyers in Libraries to winter in Florida.

- 9.1.13 – the Washington Post looks at the successes of Skadden Arps’ Impact Project, a “novel pro bono partnership with local legal aid groups as well as Northrop Grumman, LivingSocial and Cisco…. The project created three virtual practice groups, each staffed with attorneys from Skadden, the three companies and the three legal aid groups — Children’s Law Center, Legal Aid Society of D.C. and Bread for the City — to work on housing, guardianship and domestic violence issues. They designed the Impact Project to address the most common problems that come up when lawyers take on pro bono cases on their own: not enough training in a specific area of law, not enough manpower and not enough consistency in how much time their day job allows them to devote.”
  - This is an innovative expansion upon on the “pro bono practice group” model that many firms have created in order to build institutional expertise in poverty law cases. As a former lawyer in a pro bono clearinghouse, I’m thrilled to see these resources so creatively invested in handling hard cases for local families in need. Nothing wrong with a pro bono human rights case, but this project connects lawyers to their local communities. And that’s great.

- August, 2013 – the Connecticut Judicial Branch’s Pro Bono Committee has released its annual report. It covers progress in engaging more in-house counsel, law student pro bono, developments in voluntary pro bono reporting, and more.
Happy Friday, ATJ Enthusiasts, and greetings from a cloudy Chicago. With this edition of ATJ Headlines, we are launching the ABA Access to Justice Blog. The blog provides timely coverage of developments affecting the larger ATJ community, including ATJ Commissions, legal aid providers, pro bono providers, and others. Scroll through to get a sense of our content. If you would like email notices of new blog posts, scroll down the main page a bit and click on “Follow Blog Via Email” in the right margin. This particular blog post, “ATJ Headlines”, will be published every other Friday morning.

Before moving into recent news, big congrats to the Children’s Law Center in Washington, DC. I was fortunate to attend CLC’s “Helping Children Soar” annual benefit earlier this week. Great event, including the moving remarks from client Betty Washington who, with CLC, is knocking down access barriers for young school students with disabilities. I also got to catch up with my main man Phil Horton – Arnold & Porter’s pro bono chair and teller of good anecdotes – and many other DC friends. It was likewise great to visit former colleagues from my old workplace, NALP, which runs the PSJD public interest jobs database.

Okay, the ATJ news in very, very short:

- Old Dominion has a new ATJ Commission;
- Newly appointed Texas Chief Justice is a staunch ATJ supporter;
- Experimenting with evening/weekend courthouse hours in The Last Frontier;
Cy pres residuals going to Tar Heel IOLTA program;
Fred Rooney: incubator of law school incubators;
ATJ hearings commence in the Empire State;
In CA, “Affordable Legal Aid” changes name to avoid being mistaken as, well, a legal aid office;
Spotlight on the federal Public Service Loan Forgiveness program;
“A2J Author” software produces automated forms for legal aid advocates and self-represented litigants;
Big cy pres residual award will benefit Keystone State legal aid providers;
Resource for legal aid lawyers advising clients on new healthcare options;
One month until the National Celebration of Pro Bono(!);
Department of Labor guidance on FLSA and unpaid, law-firm interns working on pro bono matters;
Tennessee Bar Association boosting pro bono efforts for armed forces members and vets;
Hitting the brakes on a mandatory pro bono reporting requirement in NY;
CA judge looks into progress on Civil Gideon;

Read on for the news summaries…

ATJ Commissions & Related Developments

9.13.13 – the Supreme Court of Virginia has created the country’s newest ATJ Commission! Here’s a press release announcing the Commission’s creation, and here’s the Order formally establishing it. The Supreme Court Access to Justice Planning Committee, which recommended creation of a commission in a May 2013 report, was supported by a grant from the ABA Access to Justice Commission Expansion Project, with funding from the Public Welfare Foundation and the Kresge Foundation.

9.10.13 – a staunch ATJ advocate ascends in Texas. From a press release: “Gov. Rick Perry has appointed Justice Nathan L. Hecht of Austin as chief justice of the Supreme Court of Texas. Justice Hecht’s term will be effective Oct. 1, 2013, and is set to expire at the next general election. He will serve as the 27th chief justice of the Supreme Court of Texas.” Chief Justice Hecht is the Supreme Court’s liaison to the Access to Justice Commission, and has been a strong advocate for maintaining state funding of civil legal aid.

8.29.13 – in Alaska, some courthouses are experimenting with Saturday and weekday-evening hours for civil matters, including some dissolutions, DV-related hearings, and name changes. Here’s a press release with more detail.

Legal Aid Funding & Service Delivery

9.19.13 – North Carolina’s IOLTA fund to share a cy pres award generated by class-action residuals. From a press release: “The three [class actions], settled in 2010, have resulted in payouts to class members of $28,228,649. Approximately $1 million remained from the fund after payout efforts were completed. This ‘residual’ amount was divided equally between the Indigent Person’s Attorney Fund and IOLTA…. In 2012 the North Carolina Equal Access to Justice Commission, an organization chaired by the Chief Justice of the North Carolina Supreme Court, published a booklet encouraging the use of ‘cy pres’ and other court awards to support
legal aid providers. The Commission’s initiative attempts to offset some of the hardship arising from curtailed legal aid funding and reduced interest rates on IOLTA accounts.” (Here’s the cy pres booklet.)

- 9.18.13 – the ABA bestows a “Legal Rebel” distinction upon Fred Rooney, who is largely responsible for the growth of law school incubator programs in the past several years: “Rooney used [a position at CUNY Law School] to start filling a gaping hole in the law–access for all to legal services–and created a program to train lawyers serving poor and moderate-income clients to become not just good advocates but smart businesspeople too. ‘We started a network where we had full-time staff to provide to graduates developing small and solo firms the kinds of services they’d get if they were at a large firm,’ he says. “It was the beginning of a movement in the United States to support graduates’. Congrats, Fred, on your rebellion!

- On a related note my colleagues with the ABA’s Standing Committee on the Delivery of Legal Services maintain a great resource bank on incubator programs.

- 9.17.13 – from the Albany Times-Union: “The state needs to properly fund legal representation for the poor in civil cases regardless of its economic climate, state Comptroller Thomas DiNapoli told a judicial panel on Tuesday.” The hearing was one of a series convened by Chief Judge Lippman, according to the Wall Street Journal: “Lippman plans to hold...hearings this year and report to the Legislature about funding that’s available and what’s needed. He’s held similar hearings before and established a task force to examine it, cited a previous estimate that only 20 percent of the need was being met but added that progress has been made.”

- 9.17.13 – in Sacramento, the former “Affordable Legal Aid”, which is not a law firm and does not provide free legal services to low-income clients, has changed its name to “Affordable Legal Assistance.” From a press release: “It was brought to Affordable Legal Aid, Inc.’s attention that their name contains ‘legal aid’, which could be misleading or confusing to the public with ‘free legal aid’.”

- 9.10.13 – the New York Times highlights the federal Public Service Loan Forgiveness program, which recently-graduated public interest lawyers may utilize. Managing student debt requires strategic thinking and individually tailored solutions. For my money (literally and metaphorically), I’d check in with the resources offered by Heather Jarvis and/or Equal Justice Works to learn how various repayment assistance programs may work.

- 9.10.13 – here’s John Mayer of the Center for Access to Justice & Technology at Chicago-Kent College of Law explaining how “A2J Author” functions as an automated-form software tool that can be used by court staff, legal aid programs, and self-represented litigants. Mayer likens A2J Author to TurboTax in hat it aims to simplify sometimes complex processes.

- 9.6.13 – Pennsylvania legal aid providers get some great – albeit one-time – news: $4.1 million in funding from cy pres residuals. From a media release: “Chief Justice of Pennsylvania Ronald D. Castille said today that rules adopted by the Supreme Court...in 2012 are again paying big dividends in helping provide legal services for low income Pennsylvanians. A civil procedure rule that took effect July 1, 2012, directed how money left over from lawsuits after the plaintiffs, attorney fees and expenses have been paid is to be distributed…. The Interest on Lawyers Trust Account (IOLTA) Board, which works to increase access to the civil courts for low income Pennsylvanians, was designated...to receive at least 50 percent of the unclaimed funds from civil class action settlements.... The remaining 50 percent may also be designated to the IOLTA Board or to another organization that has a relationship with or promotes the interests of the class action lawsuit’s objectives.”

- September, 2013 – with large-scale changes coming to our healthcare system, here is a resource on how legal aid providers can help connect clients with the best options and programs for them: “Ten Ways Your Legal Aid Program Can Connect Clients to New Health Insurance Opportunities.”

Pro Bono

- 9.20.13 – the countdown is on: one month until the ABA’s National Pro Bono Celebration, which runs from October 20-26. Have you thought about how to participate? See the Pro Bono
Celebration’s website to learn about projects and programs taking place throughout the country. And if you’ve not told us about an event you’ve planned, go here to share your ideas.

- Speaking of the ABA and pro bono, we’ve uploaded video profiles of the lawyers and law offices which were honored during the Standing Committee for Pro Bono and Public Service’s 2013 awards luncheon.

- 9.17.13 – the Department of Labor has responded to an ABA request for guidance on whether law students must be paid while interning in a law firm if they are working on pro bono matters. From the ABA Journal: “Law students may work as unpaid interns on pro bono matters at law firms, provided certain conditions are met, according to a letter sent to the ABA by the Labor Department. The letter (PDF) by the Labor Department’s solicitor, M. Patricia Smith, is a response to then-ABA President Laurel Bellows, who sought assurances in May that the agency would interpret the Fair Labor Standards Act to allow such internships. Current ABA President James Silkenat says the ABA appreciates the Labor Department’s stance. ‘This clarification will assist law students seeking to gain legal experience and increase their volunteerism,’ Silkenat said in a statement released on Monday.”

- And here’s New Jersey Law Journal coverage of the development.

- 9.16.13 – “The Tennessee Bar Association (TBA) has joined a nationwide effort to increase the number of lawyers committed to providing legal support to service members, veterans and their families. Organized by Army OneSource, the Military Legal Assistance Campaign is focused on identifying and training volunteers who can assist families while a service member is deployed and help service members when they return from overseas duty. Through its Access to Justice Committee, the TBA is recruiting lawyers now through September to provide assistance to Tennessee service members and veterans.” (Story from the Knoxville Daily Sun.)

- 9.13.13 – New York has delayed implementing a pro bono reporting requirement for its attorneys. The AP reports: “Court administrators have decided to let New York lawyers shield from public view their new mandatory reports on how much free legal work they do…. The Administrative Board of the Courts has now amended the professional conduct rules to keep those records confidential for two years through April 2015 unless lawyers voluntarily choose to disclose them. The State Bar had opposed mandatory reporting and responded to the delay thusly: “Mandatory reporting of hours and mandatory reporting of contributions are matters of serious concern. We continue to believe that mandatory reporting is not an appropriate approach for encouraging lawyers to assist in the delivery of pro bono legal services for the poor.”

Civil Right to Counsel

- September, 2013 – in the September edition of Los Angeles Lawyer, Judge Mark Juhas takes stock of the Civil Gideon movement: “However one may view the legacy of Gideon for criminal defendants, they at least have an established constitutional right to paid counsel. Another group of citizens who are unable to afford legal counsel may have even more to worry about: those who are on the brink of being deprived of such vital needs as food, shelter, and parental visitation rights. With them in mind, what is often called the “civil Gideon” movement has been born. In 2007, the American Bar Association’s House of Delegates unanimously called for free legal counsel, paid for by the government, to “low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody....”

Author: Steve Grumm