Happy Friday, ATJ Enthusiasts! Unlike some enterprises we know, ATJ Headlines is up and running this week. So here we are to welcome you to Autumn. Autumn is for myriad reasons the best of the four seasons, but pumpkin pie and baseball playoffs alone cinch it (even if my Glorious Philadelphia Phillies Baseball Franchise did stink the d#*n joint up something fierce I mean “C’mon!!!” have a sub-par season). And speaking of welcomes, I’m delighted to report that Indiana has created the country’s 30th ATJ Commission. (That was not my best pivot.) Anywho, below we’ve got quite a selection of ATJ news. Before moving into it, I want to let you know that every Wednesday this blog is posting Q&As with ATJ community leaders. Cathy Carr of Community Legal Services in Philly and Mary McClymont of the Public Welfare Foundation were our first two willing victims.

The ATJ news in very, very short:

- pilot MA program uses retired judges to facilitate free settlement conferences
- hello, Indiana Commission to Expand Access to Civil Legal Services
- Nebraska ramps up efforts to sell more lawyers on rural practice
- CO ATJ Commission wrapping up statewide hearing series
- AR ATJ Commission’s latest newsletter
- Legal Aid of Middle TN’s work to support DV victims
- the growth of a Christian legal aid program outside Chicago
- new legal aid branch office in MD’s toniest county is still not short on low-income clients
- funding cuts causing Idaho Legal Aid Services to reduce DV-related services
- big cy pres award in WA
- new state funding stream leading to expand services to rural Nevadan seniors
- filing-fee revenue boost coming down the pike in PA?
- Obamacare community outreach in Northern CA
- Justice Bus in AL (Roll Tide?)
- Pro Bono Institute’s latest Law Firm Challenge numbers
- the Military Assistance Project helps servicemembers and vets with debt
- Wake Forest Law involved in a new medical-legal partnership
- Duquesne Law clinic supports Western PA veterans diversionary court

ATJ Commission & Related News
- 10.1.13 – from WBZ in Boston: “A new pilot program that offers free services from retired judges to resolve mostly family-related cases is set to start on Nov. 1 in Canton, open to all 14 divisions of the state…. A majority of cases will include family-law related, relative to child-custody disputes and child-support issues, will disputes, and divorce cases…. Hosted at the Norfolk Probate and Family Court, the judges will see parties for up to an hour on the first Friday of every month.”
- 9.26.13 – welcome news from the Hoosiers. “The Indiana Supreme Court has created a statewide commission aimed at improving the availability of civil legal services for low-income residents. The 17 members of the Indiana Commission to Expand Access to Civil Legal Services will include judges, law professors, practicing attorneys, existing civil legal services providers, nonprofit groups and representatives from business, finance and labor, Chief Justice Brent Dickson wrote in an order dated Monday.” (Here’s the story from the venerable Post-Tribune. And here’s the Order creating the Commission.)
- 9.24.13 – The Sidney Sun-Telegraph highlights the Nebraska State Bar’s formal attempt to promote better access to justice off the beaten path: “In summer 2013, the NSBA started its rural practice initiative. This program educates second and third year law students about the benefits of practicing law in rural areas in the state…. This problem is not limited to Nebraska. According to the New York Times, South Dakota recently passed a law offering lawyers an annual subsidy to live and work in rural areas. The Iowa and Kansas state bars also have programs encouraging lawyers to look for jobs outside of urban areas.” (Here is that NYT article on South Dakota’s efforts to draw lawyers to rural locales: “No Lawyer for Miles, So One Rural State Offers to Pay.”)
Sept/Oct 2013 – the Colorado ATJ Commission is scheduled to finish up the final two of seven public hearings it scheduled this fall in locales throughout the state. (Although I wonder if the terrible flooding out there caused any rescheduling.)

September, 2013 – the Arkansas ATJ Commission’s most recent newsletter contains news of a forthcoming merger of the state’s IOLTA and ATJ foundations, an update on Pro Bono Week activities, and more. As an aside I recently learned that Arkansas’s official nickname is “The Natural State.” The Natural State? What a snoozer. C’mon, Arkansas!

Legal Aid Funding and Service Delivery

- 9.30.13 – as National Domestic Violence Awareness Month begins, the Legal Aid Society of Middle Tennessee highlights its work with/for DV victims in a Tennessee op-ed.
- 9.30.13 – in “Elgin Attorney Expands Christian Legal Aid in the Suburbs,” the Daily Herald (Illinois) looks at the growth of nonprofit law office Administer Justice. In 2000, attorney Bruce Strom “founded Administer Justice….as a part-time information-only legal clinic. But it became so busy that he left [his fee-paying law practice] to turn the nonprofit into a full-time, full-service Christian organization that served the needs of the poor…. So what started as a small office with no volunteers, Administer Justice has since grown into a full-service legal aid group with multiple offices, 12 workers and more than 700 volunteers, including about 250 attorneys.”
- 9.29.13 – the Daily Record reports on the (busy) new Montgomery County, MD office of the Legal Aid Bureau of Maryland: “‘The general understanding is Montgomery County is one of our most prosperous counties,’ said [Legal Aid Bureau Executive Director Wilhelm] Joseph. ‘While the prosperous population is growing, so is the non-prosperous population.’ Between 2007 and 2010, the number of county residents living below the federal poverty line grew by two-thirds, or more than 30,000 people…pushing the poverty rate up nearly 3 percentage points.” If you’re wondering why a Maryland publication’s article about a Maryland news story is hosted on the Kansas City Star’s website, week that makes two of us.
- 9.26.13 – in Idaho, the editors of the Twin Falls Times-News are not taking word of legal aid budget and service cuts sitting down: “we groaned when Idaho Legal Aid Services informed us that it will drastically reduce its representation for indigent battered women because of federal budget cuts. Hundreds of women, with nowhere else to turn, rely on the organization’s attorneys to win them legal protection…. But no more. Did we mention 18 Idahoans died in 2011 after being beaten by their partner? [ILAS] has for years relied on federal and state grants to fund its open-for-all legal service. The continued federal sequester cost the U.S. Department of Justice $20 million in grant funding that had been offered to organizations such as [ILAS] through the Violence Against Women Act. The organization’s federal funding ceases on Sept. 30, the end of the fiscal year. Other federal funding…through [LSC]…precipitously dropped more than $250,000 since 2010, said Jim Cook, ILAS’ executive director. When lawmakers faced the inconvenience of delayed airline flights earlier this year because of the sequester, they scourred to fix the issue. But victims of domestic violence aren’t getting such a reprieve.”
- 9.25.13 – a big cy pres award will benefit legal aid providers in the Evergreen State. Class-action residuals related to lawsuit about overcharging of people who were making phone calls from Washington State jails are being divvied up by the Legal Foundation of Washington ($12 million) and the Endowment for Equal Justice ($1 million). Here’s the Order, which has some detail about how the Legal Foundation is directed to use over half of its award for grants to array of public interest law offices.
- 9.24.13 – With a new state funding stream, Nevada Legal Services is ramping up its hotline-based program to serve rural seniors, according to the Elko Daily Free Press.
- 9.23.13 – in the Keystone State, the state house has passed a bill that “adds one dollar to the Access to Justice Act filing fee, which would make a total of $4 in filing fees to support legal services. The additional dollar is valued annually at about $2.5 million.” The bill also eliminates a sunset provision on a portion of this fee that was already going to support legal aid. Neither the Senate nor the Governor is expected to oppose the measure. Read more from the PA Legal Aid Network.
9.22.13 – in our last ATJ Headlines edition we shared resource on how legal aid providers can help clients sort through Obamacare options: “Ten Ways Your Legal Aid Program Can Connect Clients to New Health Insurance Opportunities.” We then noticed that Legal Services of Northern California held a free educational seminar late last month, according to the Woodland Daily Democrat.

Pro Bono

10.1.13 – this Selma Times-Journal article focuses on Pro Bono Week events in Alabama, and tells me something I didn’t know, which is that Alabama has jumped on the “Justice Bus” bandwagon: “The Justice Bus is the Alabama State Bar’s traveling pro bono legal services vehicle that makes stops in communities across the state throughout Pro Bono Week enabling lawyers and law students to assist disadvantaged citizens in need of free legal advice.”

9.26.13 – the Pro Bono Institute’s “…Law Firm Pro Bono Project just released its annual Law Firm Pro Bono Challenge® Report, which examines the pro bono activities of firms that are Signatories to the Challenge. The Report includes a wealth of information, including good news! One hundred thirty-three firms reported performing more than 4.3 million hours of pro bono service in 2012.” (Here’s the full announcement with some of the findings summarized.)

9.22.13 – a look at the two-year-old (and growing) Military Assistance Project, a Philadelphia-based nonprofit founded by a corporate bankruptcy attorney to help servicemembers and veterans who face debt-related issues. (Story from the Philadelphia Inquirer.)

Law School Pro Bono & Public Service

9.23.13 – “Wake Forest University School of Law’s Pro Bono Project has partnered with Winston-Salem-based health system Novant Health and law firm Womble Carlyle Sandridge & Rice to help cancer patients with their legal needs…. The students will help cancer patients understand how important it is to complete advance directive forms, which formalize end-of-life care decisions ahead of time. Students have participated in specialized training before beginning their work with patients.” (Here’s the Triad Business Journal article.)

9.23.13 – in PA, Duquesne University Law School has launched “…one of the only clinics in the country focused on veterans’ criminal cases, according to Laurie Serafino, director of clinical legal education and an associate law professor at Duquesne. The Veterans’ Clinic provides assistance to veterans charged with misdemeanors and felonies who have been accepted into Allegheny County Veterans Court, one of the county’s specialty courts. Veterans’ Court helps veterans charged with crimes — and who also have addiction problems or mental illnesses — to set up specialized treatment and probation programs.” (Story from the Pittsburgh Post-Gazette.)
October 21

Happy Friday Monday, ATJ Enthusiasts! This ATJ Headlines edition was delayed over the weekend because your author, while taking an early-morning jog on Friday, tried to clear a 3-foot fence with a 34-inch leap. No lasting damage except the painful realization that things which are easy in our late 20s are less so in our late 30s. C’est la vie.

And perhaps the timing was fortuitous as this newsletter can help usher in in the National Pro Bono Celebration Week. Today marks the National Celebration’s opening. We’ve been gathering what we know of Pro Bono Week events here, broken down by state. The range is quite remarkable – from clinics and rural-client outreach efforts to fundraisers to state supreme court recognition ceremonies and even movie screenings. [Last-minute Breaking News Update: my ABA colleague Nura Maznavi, who has been spearheading our Celebrate Pro Bono Week promotion efforts, just brought in cupcakes. So things are really coming up aces, and my faith in the power of pro bono baking is strengthened.]

Okay, ATJ and related news…the short, short version:

- big ATJ report from the Canucks ponders big civil justice system changes
- the Texas ATJ Commission’s new newsletter
- two new ATJ Newsmaker interviews (Angela Vigil and David Stern)
- Wisconsin Supreme Court considering petition for a pilot Civil Gideon program [see correction below]
- closer look at legal aid cuts in Alabama
- new legal aid funding solutions explored in the Peach State
- a train-the-trainers trial advocacy program for Chicago legal aid lawyers
- Vermont Law Help website rolled out with a redesign
- Wyoming Center for Legal Aid using Skype technology at clinics
- new electronic forms in the Palmetto State
- Q&A with GBLS president highlights fundraising in corporate community
- Legal Services of the Hudson Valley opens a new branch office
• Illinois (increasingly) unbundled
• New divorce self-help videos in the Nutmeg State
• ABA’s *Legal Services Now* newsletter has updates on state legislative and IOLTA funding for legal aid
• checking in on the emergence of law school “incubator” programs
• in Illinois, Springfield Catholic Diocese launching a pro bono program
• Indiana Supreme Court looking for ways to expand Hoosier pro bono
• a law firm pro bono partner on why “poor” isn’t “lazy” and poverty-law pro bono matters
• new white paper from the ABA: “*New York’s 50-Hour Preadmission Pro Bono Rule: Weighing the Pros & Cons*”
• some NY solos and small-firm lawyers have questions about new pro bono reporting requirement
• the work of the National Coalition for a Civil Right to Counsel, and a primer on right-to-counsel in the civil arena

The summaries:

**ATJ Commission & Related Activity**

• October, 2013 – a Canadian working group convened by the nation’s Chief Justice in 2009 has released a comprehensive report and recommendations for broadly-based changes in the civil justice system. *Here’s the report*, entitled “Access to Civil and Family Justice – A Roadmap for Change,” and here’s the way a *Toronto Star* editorial characterized it: “A bold new report from an action committee of Canadian legal experts proposes a profound shift in the way courts, lawyers and litigants function in this country. Appropriately titled “A Roadmap for Change,” it calls for a user-friendly system, operating in plain language and geared to keeping people out of court unless there’s absolutely no alternative. ‘The current system, which is inaccessible to so many . . . is unsustainable,’ write the authors. ‘Access to justice is at a critical stage in Canada. What is needed is major, sustained and collaborative system-wide change’.”

• October, 2013 – this month’s Texas ATJ Commission e-newsletter finds the Commission focusing on a proposed rule change to make the indigency affidavit procedure (i.e. the process low-income litigants use to have some court fees/costs waived), and highlighting the Commission’s partnerships with law schools/students.

• October, 2013 – we’ve recently published two ATJ Newsmaker interviews:
  • our Q&A with Angela Vigil, a shareholder at Baker & McKenzie who directs pro bono programs in North America, focuses on how pro bono in large law firms can best contribute to the larger ATJ infrastructure, and also elicits a wish list from Angela about justice system changes she’d make if she could.
  • our Q&A with David Stern, Equal Justice Works’ executive director, draws wisdom from David on identifying new ATJ leaders and how leadership skills are cultivated.

• 9.30.13 – the Wisconsin Supreme Court is considering a “Petition to Establish Pilot Project and Create Rule Governing Appointment of Counsel in Civil Cases.” Legal Action of Wisconsin executive director John Ebbott submitted the petition, with the support of the ATJ Commission
other petitioners. [Ed. Note: I want to clarify that the Wisconsin ATJ Commission is not one of the petitioners, as I’d originally implied. Sorry for the error.]

Civil Legal Aid Funding & Service Delivery

- 10.18.13 – from Alabama, a look at how reduced LSC funding hurts legal aid providers and pro bono support centers: “[Federal] cuts have been felt statewide, said James Fry, executive director of Legal Services Alabama… Fry said dating back to 2010 their budget has been cut from $10 million to $6 million. That has resulted in layoffs and the closure of the Florence office, the pending closure of the office in Opelika and the expected closing of an office in Anniston next year. This year’s forced federal budget cuts through sequestration cost Alabama Legal Services about $600,000 in lost appropriations.” (Story from the Alabama.com news site.)

- 10.16.13 – “A newly created State Bar of Georgia task force is considering how to better fund indigent representation in civil cases, and one of the ideas it’s mulling over is an increase in bar fees.” Also discussed by the Civil Legal Services Task Force, which met for the first time on October 10, was the possibility of using pro hac vice fees to support legal aid. (Story from the Fulton County Daily Report.) None of this changes the fact that the Atlanta Braves stink.

- 10.16.13 – this story is locked behind a paywall and I don’t have a link for it, but the Chicago Law Tribune reported on a great partnership between the National Institute for Trial Advocacy (NITA), the Chicago Bar Foundation, and Skadden in order to provide free trial-skills training to legal aid lawyers. The program employed a cool, two-part “train the trainers” approach: “Monday and Tuesday last week, 15 legal-aid leaders went through a training program on the ins and outs of trial skills. The following three days, they taught the same program on opening statements, direct examinations, cross-examinations and closing arguments to about 40 legal-aid lawyers…. “Robert A. Glaives, CBF’s executive director, said the training the legal-aid lawyers received would cost about $2,600 each for lawyers in private practice. That amount would be out of reach for most public legal-aid lawyers. ‘To do a program of that magnitude for that many legal-aid lawyers was really impactful,’ he said. ‘It was a great example how partnering … can make something great happen’.”

- 10.15.13 – from a press release: “Vermont Legal Aid and Law Line of Vermont have just launched a redesigned, easy-to-use website, Vermont Law Help, that provides up-to-date guidance on health care access, health insurance issues, and other civil legal issues. One of the goals of Vermont Law Help is to inform and empower Vermonters to help themselves, find resources they can use, and know where legal services are available. Guided interviews show visitors how to complete common court documents, and form letters help them address specific problems.” Here’s the new VT Law Help site.

- 10.13.13 – as reported in the Casper Star-Tribune, the Wyoming Center for Legal Aid is spearheading a series of outreach clinics to client communities. Some of the clinics will employ Skype technology to connect rural-ly-based clients with attorneys in other locations. (I’m happy to note that this technology initiative is supported in part by an ABA Access to Justice Innovation grant which was directed to the Wyoming ATJ Commission.)

- 10.13.13 – automated electronic forms developments in the Palmetto State: “A new on-line interactive software and instructional video is now available for custodial and non-custodial parents wanting to modify their child support orders through the South Carolina Family Court. Go to http://www.modifychildsupportsc.com to view an instructional video and to get the links to the website where forms can be completed. Anyone can access these resources through a personal computer or a computer at a local library.” (Story from the Moultrie News.)

- 10.7.13 – this Q&A with Melissa Bayer Tearney, Greater Boston Legal Services’ board president, focuses on the need for diversifying funding sources, among other topics. Tearney notes that GBLS will try to build more relationships with the corporate philanthropic community. (Q&A available on the Boston Globe website.) On a related note, LSC is today hosting a program in Pittsburgh which will spend some time exploring legal aid/corporate partnerships.
10.7.13 – New York-based Legal Services of the Hudson Valley has opened its eighth office, in Rockland. (Report from the Politics on the Hudson Blog.)

October, 2013 – limited-scope representation coming to litigation matters in the Land of Lincoln. From the Illinois Bar Journal: “After several years of debate, the Illinois Supreme Court in June handed down a series of rule changes that mark the start of a new era for the state’s litigators, litigation clients, and court system. Known as ‘limited scope representation,’ and contained mostly in an amendment to Supreme Court Rule 13, the changes mean that lawyers can now provide representation in litigation – as they have been able to since 2010 in transactional matters – for a portion of a case without being bound to the whole.” With this new rule Illinois has become “one of more than 20 states to extend the limited scope principle to litigation.”

October, 2012 – an update from the Connecticut Judicial Branch: “The Branch has created two new videos to help self-represented parties and people with limited English proficiency, in divorce cases, and posted them on the Branch website and its YouTube channel. The videos, “How to File for Divorce,” and “Your Uncontested Divorce,” are narrated in English, Spanish, and Polish. They were created with funds from a Project Grant from the State Justice Institute, and the Judicial Branch, and in partnership with the New Haven Legal Aid Assistance Association (NHLAA). The video topics were selected because they are the most requested areas in which people seek help [at self-help resource centers]. The goal of the videos is to use plain language principles to explain commonly-used terms in divorce cases, and [to walk] participants through the basic steps they will need to take to file for divorce. Of the nearly 35,000 divorce cases disposed of in 2010-2011 in Connecticut, approximately 85 percent of cases had at least one self-represented party.

October, 2013 – two funding reports from the ABA’s just-released edition of the Legal Services Now newsletter:

- On state appropriations for civil legal aid, my colleague Meredith McBurney reports: “As state budgets have become more stable, bench, bar and legal aid leaders have stepped up their efforts to educate legislators to the importance of access to justice for all, thereby increasing their state legislative funding or at least regaining some of the funds that were lost during the very difficult financial years. To date, 11 states — Colorado, Iowa, Maryland, Massachusetts, Minnesota, New Hampshire, New Mexico, New York, Vermont, Virginia and West Virginia — have reported increases ranging from eight to 60 percent in appropriations or court fees and fines.

- On IOLTA funds, my colleague Bev Groudine reports: “Data collected by the ABA Commission on IOLTA reveals that in 2012, national IOLTA income was $82.5 million. That figure represents an 11% decline from the previous year. Unfortunately, national IOLTA income has not been that low since the late 1980’s. This decline in income is due to the continuing historically low interest rates and lower principal balances in IOLTA accounts. In 2012, national IOLTA grants totaled $92.4 million, with $86.4 million funding the provision of legal services to the poor. Total IOLTA grants declined by 25% between 2011 and 2012 largely due to declining IOLTA income, as well as because many IOLTA programs had exhausted their reserves, which were used to help keep grants a bit more stable during the previous four years.”

September, 2013 – the Washington State Bar Association’s NW Lawyer magazine looked at the emergence of law-school incubator programs to help grads transition into careers in small or solo practices. Incubators, of course, often target their services to low- and moderate-income communities.

Pro Bono
- 10.14.13 – here in Illinois, the “Springfield Catholic Diocese plans to start a volunteer legal services program to help the poor in civil matters with $1.5 million in seed money it gained from the sale of donated stock. The program will be administered through Catholic Charities and provide assistance through eight Catholic Charities regional offices in Springfield, Carlinville, Alton, Decatur, Granite City, Quincy, Mattoon and Effingham. A panel of volunteer lawyers with expertise in various areas of civil law is being recruited to provide the free assistance. A program coordinator will be hired to visit the regional offices and 28 counties of the diocese to provide intake on client cases.” (Story from the State Journal-Register.)

- 10.14.13 – “The Indiana Supreme Court, along with judges and lawyers around the state, are exploring ways to provide more free and low-cost legal services to a growing number of Hoosiers that need them…. [Chief Justice Brent] Dickson says in an effort to encourage more lawyers to provide pro bono work, the state is considering offering what’s called continuing legal education, or CLE credit hours. Lawyers must earn a certain number of hours each year…. The Indiana Bar Foundation has also established a new website – IndianaLegalAnswers.org – where Hoosiers can submit a question that will be answered by legal professionals.” (Story from WBAA public radio.)

- 10.12.13 – here’s a nice letter to the editor from Lisa W. Borden, the Birmingham, Alabama-based Pro Bono Shareholder at Baker Donelson, on how “poor” doesn’t equal “lazy” and on the importance of pro bono work on poverty-law cases. (The letter appears on the Alabama.com news website.)

- 10.10.13 – the ABA Standing Committee for Pro Bono & Public Service’s just-released white paper analyzes the much ballyhooed “50-hour Rule” which requires would-be New York lawyers to complete 50 hours of “pro bono service” in order to get licensed. Here’s New York’s 50-Hour Preadmission Pro Bono Rule: Weighing the Pros & Cons. About the white paper, critics rave:
  - “Reads like Grisham …couldn’t put it down … a gripping page-turner of a thrill ride!!!”
  - “Undoubtedly the best white paper released this month on the topic of preadmission pro bono requirements. Period. Paragraph. End.”

- 10.1.13 – some NY small-firm and solo practitioners are pushing back on how pro bono is defined for purposes of the new requirement for lawyers to report pro bono hours: “Faced with having to report the number of hours they devote to pro bono, many solo practitioners and attorneys at small firms argue that they should get credit for the free consultations and reduced rates they offer low-income clients on a routine basis.” (Story from the New York Law Journal.)

Civil Right to Counsel

- In Maryland, the Daily Record looks in on the work of the National Coalition for a Civil Right to Counsel (NCCRC), which is housed with the MD-based Public Justice Center. The article – which is unfortunately behind a paywall – also offers a status check about what kinds of civil cases implicate a right to counsel: “States to varying degrees recognize the right to a lawyer in certain types of [civil] cases, either by legislation or when their courts find the right under their state constitution. ‘In civil cases, the U.S. Supreme Court recognized a right to counsel in juvenile delinquency cases. Then the court held a right to counsel for a prisoner being transferred to a mental health facility,’ [NCCRC director John] Pollock said. ‘But then the court said in 1981 that appointment of counsel in termination of parental rights is on a case-by-case basis….’ However, even in 1981, 33 states had said there was a right to counsel for parental termination — and now, 45 states do. ‘The court didn’t stop state legislatures and courts from finding the right to counsel,’ Pollock noted. Besides termination of parental rights, a majority of states guarantee counsel to indigent people in cases involving child abuse and neglect, civil commitment (where there’s a risk of someone hurting themselves), quarantine for dangerous disease, guardianship, civil contempt (for failure to pay child support), and when a minor wants to bypass parental approval to obtain an abortion. Lots of states also have a right to counsel for
cases involving paternity, adoption, confinement of sexually dangerous persons after release from prison (surprisingly, a civil proceeding), and adult protective proceedings for neglect or abuse.”

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