Happy Monday, ATJ Enthusiasts. As the ABA ATJ Blog’s nine regular readers – double digits are within reach! – will know, we usually run this ATJ Headlines post on Fridays. A couple weeks ago I posted it on a Monday. To my surprise the post received more traffic than normal. So I’m experimenting one more time with a Monday post. **I’m also curious about whether any of you have a Friday/Monday preference. If you do please drop me a line.** I’d assumed folks liked this newsletter as a kind of closing-out-the-week digest. But I’m happy to be corrected if Monday’s better.

I’m posting this edition from my desk in Chicago, but I’m only here for a moment because late October and early November are consumed with business travel. I was delighted last week to join the Pennsylvania Coalition for Civil Legal Justice at an ATJ hearing convened by the state senate’s Judiciary Committee. More on that – including a recommendation to create an ATJ Commission(!) – below. My travels then took me to New York, for Fordham Law School’s “Until Civil Gideon: Expanding Access to Justice” conference. While there I ventured into Central Park to see the staging of yesterday’s New York City Marathon. My friend later captured the park on an autumn Saturday that felt like spring:
The Marathon’s winning time among male runners was just over two hours and eight minutes, which means that this fellow got through the five boroughs on foot in about the same time it takes to get cross-town in Manhattan by cab. Impressive.

Okay, the ATJ news in very very short:

- Gulfcoast Legal Services benefits from US DOJ grant to combat human trafficking;
- “Until Civil Gideon” forum explores recent ATJ innovations
- Recommendation to create an ATJ Commission in PA
- A successful National Pro Bono Celebration week
- In Superstorm Sandy’s wake, thinking of legal aid as a first-responder service
- Making the civil right-to-counsel case in NC
- A TN legal aid provider facilitates cell phone donations for DV victims
- Gibson Dunn is the latest Biglaw firm to create a Pro Bono Director position
- Alabama ATJ Commission’s website gets a user-friendly overhaul

The summaries (which, because we’re light on news, are just listed chronologically and not broken down by subtopic):

- 11.2.13 – in Florida, “Gulfcoast Legal Services expects to double its efforts to represent domestic and foreign-born victims of labor or sex trafficking, thanks to a federal grant. The $321,000 grant, awarded by a branch of the Department of Justice…[is] one of eight grants awarded across the U.S.” (Story from the Herald-Tribune.)
- 11.1.13 – Fordham Law School and Co. hosted an event last Friday billed as “Until Civil Gideon: Expanding Access to Justice,” the purpose of which was to “explore emerging issues and innovations that can promote access to justice in civil proceedings in the absence of a right to counsel.”
  - Also, New York Chief Judge Jonathan Lippman announced that the high court is considering a change in the judicial conduct code to provide judges more latitude in communicating with self-represented litigants.
- 10.30.13 –“The Pennsylvania Senate Judiciary Committee held its third and final Public Hearing on Civil Legal Representation of the Indigent: Have We Achieved Equal Access to Justice? on October 29, 2013 in Pittsburgh. Prior hearings were held in Harrisburg and Philadelphia. All of the hearings were chaired by Senate Judiciary Committee Chairman Stewart J. Greenleaf (R-Montgomery, Bucks).” At the hearing’s close the Coalition for Civil Legal Justice, which includes legal aid and bar leaders, made several recommendations, including the establishment of an ATJ Commission. (Yay!) Here’s more information from the PA Legal Aid Network (PLAN) including the Coalition’s recommendations, and here’s coverage from the Pittsburgh Post-Gazette.
  - On a related note, PLAN also recently highlighted PA Chief Justice Castille’s participation in an ATJ forum held in conjunction with a late-October LSC board meeting, in Pittsburgh. “The Pennsylvania Supreme Court, under [Castille’s] leadership, has worked diligently to come up with creative ways to fund legal aid
without the use of tax dollars. Most recently the court passed a rule that directed that unclaimed or leftover funds in class action lawsuits go to fund civil legal aid.”

- **10.26.13** – the National Pro Bono Celebration took place during the week of October 20-26. Events which took place from Maine to Hawaii and everywhere in between are too numerous to recount, but the ABA Center for Pro Bono’s Twitter feed tried to keep up. One great data point: the Center recorded at least 953 events that took place during the week. And those are just the ones that were reported. On the ATJ Commission front, the Texas Commission was one of many that joined the Celebration.

- **10.29.13** – “[T]he New York Legal Assistance Group, an organization that has worked hand-in-hand with storm victims to try to make the arduous road to recovery a little easier, is doing all it can to get charities, grant makers, and government to think about legal aid almost in the same way it thinks about the Red Cross: an essential nonprofit service that starts work right after a disaster strikes.” [Story from the Chronicle of Philanthropy.]

- **10.26.13** – UNC School of Law Professor Gene Nichol makes the case for a civil right to counsel: “In North Carolina, over 80 percent of poor and low-income folks – facing wrenching legal wrongs or challenges – can’t get legal representation…. When I began studying access to civil justice decades ago, I was surprised that the United States is the outlier among advanced democracies. We talk the most about equal justice, even demanding our kids pledge allegiance to ‘justice for all.’ We talk the most. We do the least.” ([Op-ed in Raleigh’s News & Observer.](https://www.newsobserver.com/opinion/2013/10/26/24915797/a-legal-justice-system-that.html?utm_source=rss&utm_medium=rss&utm_campaign=op-ed))

- **10.24.13** – as part of an effort to mark Domestic Violence Awareness Month, the Legal Aid Society of Middle Tennessee and the Cumberlands took place in a used-cell-phone donation drive, through which the gifted phones are distributed to those at risk of domestic violence. ([Story from the Leaf-Chronicle.](https://www.leaf-chronicle.com/x/5797374/donation-drive-helps-domestic-violence-victims))

- **10.17.13** – Gibson Dunn has created a new position to manage the firm’s pro bono programs. Here’s an [American Lawyer Q&A](https://www.americanlawyer.com) with the new Pro Bono Director, Katie Marquart, who comes from within Gibson Dunn’s ranks.

- October, 2013 – a newly redesigned Alabama ATJ Commission website includes resources for lawyers who wish to perform limited-scope representation and for self-represented litigants.

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**November 18**

Happy Monday, ATJ Enthusiasts! I hope you enjoyed the weekend. I did, but my thoughts this morning are with those in Illinois who were affected by a powerful storm system which brought high winds and some tornado activity. Well, there is a great deal of news to cover today so I’ll spare you my normal, introductory ruminations and get right into it. So, here we go….

The news in very, very short:

- Q&A with Brennan Center’s DC Director
- ATJ & Civil Gideon happenings in PA
- Ditto, MD (new self-help videos & a Civil Gideon Task Force)
- the national civil legal aid “communications hub” rolls out
- ABA’s Dialogue magazine includes IOLTA and lawyer-referral news, and more
- Justice Entrepreneurs Project, a new incubator, launches here in Chicago
Access to Justice Commission News & Related Developments

11.7.13 – our latest ATJ Newsmaker Q&A features Nicole Austin-Hillery, Director of the Brennan Center for Justice’s DC office. Nicole works at the intersection of ATJ and civil rights work. So we asked a bit about that, and about her favorite civil rights reading. We also got a great DC restaurant recommendation from Nicole, and yours truly offered one to boot.

11.6.13 – lots of ATJ activity in the Glorious Commonwealth of Pennsylvania, as the high court, state legislators, and bar leaders are exploring systemic measures to narrow the justice gap. Here’s recent Philadelphia Legal Intelligencer coverage, and here the Philly Bar Association has been collecting testimony and other materials generated from a recent series of ATJ hearings throughout the state (right margin of page). Here, the Pittsburgh Post-Gazette reported on the third and last of those hearings, with coverage focused on how legal aid funding cutbacks diminish services to domestic violence victims.

November, 2013 – two developments in the Old Line State:

- The Maryland ATJ Commission, on behalf of the state’s judiciary, has created a series of educational videos for self-represented litigants. Here’s a press release with links to the videos. The videos cover:
  - “Tips for Your Day in Court

The summaries:
The ATJ Commission Task Force to Study Implementing a Civil Right to Counsel, established by the state legislature through the enactment of Senate Bill 262, has rolled out a webpage.

November, 2013 – the civil legal aid “communications hub” being rolled out by the Public Welfare Foundation and Kresge Foundation, is up and running. Read all about it: “Beginning this month, the civil legal aid sector gains an important new resource – a communications hub. The primary goal of this collective communications initiative will be to raise the public’s awareness and understanding of the vital role of civil legal aid in assuring fairness in the justice system. The hub will cast a constant spotlight in the media on the work of the sector in order to strengthen the brand identity of civil legal aid; garner deeper recognition by key audiences, including policy makers, opinion leaders and donors; and ultimately, help increase overall funding and resources for the sector.”

November, 2013 – the ABA Division for Legal Services – hey, that’s where I work! – has released the Full edition of our Dialogue magazine. Some of the articles that jumped out at me:

- A piece exploring how IOLTA programs have evolved beyond their roles as solely funding administrators and have become thought and innovation leaders in delivering legal services.
- In California, a new, legislatively established “lawyer referral service-client privilege.”

Legal Aid Funding & Service Delivery

- 11.15.13 – those rascals down the street at the Chicago Bar Foundation have launched an incubator program. From Crain’s Chicago Business: “A privately supported legal-industry incubator designed to link underemployed young lawyers with ‘modest means’ clients who don’t qualify for free legal services was unveiled today…. Participating lawyers in the Justice Entrepreneurs Project, whose numbers will grow to 30 next spring, spend the first six months of an 18-month program working through local legal aid organizations to provide free services while developing their own paying clientele. They’re getting stipends of about $1,000 a month from local law schools and, after six months, will pay nominal rent for incubator space.” This project has been a long time in the planning, so big congrats to my CBF friends.

- 11.12.13 – at the recent Nat’l. Legal Aid & Defender Association (NLADA) Annual Conference, Legal Services Corporation President Jim Sandman led a very popular program called “Using Data to Improve the Delivery of Legal Services.” The reason I know the program was popular is because it took place at the same time as a program I was part of, and I watched as dozens of people walked past my program’s room to attend the LSC session. NO BITTERNESS, THOUGH. Anyway, the LSC program offered an update on a large-scale initiative to make data gathering and analysis more useful tools in how legal aid program assess client needs, deliver services, and evaluate the effect of service-delivery. LSC has made available the slideshow from that program. (This webpage renders better in Firefox than in Internet Explorer, for me.)

- 11.8.13 – “New York City through the New York Immigrant Family Unity Project (NYIFUP) is launching the nation’s first program that provides legal services for detained immigrants facing deportation. The...program is funded through the NYC council and is available for NYC immigrants who cannot afford legal counsel and are facing deportation. NYC is committing an initial investment of $500,000 for the program which is expected to help nearly 200 immigrants out of 900 detained indigent immigrants in NYC annually…. The one-year pilot program will be administered by the Vera Institute of Justice; they will oversee the program, coordinate legal services and analyze data emerging from the pilot. The program commenced on November 6, 2013.” (Story from the Hispanically Speaking News site.)
11.8.13 – “[Missouri Supreme Court] said Friday that it had approved an additional $30 annual fee to be paid by lawyers starting in 2014. The fee is expected to generate at least $750,000 [which will fund the state’s civil legal aid providers.]” (Story from the Associated Press.)

11.8.13 – “Many people who suffered the wrath of Superstorm Sandy have spent the last year trying to make sense of a bewildering array of aid programs, fighting with their insurance companies, and scrambling to keep up with mortgage payments even as they make costly repairs. Now the New York Legal Assistance Group, an organization that has worked hand-in-hand with storm victims to try to make the arduous road to recovery a little easier, is doing all it can to get charities, grantmakers, and government to think about legal aid almost in the same way it thinks about the Red Cross: an essential nonprofit service that starts work right after a disaster strikes.” (This story, which ran originally in the Chronicle of Philanthropy, was picked up by the Christian Science Monitor.)

11.7.13 – I imagine this is happening elsewhere, but here’s an example of a legal aid provider – Legal Aid of North Carolina – contracting with a county government to help people navigate the new healthcare marketplace. If LANC has people who can write code and…oh, I don’t know…manage a large-scale online commercial database, that may be helpful too. (Story from the Jacksonville Daily News.)

11.7.13 – Michael Chielens, the longtime Legal Aid of Western Michigan executive director who passed away in early November, is remembered here on the MLive news website.

11.7.13 – this Harvard Law Record Q&A with Jeanne Charan of the school’s Delivery of Legal Services Clinic runs from her work during legal aid’s early days to her critique of the Civil Gideon movement.

11.5.13 – “An already agitated State Bar of Georgia Board of Governors halted a proposal Saturday requiring lawyers to establish client trust accounts at banks that agree to offer competitive interest rates…. [B]ut supporters of the measure [to raise funds for civil legal aid providers] say that no one appeared to oppose the requirement in acrimony. ‘For most people I talked to, it was a question of timing,’ said State Bar Secretary Rita Sheffey, who is vice chair of the newly formed Civil Legal Services Task Force, which made the proposal. ‘Most said they would likely fully support it, but they just got a copy of the proposal on Thursday.’ Bar President [Charles Ruffin], who appointed the task force this fall to find ways to raise funding for [legal aid] agencies, said the proposal will come back before the board during its mid-year meeting in January. If authorized, it would go to the state Supreme Court for final approval. (Article from the Daily Report.)

11.4.13 – from a media release: “The Legal Services Corporation (LSC) today released a list of 33 projects nationwide that will receive Technology Initiative Grants (TIG) funding in 2013. The grants will support a variety of initiatives, including “legal triage” tools to guide self-represented individuals through complex legal procedures, online support for pro bono attorneys, and improved access to legal assistance for people in remote areas.”

Pro Bono

11.8.13 – a Brooklyn Eagle article looks at how New York’s move toward mandatory pro bono reporting – and the future possibility of public disclosure of those reports – has rankled some attorneys in the private bar. (On a related note this Nov. 5 Law360.com piece, to which I don’t’ have access beyond an abstract, notes that “A former New York bar president…raised the threat of a lawsuit against state court administrators and the state’s top judge over changes to pro bono rules.”)

11.8.13 – the Washington Council of Lawyers, which is DC’s voluntary public interest bar association, has announced its annual pro bono/public interest awards. The announcement shows up in ATJ Headlines because I want to highlight that the Council’s “Government Pro Bono Award” recognizes a public sector lawyer who goes out of her way to render pro bono service. So much pro bono recognition energy is directed at lawyers in private practice. All well and good, but I love efforts to praise government pro bono champions, who can be overlooked because they otherwise work in relatively insular, regulatory practices. So, big props
to the US DOJ’s Jay Owen, whose day job is in antitrust practice. I’m on the Council’s board, and in meeting past award winners I’ve been astonished at how much pro bono work government lawyers do for low-income clients.

- **11.5.13** – “In-house counsel groups and nearly 40 chief legal officers from corporate law departments are endorsing a proposed rule that would allow in-house counsel who are not licensed in New York to represent pro bono clients. Under the proposed rule, registered in-house counsel could appear before any tribunal or court in the state, without the need to seek pro hac vice admission, associate with a legal services provider or work under the supervision of a New York-licensed attorney. They would remain prohibited from making appearances other than in pro bono matters. The Association of Corporate Counsel, the ACC’s three chapters in the state and 38 New York chief legal officers wrote a combined letter in support of the rule, which was proposed by the Advisory Committee on Pro Bono Service by In-House Counsel.” (Article from the New York Law Journal.)

- November, 2013 – here’s a piece from the ABA’s Bar Leader magazine on how local and state bar programs promote innovation and an increasingly diverse array of programmatic approaches to help attorneys provide pro bono service to low-income clients.

- Earlier this year a new pro bono “emeritus” program rolled out in the Hawkeye State: “the Iowa Supreme Court adopted rules to establish an emeritus attorney license status. The emeritus rule became effective on March 1, 2013. The emeritus license is available to lawyers working with an approved legal aid organization on a pro bono basis. Questions and answers about emeritus status in Iowa are posted on Iowa Legal Aid’s website.

**Law School Pro Bono/Public Service**

- **11.15.13** – a look at Cooley Law School’s “Service to Soldiers Legal Assistance Referral Program”, which has grown notably in scale and scope: “Initially, the program worked…with soldiers from a Marine reserve unit in Michigan, but it quickly expanded as more…requests for assistance came from the Michigan National Guard.” The program has referred over 600 cases and has more than 200 attorneys on its volunteer roles. “Many Cooley Law students volunteer their time with the program. The program also is connected with JAG officers, although service members do not need to be referred by a JAG officer to receive assistance…. The Michigan National Guard estimated the program’s value so far at $2.8 million for the services performed…. In addition to the assistance the program provides service members, it has also published, in partnership with the Michigan State Bar Foundation, the Michigan Judges Guide to the Service Members Civil Relief Act, and will be publishing the Michigan Judges Guide to Military Family Law Matters.” (Story from the Grand Rapids Business Journal.)

- **11.11.13** – the Pittsburgh Post-Gazette looks at Pitt Law School’s elder clinic, which has just benefited from a $1 million gift: “It’s no secret that Allegheny County has one of the oldest populations in the country. According to 2012 census figures, 16 percent of the county’s residents are over 65. The clinical education program at Pitt fits not only demographically, but also aligns with the school’s community service mission, the law school’s dean, William Carter, said. A recent $1 million anonymous gift will allow the clinic to not only help elderly residents, but also give law students entering a historically difficult job market needed expertise, he said. ‘Having those additional resources will allow us to expand our programming,’ Mr. Carter said…. Pitt’s clinic is able to handle only between 80 and 100 low-income elderly clients each year, since it has 16 to 20 students each year.”

- **11.11.13** – “[T]he District of Columbia’s six law schools have joined forces to push for the first major overhaul of rules governing student practice in D.C. in decades. Law school[s]…argue that existing rules are outdated and cumbersome. The proposed changes are aimed at streamlining how students are certified to work in clinical programs and expanding the type of work covered under the rules, from appearing in court…to advising nonprofits and small businesses on tax law and contracts…. Chief Judge Eric Washington of the D.C. Court of Appeals said the court, which oversees the local rules of practice, supports updating the rules but is open to feedback from the bar and the public. The court published the proposed changes in late October and is accepting comments through the end of December.” The potential pushback
could come from attorneys whose fee-paying practices include client communities that could be served by clinicals. (Story from the National Law Journal.)

- 11.7.13 – in a Baltimore Sun op-ed, a University of Baltimore School of Law administrator (and former prosecutor) argues for instituting a pro bono requirement as a precondition to getting a Maryland law license, a la New York’s “50-hour Rule”.
  - Here’s some pushback in an 11/12/13 letter to the editor, written by a Maryland attorney who argues that students should not bear an additional burden that is properly borne by the private bar.

*Author: Steve Grumm*