Happy Monday, ATJ Enthusiasts. I hope you had a joyful holiday weekend, and that you were able to gather with loved ones to share turkey or turkey-like vegetarian and/or vegan food products. My modus operandi is to create a Thanksgiving plate with a 90/10 ratio between mashed potatoes and “other things that will complement my consumption of mashed potatoes,” so the fowl or its substitute matter little to me. In any case I had a delightful dinner, and I was glad for the food and company.

I have used past Thanksgiving-time newsletters to ruminate on what I’m thankful for. This year, though, I find myself focused less on that and more on how I relate to the poor and impoverished people with whom I share my neighborhood, grocery stores, city buses, and so many other fixtures in my everyday life. My focus has been driven by two things:

- I was struck by this look at recent stigmatization, if not criminalization, of homelessness.
- I am one among seemingly many long-ago lapsed Catholics who have looked with interest at Pope Francis’ move to reorient the Catholic Church’s message (back) toward social justice.

I’m writing here in my personal capacity, and I don’t necessarily endorse any/all of the views offered in these writings. But the writings, which I happened to read in the same sitting, offered a reminder that market capitalism, despite its many virtues, will often produce poor outcomes for some people. As someone who’s implicitly entered into a social contract to live in our society, I feel a responsibility – or perhaps an “ownership stake” if we’re to keep it in free-market vernacular – in ensuring that those on the lower socioeconomic margins have 1) support structures in place to prevent them from falling into poverty, and 2) opportunities for empowerment and advancement. And if you who read this newsletter don’t fight – regardless of your personal motivations – toward those ends, who will? Well, it turns out this is a rumination on thankfulness after all: Thanks for all you do.

The recent news, in very short:

- maximizing online and other triage systems for self-represented litigants to access courts;
- the difference in how some states, and the federal courts, treat cy pres awards;
- funding cuts force office closure at Pittsburgh-based Neighborhood Legal Services Association;
- new TN legal-aid project to aid those catching up on child-support payments;
- important research on how the voting public perceives “civil legal aid”;
- new law-school incubator at NY’s Touro Law, and some pushback on idea of incubators as ATJ solutions;
- the relationship of pro bono and direct-services delivery in narrowing the justice gap;
- Watch this great “Giving Tuesday” fundraiser clip from the NC ATJ Commission;
Arkansas ATJ Commission releases recommendations for supporting pro se parties;

Q&A on relationships between corporate social responsibility and pro bono;

Maryland ATJ Commission produces new self-help videos for pro se parties;

New legal aid project in Missouri to serve the mentally ill;

Delaware to launch U.S.’s 31st ATJ Commission;

New online resource on how courts use (or can use) social media;

NY State Bar launches pilot program offering reduced-fee services to vets;

The summaries:

- December, 2013 – a new paper from the National Center for State Courts and Self Represented Litigation Network explores how courts and legal services providers can use technology to support pro se litigants: “The modest goal of this paper is to introduce a framework of triage protocols to improve the litigant experience, expand access to justice and offer new efficiencies to courts and legal service providers. The protocols are designed around the concept of web portals, which are becoming a central tool for courts as they plan how to respond to the growing number of SRLs even while facing shrinking budgets. In addition to enabling on-line document assembly and e-filing, web portals offer a tremendous opportunity for providing high quality legal education and access to appropriate legal service providers.”
  - Critics rave: “For enthusiasts of ‘triage protocols for online litigant services’, this is Grisham meets Turow meets Rice!!!”

- 11.25.13 – this National Law Journal looks at how “[s]tate and federal courts have diverged in their treatment of cy pres awards. States are trending toward statutory or rule-based systems that designate legal services organizations as appropriate cy pres recipients. In contrast, federal courts, operating without the guidance of any rule for designating cy pres recipients, have struggled to protect class members and have, therefore, established an increasing number of conditions on cy pres awards…. To date, at least 11 states have amended their class action rules or enacted statutes mandating or encouraging cy pres awards for legal aid… (Full article, including the laundry list of states, here.)

- 11.22.13 – an office-closure announcement from a Pittsburgh-based legal aid provider: “Continuing reductions in state and federal funding are forcing legal aid societies – including NLSA – to do more with less. Much less. Sadly, Neighborhood Legal Services is faced with closing our Butler office effective today, Friday, November 22, 2013.”

- 11.23.13 – in cooperation with a county courthouse, Legal Aid of East Tennessee is expanding its services to juvenile court in order to offer advice and counsel to those who are trying to catch up on child-support arrearages. (Story from the Times Free Press.)

- 11.21.13 – ATJ blogger Richard Zorza shares the latest on the civil legal aid “communications hub” project being launched by both the Public Welfare and Kresge foundations: “I am honored…to post the communications research conducted by Lake Research Partners and the Torrance Group on civil legal aid and access to justice for the new Communications Hub funded by [PWF and Kresge]. Here’s a link to a report summarizing the polling and analysis which will drive the communications initiative, and it’s well worth reading Richard’s takeaway.

- 11.20.13 – a new law school incubator at Touro Law School on New York’s Long Island: “The Community Justice Center provides onsite space for 10 Touro Law graduates to launch their solo practices for a period of 18 months. Much like medical internship and residency programs, Touro Law’s program will help strengthen the professional skills of its members through mentoring and practical ongoing training while also assisting them to learn how to develop solid
solo or small firms that are both financially and professionally satisfying.” The clinic was founded by Fred Rooney, who’s new to Touro but is regarded as the progenitor of the incubator movement. (Story from The Jewish Voice website.)

- Speaking of incubators, this recent blog post, which got some social media traction, takes a critical view on the connection between incubator programs and supporting the larger access to justice mission: “[ATJ] is a problem for the profession, but it’s one that all lawyers share. For that reason, I think that we need to divorce our conversation about [ATJ] from the problem of unemployment and starting a law practice. Not only is it unfair to view solo practice as the solution to [ATJ], but we also cheat the entire profession by confining solo practice to low-bono work rather than encouraging them to explore new avenues for growth that in the long run might expand more meaningful [ATJ].”

- 11.21.13 – this piece from the UK-based Legal Voice explores the role of pro bono work in narrowing the justice gap (at a time when the UK is exploring legislative changes that could greatly shrink the legal-aid infrastructure). “…[P]ro bono cannot in practice fill a meaningful part of the growing access-to-justice gap left by legal aid cuts. The firms with real expertise in the relevant areas of social welfare law (immigration, welfare benefits, housing, debt, and so on) already do a substantial amount of pro bono work (although they typically do not call it that) and have little or no capacity to do more; the large commercial firms generally lack expertise in these areas of law.” Pro bono plays an essential role in narrowing the justice gap, but pro bono providers rely on the support of direct-services providers in order to perform. An important point.

- 11.20.13 – “In order to raise money for Legal Aid of North Carolina and Legal Services of Southern Piedmont, the two organizations, along with the NC Equal Access to Justice Commission, have produced a great new video calling for financial investment in the state’s legal aid infrastructure. The video is short, the message is direct, and it’s all-around well produced. Great work, especially as a tool to reach younger supporters.

- 11.19.13 – “The Arkansas Access to Justice Commission has released a comprehensive set of recommendations for addressing the legal needs of the growing number of Arkansans who are unable to afford to pay for representation in civil cases that deal with such basic needs as family stability, health care, and economic security. Funded by a 2012 technical assistance grant from the State Justice Institute, the study was completed earlier this year by Greacen Associates, LLC.” (Here’s the full ATJ Commission announcement on its recommendations for supporting self-represented litigants.)

- 11.19.13 – a Q&A with longtime pro bono and CSR champion Madeline Schachter focuses, naturally, on “Exploring The Intersection Of Global Pro Bono And Corporate Social Responsibility.” (Interview from the Metropolitan Corporate Counsel.)

- 11.6.13 – “The Maryland Judiciary has launched a series of videos to help people who represent themselves in court.” The first four videos in the series, which is being developed by the Maryland ATJ Commission, are now available to view on the Judiciary’s website. The are:

  - “Tips for Your Day in Court”
  - “Service of Process”
  - “Defending a Small Claim”
  - “Finding Legal Help”

- 11.14.13 – “the St. Louis Post-Dispatch looks at “Legal Services of Eastern Missouri’s new program to serve disadvantaged and chronically mentally ill adults in St. Louis…. The program is funded by a three-year, $86,000 grant from the St. Louis Mental Health Board, which administers public funds for behavioral health and children’s services for city residents.”

- 11.13.13 – the First State is launching the nation’s 31st ATJ Commission. By Supreme Court Order dated 11/13/13, the Delaware Access to Justice Commission will come into being on
1/1/14. Here’s the press release, and here’s the Order creating the Commission, which will exist for an initial term of two years.

- November, 2013 – our friends at the National Center for State Courts have launched the Social Media and the Courts Network. “This site compiles information on how courts are currently using social media and provides resources for courts just getting started. We also provide information on the impact of social media on the courts, including the impact on juries, judicial ethics issues, and HR and policy issues.”

- November, 2013 – the NY State Bar Association (NYSBA) is rolling out a pilot program to offer discounted legal help to vets: “The Veteran Referral Panel was established by [NYSBA] to provide free phone consultations and lower-cost legal help to veterans statewide. The Richmond County [and] Westchester County Bar Association[s] are among the local bar[s] participating in the pilot program…. Participating lawyers will provide free phone consults and offer a 25 percent discount on their legal fees.” (Story from the SILive news website, serving Staten Island.)

December 16

Happy Monday, ATJ Enthusiasts. Greetings from Richmond, Virginia, where I will shortly attend the Virginia ATJ Commission’s kickoff meeting. (The Commission was created in September – with the support of an ABA Access to Justice Expansion Project Grant, I might shamelessly add – and the state Supreme Court named the Commission’s members earlier this month.) I’m excited to join the meeting.

Before the ATJ news, a few items that have caught my attention:

- Interested in modest-means legal aid projects? A new report offers useful demographic insight into who modest-means persons and families are. A Dozen Facts about America’s Struggling Lower-Middle Class includes data points on: income levels, household composition, education levels, food insecurity, and taxation rates. (Produced by the Brookings Institution’s Hamilton Project.)

- We are all criminals?! Sakes alive, what a sentiment. A Minnesota lawyer is running a web-based project, “We Are All Criminals,” which solicits the stories of people who’ve engaged in criminal behavior but were never caught. The idea is to focus on the blurred line b/t who is a “criminal” – with all of the social stigma, and more serious consequences, that carries – and who is not.

- This is an NBC news project which focuses on poverty in America. I highlight it only in part because of the substantive content. I’m more intrigued by the software – “flipboard” – used to host the project. I wasn’t hitherto familiar with it. I could see its usefulness as a creative way to present image-driven, online content.

Okay, the ATJ news in very, very short (and not organized by sub-topic b/c we’re fairly light on news):

- CourtHelp site launches as a new resource for self-represented Arkansan litigants.

- Southeastern Ohio Legal Services to close 3 of its 9 offices?
Let’s make law students big ATJ stakeholders…in Canada.

Legal Services of NJ, half the size it was 5 years ago, releasing report on budget cuts’ impact on serving clients.

New NY practice rule aims to boost pro bono from corporate counsel.

Maryland Civil Gideon task force gets to work.

this month’s Texas ATJ Commission newsletter

this year’s NY ATJ task force report

The summaries:

12.12.13 – “Arkansas Legal Services Partnership has launched the next critical step for meaningful access to justice for Arkansans: CourtHelp…. CourtHelp not only features information on the basics of how a court case works, the rules that have to be followed, and definitions of common legal terms, but it also includes new self-help interactive forms and a court finder. For the past 10 years, ALSP has provided free legal tools to the public via its website. Some of these tools include legal forms, real-time live chat, YouTube videos, and other informational resources. This has resulted in Arkansans generating more than 75,000 automated legal forms and nearly 5,000 live chats.” (I pulled this quote from a press release. Here’s the CourtHelp webpage.) CourtHelp was supported by an LSC Technology Initiative Grant (TIG), FYI.

12.13.13 – Decreased funding has forced [Southeastern Ohio Legal Services’] board to consider closing a third of its nine regional offices. The Lancaster, Zanesville and Marietta offices are to close in January if the 26-member board approves the plan at a meeting on Saturday in Columbus [ed. note: as of this blog posting I haven’t heard the outcome of that meeting two days ago]…. The organization’s $4.3 million annual budget, which is running about $850,000 in the red, pays 46 employees in the nine offices. The number of employees will drop to 38 under the consolidation…. [Executive Director Jim] Daniels has watched funding drop from about $7.4 million in 2008 to the current $4.3 million. (Story from the Columbus Dispatch.)

12.9.13 – in a Toronto Star op-ed, Pro Bono Students Canada’s (PBSC) director argues that law students can and should play a greater role in narrowing the Canadian justice gap. The piece suggests that pro bono is not as strongly rooted in Canadian law school culture as it is in the US.

12.8.13 – “Legal Services [of New Jersey], which will release a report next week detailing the impact of the budget cuts and the recession on low-income families who need help with civil cases, says it can take on fewer than 10 percent of the more than 1 million requests for help each year, even with the help of private law firms and volunteer groups…. Legal Services has lost half its staff in the past five years, going from 720 to 360 as of June. More than 100 lawyers have been laid off…. (Story from The Record.)

A December 10 op-ed in The Record notes that “[A] Legal Services budget of $70 million in 2008 has dwindled to about $40 million today. State support, which had been about $30 million a few years ago, is now down to $15 million…. Legal Services…deserves an immediate infusion of cash and a more reliable funding stream.”

12.2.13 – “New York state Chief Judge Jonathan Lippman announced a rule change that will allow attorneys who work in corporate law departments here, but who are not admitted to practice law in the state, to do pro bono work (so long as they are admitted to practice elsewhere, and are in good standing). The change could add an estimated 5,000 to 10,000 people to the pool of potential pro bono attorneys, Judge Lippman told Law Blog.” (Story from the Wall Street Journal Law Blog.)
12.2.13 – “A special state task force has begun a one-year mission to evaluate the feasibility of providing a right to legal counsel for Marylanders who are involved in certain kinds of civil disputes. Twelve members have been appointed to the Task Force to Study Implementing a Civil Right to Counsel…. They will study whether low-income Marylanders should have the right to counsel at public expense in basic human needs civil cases, such as those involving shelter, sustenance, safety, health, or child custody.” (Full press release.) The Task Force runs under the ATJ Commission’s auspices, and here’s the Task Force’s webpage.

Here’s WYPR radio interview with MD ATJ Commission executive director Pam Ortiz, exploring the Task Force’s work.

December, 2013 – this month’s Texas ATJ Commission newsletter includes background on the Commission’s work in support of self-represented litigants, and more.

November 2013. Here’s the Task Force to Expand Access to Civil Legal Services in New York (a/k/a the Empire State’s ATJ commission) annual report to Chief Judge Jonathan Lippman. This just recently came to my attention so I’ve not had time to sit with it, but it’s got 17 appendices. So if you’re looking to geek out on ATJ, put this one on your reading list.

December 30

Chicago from the ice (Nam Y. Huh – AP)

Happy Monday, ATJ Enthusiasts, from a bitter cold Chicago. I hope your holiday season is just gangbusters. Before the ATJ news, three items for your consideration:

- Has Phoenix ended chronic homelessness among military vets? (Washington Post)
- Here is our recent Q&A with Julia Wilson, executive director of OneJustice. Julia shared thoughts on training a next generation of legal aid leaders, engaging law students, and the
importance of a legal aid organization creating its own brand. In case you missed them, we’ve also done Q&As with Cathy Carr (Community Legal Services, Philly), Bob Glaves (Chicago Bar Foundation), David Stern (Equal Justice Works), and other ATJ leaders.

The ATJ news, in very, very short:

- possible legislative boost for under-funded Legal Services of NJ?
- new legal aid project aims to serve Florida veterans
- IOLTA distribution announcements in RI, KS, TN
- the outlook for legal aid funding in Connecticut
- in California, the Justice Bus logs miles and clients served
- coverage of Southeastern Ohio Legal Services’ closure of 1/3 of its offices
- fund legal aid because it provides an economic and social benefit(!)
- pushing for unbundling in Arkansas
- Iowa’s new emeritus pro bono rule is taking root
- new S. Carolina court rule entitles legal aid clients to filing fee waivers
- a telephone-based project to support Colorado self-represented litigants
- more phones: a Minnesota project taps into the 2-1-1 info line to connect people w/ legal services
- LSC’s December newsletter
- an updated and revised history of civil legal aid in the U.S.
- from Canada: comprehensive report on “abysmal” state of ATJ, and solutions
- new data from Maryland’s required pro-bono reporting program

The summaries:

- 12.29.13 – a new Legal Services of New Jersey report will show the organization’s funding cut in half in recent years, even as Garden State poverty rises. A Press of Atlantic City editorial looks at a possible state funding lifeline: “A bill approved by the Assembly in June would raise various court fees – none more than $50 – and dedicate the first $10.1 million a year to Legal Services. The bill, which is awaiting action in the Senate, is a sound idea that will at least plug some of the financial hole Legal Services finds itself in.”
- 12.29.13 – in Florida, an attorney formerly with Legal Aid Services of Collier County has co-founded “Legal Aid Service for U.S. Veterans Inc. This is a fully pro-bono (free) legal service for any honorably discharged U.S. veterans who are low income and do not qualify for any other free legal services.” (Story from the News-Press.)
- 12.23.13 – three state IOLTA administrators announce grant disbursements (consisting of IOLTA and other funds):
  - “The Rhode Island Bar Foundation recently awarded $395,401 in grants to nine nonprofit organizations.” (Providence Journal)
“In 2014, the [Kansas Bar Foundation] will award more than $100,000 to support six IOLTA grants, five [class-action] residual fund grants and seven scholarships.” (Hays Post website)

“[The] Tennessee Bar Association has awarded a 2014 IOLTA Program Grant to the Legal Aid of East Tennessee.” (KnoxNews website. No announcement on the TN Bar Foundation page yet.)

12.20.13 – this Connecticut Law Tribune piece reviews the funding outlook for legal aid community: “The state’s three major legal aid agencies find themselves in better shape than they were five years ago, when…funding dried up as the result of the declining resources available Interest on Lawyers Trust Accounts. But they’re not going to get too comfortable. Right on the horizon, in 2015, the lifeboat that has saved legal aid programs that serve low-income clients from sinking in red ink is set to disappear. A statute providing for increased state court fees, with the proceeds funneled to the legal aid agencies, is scheduled to ‘sunset’ in 2015.”

12.20.13 – legal aid in motion. The Recorder looks in on OneJustice’s “Justice Bus,” which “provides legal services to California rural communities…where residents don’t always have access to lawyers. The project partners with pro bono attorneys and legal services nonprofits to provide specific expertise where it’s needed…. Launched in 2007, the bus made just three trips that year. Today the bus makes 30 to 35 trips annually…. More than 3,000 clients have been served and more than 40 organizations have partnered with the project.”

12.20.13 – coverage of Southeastern Ohio Legal Services’ move to close three of its nine offices, from the Athens Messenger (“Legal Services’ Workload Grows Significantly with Closure”) and the Marietta Times (“Legal Aid Cut”).

12.19.13 – here’s a good piece from Massachusetts Legal Assistance Corporation (MLAC) exec. director Lonnie Powers, exploring/lamenting the decline in legal aid funding despite the fact that legal aid brings economic and social benefits to the Bay State. (Huffington Post.)

12.19.13 – in the Arkansas Times “Big Ideas” feature, ATJ Commission executive director Amy Johnson makes the case for limited-scope representation: “Arkansas Rule of Professional Conduct 1.2(c) authorizes…attorneys to provide this form of representation. Often referred to as ‘limited scope representation,’ ‘unbundling’ or ‘a la carte legal services,’ this model…has been implemented in other states…but few Arkansas attorneys have actively utilized [it]. Unbundling allows clients (who would not otherwise go to a lawyer at all) to seek out and pay for the legal advice they want and need for aspects of the case that require legal expertise, and otherwise handle the more simple…aspects themselves.” (The piece is about 2/3 of the way down the page, entitled “Provide a la Carte Legal Services”)

12.18.13 – a look at Iowa’s new emeritus attorney rule, which the state’s high court put into place in March. Five attorneys so far are working under the rule’s auspices, supporting Iowa Legal Aid’s work. All help is welcomed: “Legal Aid closed nearly 20,000 civil cases last year. Almost half of the Iowans they helped are children. Attorneys had to turn away more than 13,000 cases due to limited resources.” (Story from WHO TV in Des Moines. And note that the ABA maintains a national compendium of emeritus rules.)

12.17.13 – the Supreme Court of South Carolina has implemented a new rule stating that clients of legal aid are automatically eligible for filing fee waivers. (The Court also created a form that legal aid attorneys may file for this purpose.)

12.17.13 – from Colorado, a look at a partnership to expand a courthouse’s pro se litigant support resources by connecting litigants via telephone to pro bono attorneys who have signed up to staff the help-line (and can do so from their own desks). (Story from the Pro Bono Institute.)

12.15.13 – on Richard Zorza’s ATJ blog, a great guest post about using the 2-1-1 telephone info line to connect clients to legal aid. From Ellen Krug: “A little more than two years ago, I walked into…the United Way’s headquarters in Minneapolis. It was to be the office of a brand new nonprofit, Call for Justice, LLC. My charge: create from the ground up a program aimed at opening civil legal access in the Twin Cities by training United Way 2-1-1 Information &
Referral Specialists (the persons who answer, “May I help you?” when anyone dials “2-1-1”) on how to make better civil legal referrals.”

- **December 2013** – **this month’s “LSC Updates” edition** covers a round of recent hearings which featured Pennsylvania jurists (among others), new Technology Initiative Grants, and more.
- **December, 2013** – ***Supporting Equal Justice for All: a Brief History of Civil Legal Assistance in the United States*** is newly updated/revised, courtesy of the Center for Law and Social Policy (CLASP).
- **December, 2013** – while shorter versions of this research/analysis effort were released this fall, the Canadian Bar Association has now released the full “Reaching Equal Justice: An Invitation to Envision & Act,” which explores the “abysmal” state of ATJ in Canada, and offers a framework to move forward. (Link to main landing page, full report, executive summary.)
- **11.27.13** – Maryland being a mandatory pro bono reporting state, the court system released its *annual report (2012 data)*, which offers insight about how much pro bono is being done, what kinds of practice settings pro bono advocates-work in, where in the Old Line State the work is taking place, etc..

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