January 13

What a Chicago morning looks like when you’re a plant.

Happy Monday, ATJ Enthusiasts! I’ve had just enough time in 2014 to break all of my resolutions, so the pressure’s off and I’m feeling great. I have, however, been feeling cold. About a week ago the much ballyhooed polar vortex knocked the high temperatures down below zero. But I realize that lots of folks in lots of places have been grumbling about the highs. Except in Colorado, where people seem really, really happy with their recent highs.

[Well I can’t think of a segue…]

Before the ATJ news, three items for your consideration:

- 1.7.14 – the New York Times covers recent failures, in several states, of electronic systems regulating the administration and disbursal of public benefits to low-income recipients. The article focuses on “…how a lack of funding in many states and a shortage of information technology specialists in public service jobs routinely lead to higher costs, botched systems and infuriating technical problems that fall hardest on the poor, the jobless and the neediest.”
- Just days before this article, an NYT op-ed from a former legal aid lawyer also highlighted recent public-benefit e-failures and lamented that poorer people don’t
have voices powerful enough to command timely responses by government and private contractors.

- Richard Zorza of the Self-Represented Litigation Network, reacting to the NYT article, explores what the larger ATJ community may do to firm up the technological infrastructure on which low-income persons rely.
- the War on Poverty turned 50 and lots of people in the legal and public-policy worlds took notice. I wish I had time to catalog some of the better coverage I’ve seen. Suffice to say, one of the most important points hit upon is the push to better understand the size and makeup of the US poverty population by refining the federal government’s long-reigning official measurement calculus which gives us “the poverty line.”
- Attention history nerds: the Indiana Courthouse Square website houses an online project to appreciate, in the virtual world, the beauty of brick and mortar county courthouses – the “secular cathedrals” which still are the centerpieces of many American towns. (Indianapolis Star.)

The ATJ news, in very, very short:

- State Bar of Georgia aims to bolster legal aid funding;
- Homeless Experience Legal Protection project opening a Maine chapter;
- National Equal Justice Library launches blog to commemorate War on Poverty achievements;
- $10 million gift makes Harvard Law’s robust public interest programs robuster;
- Iowa proposal to allow unlicensed law grads to engage in public interest practice;
- back to Georgia – an iPhone app to refer pro bono cases;
- NY State Bar’s 2014 priorities include generating more legal aid dollars;
- NY report explores how new legal education innovations may help meet ATJ goals;
- Connecticut pilot program allows limited-scope representation in some family matters;
- the National Law Journal’s annual “Pro Bono Hot List”;
- Mississippi explores statutory right to counsel in matters implicating parental rights terminations;
- Legal Services of Eastern Missouri gets HHS grant to connect kids to Medicaid/CHIP;
- big report from LSC’s Summit on the Use of Technology to Expand Access to Justice
- calls for ABA award nominations for outstanding public interest and pro bono actors;
- a conversation about law-grad incubator programs;
- documenting the rise in self-represented litigants in Kentucky;
- new veterans diversionary court in Boston;

The summaries:

- 1.10.14 – “The State Bar of Georgia’s indigent legal services task force will take another stab Saturday at seeking approval from the Board of Governors for a professional rules change that would require lawyers to establish client trust accounts at banks that agree to offer competitive interest rates. The proposal is one of five fundraising methods recommended by the task force to plug a $1.8 million hole in the budgets of [Georgia’s main legal aid providers…. Other
fundraising measures recommended by the task force are modifying fees charged to out-of-state lawyers, asking the state Legislature for additional funding…, asking law library boards of trustees to designate excess fees to indigent legal services, and educating judges that cy-pres funds from class action settlements may be donated to legal aid organizations.”  (Article from the Daily Report.)

- 1.10.14 – the nationally operating Homeless Experience Legal Protection project, founded by a federal judge and supported by the ABA, is starting a chapter in Maine: “Judge Jay Zainey was joined [by others from the bench and ABA members] in launching the Maine Homeless Legal Clinic, part of the national program founded by Zainey, which will have local lawyers donate time to help homeless people with legal issues that can contribute to their homelessness. The private initiative…plans to expand the program from 21 cities nationally to 31 in the next two years.” (Portland Press Herald.)

- 1.9.14 – the National Equal Justice Library has set up a new blog, Right On, for the 50th Anniversary of the War on Poverty to provide information about [its] accomplishments…and on the role and impact of civil legal aid programs, which eventually became part of the federal anti-poverty efforts.

- 1.9.14 – “Harvard Law School has received a $10 million donation from media magnate and alumnus Sumner Redstone. The money will bolster the Sumner M. Redstone Fellowships for Public Service—a program created in 2010 with a $1 million gift from Redstone to support graduates who pursue public-interest law careers. The inaugural 10 fellows worked in areas ranging from criminal defense and civil rights to family law and nongovernmental organizations.” (National Law Journal.)

- 1.8.14 – The ‘Iowa [Supreme Court has opened a public comment period] on a proposal that would allow law students and recent graduates who haven’t passed the bar to practice law under special circumstances. One [proposed] change would let a graduate of a “reputable law school” who has applied to take the bar to practice under supervision on behalf of the state attorney general’s office, a county attorney’s office, a public defender or an approved legal aid group.” Iowa Legal Aid is helping drive the proposal. (Post from Wall Street Journal Law Blog, and here’s the Supreme Court order requesting public comment.)

- 1.8.14 – “The Pro Bono Partnership of Atlanta has launched a new iPhone app that allows prospective volunteers to check current volunteer opportunities at the touch of a button…. [T]he…Partnership hopes to create an app for Android phones as well, funds permitting. The technology law section of the State Bar of Georgia gave the group a $1,000 grant to develop the iPhone app. TechBridge, a local nonprofit that connects nonprofits with technology services, helped…find a developer.” Here’s the app for download on iPhones. (Daily Report.)

- 1.6.14 – the New York State Bar Association’s (NYSBA) 2014 priorities include a call for a “dedicated revenue stream to provide adequate funding for civil legal services for low-income individuals” as well as adequate LSC funding and expanded use of veterans diversionary courts. (Media release from NYSBA.)

- 1.5.14 – my main man David Udell of Cardozo Law’s National Center for ATJ looks at the 2013 report of the Task Force to Expand Access to Civil Legal Services in New York (a/k/a NY state’s ATJ commission). David highlight’s the report’s content focused on “initiatives to strengthen legal education and increase access to justice,” including the much discussed 50-hour pro bono rule’s implementation and other means to engage law students and recent grads.

- 1.6.14 – the Connecticut courts have just rolled out a pilot program to allow limited-scope representation in family matters. From the official announcement: “An attorney may agree with a client to represent him or her for a specific event or proceeding in any family matter or family support magistrate matter. A Limited Appearance, form JD-CL-121, must be filed with the court specifically describing the event or proceeding for which the attorney will appear on behalf of the client.”

- 1.6.14 – the National Law Journal published its annual “Pro Bono Hotlist”— a collection of stories focused on the pro bono achievements of (mainly but not exclusively) Biglaw attorneys
on a broad array of cases, from civil rights to Superstorm Sandy relief to the Boston Marathon bombing’s aftermath.

- **1.5.14** – from Mississippi: “The Commission on Children’s Justice made several recommendations to the Mississippi Supreme Court after three years of study of Mississippi’s child protection services earlier this month. One of those recommendations calls for enacting legislation to give indigent parents a court-appointed attorney for hearings in which they could lose parental rights. Mississippi is the only state that does not have such a practice, though four counties– Adams, Forrest, Harrison and Rankin have a pilot program funded by Casey Family Programs that allows for indigent parents to have a court-appointed representative.” (Natchez Democrat story hosted on MySanAntonio.com)

- **1.1.14** – “Legal Services of Eastern Missouri (LSEM) has received a two-year, $379,589 grant from the U.S. Department of Health and Human Services for a new Connecting Kids to Coverage program. LSEM is the only individual legal services organization nationwide to receive this grant funding. Under the grant, LSEM attorneys and staff, including the office located in Union, will provide outreach and enrollment assistance for children eligible for free or low-cost health insurance from Medicaid or the Children’s Health Insurance Program (CHIP).” (The Missourian)

- **January, 2014** – LSC has released a robust, ambitious report stemming from the Summit on the Use of Technology to Expand Access to Justice. The “summit” has in fact been operative in some form or other since late 2011, whether it’s been physically convening ATJ stakeholders and technology specialists or working groups produce recommendations and reports. This final report offers a sort of global set of solutions to great enhance the use of technology in the civil legal aid community. Implementation would require action by the entire ATJ community, from lawyers and courts to clients and IT experts.

- **January, 2014**: calls for ABA award nominations:
  - 2014 Pro Bono Award(s). About: the ABA Standing Committee on Pro Bono and Public Service presents five awards to individual lawyers and institutions in the legal profession that have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. **Nominations deadline: 2.28.13**.
  - 2014 Harrison Tweed Award. About: the Award recognizes extraordinary achievements of state and local bar associations that develop or significantly expand projects or programs to increase access to civil legal services for poor persons or criminal defense services for indigents. **Nominations deadline: 4.1.14 (no foolin’)**.

- **January, 2014** – the UMass Law Review has published “Exporting the Legal Incubator: A Conversation with Fred Rooney.” It’s an edited interview with Rooney, who is regarded as the chief progenitor of the law school incubator model which has expanded of late as a means of connecting underemployed law grads with under-served client communities. The piece doesn’t appear to be hosted online yet. Here’s the cite: 9 U. Mass L. Rev. 108.

- **12.29.13** – zooming in on Kentucky, USA Today publishes a Louisville Courier-Journal piece on the prevalence of self-represented litigants using the court systems, especially in family-law and related matters.
  - writing to the Louisville Courier-Journal editor in response to coverage the rise of self-represented litigants, Kentucky Supreme Court ATJ Commission member Helen Deines highlights the resources that the Commission and partner groups make available to support pro se litigants.

- **12.26.13** – veterans diversionary courts continue proliferating, including this one in Boston: “The Boston Municipal Court Department announces the implementation of a Veterans Treatment Court session in the Central Division of the BMC. This new Veterans Treatment Court will be the second in Massachusetts, following the implementation of a Veterans Treatment Court in Dedham 18 months ago. This session…will be staffed with specially trained judges, clinicians, probation officers and attorneys and is adapted to…meet the specific needs of
veterans. The [project] incorporate[s]...treatment services for veterans by providing...tools and services to help them overcome substance abuse issues, alcoholism, mental health issues and emotional disabilities.... In addition to treatment, the session incorporates resources for academic and vocational training, job skills and placement services.” These courts are creatures of the criminal justice system, of course, but they clearly touch on many issues which veterans may have to resolve in the civil justice system.

January 27

photo by: john vetterli

Happy Monday, ATJ Enthusiasts! The Chicago cold became too much yesterday, so I fled town. To Toronto. This has proven a tactical failure. Actually I am here for a meeting sponsored by the National Action Committee on Access to Justice in Civil and Family Matters. In recent months both the Canadian Bar Association and the National Action Committee have produced comprehensive reports diagnosing ATJ barriers and calling for large-scale solutions. The National Action Committee’s report, around which today’s meeting is centered, includes a recommendation to establish provincial and territorial ATJ Commissions. I hope to be able to offer insight on the U.S.’s ATJ Commission movement, and especially the momentum around it: no formal Commissions 20 years ago, 3 Commissions in year 2000, and today: 31 and growing. Before the ATJ news, two items for your consideration:

- as the dust settled on the new $1.1 trillion federal budget, the New York Times published this helpful look at the cost of certain line items per U.S. resident. For instance: military spending = $1802/person; Medicare: $1591/person; veterans health care: $174; Smithsonian funding:
$3. It’s not on the NYT list but my rough math says that the Legal Services Corporation figure would be about $1.15. Not a bad bargain.

- 1.21.14 – food banks throughout the US are strained, and preparing for the impact of anticipated cuts to the federal food stamp program. (New York Times.) While it may take time for this upcoming round of cuts to be felt, in NYC “[n]early half the city’s soup kitchens and pantries say they ran out of food at some point in November, the month [when prior food stamp cuts kicked in]. (Crain’s New York Business.)

The ATJ news in very, very short:

- new federal budget boosts LSC appropriation and funds pilot pro bono program;
- a disaster-recovery legal aid clinic continues, 15 months after Superstorm Sandy;
- West Virginia ATJ Commission releases 2014-16 strategic plan;
- A longer-term look at how the civil legal aid community has weathered funding cuts;
- New video short from OneJustice on the power of legal aid to help families stay afloat;
- Should ABA law school accreditation standards include stronger calls for student pro bono;
- Incubators, incubators, incubators;
- New study in Indiana highlights large number of self-represented litigants;
- New research starting on medical-legal partnerships to serve military vets;
- Pro bono in Tennessee – lots being done, more needed;
- Law firm marketing professionals can help legal aid providers;
- Mass. ATJ Commission report on engaging new funders outside the legal community;
- a big civil-right-to-counsel development in Hawaii;
- Wisconsin ATJ Commission’s January newsletter;
- 2013 was a good year for ATJ in Pennsylvania;
- civil legal needs study in New Mexico;

The summaries:

- 1.23.14 – “The $1.1 trillion dollar federal spending bill signed into law late last week increases funding for the Legal Services Corporation by $25 million, including support for a new…Pro Bono Innovation Fund. The $365 million allocated to LSC in the Consolidated Appropriations Act for FY 2014 represents an overall increase of 7 percent from FY 2013. The spending bill raises basic field grants by more than 6 percent to more than $335 million and also includes $2.5 million for the pro bono fund, which will support new and innovative projects that promote and enhance pro bono initiatives throughout the country.” (LSC media release.)
- 1.23.14 – in New Jersey, Volunteer Lawyers for Justice is continuing its Disaster Legal Response Program some 15 months after Superstorm Sandy hit the Jersey coast. This is a good reminder that the need for disaster-related legal aid continues long after the actual occurrence. (NorthJersey.com)
- 1.22.14- the West Virginia Access to Justice Commission has released a three-year (2014-16) strategic plan, which focuses on building new resources (both physical, telephonic, and online)
for self-represented litigants, boosting pro bono, educating key ATJ stakeholders and the general public, identifying ATJ barriers, and bolstering legal aid funding. (Here’s some coverage from the Charleston Gazette.)

- **1.20.14** – this well-reported *National Law Journal* piece notes that, even with the War on Poverty’s efforts to bolster the civil legal aid infrastructure as a key resource for poor people, decades later that infrastructure remains much too small to meet client demand, which is attributable in large part to a series of cuts to the Legal Services Corporation. Nonetheless, funding shortages from traditional sources have led to innovation as legal aid providers have sought new funding partnerships and developed creative means to serve clients.

- **1.20.14** – the good people at OneJustice released this video which powerfully conveys how legal aid can make all the difference in keeping families from plunging into economic despair.

- **1.19.14** – in the wake of New York adopting a pro bono requirement for admission to the bar, some are now urging that law school accreditation standards be revised to more strongly promote pro bono. From the Nat’l. Center for Access to Justice at Cardozo Law: “[The] National Center and Equal Justice Works, in separate Comments submitted on [Jan. 17], urged the ABA to modify the Standards concerning pro bono service by law students. NCAJ’s Comments... urge the ABA to require law schools to establish a 50 hour pro bono service graduation requirement for all... students. Equal Justice Works’ Comments... urge the ABA to encourage law schools to set an aspirational goal of 50 hours of pro bono service for students.”

- **1.17.14** – incubators, incubators.

  - Chicago is incubating up a storm. Two articles, one from Bloomberg Businessweek and one from Chicago Grid, check in on the Justice Entrepreneurs Project, an incubator that launched in 2013 under the auspices of the Chicago Bar Foundation. And public TV station WTTW has a great interview with Bar Foundation director Bob Glaves and a JEP participant. I’m glad to see that things are coming up aces for Bob. JEP has launched successfully and the Chicago Cubs have gone undefeated for months now.

  - A piece in the Lawyerist explores whether the “B Corporation,” which is a for-profit business structure also called a “public benefit corporation,” may serve as a model for incubator-like law practices to operate without the need for benefactors like law schools or, in Chicago’s case, the local bar.

- **1.15.13** – “In his... State of the Judiciary address, Indiana Supreme Court Chief Justice Brent Dickson highlighted the results of a recent study looking at Hoosiers who don’t have access to affordable legal services, calling the data shocking. Dickson says the court system completed a study two weeks ago looking at all civil lawsuits in Indiana for 2013. About 63 percent of parties in those suits did not have a lawyer. In family law cases alone, 60 percent of people went unrepresented.” (Indiana Public Media) I can’t find the mentioned study yet but am looking into it.

- **1.14.14** – “The connection between legal help and medical... outcomes for veterans has been observed anecdotally... Now, for the first time, a study will be undertaken to quantify those results with the hope of embedding more free legal services in veterans’ facilities across the country.... The Connecticut Veterans Legal Center, the first legal organization in the U.S. to set-up shop in a VA setting, and the New York Legal Assistance Group will embark on a two-year study financed by nearly $700,000 from the Bristol Myers Squibb Foundation. [The study] will follow the legal experiences and outcomes of 400 veterans with mental health and/or housing problems who are being served in [Connecticut and New York] sites. (Hartford Courant.)

- **1.10.13** – this *Tennessee Bar Journal* piece highlights the power of Volunteer State pro bono work while noting a continuing need for the private bar to contribute to serving poor clients. Also highlighted is the central role of the state’s Access to Justice Commission in promoting pro bono.
1.15.14 – from Atlanta, an instructive tale from a law firm director of client development about how firms can offer an array of professional services – not just lawyer pro bono – in helping the legal aid community. In this case Geoff Frost joined Georgia Law Center for the Homeless’s board and has used his marketing expertise to help GLCH highlight its profile in the business and funder communities, update GLCH’s brand, and produce a strategic plan. (Daily Report.)

1.10.14 – the Massachusetts ATJ Commission has released a preliminary report on its exploration of how to boost legal aid fundraising outside of the legal community. The report “includes a narrative account of how the Commission conducted a study of the feasibility of mounting a statewide fund raising campaign focused on major donors who are not lawyers. The report also evaluates the success of the project, specifies a number of challenges faced and lessons learned, and includes documents that may be useful to commissions and legal services leaders in other jurisdictions.”

1.6.14 – good civil-right-to-counsel development: “[T]he Hawai‘i Supreme Court has unanimously ruled that indigent parents have a constitutional right to legal counsel in cases where the State seeks to place their children into the foster care system. Prior to this decision, the State could remove children from their parents’ home, and parents who could not afford an attorney were often left to their own devices to challenge the removal.” (Summary from Hawaii Appleseed, and here’s the Court’s opinion.)

January, 2014 – the Wisconsin ATJ Commission’s January newsletter highlights Commission support of a proposed Judicial Code amendment granting judges more leeway in interacting with pro se litigants, as well as the Commission’s October, 2013 report on how to support low-income, pro se litigants.

January, 2014 – highlighting the recent creation of a landlord/tenant court self-help center in Philly, as well as a statewide series of hearings on ATJ issues in Pennsylvania, Pepper Hamilton Pro Bono Counsel Joe Sullivan identifies institutional collaborations – between the bar, the courts, the legislature, and legal aid – as a key to ATJ achievements, and calls 2013 a “breakthrough” year that could lead to new achievements in narrowing the justice gap. One of those, I’m happy to note, may be establishing and Access to Justice Commission. (Piece first published by The Philadelphia Lawyer.)

Fall, 2013 – the New Mexico Commission on ATJ and its partners published a report on the civil legal needs of low-income New Mexicans. (Here’s the executive summary.)