Happy Monday, ATJ enthusiasts! Baseball season has begun and let’s be honest we’re all just delighted about it. I’m especially enthused to report that just blocks away from my Chicago home the Glorious Philadelphia Phillies Baseball Franchise took two of three from the Cubs of Chicago this past weekend.

Lots of ground to cover, so away we go. Before the ATJ news, two items for your consideration:

- The *New York Times* is hosting interactive maps that plot Census Bureau American Community Survey data on income and ethnicity. Fascinating stuff to get a block-by-block view of income distribution.
- Retired Ohio Supreme Court Justice Evelyn Lundberg Stratton on how judges “have the power to pull people together, solve problems and inspire — all within ethical bounds.” (*National Law Journal*)

The ATJ news in very, very short:

- Requiring pro bono in MD(?)
- More thoughts on changes to the legal business model
• Training non-lawyer advocates – progress in CA, NY, WA
• Legal aid lawyers’ role in healthcare enrollment
• Texas rolls out “Language Access Fund” for legal aid and pro bono lawyers
• Accolades for SD’s Chief Justice in promoting rural ATJ
• PA’s Chief Justice issues call for pro bono and donations in support of legal aid
• TN ATJ Commission recognized for promoting Volunteer State pro bono
• A look at NYC Housing Court’s imbalance between represented and unrepresented parties
• ABA Legal Access Job Corps “Catalyst Grants” available
• In CT, technology innovations to support pro bono lawyers and self-represented litigants
• A look at “limited engagement” pro bono – short-term commitments for volunteers
• Voices for Civil Justice chimes in on state-level ATJ innovations
• Proposed change to GA’s IOLTA rule could boost funding for legal aid
• Nat’l. Center for State Courts honoring two distinguished ATJ champions
• New postgrad law-practice incubator in N. Jersey
• New toolkit to launch a medical-legal partnership
• The legal aid funding crisis in the Buckeye State
• Law review article on why legal aid is an appropriate cy pres award beneficiary
• Measuring the “pro bono gap” in VA

The summaries:

• 4.5.13 – “The time has come — indeed, it is way overdue — to require all lawyers to provide some legal help to people who cannot afford lawyers. A 50-hour-a-year mandatory pro bono requirement — just one hour a week — would more than double the current contributed hours. Lawyers benefit economically from the law practice monopoly. Restrictions on non-lawyers increase both the costs of legal services and our incomes. If we want to maintain the monopoly, we must do all we can to provide legal services to those within it. The arguments against mandatory pro bono are unpersuasive….” (Baltimore Sun op-ed)
• 4.4.14 – Thoughts on changing the legal services delivery model in order to serve middle- and low-income clients: “Speaking at the first meeting of a new [California] State Bar task force on civil justice, [USC Law Prof. Gillian] Hadfield said that given the current ‘corporate form’ of law practice, more than 90 percent of households cannot afford the legal services they need…. Hadfield said the cost can be reduced through new kinds of legal organizations…including businesses employing staff lawyers, joint ventures between law firms and businesses…. ” (California Bar Journal)
• 4.3.14 – “From coast to coast, legal aid organizations have been helping low- and moderate-income Americans wrestle with the glitches, complicated enrollment forms and other would-be obstacles to signing up. These groups often serve as an essential portal for the uninsured when
they need information and assistance. Enabling people to navigate the system, clear hurdles and successfully enroll is potentially life-changing for these individuals and their families.” (Martha Bergmark, of Voices for Civil Justice, writing in the Huffington Post)

- 4.3.14 – “The Language Access Fund, a new program of the State Bar of Texas, helps connect legal aid organizations…with…translation and interpretation services for clients with limited English…proficiency.” The State Bar struck a deal with LanguageLine. (State Bar of Texas Blog)
  - While we’re on language access, a recent report on the Nebraska Judicial Branch’s Language Access Plan includes a needs assessment and recommendations for next steps. The report was produced by the Administrative Office of the Courts and the Minority Justice Committee, and body created by the Nebraska Supreme Court and the State Bar. (Here’s a summary.)

- 4.2.14 – the ABA is recognizing Supreme Court of South Dakota Chief Justice David Gilbertson with a Grassroots Advocacy Award, in part because of the Chief’s work to expand access to justice in rural areas. (ABA press release.) South Dakota’s gotten some attention for the roll-out of Project Rural Practice, which seeks to place lawyers in rural settings.

- 4.2.14 – “During his final year on the Pennsylvania Supreme Court, Chief Justice…Ronald D. Castille is making his last formal plea to lawyers to support the Commonwealth’s civil legal aid programs by providing pro bono service through direct representation and financial contributions. In a letter to Pennsylvania’s approximately 70,000 registered lawyers, the chief justice joined with Pennsylvania Bar Association (PBA) President Forest N. Myers in calling on attorneys to make a personal commitment to provide pro bono service.” (PA Courts news release)

- 4.1.14 – the National Judicial College honored the Tennessee Supreme Court and its Access to Justice Commission for its work to promote pro bono and increase ATJ in the Volunteer State. (The Chattanoogan)

- 3.28.14 – A Tale of Two Housing Courts: “In New York City’s housing court, 90% of tenants facing an eviction do not have legal representation, while 98% of landlords do. Mark Levine, Council Member from NYC’s 7th District, discusses his proposal to increase funding for low-income tenants who end up in housing courts.” (WNYC radio’s Brian Lehrer Show)

- 3.27.14 – the National Law Journal picks up on the ABA’s call for “catalyst grant” proposals via the Legal Access Job Corps program: “To qualify for grants, projects must provide both legal services to the poor or people with moderate incomes, and employment for recent law graduates. Existing projects are not eligible. The ABA said would favor ideas that involve partnerships with existing organizations; matching support from the applicant group; innovative use of technology; and a demonstration that the program is sustainable.” Grant deadline: May 15.

- 3.27.14 – technology developments in Connecticut: “Last year, the Legal Services Corporation (LSC) awarded a Technology Initiative Grant (TIG) to Statewide Legal Services of Connecticut to develop eLearning technology to deliver:
  - self-paced instruction to self-represented parties, and
  - on-demand training to pro bono attorneys

  (Read the full blog post from New Haven Legal Assistance executive director Susan Nofi.)

- 3.26.14 – “Lawyers are delivering a great deal of pro bono work through ‘limited engagements,’ that is, through narrow, targeted efforts. These come in several flavors: among them local programs established through a local provider and targeted at a particular kind of recurring legal problem or more general ‘clinics’ where a given population (for example, veterans or homeless individuals) receive more wide-ranging advice or referrals. (Read Prof. Bill Woodward’s post on the ABA Center for Pro Bono’s blog.)

- 3.25.14 – Voices for Civil Justice’s Martha Bergmark notes that, while securing robust, stable, government funding for legal aid remains a priority, ATJ stakeholders are innovating on the state
and local levels to narrow the justice gap through pro bono initiatives, ATJ Commissions, and in other ways. *(New York Law Journal)*

- 3.25.14 – “The State Bar of Georgia’s Board of Governors…approved a requirement that lawyers establish client trust accounts exclusively with banks that offer competitive interest rates. Interest on lawyers’ trust accounts, also known as IOLTA, is forwarded to the Georgia Bar Foundation for grants to legal aid agencies…. More than 30 other states have similar rate requirements for lawyers’ client trust accounts.” The proposal will be open for a comment period, and will then go to the state supreme court for a final decision. *(Daily Report)*

- 3.24.14 – the National Center for State Courts is presenting Distinguished Service Awards to Justice Ron Robie, who’s presently chair of the California Commission on Access to Justice, and longtime ATJ advocate Richard Zorza of the Self Represented Litigation Network.

- 3.23.14 – a new postgraduate incubator in New Jersey: “Rutgers School of Law-Newark has launched a program to ease graduates into the legal profession. The program, believed to be the first of its kind in the nation, is paying new law school graduates $30,000 to spend a year working in an on-campus law firm serving low- and moderate-income New Jerseyans. [N]ewly minted lawyers take on criminal, divorce, custody, special education, estate, landlord-tenant and other cases for clients who make too much money to qualify for free legal help. The Rutgers Law Associates Fellowship Program charges clients $50 an hour, a fraction of the $250 to $300 hourly rate many private attorneys charge. *(Star-Ledger)*

- March, 2014 – “The National Center for Medical-Legal Partnership released a new toolkit…to guide healthcare and legal institutions and practitioners through the process of coordinating care and developing an MLP. The toolkit is designed both to aid in the development of a new program as well as to help existing medical-legal partnerships strengthen their services and operations.” *(The toolkit is available on the National Center’s homepage.)*

- March, 2014 – from the Ohio Lawyer, a look at how the legal aid funding crisis has hit the Buckeye State.

- March, 2014 – attention cy pres geeks: read “Class Action Settlement Residue and Cy Pres Awards: Emerging Problems and Practical Solutions” in the latest edition of the *Virginia Journal of Social Policy and the Law*. Abstract: “The cy pres doctrine is a well-recognized device that permits the court to designate suitable organizations to receive [class action residuals]. Recently, academics, judges, practitioners, and professional objectors have mounted a multi-faceted attack on this device, ranging from constitutional and ethical concerns to appeals challenging specific awards…. [T]his Article explains why public interest and legal services organizations…are appropriate cy pres recipients and avoid many of the problems raised by other potential recipients.”

- February, 2014 – We’re familiar with the justice gap, but how about the “pro bono gap” – the difference between the pro bono hours that would be contributed if a state’s lawyers performed at the rate recommended in their state professional conduct code versus the number of hours actually performed? Some research out of Virginia, while acknowledging that pro bono is hard to measure, finds that with respect to service rendered via a formal pro bono referral program, “as a statewide community, we are performing less than [4%] of the pro bono work that the rule expects of us.” *(Virginia Lawyer Magazine)*
Happy Monday, ATJ Enthusiasts! I hope you’re enjoying a lovely spring holiday season. I snapped the above during a recent stop in Seattle, but the locus of much recent ATJ activity has been the other Washington: the White House Forum on Increasing Access to Justice, ABA Day lobbying efforts in support of Legal Services Corporation funding, and an LSC board meeting all took place earlier this month in DC.

- April 16: Here’s a White House Forum wrap-up, courtesy of LSC.
- April 8-10: ABA Day. (Math: not the ABA’s strong suit.) Anyhow, much of ABA Day(s) involves efforts to bolster Congressional support for LSC funding. Here’s ABA president James Silkenat blogging on DC news outletThe Hill: “Congress provided the LSC with $365 million this fiscal year, a meaningful $25 million boost from the previous year. Still, that number is far below the $420 million appropriated in fiscal 2010. Adjusted for inflation, the LSC budget is near its lowest funding level in its 40-year history. President…Obama’s budget request of $430 million — a figure supported by [the ABA] — would allow the LSC to…address some of the overwhelming need for legal aid that we see in every American community.” For those keeping score, LSC itself is requesting $486m in FY15.
- Speaking of LSC, their board met April 6-8.

The ATJ news in very, very short:

- CT gov backs bill to sustain filing-fee funding stream for legal aid
- MA ATJ Commission co-chair nominated to become Supreme Judicial Court Chief
• TN ATJ Commission twofer: report on statewide pro bono and 2014-16 strategic plan
• Amer. Assoc. of Law Librarians supports LSC’s FY15 funding request
• LSC poised to return to funding an American Somoan grantee
• Limited scope representation to expand in WI
• Op-ed voices support for NY program to serve modest-means clients
• U.S. DOJ launches toolkit to better connect civil legal aid providers with federal agencies
• Richard Zorza argues for an “expansive definition of legal aid”
• An increasing number of pro se litigants in federal bankruptcy courts
• NJ high court will weigh in on conflict waivers for pro bono lawyers to rep. bankruptcy debtors
• “Why you should care about ATJ”: 13-minute Tedx Talk clip, from a Canadian Lawyer

The summaries:

• 4.18.14 – in Connecticut, Gov. Malloy is publicly backing a bill, now in the Senate, that would preserve a filing-fee revenue stream for legal aid and in fact increase the percentage of that stream – to 95% from 70% – going to legal aid: “The changes are expected to make $1.6 million available in fiscal 2015 with an estimated $6.3 million more available in fiscal 2016.” This revenue mechanism was first created in response to the devastating effect post-recession of IOLTA shortfalls on legal aid funding. Here’s New Haven Register coverage of a press conference featuring Gov. Malloy, legal aid officials, and a client whose home was saved by legal aid lawyers.
• 4.17.14 – good stuff. Massachusetts Supreme Judicial Court Associate Justice Ralph Gants, who co-chairs the Bay State’s Access to Justice Commission, has been nominated by Gov. Patrick to become the next Chief Justice. Here’s the Boston Bar Association throwing its support behind the nomination, and highlighting Gants’s support of legal aid.
• 4.17.14 – from the Tennessee ATJ Commission, a pro bono report and a strategic plan:

  The…Access to Justice Commission has released the 2013 Pro Bono Report. [A]pproximately 42 percent of Tennessee [attorneys] reported doing some pro bono work during 2012. These attorneys reported 672,976 total hours of pro bono service, an average of 73.8 hours per attorney reporting pro bono work, well above the national average. The report also describes the significant work being done by bar associations, law schools, legal aid organizations and faith-based communities across Tennessee and includes information from some of the nearly 70 legal organizations that have adopted pro bono policies.

  Here’s the 2014-16 ATJ Commission Strategic Plan.
• 4.15.14 – law librarians have something to say to Congress, and it ain’t “Shhhhh!!!!” (Although perhaps it should be.) The American Assoc. of Law Librarians, “including President Steve Anderson, urged…Congress to support the FY 2015 funding request of the Legal Services Corporation as part of AALL’s Lobby Day event on March 27. The Associations’ Access to Justice Special Committee is working to complete a White Paper on the participation of law libraries in the access to justice movement for presentation to the Executive Board.” (Full post from the AALL blog.)
4.14.14 – LSC funding will soon return to American Somoa. From Radio New Zealand: “Free legal aid will soon be available to American Samoans again, after a group received approval to operate as a non-profit organisation. The group has been deemed eligible for funding from the Legal Services Corporation, the same federal group that funded the now defunct U’uaini Legal Services. The group, American Samoa Legal Aid, was incorporated in 2008 with the help of Legal Services Corporation staff who visited the territory and met with the American Samoa Bar Association.”

- LSC has issued a call for consultant proposals to shepherd ASLA along with organizational governance matters, so that it gets into compliance with LSC grantee requirements. Proposal deadline: 5/8

4.11.14 – “On April 4, the Wisconsin Supreme Court voted unanimously to adopt a series of changes proposed in Petition 13-10 to expand support for limited scope representation arrangements between lawyers and clients. The changes, which take effect in January 2015...have been a key priority for the [ATJ] Commission. Among other changes, the new rules will provide a process for entering and withdrawing limited appearances in court as well as for document preparation by attorneys for self-represented parties (aka “ghostwriting”).” (More from my main man Jeff Brown of the Wisconsin Bar.)

4.9.14 – a Connecticut Law Journal editorial voices support for efforts in NYC to connect lawyers with modest-means client communities: “The [NYC] Bar Association Task Force has proposed a pilot program to design and test what it calls ‘a mission-driven, commercial business model to deliver a defined set of legal services to people who can afford to pay something, but who do not have practical access at the present time to such services at an affordable rate.’ The program, organized by the bar association, will be based on a business model in which trained and supervised new lawyers will earn a moderate salary for providing legal services to persons of modest income.” (Here’s the NYC Bar report, “Developing Legal Careers and Delivering Justice in the 21st Century,” which was released in Fall, 2013.)

4.8.14 – the U.S. DOJ’s ATJ Initiative has launched the “Legal Aid Interagency Roundtable Toolkit,” an online resource guide containing...information about civil legal services, and how those services can help advance a broad array of Federal objectives. The Toolkit will help further engage the legal services community, and will identify for both legal service providers and Federal agencies the program areas where legal service providers’ work can add the most value, including by listing examples from across the Federal Government of grants and activities that engage civil legal aid. The Toolkit will...be updated and refined as we identify additional opportunities for enhanced partnerships with the civil legal aid community.”

4.7.14 – Richard Zorza with thoughts on why and how to use an “expansive and popular definition of legal aid” in order to build support among the public and policymakers: “[A]s readers of this blog are well familiar, we now know, thanks to the work of Voices for Civil Justice, that the phrase ‘civil legal aid’ is highly effective as communicating our core goals and identify. [F]or many voters, their support of additional funding for “civil legal aid” is conditioned on their being convinced that it is available to all who need it, i.e. not only the very poor, but also middle class folks. This obviously means that it is important that we include in our definition of ‘legal aid’ services and programs that are not vigorously means tested, including the many that are provided by courts, libraries and others.”

4.6.14 – a piece looking into a rise in pro se litigants in a Washington State county offers an interesting bit of data on federal courts: “In federal courts, the number of pro se bankruptcy filings increased by 187 percent between 2006 and 2011, compared with an increase of 98 percent in non-pro se bankruptcy filings during the same period, according to an analysis by the Administrative Office of the U.S. Courts. Pro se bankruptcy filings represented about 26 percent of all filings, the study found.” (Article in The Columbian)

4.1.14 – “The New Jersey Supreme Court is considering whether ethics strictures should be relaxed to facilitate appearances of volunteer lawyers for debtors in bankruptcy cases. A case [just] argued tests whether an attorney can ethically provide pro bono legal services to a debtor in a no-asset Chapter 7 bankruptcy even though the lawyer’s firm represents a creditor of the
debtor in an unrelated matter. Last year, the Advisory Committee on Professional Ethics said in a formal opinion, No. 17-2012, that while there was no direct conflict of interest, the lawyer must get consent from both sides. Now groups promoting legal services—Volunteer Lawyers for Justice, the New Jersey State Bar Association and the Pro Bono Institute—want that opinion abrogated, saying that requiring waivers will chill volunteer efforts.” (New Jersey Law Journal).

To close out the ATJ news, here’s Canadian lawyer Andrew Pilliar, now pursuing a PhD in Access to Justice, doing a 13-minute “TEDx talk” entitled “Why you should care about ATJ?” This is food for thought as we think about how to message ATJ’s importance to the general public. Pilliar highlights that people on society’s margins are most vulnerable, but also notes that people with stable incomes also struggle to afford legal services. As an aside, I’m intrigued by the idea of an ATJ PhD, and I plan to pursue one as soon as I pay off my law school loans. In 2094,

- And while we’re in Canada, this month’s edition of Canadian Lawyer magazine is focused on pro bono. (Subscription required)

Author: Steve Grumm