Greetings ATJ Enthusiasts, and Happy MLK Day! Please take time today to consider Dr. King’s legacy. I dislike the tendency toward deifying historical figures. Even the most influential, right-minded people are...all people after all. Be that as it may, influential Dr. King was – in law, social policy, our view of American history, and most importantly in how we relate to one another. He pointed us toward equality with a simple – yet eloquently constructed – message.

Dr. King connected us with our commonality as human beings – with our inherent dignity. He inspired us to recognize and to rise above our cruder, fear-driven instincts. Because he recognized that with all of our flaws...
and fears, we are capable of transcending divisiveness and exercising instead higher-minded virtue – of respecting and caring for one another. We are, with our wondrous minds and hearts and souls, all people after all.

As you consider Dr. King’s legacy, consider that you are an extension of it. What words are more central to the concept of “access to justice” than equality and dignity? Thanks for your ATJ contributions large and small.

On to the news…

“What’s the U.S. economy doing, Steve?” you did not ask. Our economic recovery continues, but its benefits are uneven. From Reuters: “U.S. job growth increased briskly in December, but wages posted their biggest decline in at least eight years in a sign the tightening labor market has yet to give much of a boost to workers.” And as the economy accelerates, IOLTA programs find themselves in the odd position of hoping the Fed soon taps the brakes. However, the cost of living has dropped (read: low gas prices). This won’t have officials rushing to raise interest rates, although some Fed action is still expected in Spring.

The ATJ News in very, very short:

- Big congrats to the new Florida ATJ Commission
- “The Importance of Equal Justice for All” from MO legal aid director
- Multi-story report on GA’s rural ATJ crisis
- L.A. school district may have its lawyers help unaccompanied minors
- CA ATJ Commission awards grants to law-practice incubator programs
- Two TN faith-based groups form medical-legal partnership
- The “Walk to the Hill” in support of MA legal aid funding
- What 2015 may hold for pro bono
- Enter the Limited License Legal Technicians
- LSC Midwest Legal Disaster Coordination Fund grants to IA and NE
- Illinois ATJ Commission makes standardized court form progress
- Is there really a dearth of affordable legal services available to those of moderate income?
- The value of “emeritus” pro bono programs

The summaries:

- 1.18.15 – Florida’s new ATJ Commission held its kickoff meeting last Friday. Among other issues, the Commission will look at the legal aid funding infrastructure. (Flagler Live) Other recent FL ATJ Commission coverage:
Op-ed from Florida Supreme Court Chief Justice Jorge Labarga and Florida Bar President Gregory W. Coleman: “Last year, Florida lawyers reported 1.9 million hours of pro bono work to The Florida Bar and more than $4.8 million in donations to legal services, but this is not an issue that can be solved by volunteer attorneys alone. The solution must include additional financial support, as well as collaboration among the legal profession, the courts, the Legislature, legal aid and its funding organizations, and social services agencies.” (Op-ed ran in the Miami Herald and Tallahassee Democrat)

A Palm Beach Post editorial lamented legal aid funding shortfalls, and praised the “…chief justice’s historic step, whose significance should not be understated.”

1.15.15 – Legal Services of Eastern Missouri (LSEM) director Ken Glazer writing on “The Importance of Equal Justice for All” in the St. Louis Post-Dispatch: “The need for legal services for low-income Americans now stands at an all-time high with nearly 64 million people, 21 percent of the population, financially eligible for assistance from LSC-funded legal aid programs. That is a 30 percent increase over 2007…. Only with increased commitment from all — government, the courts, the Bar, and the public — will our country’s promise of justice reflected in the first line of our Constitution...be made real to all Americans.”

1.15.15 – “Six counties in Georgia have no lawyers. Another 56 counties have 15 or fewer members of the bar. Georgia’s chief justice and state bar president say it’s a crisis for the legal system. The Daily Report went to South Georgia, home to all six lawyerless counties, to find out how law is practiced in a land without lawyers—and what some say should be done about it.” (Here’s the multi-article “Special Report.”)

1.14.15 – the Los Angeles Unified School District is considering a plan to have some of its lawyers devote pro bono time to representing unaccompanied minor students facing deportation proceedings. Even if the plan goes forward only a small number of students would receive this help. (CBS Los Angeles)

1.13.15 – “The California Commission on Access to Justice has announced $185,000 in grants to launch three legal incubators and to support an existing incubator in Orange County. Thirteen California law schools will be involved in the newly funded incubators. Recent graduates receive training, mentorship and free or subsidized office space. In exchange, they represent clients of modest means at below-market rates.” (National Law Journal)

Here, my ABA colleagues Will Hornsby and Sara Smith track incubator programs nationally.

Here, ATJ guru Richard Zorza lauds the ATJ Commission for getting into the grant-making game.

1.12.15 – a Tennessee medical-legal partnership between faith-based partners: “Christ Community Health Services has partnered with Unity Solutions, a faith-based, neighborhood-based, non-profit legal services corporation, to assist patients in overcoming legal obstacles.” (Press release)

1.8.15 – “On Jan. 29…more than 1,000 other lawyers and advocates from across the commonwealth…[will be] attending the annual “Walk to the Hill” in support of a substantial increase in funding for the statewide network of civil legal service programs funded by the Massachusetts Legal Assistance Corporation.” Supreme Judicial Court Chief Justice Ralph Gants, who co-chairs the Mass. ATJ Commission, will be among the participants. (Dorchester Reporter op-ed)

And from Boston Bar Association President: “the…BBA…recently released a Task Force report that shows that taking a preventive approach to legal issues, in the same way we do for public health, would help families, save government funds and ensure fairness in our justice system. Here’s “Remedy for an ailing civil justice system: preventive legal care” in The American Prospect.

1.8.15 – a password-protected 2015 pro bono preview from Law360: “In 2015, look for the real story in pro bono legal services beneath the numbers. It’s pretty clear by now that even consistently robust hours — up to 5 million a year in the United States for several years running
— are not enough to meet demand from poor persons in need of legal help. Given that the justice gap, like the wealth gap, seems only to widen with time, the good news lies not in the numbers alone, but in how these hours are utilized.”

- **1.1.15** – here come the Limited License Legal Technicians: “[In Washington State] nonlawyers will be licensed by the state to provide legal advice and assistance to clients in certain areas of law without the supervision of a lawyer. The first practice area in which LLLTs will be licensed is domestic relations. [Fifteen aspiring LLLTs] have taken the required courses and will sit for a licensing examination in March… California is actively considering nonlawyer licensing, and several other states are beginning to explore it. New York… is already allowing nonlawyers to provide legal assistance in limited circumstances.” (ABA Journal)

- January, 2015 – “LSC received a $1.2 million two-year grant to foster… relationships between disaster-preparedness organizations and [Midwest] legal service providers. The 2014 Midwest Legal Disaster Coordination Fund grantees are Iowa Legal Aid and Legal Aid of Nebraska…. LSC will also coordinate nationally with FEMA, the American Red Cross, National Volunteer Organizations Active in Disaster, the [ABA], and others to launch a national response network integrating legal services with traditional disaster relief.” More here. Aside from IA and NE, the other states in the Fund’s zone are: AR, KS, MN, MO, MT, ND, OK, and SD.

- January, 2015 – from the Illinois Bar Journal: “The supreme court’s Access to Justice Commission is creating standardized court forms aimed primarily at pro se litigants. Here’s an update on the Standardized Forms Committee’s progress.”

- December, 2014 – the ABA’s Standing Committee on the Delivery of Legal Services pushes back against the popular idea that there is a dearth of affordable legal services available to those of moderate income: “…[M]any, if not most of those of moderate and modest means have access to legal services through affordable modalities [in part because there is a broad range of payment frameworks aside from the billable hour].” (Standing Committee’s memo to the ABA Commission on the Future of Legal Services.)

- December, 2014 – from The Washington Lawyer: As many lawyers from the Baby Boomer generation find themselves in a position to retire, they also find themselves in a position to devote a significant amount of their time and energy to pro bono and public service work.”
  - The ABA Commission on Law and Aging tracks states that have “emeritus rules” which permit retired/inactive lawyers to continue doing pro bono work.
Happy 2015, Access to Justice Enthusiasts! The ATJ Blog has missed you. The Blog took some medical R&R late last year, but it’s back with the latest in ATJ, civil legal aid, pro bono, and the like. (We will, of course, still close with our music favorites for you to ridicule via “friendly suggestion about your song choices” emails.)

Before the news, two items for your consideration:

- The economy continues to pick up steam: “[Revised figures show that the] U.S. economy grew at a 5.0 percent clip in the third quarter [2014], its quickest pace in 11 years and the strongest sign yet that growth has decisively shifted into higher gear.” (Reuters)
  - That’s good overall news, but close followers of IOLTA will note that the Federal Reserve “expected to start raising interest rates [in 2015], but that it would wait patiently for the right time and did not expect to begin any earlier than late April.” (New York Times) So we’ll wait a bit longer on IOLTA relief.
- From the National Law Journal: “Law school enrollment fell for the fourth straight year in 2014…. According to the ABA, the fall 2014 entering class is the smallest since 1973. That statistic is even more striking considering there are 204 ABA-accredited law schools now compared with 151 in 1974. Similarly, the total number of J.D. students nationwide is the lowest since 1987, when there were only 175 law schools.”

The ATJ News in very, very brief:

- legal aid funding woes in Eastern VA
- OK may go to required interpreter certification in civil courts
- In ME, a new LSC Technology Initiative Grant to reach female military vets
- CT corporations fund a legal aid fellowship at each of state’s 3 providers
NBC looks at medical-legal partnerships

MA ATJ Commission releases resource on ATJ in administrative law

End-of-2014 federal legislation impacting legal aid

NYC Housing Court’s push to expand access to lawyers

Attorney dues increase to support struggling Iowa Legal Aid?

Push for more legal aid funding from NM legislature

MN-based Cancer Legal Line connects people to pro bono legal help

FL launches an ATJ Commission

Corporate pro bono contributions up

Pilot projects to expand civil right to counsel in CA, MA & NY

The Justice Index releases revised, state x state findings in late 2014

How much does legal representation affect the fate of detained immigrants?

Two pieces of ATJ scholarship:

- “How a Civil Right to Counsel Can Help Dismantle Concentrated Poverty in America’s Inner Cities.”
- “Ensuring Access to Justice For All: Addressing the Justice Gap Through Renewed Emphasis on Attorney Professionalism and Ethical Obligations in the Classroom and Beyond.”

The summaries:

- 12.30.14 – not new news to any observers, but a look at the Legal Aid Society of East Virginia’s post-recession budget woes: “After losing about a third of its funding – a fall from $4.1 million a year to $2.9 million – Legal Aid’s five offices in Hampton Roads and the Eastern Shore went from 28 attorneys in 2010 to 18 today. Ironically, the change was largely caused by an increase in the number of people living in poverty, not a decrease. Those federal and state grants are based on the census, so when poverty rises in one place, more dollars flow there. Between 2000 and 2012, the number of people in poverty went up 12 percent here, but 34 percent in the rest of Virginia and 43 percent in the rest of the country, said Ray Hartz, executive director for the Hampton Roads society.” (Virginian-Pilot)

- 12.26.14 – this month the Oklahoma Supreme Court is likely to consider a proposal to require certification for court interpreters and translators in civil cases (whereas this standard is already in place in criminal cases, as a due-process principle). (Tulsa World)

- 12.19.14 – in Maine, some local coverage of Pine Tree Legal Assistance’s receipt of an LSC Technology Initiative Grant. The $74K grant will enable Pine Tree to work “with the NuLawLab at the Northeastern School of Law to develop a mobile technology outreach tool, designed for all female veterans, but especially targeted to victims of military sexual trauma, post traumatic stress and homelessness.” (Maine Public Broadcasting Network)

- 12.18.14 – “A corporate-backed program will soon hire three full-time lawyers to assist major legal aid providers in Connecticut. Lawyercorps, founded by United Technologies Corp. and General Electric, is taking applications starting this month. The group will place an attorney at Connecticut Legal Services, Greater Hartford Legal Aid, and New Haven Legal Assistance Association.” (Hartford Business Journal)
Happy to note that an ABA Access to Justice Innovation grant supported LawyerCorps’s launch.

12.14.14 – NBC News takes note of medical legal partnerships at work throughout the U.S., including one of MLPs’ “strong selling point[s]: they save money. Lancaster General Hospital, in Pennsylvania, set up a clinic for so-called “super-utilizers” – the people who show up in emergency rooms over and over with persistent or recurring health problems. When the clinic brought an attorney on board, they realized that half of the barriers facing their patients were legal issues —things like poor housing, domestic violence, or simple lack of access to healthcare they’re entitled to.” (NBC News)

12.11.14 – in Massachusetts, a focus on ATJ in administrative-agency adjudication processes: “The Patrick Administration and the Massachusetts [ATJ] Commission today announced a set of best practices to ensure that all residents in the Commonwealth have access to administrative justice within state government.” Press release via ABA ATJ Blog.

Legislative happenings that touched the legal aid community as the 113th Congress ended its miserable crawl to the finish line:

- LSC Funding – the result of the big FY15 spending bill’s passage is okay for LSC. Its appropriation rose to $375m (up from $365 in FY2014). Notable: there is a ~$7.5 million increase in Basic Field Grant funds and a $1.5 million increase in the Pro Bono Innovation Fund appropriation.
  - Also noteworthy on the LSC front: the Senate unanimously confirmed the reappointment of 8 LSC board members.
- IOLTA – this one’s wonky but important. Credit union IOLTA accounts will now be federally insured just as private-bank IOLTA accounts are. This means lawyers can use credit unions just as safely, and safe options for IOLTA funds is good for funding legal aid. “‘The Credit Union Share Insurance Fund Parity Act strengthens national credit unions’ commitment to IOLTAs and the legal services they help fund for local communities,’ [Rep. Ed Royce (CA)] said after the Senate’s passage of the legislation.” (Credit Union Times).

12.16.14 – from “Push to Provide Housing Lawyers in NYC Housing Court Gains Momentum”: “With the city stepping up efforts to help tenants remain in rent-regulated apartments…the lack of counsel in Housing Court is drawing increased attention from City Hall and the court system. The mayor has doubled spending for legal aid to fight evictions to more than $13 million a year; a bill pending in the City Council would require the city to spend more than $100 million. The legislation is part of a national campaign by elected officials, legal scholars and tenant advocates to establish a right to counsel in civil actions that impact basic needs like housing.” (NYT)

12.10.14 – “[S]ince 2010, facing funding cuts from two main sources, Iowa Legal Aid has shed staff. To hire more attorneys, the nonprofit has championed a proposal to require most Iowa attorneys to pay a yearly $100 fee to support its budget. The proposal has divided Iowa lawyers and has brought in more than 130 pages worth of public comments to the state Supreme Court. (Des Moines Register)
  - An earlier Des Moines Register story explores an argument against the proposal, asking: “Will a mandatory $100 annual fee prove a psychological deterrent for Iowa attorneys that decreases their voluntary and pro bono work with low-income people?”
  - You can access the public comments and submit your own (Deadline Today!) here.

12.10.14 – “A network of more than a dozen organizations that provide legal services to the poor and homeless is asking the [New Mexico] Legislature to increase its $3.8 million budget by another $2 million for the next fiscal year…. ‘We certainly think $2 million accurately reflects the need, but we are also aware of all the reasons why it may be tough to get,’ [New Mexico
Legal Aid exec. director R. Edward Marks] said… Nevertheless, every dollar invested in civil legal [aid] returns $3.23 back to the community, he said. *(Albuquerque Journal)*

- Wonder of wonders, I had only to try spelling “Albuquerque” twice before getting it. Thanks to my third-grade teacher, Sister Mary Rosary Patrick Michael Assumpta. Or something like that.

- 12.10.14 – a look at the growth of Cancer Legal Line (CALL), which “helps clients (Minnesotans with cancer diagnoses) meet basic needs through legal assistance in areas including insurance coverage, housing and finances, employment, legal planning and public benefits.” *(Stillwater Gazette)* With funding from all private (mainly foundation) sources, CALL runs a mix of means-tested legal representation projects as well as more publicly available counsel/advise and education projects.”

- 12.1.14 – the “Florida Commission on Access to Civil Justice will study the unmet civil legal needs of disadvantaged, low-income, and moderate-income Floridians, considering Florida’s legal assistance delivery system as a whole: staffed legal aid programs, pro bono services, …technology solutions, and potential innovations. [The Commission] was established Nov. 24, 2014, by administrative order of Florida Chief Justice Jorge Labarga.” More, including the administrative order laying out the Commission’s structure and purpose, is athttp://www.flaccesstojustice.org/. *(Here is Jacksonville Daily Record*coverage, and here is Florida Times-Union coverage.)*

- Unrelated to the Commission but also in Florida, there is a push to raise bar dues to support legal aid. The Florida Bar opposes the dues hike. The *Daytona Beach News-Journal* supports the increase. So does the *Sun Sentinel,*

- 11.25.14 – from Corporate Counsel: “Of the 175 corporate counsel interviewed…by [legal staffing agency Robert Half], 25 percent said they increased either slightly or significantly the number of hours they work on a pro bono or volunteer basis over the last five years. This is somewhat lower than the overall percentage of lawyers doing slightly or a lot more pro bono—33 percent—but corporate departments are still clocking a fair amount of hours. For in-house counsel, the average number of pro bono hours reported annually was 41, and some 32 percent dedicate 50 or more hours of their time each year to pro bono service. Some 5 percent are huge contributors, devoting 200 hours or more of their time to pro bono work.”

- While we’re on the topic: a Cleveland-area judge and law firm partner explore the business case for pro bono: “Consumer sentiment, media coverage and government regulatory pressures are…driving business in the direction of more sustainable practices, paying attention not only to the financial bottom line, but also the environment and the health of the local community. Contributing pro bono legal services adds value to the vibrancy of a…community, which in turn drives greater profitability. A corporate culture that includes volunteerism can be a form of enlightened organizational self-interest. *(Crain’s Cleveland Business)*

- 11.21.14 – a *New York Times* piece looks in on efforts in CA, NY, and MA to make more legal aid available to low-income persons. The pilot projects are part of a roiling discussion in legal circles about what is often called “Civil Gideon”…. The shorthand term is misleading because no one is pressing for a free lawyer for every poor person in a lawsuit. Rather the movement seeks to provide help in a subset of civil actions involving basic needs like housing, safety and custody, said John Pollock…of the National Coalition for a Civil Right to Counsel.”

- 11.21.14 – The National Center for Access to Justice revised The Justice Index, www.justiceindex.org, on November 13, 2014 to reflect additional research and to respond to comments and corrections [received after the Index’s February, 2014 launch]. The new findings…changed the rankings for many of the states. If you’re unfamiliar w/ the Justice Index, is “NCAJ’s online resource in which data is presented that reveals the performance of state-based justice systems in assuring access to justice. The Justice Indexexamines four elements of state-based justice systems – number of lawyers for the poor, self-represented litigants assistance, language assistance, and disability assistance.”
As is noted in a subsequent NCAJ blog post, several local media outlets – including CT, HI, IL, KY, and OK – picked up the Index’s re-release.

11.6.14 – A report released today by [a] Stanford Law [immigration clinic] and the Northern California Collaborative for Immigrant Justice (NCCIJ) shows the dramatic impact that legal representation has on detained immigrants. Those with lawyers are three times more likely to win their deportation cases than those without attorneys, yet two-thirds of detained immigrants have no legal representation at any point in their removal proceedings. Here’s the Stanford News article, and here’s the report, Access to Justice for Immigrant Families and Communities.

November, 2014 – writing in the Stanford Law & Policy Journal (and it gives me considerable pleasure that I haven’t a clue about how to correctly cite it, and I don’t care), Maryland ATJ Commission exec. director Pam Cardullo Ortiz explores “How a Civil Right to Counsel Can Help Dismantle Concentrated Poverty in America’s Inner Cities.”

Fall, 2014 – Hon. Anna Blackburne-Rigsby focuses on “Ensuring Access to Justice For All: Addressing the Justice Gap Through Renewed Emphasis on Attorney Professionalism and Ethical Obligations in the Classroom and Beyond.” Judge Blackburne-Rigsby sits on the D.C. Court of Appeals and is a member of the D.C. ATJ Commission. (Published in Georgetown Journal of Legal Ethics)

Have a great week.

Author: Steve Grumm