



Access to Justice Headlines June 2010-May 2011 Reported at www.ATJsupport.org

Conferences of Chief Justices and Court Administrators, U.S. Department of Justice Leadership on Legal Aid Funding, ATJ Commissions

At the July 2010 meeting of the Conference of Chief Justices and Conference of State Court Administrators, Harvard Law School Professor Laurence Tribe, then special counselor for Access to Justice at the U.S. Department of Justice, won a standing ovation from state Chief Justices and chief court administrators for an impassioned speech in which he called upon them to play a leadership role in improving access for the poor, the middle class, and juveniles. Tribe called for a new form of non-ideological "judicial activism," asking Chief Justices to take specific steps to enforce the right to counsel for juveniles and indigents and to make pro bono and pro se representation easier. He called for the creation of Access to Justice commissions in those states where they do not already exist, and cited examples of the effectiveness of current commissions, especially in expanding state funding for legal assistance.

Texas Chief Justice Wallace Jefferson, president of the Conference of Chief Justices, was quoted by the *National Law Journal* as saying that the message had a major impact. "We were all taking notes. The message he gave was inspirational. As Chief Justices, we can do no better than to spend our time making sure there is access to the courthouse."

Following Professor Tribe's Speech, the Access, Fairness, and Public Trust Committee of the two conferences met to consider how Chief Justices and administrators can promote access to justice. At the meeting, the committee passed two resolutions, both of which have been formally adopted by the Conference of Chief Justices and Conference of State Court Administrators:

Resolution 7, *In Support of State Supreme Court Leadership in Increasing Funding for Civil Legal Assistance*, which encourages members to advocate publicly for increased funding and collaborate with bar entities and legal services programs to plan and implement effective fundraising strategies.

Resolution 8, *In Support of Access to Justice Commissions*, supporting the aspirational goal that every state and territory have an Access to Justice commission or comparable body.

With assistance from the ABA Resource Center for Access to Justice Initiatives and the U.S. Department of Justice office for Access to Justice, the Committee has been taking steps to implement the two resolutions. It has circulated draft language on Access to Justice for possible use by Chief Justices in State of the Judiciary addresses and similar contexts, as well as a draft editorial on civil legal aid funding. It has also reached out to Chief Justices in states without Access to Justice commissions to offer assistance and support in creating one. The Committee is also developing an educational session on judicial leadership in expanding civil legal funding for a future CCJ/COSCA meeting plenary.

Access to Justice Commissions

Connecticut Access to Justice Commission and Initiatives. In her State of the Judiciary Address on April 13, 2011, Chief Justice Chase Rogers highlighted the Connecticut Supreme Court's commitment to Access to Justice and announced the creation of a new Connecticut Access to Justice Commission, to be chaired by Judge Raymond R. Norko. The new Commission will meet for the first time in June, with the Chief Justice participating. It will serve a broad umbrella function, providing leadership and coordinating the courts' Access to Justice efforts, including those of the Self-Represented Parties Work Group, also chaired by Judge Norko, and the Pro Bono Committee, created in 2010 and chaired by Judge William Bright. The Commission will also develop recommendations to expand the delivery of legal services by examining court rules, policies and procedures, and is expected to make concrete recommendations for the development of limited scope representation and a specific Access to Justice Web page on the Branch's internet site. Members of the new Commission include representatives from the Pro Bono Committee and Self-Represented Work Group and other Judicial Branch groups, as well as bar associations, law schools, legal aid providers, and other public and private entities. In conjunction with the creation of the Commission, the Supreme Court developed a complete description of the numerous court Access to Justice initiatives that are currently underway or have been completed or proposed.

New Kentucky Access to Justice Commission. The new Kentucky Access to Justice Commission met for the first time on January 28, 2011. The Commission, created in October 2010 by an order of the Supreme Court of Kentucky, is charged with expanding equal access to civil justice for low-income citizens through an ongoing partnership among the judiciary and the state and local bar associations, legal aid providers, law schools, elected officials and other community leaders. Judge Roger L. Crittenden (ret.) chairs the Commission and Justice Bill Cunningham serves as a member and liaison to the Supreme Court.

Kansas Access to Justice Committee. In December 2010, the Kansas Supreme Court converted its Self Represented Study Committee into the Access to Justice Committee. The Committee's expanded charge is to insure access to the courts for all Kansans without regard to their level of income. The Committee is requested to make recommendations to the Supreme Court on such issues as increasing the resources available for legal services for low-income litigants, improving planning and coordination of legal services delivery, and reducing potential barriers to equal access to justice. The Committee is chaired by Judge Edward G. Bouker and includes other judges, court administrators, representatives of legal aid providers and the organized bar, and private attorneys.

Access to Justice Reports and Public Awareness Initiatives

New York Report on Expanded Access and Budget Recommendations by Chief Judge. In November 2010, New York Chief Judge Jonathan Lippman received a comprehensive report from the Task Force to Expand Access to Civil Legal Services in New York, which he had created in June of that year. The Task Force, chaired by former Legal Services Corporation President Helaine Barnett, is charged with assisting and supporting the Chief Judge's efforts to ensure adequate representation in civil proceedings. The Task Force helped organize extensive public hearings held during September and October in each of the state's four Appellate Division Departments, presided over by the Chief Judge, the Presiding Justice of each Department, the Chief Administrative Judge, and the President of the New York State Bar Association or his designee. The Fund for Modern Courts, on behalf of the Task Force, commissioned a legal needs survey, which found that 47 percent of low-income New Yorkers had experienced legal problems over the preceding year. The Task Force's report developed findings and recommendations based on its data collection and the testimony offered at the public hearings. The report is notable for the inclusion of testimony from business leaders, including bankers, landlords, and utility executives, about the economic value of providing legal representation to people with problems in these areas. In response to the hearings and report, the Chief Judge proposed an increase of \$100 million for legal assistance to address the "essentials of life" – housing, family matters, access to health and education, and subsistence income – to be phased in over four years, and included \$25 million for legal aid in this year's Judiciary budget request as a first step. (That request has been reduced to \$12.5 million as result of the state's budget difficulties.)

Tennessee Supreme Court Access to Justice Initiative; Web Site; Video. On June 22, 2010, at the State Capitol, then-Chief Justice Janice Holder and her four state Supreme Court colleagues formally adopted four goals recommended to the Court by the Tennessee Access to Justice Commission and detailed specific steps to accomplish each of them. The four goals are: 1) To involve more lawyers and law students in meeting legal needs so that the public is better served; 2) To increase resources for policymakers, self-represented litigants, the community, lawyers, court personnel and others; 3) To make the justice system more user-friendly; and 4) To remove barriers to access to justice, including, but not limited to, disability, language, literacy and geography. Justice

Holder announced plans to further these goals with a statewide Pro Bono Summit in January 2011 (see below, under Pro Bono) and development of an Access to Justice web site (see below, under Court Access/ Self- Represented Litigants). She also unveiled the Court's new Access to Justice video, aimed at educating the legal community and business leaders about the civil legal needs crisis in Tennessee.

Florida Economic Impact Study. The Florida Bar Foundation has released a report prepared by Florida TaxWatch calculating the economic impact on the Florida economy of providing civil legal services to the poor. According to the report, civil legal assistance created over 3,300 jobs in the state economy (only 30 percent related to civil legal assistance employment); produced \$250 million of output in the state economy; provided \$297 million of disposable income; and generated \$4.78 of economic impact for every \$1 spent on legal aid by federal, state and local governments, the Florida Bar Foundation, grants from community and other foundations, and charitable donations.

Louisiana Economic Impact Study. The Louisiana State Bar Association has released a study of the economic impact of the work of Louisiana's four legal services programs. The study concludes that the immediate benefit to clients creates a wave of economic activity estimated to range from \$70 million to \$107 million in terms of total economic transactions, as well as estimated personal earnings of \$21.6 to \$33.2 million, state and local tax collections ranging from \$2.9 million to \$4.4 million, and the creation and support of 1,309 jobs in the state. The report estimates that for every dollar spent on legal services for the poor, there is a benefit to the state of \$1.55 to \$2.40.

New Jersey Report on Justice Gap. In April 2011, Legal Services of New Jersey published *The Civil Justice Gap*, the first of a planned annual report to the three branches of the state's government on the shortfall in legal aid and the steps necessary to achieve equal justice for low-income residents. The report documents the decreased availability of legal aid as a result of the recession, concluding that fewer than one in six new Jerseyans is able to obtain legal aid for any problem they face and fewer than one in nine is able to obtain help for all their legal problems. The report calls for increased legal aid funding, increased pro bono, increased use of technology, simplification of court rules and procedures, and research to guide the deployment of scarce resources.

Michigan Blueprint for Justice. The Access to Justice Committee of the State Bar of Michigan's Judicial Crossroads Task Force has developed a detailed *Blueprint for Justice* to serve as a strategic plan for the Access to Justice community in Michigan. The major recommendations included in the plan were included in the *Judicial Crossroads Task Force Report* issued in January 2011. These include improving coordination of the processes and services aimed at providing justice; expanding centralized support for self-represented people; addressing perceptions of discrimination, insensitivity, and lack of cultural competence; and improving interpreter services. The report also makes recommendations on child welfare, indigent defense, fees and costs, and problem-solving courts.

Report on Legal Needs and Services in Chicago. In December 2010, the Chicago Community Trust and the Chicago Bar Foundation released *Legal Aid in Cook County: A Report on Basic Trends in Need, Service and Funding*. The report provides an update on the state of the pro bono and legal aid system in the Chicago area since the last major legal needs study in Illinois, which was based on data from 2003. The report found that over the past seven years funding for legal aid services has increased from many sources—particularly Chicago’s legal community and area foundations—resulting in a significant increase in the capacity of the pro bono and legal aid system in the Chicago area to serve low-income and disadvantaged people. However, this progress has been tempered by skyrocketing demands for help as more people qualify for pro bono and legal aid services.

Mississippi Report on Unmet Needs. In September 2010, the Mississippi Access to Justice Commission released its report on the series of regional hearings on unmet legal needs held around the state from 2008 through 2010 by order of the Mississippi Supreme Court. The report includes a series of recommendations for increasing pro bono services, heightening public awareness, increasing legal aid funding, facilitating pro se representation, and expanding general access.

Maine Law Review Issue on Access to Justice. The *Maine Law Review* devoted an entire issue in 2010 to Access to Justice. Articles include: “Funding Justice: The Budget of the Maine Judicial Branch—We Did Get There from Here,” by Chief Justice Leigh Saufley; “The World Is Round: Why We Must Assure Equal Access to Civil Justice,” by Justice Jon Levy, chair of Maine’s Justice Access Group (which includes a discussion of the social and economic benefit of meeting legal needs); “Accessing Justice—Its Past, Present, And Future,” by the late U.S. Appeals Court Judge Frank M. Coffin; and “Reflections of an Access to Justice Chair,” by U.S. Appeals Court Judge Kermit Lipez, former chair of the Justice Action Group.

California Rural Access Policy Paper. In September 2010, the California Commission on Access to Justice released its policy paper on *Improving Civil Justice in Rural California*, designed to focus attention on the severe lack of resources in the state’s rural areas. The report includes recommendations and strategies for addressing the problem, including a policy goal of “geographic parity,” establishment of minimum-access funding goals for all areas of the state, and creation of local Access to Justice task forces, to involve local courts, bar associations, legal aid programs and other stakeholders.

Access to Justice Day at the Maine Legislature; Video. In February 2011, Maine’s Justice Action Group sponsored the third annual Access to Justice Day at the Maine Legislature, at which representatives of Maine’s civil legal aid providers met with legislators to educate them about the services they provide. Supreme Court Justice Jon D. Levy, Chair of the Justice Action Group, and Vice-Chair Federal Magistrate Judge John H. Rich III, addressed the Judiciary Committee. They spoke about the current unmet need in providing legal services to Mainers and how access to justice provides tangible benefits to families, communities, businesses and the Maine economy. The Justice Action Group has also created an Access to Justice video.

Annual Hawaii Access to Justice Conference. The Hawaii Access to Justice Commission is preparing for the third annual Access to Justice Summit, to be held on June 24, 2011. The 2010 Conference, on the theme of "Access to Justice: A Promise We Can Keep," drew some 250 attorneys and judges. Chief Justice Ronald T. Y. Moon and Associate Justice Simeon R. Acoba, Jr., Chair of the Hawaii Access to Justice Commission, addressed the group in the opening plenary, "Equal Access to Justice: A Priority." Attendance at the meeting satisfies the yearly requirement under Hawaii's new mandatory continuing professional credit rule.

Speech on Unequal Justice by Former Georgia Chief Justice Leah Ward Sears. Former Georgia Chief Justice Leah Ward Sears spoke on "Delivering on the Dream: Marching Toward 100 Years of Justice" in November 2010 at the Annual Conference of the National Legal Aid and Defender Association in Atlanta. Justice Sears focused on imbalances in the justice system in its treatment of "haves" and "have-nots" and the need to rebuild the system in ways that eliminate this fundamental lack of fairness. "Justice is supposed to be blind," Justice Sears said. "It is supposed to treat all individuals alike. It's time to remove the blindfold that gives the illusion of fair treatment. We need to expose to the full glare of reality the inequities superimposed in that great unrealized objective."

North Carolina Legal Aid Video. The North Carolina Bar Association's 4All "Educate" Working Group, in collaboration with the North Carolina Equal Access to Justice Commission and Legal Aid of North Carolina, has developed a brief video to highlight the legal needs of low-income citizens. Narrated by former Chief Justice Henry Frye, the video features three clients whose legal needs in the areas of domestic violence and foreclosure were successfully resolved by legal aid. The video has been distributed to key legislators in the North Carolina General Assembly and has been shown at bar associations meetings and other venues. It has also been posted on the Bar Association's web site and other locations.

Chief Justice and Bar President Remarks at Arkansas Bar Association Annual Meeting. Arkansas Chief Justice Jim Hannah and incoming Arkansas Bar Association President Jim Julian called upon participants at the Association's 2010 annual meeting, held in Hot Springs on June 9-12, 2010, to help "bridge the justice gap" faced by low-income people with civil legal needs. Both urged Arkansas lawyers to fulfill their obligations under Rule 6.1 of the Rules of Professional Conduct, which include providing 50 hours of pro bono work each year and contributing financial support to legal aid programs.

Support for Medical-Legal Partnerships. At its 2010 Annual Meeting on June 15, 2010, the American Medical Association, adopted a policy to encourage physicians to develop medical-legal partnerships—collaborations between doctors and lawyers that seek to remedy the legal causes of poor health. Recently released studies have shown that low-income hospital patients have unmet legal needs that negatively affect their health, and that medical-legal partnerships can improve outcomes for patients.

Federal Funding for Civil Legal Aid

Legal Services Corporation. The final package adopted by Congress to fund the federal government through the rest of Fiscal Year 2011 includes \$404.2 million for the Legal Services Corporation, a \$15.8 million cut from FY 2010 levels. Most of the cut comes from LSC's basic field grants—the core of LSC's budget—which are distributed to the 136 local, independent nonprofit organizations that form the backbone of America's civil legal aid system. The cut will work out to 5.33 percent for the remainder of the fiscal year. The House of Representatives had previously passed a bill that would have cut LSC funding by \$70 million. An amendment to eliminate LSC funding entirely was defeated by a bipartisan vote of 259 to 171. The preservation of LSC funding with only a modest cut was the result of a strong grassroots lobbying campaign. Leaders of the fifty state bars, local bar associations, the national bars of color, and the American Bar Association, signed a letter requesting that Congress maintain level funding of \$420 million for LSC for the remainder of FY 2011 and grant the Administration's request to fund LSC at \$450 million for FY 2012. Many state Access to Justice commissions and individual leaders also expressed their support for LSC funding in letters and personal visits to U.S. representatives on ABA Day in Washington and at home. The Conference of Chief Justices and Conference of State Court Administrators adopted a resolution supporting full funding for LSC.

State Legislative Funding for Civil Legal Aid

Review of 2010: Most of the trends of the past two years continued:

- Results were very mixed. There were a few states with major increases or decreases, and many states with less severe reductions.
- Although this was the “off” year for those legislatures with biennial budgets, there were additional cuts in some states without full legislative sessions because of continued financial shortfalls.
- In virtually all circumstances, any increases in state funding helped to offset losses from other funding sources, rather than increasing services. A few states increased state funding temporarily to compensate for significant IOLTA losses.
- In many states, legal aid supporters needed to invest enormous time and resources to simply stay even or avoid major cuts. Relatively minor reductions were seen as major successes; there had been legislative proposals for far deeper cuts.
- On the positive side, funding in most states that use court fees and fines rather than appropriations as the funding mechanism for legal services remained even, although they were threatened in several states.

Changes, both increases and decreases, from the 2010 legislative sessions are as follows:

Alabama – Increase of \$25,000 in appropriation, from \$200,000 to \$225,000.

Alaska – Increase of \$150,000 in appropriation, from \$200,000 to \$350,000.

Delaware – Reinstatement of \$41,300 of the contingency appropriation lost in 2009, from \$233,700 to \$275,000.

District of Columbia – Reinstatement of \$640,000 of the appropriation lost in 2009, from \$2,860,000 to \$3,500,000.

Florida – Addition of \$1,000,000 in appropriation to do foreclosure work, so total appropriation increases from \$1,000,000 to \$2,000,000.

Georgia – Appropriation for domestic violence reduced by \$241,571 from \$1,966,400 to \$1,724,829; appropriation for senior hotline reduced by \$172,000, from \$263,000 to \$91,000.

Iowa – Reinstatement of \$171,500 of the appropriation lost in 2009, from \$1,759,171 to \$1,930,671.

Louisiana – Reinstatement of \$150,000 of the appropriation lost in 2009, from zero to \$150,000.

Maryland – Increase of approximately \$6,100,000, from \$7,900,000 to \$14,000,000 annually in filing fee surcharges. Three-year sunset.

Minnesota – Annualized appropriation reduced by \$284,000, from \$12,082,560 to \$11,798,560.

New Jersey – Appropriation reduced by \$9,700,000, from \$29,700,000 to \$20,000,000.

New Mexico – Reinstatement of \$20,000 of the appropriation lost in 2009, from \$2,068,000 to \$2,088,000.

New York – New funding totaling \$15,000,000 was obtained from the State Judicial Department budget to offset IOLTA losses; but other state funding was reduced by \$6,000,000, for a net increase of \$9,000,000.

North Carolina – Appropriations reduced by 5 percent, from \$750,000 to \$712,500 for general legal services and from \$75,000 to \$71,250 for foreclosure assistance.

Oklahoma – Appropriation reduced by \$150,580, from \$1,083,306 to \$932,727.

Washington – Appropriation reduced by \$126,000 from \$11,600,000 to \$11,474,000.

Wyoming - *First ever state funding*: new filing fee surcharges to generate between \$1,000,000 and \$1,500,000.

Information on the 2011 Legislative Sessions. Not surprisingly, the 2011 legislative sessions are proving to be even more difficult than 2010, as state budget problems continue and deepen. Bench, bar and legal aid leaders began early to build awareness and support for legal aid funding. For example:

- **Texas.** In an op-ed piece for major Texas newspapers, “Struggling Texans Need Legal Aid,” Texas Supreme Court Justice and Supreme Court Liaison to the Texas Access to Justice Commission Nathan Hecht called on the state’s legislature to continue its support for legal aid funding. “Those of us who are involved in the legal system know first-hand how important these services are to so many vulnerable Texans who are struggling during these difficult times,” wrote Justice Hecht. A bill, proposed by the Texas Access to Justice Commission to provide replacement funding for short-term appropriations approved two years ago to offset IOLTA losses that are sunsetting in this session, is still alive as of this report, and extensive education of members of the legislature by the Commission, members of the Court and bar leaders continues.

- **Hawaii.** The Hawaii legislature has approved major increases in civil filing fees to fund civil legal aid, to be phased in from 2012 to 2014. When the phase-in is complete, the amount received annually by the Hawaii Justice Foundation for civil legal aid from the Judiciary will increase from \$330,000 to more than \$1.5 million. The filing fee increase was recommended in the Community Wide Action Plan developed at the Access to Justice Hui held in 2007, which also led to the creation of the Hawaii Access to Justice Commission. Commission members were actively involved in ensuring passage of the legislation. As of May 10, the legislation was awaiting the Governor's signature.
- **New York.** As reported above, New York Chief Judge Jonathan Lippman proposed an increase for civil legal services of \$100 million, to be phased in over four years; an initial request of \$25 was included in the Judiciary's budget request for this year. At this time, it appears that \$12.5 million will be approved for 2011. The proposal was recommended in the extensive report issued by the Task Force to Expand Access to Civil Legal Services, formed by the Chief Judge in early 2010.

IOLTA (Interest on Lawyer Trust Accounts)

Full FDIC Insurance Coverage Continued for IOLTA Accounts. On December 29, 2010, President Obama signed into law legislation (H.R. 6398), extending full FDIC insurance coverage for IOLTA accounts, regardless of amount, through December 31, 2012. IOLTA accounts had received full FDIC insurance coverage since November 2008, when the FDIC created the Transaction Account Guarantee (TAG) Program. However, when Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act in June 2010, it extended full FDIC coverage through December 31, 2012, but only to non-interest bearing accounts. If the corrective IOLTA legislation had not been enacted, the full insurance coverage for those accounts would have expired on December 31, 2010. The ABA lobbied intensively for the legislation, with strong support from other national advocacy groups and state bars and Access to Justice commissions.

New Mandatory IOLTA Rules in New Hampshire, District of Columbia and Delaware; New Comparability Rules in District of Columbia, Delaware, and North Carolina. New Hampshire became the 44th jurisdiction with mandatory IOLTA when the New Hampshire Supreme Court amended its opt-out IOLTA rule, upon recommendation of the New Hampshire Access to Justice Commission, to make IOLTA mandatory effective March 1, 2011. Mandatory IOLTA rules also went into effect in the District of Columbia and Delaware on August 1, 2010, and November 1, 2010, respectively. The new District of Columbia and Delaware rules also include "comparability" provisions requiring all lawyers to hold IOLTA accounts only in financial institutions that pay those accounts the highest interest rate or dividend generally available to other customers of the institution when IOLTA accounts meet the same minimum balance or other qualifications. A rate comparability rule also became effective in North Carolina on July 1, 2010.

Cy Pres/Court Awards

Texas \$2.6 Million Cy Pres Award, Toolkit and Education Campaign. In 2010, the Texas Access to Justice Commission and Texas Access to Justice Foundation announced a \$2.6 million cy pres award to fund legal aid programs serving people with disabilities, the largest cy pres award ever for legal aid in the state. The case involved allegations of violations of the Americans with Disabilities Act. The award was a major success of the Court Awards Strategy Committee, a joint committee of Access to Justice Foundation and the Access to Justice Commission created to seek cy pres awards to offset the drastic decline in IOLTA revenue. The Access to Justice Foundation has also released its Texas Cy Pres Toolkit, for educating judges and attorneys about using cy pres to fund legal aid. The Court Awards Strategy Committee has prepared a model presentation for attorneys and judges to accompany the tool kit.

\$3.62 Million Cy Pres Award for Legal Aid in Illinois, Other States. In 2010, Illinois' pro bono and legal aid system received more than \$1.8 million from unclaimed settlement funds in a nationwide class action case in the Circuit Court of Cook County. An additional \$1.8 million was split among 111 legal aid organizations in other states in rough proportion to the unclaimed settlement funds in each of those states.

New Indiana Cy Pres Rule. The Indiana Supreme Court has adopted a rule requiring that not less than 25 percent of unclaimed class action residuals go to the Indiana Bar Foundation for distribution to pro bono programs along with the state's IOLTA funds. This change confirms and codifies the applicability of the cy pres doctrine to the distribution of class actions in Indiana. The new rule does not interfere with the ability of parties to craft and structure settlement agreements and allows parties to agree to a settlement that does not create a residual fund. The Indiana Pro Bono Commission and the Indiana Bar Foundation Board are conducting an education campaign on the new rule.

Hawaii Cy Pres Rule Change. In January 2011, the Hawaii Supreme Court amended its Rule of Civil Procedure 23 to state that judges may approve the distribution of residual funds to legal aid organizations or to the Hawaii Justice Foundation to disburse to one or more of such organizations. There are now eight states in which legislatures or supreme courts have amended cy pres rules to provide that legal aid programs are eligible to receive residuals. To date, legal aid programs in those states have had varying degrees of success in obtaining cy pres funds; results indicate that an active campaign to inform appropriate attorneys and judges is necessary to achieve high success.

Access to Justice Commission Funding

CLE Surcharge to Fund North Carolina Equal Access to Justice Commission. Effective January 1, 2010, the North Carolina State Bar Council began collecting a \$.50 per Continuing Legal Education credit hour add-on to support the work of the North Carolina Equal Access to Justice Commission.

Pro Hac Vice

Pennsylvania Pro Hac Vice Fee Increase for Loan Repayment Program. The Pennsylvania Supreme Court has increased the state's pro hac vice fee paid by out-of-state lawyers to practice in Pennsylvania courts from \$100 to \$200 to boost funding for its new loan repayment program for legal aid attorneys. The program, which began January 1, 2011, is financed with proceeds from pro hac vice fees and administered by the Pennsylvania IOLTA board with the Pennsylvania Bar Foundation. Recently graduated attorneys employed by a legal aid organization funded by IOLTA are eligible to have \$2,000 in student loan debt forgiven each year of employment for up to ten years. The increased fee will permit the number of attorneys participating in the program to increase from 85 to 170. The original \$100 pro hac vice fee was adopted in 2007 and generated \$260,000 in the past fiscal year.

Lawyer Giving Campaigns, Bar Dues and Attorney Registration Fees

D.C. Access to Justice Commission Law Firm Campaign. The District of Columbia Access to Justice Commission has joined with eight leading firms to launch *Raising the Bar in D.C.: A Funding Campaign for Legal Services*. The Campaign urges law firms of all sizes to make annual donations to legal services providers at revenue-based benchmark levels. The eight Leadership Circle firms that launched the campaign have already pledged to donate at the silver level or higher in 2011 and have sent a letter to over 300 firms urging them to join the Campaign.

Massachusetts Opt-Out Access to Justice Fee. Roughly 30 percent of Massachusetts attorneys are choosing to help support legal assistance for low-income residents through a new Access to Justice fee, an add-on to the annual attorney registration fee. In its first six months, contributions accumulated more than \$635,000, a rate that will total roughly \$1 million over twelve months if it continues (fewer attorneys register in the second half of the year). The \$51 voluntary annual fee took effect on September 1, 2010, pursuant to a rule adopted by the Supreme Judicial Court of Massachusetts. Proceeds are remitted by the Board of Bar Overseers to the IOLTA Committee for distribution to the Massachusetts Legal Assistance Corporation and the Massachusetts and Boston Bar Foundations for grants to provide civil legal assistance. Any attorney who does not wish to pay the voluntary fee can opt out. The new fee was proposed to the Court by the Massachusetts Access to Justice Commission.

Permanent Attorney Registration Fee Increase for Legal Aid in Minnesota. In 2009, to help fund civil legal aid during the current economic crisis, the Minnesota Supreme Court added \$25 for two years to an already existing and on-going \$50 surcharge to the attorney registration fee. The Court has now made this \$25 increase permanent. The total generated for legal aid from the \$75 surcharge is approximately \$1.8 million annually. There are now six states in which attorneys pay a surcharge to fund legal aid as part of the annual fee to practice law, generating a combined total of \$9.3 million annually.

Oregon Campaign for Justice. In the campaign year ending March 31, 2011, the Oregon Campaign for Equal Justice celebrated its 20th year of the Campaign and 75 years of legal aid in Oregon. As in 2009-2010, the Campaign raised \$1,000,000 from private lawyers, with almost 70 percent of lawyers in large firms making donations. More than 800 lawyers were identified as “Pillars of Justice”---lawyers who have contributed for 15 or more of the Campaign’s 20 annual fund drives. The Campaign also identified 50 individual donors who have contributed \$20,000 or more since the Campaign began. Over the course of the year, the Campaign held events and continuing legal education seminars on access to justice throughout the state. Presiding Court of Appeals Judge David Brewer and Court of Appeals Judge spoke to lawyers and judges at Campaign for Equal Justice events. Oregon Supreme Court Justice Tom Balmer addressed a gathering of 400 lawyers in Portland to talk about the 75-year history of legal aid in Oregon and the continued plight for funding. Justice Martha Walters, who chairs the Oregon Court’s Task Force on Funding for the Judiciary, noted the importance of funding for legal aid programs in that context. In March 2011, Chief Justice Paul J. DeMuniz, in his report to the legislature on the court’s 2009 strategic plan, which prioritizes access to justice, emphasized that the Court strongly advocates for adequate funding for legal aid.

Unbundling/Limited Scope Representation

ABA Poll Findings on Public Attitudes toward Unbundling. In February 2011, the ABA’s Standing Committee on the Delivery of Legal Services released the results of a poll by Harris Interactive examining aspects of decision-making when people seek services for personal legal matters. Among the poll’s findings were several related to limited scope representation, or unbundled legal services: people are not familiar with limited scope representation; once people are aware of unbundling, they show an interest in discussing this as an option with a lawyer who may represent them in a personal legal matter; people, particularly those who are younger and have limited incomes, believe it is important for lawyers they are considering using for personal legal matters to offer unbundled legal services.

Montana Limited Scope Representation Rules. In March 2011, the Montana Supreme Court approved changes to their Rules of Professional Conduct and Rules of Civil Procedure designed to facilitate limited scope representation. While nearly forty states have adopted some form of the ABA’s Model Rule 1.2(c) or similar rules authorizing unbundling, the Montana rules go further, fleshing out the standard of care, and addressing limited scope representation in the context of their competence rules, rules governing communication with represented parties, and rules governing signing of documents and pleadings. Unbundling expert M. Sue Talia has said that the new rules “set the gold standard.” A work group of the Montana Supreme Court’s Equal Justice Task Force is developing a “best practices” guide on limited scope representation for judges and attorneys. The Task Force’s Committee on Self-Represented Litigants will conduct a day-long educational session on the topic for judges in October.

Mississippi Unbundling Rule. In January 2011, the Mississippi Supreme Court amended the state's Rules of Professional Conduct to allow lawyers to reasonably limit the scope of representation with informed consent from the client. The new amendment was recommended by the Mississippi Access to Justice Commission, which is developing educational initiatives for judges and lawyers on the issue. Members of the Commission have given unbundling presentations at judicial conferences and CLE sessions, and more presentations are planned across the state through the end of the year.

Educational Sessions on Limited Assistance Representation for Massachusetts Attorneys. The Massachusetts Bar Association's General Practice, Solo and Small Firm Section is sponsoring a series of free open meetings throughout the state on limited assistance representation (unbundling). The session, which provides training and certification, cover rules, responsibilities and limitations; official forms and standing orders; intake process including client conversations, handouts, fee agreements, and billing; liability issues; documentation of files; and best practices. Panelists include a retired judge, practicing attorneys, and a representative from the Administrative Office of the Probate and Family Court.

Colorado Supreme CLE on Limited Scope Representation. In conjunction with the Colorado Supreme Court's ten pro bono recognition events around the state (see below under Pro Bono), the Colorado Supreme Court Attorney Regulation Counsel is presenting an ethics continuing legal education session on limited scope representation. The session is particularly aimed at addressing misunderstandings and unfounded concerns about unbundled representation.

Oregon Primer on Unbundling. The August/September 2010 issue of the Oregon State Bar Bulletin includes an introduction to "Unbundling in the 21st Century." Issues addressed include risk management, screening, determining whether unbundling is right for you, traps to avoid, documenting your file effectively, streamlining the process, and delivering services on-line.

Kansas Limited Scope Pilots and Recommendations. In December 2010, the Kansas Supreme Court's Access to Justice Committee (created by the Court as the Self Represented Study Committee in 2007) concluded its pilot projects on limited scope representation and made a series of recommendations to the Court based on its findings. The goal of the pilot projects was to evaluate the use of the best practice procedures and forms developed by the committee. Pilots were established in five judicial districts. Training was provided for local attorneys and judges on procedures for providing limited representation. The committee developed brochures for self represented litigants on risks and responsibilities, which was posted along with other material by the Office of Judicial Administration on the court web site in a special "Self-Help" section. The Kansas Bar Association and local bar associations also provided support and assistance. In the fall of 2010, the Court changed Rule 226 Kansas Rules of Professional Conduct, Rule 1.2 Scope of Representation, to read, "A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent in writing." The Court will consider further recommendations in the Committee's report.

Alaska Bar Unbundled Law Section. In October 2010, the Alaska Bar Association Board of Governors voted to create a new Unbundled Law Section within the Bar. Its membership will be comprised of attorneys who practice in various substantive areas, but share the common feature of offering discrete services. The section will serve as a clearinghouse for professional development and resources to support this emerging approach to practicing law, as well as providing the public with access to an online list of practitioners who offer unbundled services. The Bar will provide a continuing legal education session on unbundled law at least every two years, along with free quarterly continuing education meetings.

Cultivating New Access to Justice Leadership

Washington State ATJ Leadership Development Proposal, Judicial Collaboration Efforts. The Washington State Access to Justice Board is seeking funding to hire a consultant to develop and implement a plan to establish a leadership development support structure for the state's civil equal justice community. Components are to include a comprehensive leadership development curriculum and materials; support for functions such as advisory boards, education, information, communication and other technologies; mechanisms for the ongoing "training of trainers"; and an evaluation plan. The Access to Justice Board is also seeking to enhance collaboration and communication with the judiciary through an annual meeting with the Supreme Court; active recruitment of judges from all levels of state, administrative and tribal courts for participation on the Board and its committees; establishment of formal liaisons to the Board from judges' associations and the Office of Administrative Hearings; establishment of a formal liaison from the Administrative Office of the Courts; and appointment of a Board liaison to the Board for Judicial Administration.

Minnesota Emerging Leaders Forum. The Minnesota Supreme Court Legal Services Planning Committee has created an Emerging Leaders Forum for lawyers with a commitment to ensuring access to justice and an interest in policymaking and legal services planning. Participants will build their leadership skills and relationships by working together on specific projects.

Michigan Justice Initiatives Summit with Focus on Leadership. The second Annual Justice Initiatives Summit convened in April 2011 by the State Bar of Michigan's Standing Committee on Justice Initiatives focused on "Engaging the Next Generations of Justice Initiatives Leaders." Over fifty diverse bar leaders heard presentations on such topics as "Who are Our Future Leaders and How Do They Communicate in Today's World?" and "Where and How Leadership Occurs." Five discussion groups addressed possible actions, strategies and approaches that the State Bar of Michigan can take to engage the next generation of lawyers in justice initiatives work. The Summit will be used as a springboard for broader bar and community leadership development.

Court Access/Support for Self-Represented Litigants

Washington Pro Se Plan. In July 2010, the Washington State Access to Justice Board adopted the Washington State Plan for Integrated Pro Se Assistance Services. The plan was developed by the Pro Se Project Work Group, created by the Access to Justice Board with funding from the state Supreme Court and in partnership with the Administrative Office of Courts and the Office of Administrative Hearings and other justice system stakeholders. The plan calls for the development of a technology-based system to assist those who are navigating the justice system on their own. The first phase will be the creation of an online Self-Help Center focused on family law, with plain language forms, instructions and information. Trained and knowledgeable facilitators will also be available to respond to online or telephone-based inquiries. The second phase will link the Self-Help Center with existing onsite courthouse facilitators. The final phase will expand the Self-Help Center to other relevant substantive areas and other forums for resolving disputes. The Board has staffed the initiative with a consultant and has dedicated remaining funds to translation of 18 family law forms into a plain language format. The Access to Justice Board has established a Plain Language Forms Work Group to review and approve the forms. Membership includes representatives from the Supreme Court's Pattern Forms Committee.

Michigan Solutions on Self-Help Task Force. In April 2010, then-Chief Justice Marilyn Kelly established the "Solutions on Self-Help (SOS) Task Force" to implement steps toward greater centralization, coordination and quality of support for persons representing themselves in civil legal matters in Michigan. Some 70 persons, including judges, state and local court administrators and staff, bar association leaders, legal assistance center representatives, legal aid staff, legal educators; law/public librarians, county administrators, private lawyers and private citizens, serve either on the main SOS Task Force or one of its various work groups. The SOS Task Force has launched initiatives in four areas: a pilot project to implement a user-friendly, interactive statewide self-help web site and establish affiliated local self-help centers; development of curricula and tools for those who encounter the self-represented in courts and other settings; uniformity and understandability of forms; and relevant rules or ethics provisions. With funding from the Michigan State Bar Foundation, the Task Force's work will continue through 2012.

Implementation of California Family Law Recommendations. In July 2010, then-Chief Justice Ronald George appointed Justice Laurie Zelon of the Court of Appeal to chair the Family Law Implementation Task Force through 2013. The Task Force is charged with implementing the sweeping recommendations of the Family Law Task Force, also chaired by Justice Zelon, which were accepted by the California Judicial Council in April 2010. The 117 recommendations are aimed at ensuring fairness and due process in family law courts and providing more effective and consistent family law rules, policies, and procedures. Members of the task force include judges, court family law specialists, legal aid and private attorneys, and the Chief Counsel of the Assembly's Judiciary Committee.

Texas Task Force on Uniform Forms. The Supreme Court of Texas has created a new task force on uniform forms, which held its first meeting on March 18, 2011. The task force is charged with developing proposed uniform pleadings and orders forms, to be evaluated and approved by the Court for statewide use. The efforts for uniform forms grew out of the Texas Forum on Self Represented Litigants and the Courts, held in April 2010. Forum participants – 120 judges, legal services attorneys, law librarians, and court clerks and administrators – identified as a priority the creation of statewide standardized forms in areas of the law frequently involving pro se litigants.

Connecticut Self-Represented Parties Work Group. Since 2008, the Connecticut Judicial Branch Self-Represented Parties Work Group has been operating to implement the recommendations regarding self-represented litigants included in the strategic plan developed by the Judicial Branch Public Service and Trust Commission. Among the activities of the work group are: organizing civil and family forms by subject matter and converting the most commonly used forms and publications to plain language; facilitating sharing of web sites between the Judicial Branch and legal services; developing unbundling pilot projects in foreclosure law and family law; creating “how-to” videos for self-represented parties to guide them through some of the basic procedures in civil and family litigation; establishing a Court Service Center and/or Public Information Desk in every court location that lacks one; and encouraging Judicial Branch support for funding for legal aid. One of the goals of the new Access to Justice Commission will be to develop a specific Access to Justice Web page on the Judicial Branch’s web site, as a ‘one-stop-shop’ for information available on-line, including forms, publications and resources.

Tennessee Access to Justice Web Site and Plain-Language Forms. At the Tennessee Pro Bono Summit convened by the Tennessee Supreme Court in January 2011 (see below under Pro Bono), during a session focused on new technology advances, the Supreme Court unveiled the design of its new Access to Justice web site, created to provide more people with access to legal information and help. The site will feature videos about the court system and links to local resources throughout the state, and eventually will also include downloadable plain-language forms approved by the Court for use throughout the state. The Tennessee Access to Justice Commission has submitted proposed forms and instructions for divorces without minor children for Court approval. The public comment period for the forms ended on March 15, 2011. The Court has asked the Commission to review the comments and make a recommendation. The Commission is also putting the Tennessee Parenting Plan into plain language and has received permission from the Tennessee Department of Human Services to put the instructions to the child support guidelines into plain language.

Colorado Code of Judicial Conduct Comment on Accommodations for Self-Represented Litigants. In 2010, the Colorado Supreme Court approved a comment to Rule 2.6 of the Code of Judicial Conduct, setting forth examples of steps judges can take to provide information and accommodations to self-represented litigants. The proposed change was advocated by the Colorado Access to Justice Commission.

Report to Massachusetts Trial Court from Harvard's Berkman Center for Internet and Society. Massachusetts Judge Dina Fein, Special Advisor for Access to Justice Initiatives in the Trial Court, has released a report from Harvard's Berkman Center for Internet and Society on *Best Practices in the Use of Technology to Facilitate Access to Justice Initiatives*. The report, prepared for the Trial Court as part of the work of the Special Advisor, describes initiatives in other states and outlines a process for change in Massachusetts. Topics include: providing clear, simple and up-to-date web content; facilitating completion of court forms online; improving case management approaches; implementing e-filing; and offering individualized "human assistance" through web chat, email, telephone, VOIP, video, and online forum technologies.

Wisconsin Survey on Needs of Judges in Working with Self-Represented. In April 2011, Wisconsin Access to Justice Commission members Professor Marsha Mansfield and Judge Margaret Vergeront, on behalf of the Commission's Courts and Administrative Tribunals Committee, led a discussion at the Wisconsin family court judges conference on the needs of judges in cases involving self-represented litigants. The Committee sought information from the judges about their experiences with the challenges presented by self-represented litigants and the array of tools that judges might need to meet those challenges (such as rules changes, training, and judicial guides). Another goal of the presentation was to gather judicial views on specific ethical and procedural rule changes that might provide judges more flexibility to ensure that proceedings are fair, that the record is complete and that the self-represented can understand and effectively participate in the proceeding. Professor Mansfield and Judge Vergeront asked the judges in attendance to participate in testing a draft survey that the committee has developed to gather data on these issues. The Commission plans to conduct similar sessions at the upcoming meeting of family court commissioners and the Wisconsin Judicial Conference in the fall.

Illinois Self-Help Centers. The Illinois Coalition for Equal Justice and Illinois Legal Aid Online, working with local partners, are seeking to open internet-based legal self-help centers with local public access in every county in Illinois, either at the court or at public libraries. In 2010, the partners opened 16 new centers. Plans are underway for an additional 22 centers in 2011 (one of which has already opened), bringing the total of new legal self-help centers opened since May 2007 to 75.

South Carolina Pilot Self-Help Center, FAQs. In February 2011, in response to a petition by the South Carolina Access to Justice Commission, the South Carolina Supreme Court established the Newberry County Self-Help Center Pilot Program at the Newberry County courthouse, the first self-help center in the state. The pilot will operate for two years. At the end of the pilot, the Commission will provide a report to the Supreme Court evaluating the program's effectiveness and making recommendations. Since its opening on March 1, the pilot has hosted legal clinics on Pro Se Divorce, Child Support Modification, and Online Legal Research. In addition, in December 2010, the South Carolina Supreme Court approved "Frequently Asked Questions about Magistrates Court in South Carolina" for posting on the courts' web site. The questions and answers were prepared by the South Carolina Access to Justice Commission.

Louisiana Self-Help Pilot Recommendations. The Louisiana State Bar Association has adopted recommendations based on the operation of a pilot Self-Help Resource Center in a division of Orleans Parish Court from September through December 2010. The pilot project was conducted by the Pro Se Subcommittee of the State Bar's Access to Justice Committee in partnership with Southeast Louisiana Legal Services, the Louisiana Bar Foundation, the Louisiana Civil Justice Center and Orleans Parish Court Judge Tiffany Chase. Self-represented litigants were provided with access to legal information, resources, and basic assistance to help them proceed with their cases and reduce the burden on court staff and judges. A thorough analysis of data collected by Justice Center volunteers during the project has been provided to the Louisiana Supreme Court, to complement and support the recommendations of the Court's Task Force on Pro Se in Louisiana. Recommendations made by the Access to Justice Policy Committee, and adopted by the Bar Association, include creation of a permanent self-help resource center in Orleans Parish Civil District Court, development of similar self-help centers statewide, and creation of a position of statewide pro se coordinator.

Alaska Special Calendar with Unbundled Services for Self-Represented Family Law Litigants. In December 2010, the Anchorage Superior Court Early Resolution Project expanded to include review of all Anchorage domestic relations cases involving two self-represented litigants for possible inclusion on a special mass pro se calendar designed to facilitate early settlement and case closure. Under the project, the Alaska Pro Bono Program recruits, trains, coordinates and supports volunteer attorneys who perform brief unbundled legal services for litigants in the courtroom on the special calendar days. Alaska court system staff support the project by screening files, scheduling appropriate cases to the calendar, and notifying parties of necessary financial documents to bring to the hearing, and are available to assist the parties in the courtroom with the preparation of child support calculations and final paperwork. Since the program was launched in November 2009 in the courtroom of Anchorage Superior Court Judge Stephanie Joannides, it has achieved a 70 percent settlement rate.

Maryland Posters Promoting Information about Access to Justice. The Maryland Access to Justice Commission has produced a series of free "My Law, My Courts, My Maryland" posters to promote better understanding of the civil justice system. The posters provide information about organizations offering free or low-cost legal services and information, with their phone numbers and website addresses. Small posters can be printed from the Maryland Access to Justice Commission's website. Larger versions of the posters can be ordered from the Commission.

South Carolina Initiatives for Interpreters for the Deaf. The South Carolina Registry of Interpreters for the Deaf has presented Robin F. Wheeler, Executive Director of the South Carolina Access to Justice Commission, with its 2010 Service Provider of the Year Award for the Commission's work in creating "Law School for Interpreters," designed to encourage interpreters for the deaf to work within the South Carolina legal system. The Commission formed an Interpreters for the Deaf Task Force after a shortage of interpreters was identified as a barrier during the series of regional hearings it convened around the state.

Work Group to Correct Deficiencies in Model Administrative Procedure Act. The Self-Represented Litigation Network, administrative law judges, representatives of the California Access to Justice Commission, Massachusetts Access to Justice Commission, and Washington State Access to Justice Board, and others concerned with access to justice at the administrative level, have formed a work group to address concerns arising from the Model Revised State Administrative Procedure Act, approved in late 2010 by the Conference of Commissioners on Uniform State Laws. The new revised Model Act, meant as a model for the states, fails to recognize the right of self-representation (although an earlier draft had done so) and includes no recommendations or requirements as to how judges should make sure that the self-represented are heard or provisions relating to access for people not proficient in English. Nor does it recognize the need for the institutional independence of Administrative law judges. The work group is seeking to develop alternate language that can be used either to modify the Model Act or in state stand-alone statutes to address access issues in administrative hearings. Additional participants in the work group are welcome.

Civil Right to Counsel

ABA Model Access Act and Basic Principles of Civil Right to Counsel. At the ABA Annual Meeting in August 2010, the House of Delegates adopted resolutions supporting a Model Access Act and Basic Principles of a Right to Counsel in Civil Legal Proceedings. Both initiatives follow up on the ABA's landmark resolution in 2006 calling on federal, state and territorial governments to provide low-income individuals with state-funded counsel when basic human needs are at stake. The Model Act complements the ABA's support of existing LSC-funded and other local legal aid programs by establishing a statutory right to counsel in those basic areas of human need identified in the 2006 Resolution and by providing a mechanism for implementing that right. Commentary acknowledges and identifies alternatives to meet local needs of jurisdictions considering implementation of the Model Act. The goal of the Model Access Act is to provide interested legislators with a basis for beginning discussions in their jurisdictions that will lead to implementation of a statutory right to counsel. The Basic Principles of a Right to Counsel in Civil Legal Proceedings expand upon the 2006 resolution by setting out the minimum basic requirements for providing a right to counsel, culled from the larger body of relevant case law, statutes, standards, rules, journal articles, and other sources of legal information.

Papers on Civil Right to Counsel, Impact of Counsel and Economic Benefit. The *Seattle Journal for Social Justice* has published a group of articles that follow up on the February 2010 symposium on civil right to counsel held at the Seattle University School of Law. Included are: Rebecca L. Sandefur, "The Impact of Counsel: An Analysis of Empirical Evidence"; Russell Engler, "Reflections on a Civil Right to Counsel and Drawing Lines: When Does Access to Justice Mean Full Representation by Counsel, and When Might Less Assistance Suffice?"; and Laura K. Abel and Susan Vignola, "Economic and Other Benefits Associated with the Provision of Civil Legal Aid."

Maryland Report on Possible Civil Right to Counsel Implementation and Fiscal Narrative. The Maryland Access to Commission has published a report, *Implementing a Civil Right to Counsel in Maryland*. In the first part of the document, the Commission articulates how a civil right to counsel in basic human needs cases might be implemented should a right be established by case law or legislation. In the second section, the Commission tries to answer the difficult question of “how much might it cost?” The report estimates that the extension of a civil right to counsel to basic human needs cases might result in 344,470 cases per year at an average of \$320 per case, for a net cost of \$106.6 million. For purposes of comparison, the report notes that the Office of the Public Defender had an appropriation of \$85 million in FY10, down from \$ 90 million in FY09. The agency handled approximately 220,000 cases in FY09.

Proposed Fee-Shifting Statute in Maryland. In its 2009 Interim Report, the Maryland Access to Justice Commission noted that despite a large number of fee-shifting statutes in the state, there is a lack of a provision for attorney’s fees in cases involving state constitutional claims. In its recommendations, the Commission endorsed the principle of a “general fee-shifting provision as a means to promote access to justice through an award of attorney’s fees for individuals successfully enforcing their rights under Maryland law or the Maryland Constitution.” In furtherance of that recommendation, the Commission has developed a white paper, *Fee-Shifting to Promote the Public Interest in Maryland*, which addresses issues likely to be raised in considering a general fee-shifting provision for state statutory and constitutional claims and includes a proposed statute.

Implementation of California Civil Right to Counsel Pilot Projects. Under the 2009 Sargent Shriver Civil Counsel Act, the California Judicial Council will oversee pilot projects in designated jurisdictions for appointment of counsel in civil cases affecting basic human needs. The projects will start in fiscal year 2011-2012 and will initially be authorized for a three-year period. Total funding is expected to be approximately \$11 million per year, funded by a \$10 increase on certain court services. In September 2010, then-Chief Justice Ron George appointed a 16-member committee to recommend potential grantees and oversee implementation of the program, chaired by retired Court of Appeal Justice Earl Johnson, Jr. In May 2011, the Judicial Council approved awards to seven legal service organizations and court partners for three-year pilot projects. Grant funds will be provided commencing on October 1, 2011.

Expansion of Massachusetts Right to Counsel Pilot Projects. The Boston Bar Association Civil Right to Counsel Task Force is seeking to develop pilot projects exploring the impact of full representation in custody cases. Requests for proposals have been sent to legal services programs and county bar associations. Two types of custody cases will be covered: those involving domestic violence (indicated by the presence of a restraining order) and those where only one side represented. Proposals must represent a collaboration between a county probate/family court judge, a legal aid program, and the county bar. The Task Force will select potential pilot projects and seek funding for them. A current pilot project exploring the impact of representation in eviction cases is under way in two courts.

Texas Right to Counsel Pilot Projects. The Texas Access to Justice Foundation has funded two special-impact initiative grants in a new category, Civil Right to Counsel pilot projects. The two grantees are the Tenant Defense Project, which appoints counsel for persons involved in eviction appeals in three counties, and the Border Foreclosure Defense Project, which provides representation for low-income clients in defense of foreclosures in six counties. Both projects were developed as collaborations between legal aid programs and local courts.

Language Access

ABA Initiative to Create National Standards for Language Access in State Courts. At its August 2011 meeting, the ABA House of Delegates will consider adoption of proposed national standards for the provision of language access in state courts. The proposed standards are being developed by a consortium of ABA entities: the Standing Committee on Legal Aid and Indigent Defendants (SCLAID), the Judicial Division, the Commission on Immigration, the General Practice, Solo and Small Firm Division, and the Council on Racial and Ethnic Justice. A SCLAID sub-committee, chaired by Judge Vanessa Ruiz of the District of Columbia Court of Appeals, has provided leadership and oversight, in conjunction with a project advisory committee consisting of judges and court administrators, state bar leaders, and those working in the field. The proposed standards establish guidelines for courts and state court administrators to use in implementing language access throughout court systems. They are based upon established legal requirements for language access, evolving standards and best practices, and suggestions from advocates and organizations having proven expertise in language access issues. The draft of the proposed standards is being circulated widely among courts, the Access to Justice community, and other interested parties. To date, the proposed standards have been endorsed by the District of Columbia Access to Justice Commission and the Washington State Access to Justice Board..

Pro Bono Development and Support

Connecticut Judicial Branch Pro Bono Committee. The new Connecticut Judicial Branch Pro Bono Committee, chaired by Judge William Bright, began meeting in January 2011. Its members include legal aid attorneys, solo practitioners, large and medium firm practitioners, representative of the organized bar, corporate counsel, and government attorneys. Six subcommittees will work to effectuate information sharing about civil legal needs among legal aid providers, other members of the bar and the Judicial Branch; identify and facilitate training opportunities for attorneys who serve of counsel and wish to provide pro bono service in areas in which they may be unfamiliar; and develop a marketing plan to encourage attorneys to provide pro bono services. The Committee is also planning a Pro Bono Summit for the autumn to bring together existing legal aid providers and members of the bar who are interested in finding a suitable pro bono opportunity. The Pro Bono Committee will operate under the new Connecticut Judicial Branch Access to Justice Commission.

Pennsylvania Chief Justice Letter Calling for Increased Pro Bono and Contributions to Legal Aid. Pennsylvania Chief Justice Ronald D. Castille, in a letter of January 7, 2011, has issued a call to the state's 70,000 attorneys to volunteer more of their time and money to help ensure Pennsylvanians with limited financial means obtain civil legal representation. Saying that Pennsylvania is "dealing with a civil legal aid crisis," the Chief Justice reminded Pennsylvania attorneys of their professional obligation to support services to citizens of limited financial means.

National Celebration of Pro Bono. October 23-29, 2011, will mark the third annual national Celebration of Pro Bono. The 2010 celebration featured over 600 events in 48 states and Puerto Rico. Over two-thirds of these were direct service clinics, continuing legal education and training programs, or recruitment events, all of which result in increased services to low-income and disadvantaged people. The honorary advisory committee for the 2010 event included the Chief Justices of fourteen states and jurisdictions, as well as law school deans and state and county bar officials.

New Mexico Pro Bono Week. October's national Celebration of Pro Bono achieved a high profile in New Mexico, where the state Access to Justice Commission and Supreme Court marked the occasion with free public legal information seminars, legal advice call-in's, and one-on-one consultations in eight cities across the state. Over 250 attorneys, paralegals, law students, members of legal service organizations and judges helped provide free legal help to approximately 1,500 New Mexicans. New Mexico Supreme Court justices added their presence to the occasion, traveling the state to offer encouragement and recognition to pro bono attorney volunteers. Perhaps as a consequence of last year's highly successful celebration, in 2010 financial contributions on the mandatory reporting of pro bono hours and monetary donations to legal service providers on the annual bar dues form doubled the amount from the prior year.

Vermont Pro Bono Conference. In October 2010, in conjunction with the national celebration of pro bono, the Vermont Bar Association convened a Celebrate Pro Bono conference at the State House. Prominent speakers included Chief Justice Paul Reiber, Justice Denise Johnson, and Bar President Therese M. Corsones. The morning sessions provided an overview of the opportunities offered by providers of pro bono services in the state and a "view from the bench" about existing and possible pro bono projects. Participants in the afternoon breakout groups were challenged to identify projects for collaboration and opportunities for future action. This information is being used by the Vermont Access to Justice Coalition, the Bar Association's Pro Bono Committee, and the Vermont Bar Foundation to guide future project and funding initiatives.

North Carolina Pro Bono Roundtable. On April 26, 2011, the North Carolina Equal Access to Justice Commission convened a roundtable with the seven North Carolina law schools and the state's legal aid providers to promote increased pro bono activities. The law schools discussed their pro bono efforts and the legal aid providers were invited to share their unmet legal needs and explore possible future partnerships involving law students. Following the roundtable, a list serve for pro bono coordinators at law schools and legal aid organizations was established to continue the sharing of information.

Tennessee Pro Bono Summit. On January 21, 2011, the Tennessee Supreme Court hosted a Pro Bono Summit, aimed at expanding existing pro bono efforts and recruiting more lawyers to provide pro bono services. The event was recommended in the Tennessee Access to Justice Commission's 2010 strategic plan. Sessions included panel discussions on disability and language barriers to the legal system, particular issues involved in providing legal services to rural areas, pro bono mediation, and collaborations with faith-based and other community organizations. The Court invited lawyers in leadership roles who are in the position to advance the Court's Access to Justice Initiative to participate in the summit. Participants were asked to make a commitment to increase access to justice in their communities in 2011 and completed action cards indicating how they plan to do so. The Commission will follow up with the participants at the end of 2011. All five Supreme Court Justices were in attendance. Chief Justice Cornelia A. Clark kicked off the Summit with a call to action. ABA President-Elect William T. (Bill) Robinson also addressed the participants.

Missouri Judge's Tool Kit on Pro Bono. The Missouri Supreme Court has published an on-line the Judge's Tool Kit on Pro Bono Legal Assistance. Topics covered include: a summary of the research on the need for services; discussion of ethical guidelines and duties for judges and lawyers; information on existing pro bono programs; practical tips on promoting pro bono involvement; free malpractice protection for pro bono attorneys; the use of limited scope representation to make pro bono work more time and cost efficient; and the special needs of rural areas.

North Carolina Call4All Pro Bono Initiative. The North Carolina Bar Association 4All Task Force has began a new program, *Call 4ALL*, which permits attorneys to provide advice or discrete services by telephone to pre-screened legal aid clients. In most instances, *Call 4ALL* volunteer attorneys talk with clients in one-hour telephone interviews, from the attorney's office and at the frequency the attorney designates. Legal Aid of North Carolina will offer training for volunteers. The initiative is part of the Bar Association's *4All* campaign, initiated in 2008. Almost 500 lawyers, paralegals, law students and other volunteers at seven call centers fielded a record 8,568 calls during this year's *4All* annual Service Day on March 4.

Pro Bono Challenge in California's Rural Central Valley. In October 2010, then-California Chief Justice Ronald M. George kicked off the Central Valley Pro Bono Challenge at a luncheon at the Fresno County Bar Association. The project, a joint effort of the Chief Justice, the California Access to Justice Commission, Central California Legal Services, the Public Interest Clearinghouse, and the Fresno County Bar Association, aims to increase the pro bono resources available in the rural Central Valley by involving small/medium firms and solo attorneys in pro bono service, with support from judges, court staff, bar leaders and legal services programs. Firms and attorneys making a commitment to the initiative are provided with a broad range of pro bono opportunities, training, support and supervision. Those who provide 50 hours of pro bono service annually will be recognized by the State Bar.

D.C. Senior Lawyers Project. In June 2010, the District of Columbia Access to Justice Commission and the D.C. Bar Pro Bono Program launched SAILS, Senior Attorney Initiative for Legal Services, to infuse the talent and expertise of experienced law firm attorneys into the legal services network. Ten leading law firms signed on to be “Founding Partners” of the project by agreeing to institutionalize a senior lawyers program at their firms. The initiative grew out of a meeting of law firm and legal services leaders convened by the Commission in January 2010 to respond to possible economy-driven changes in the law firm business model and their impact on pro bono and financial support for legal aid organizations.

Colorado Supreme Court Supreme Court Recognition Program. Since 2006, the Colorado Supreme Court has requested law firms, solo practitioners, and corporate counsel to make a pledge that their firm would provide an average of 50 hours of pro bono service per lawyer (as set forth in Rule 6.1). In years past there has been a recognition event in the Supreme Court courtroom. This year the Colorado Supreme Court is holding ten recognition events around the state. This has resulted in many more lawyers from around the state participating in the pledge program.

Colorado Local Access to Justice Committees. The structure of local Access to Justice committees organized under the aegis of the Colorado Access to Justice Commission continues to expand, with local committees active or in the process of organization in 15 of 22 judicial districts, including all the judicial districts in the Denver Metropolitan Area and many in rural parts of the state. Each local committee decides what type of legal service is most needed in the community and implements it. Most offer legal clinics and ask-a-lawyer programs; several are beginning or re-energizing self-help centers.

Louisiana Model Law Firm Pro Bono Policy, Campaign. At its August 2010 meeting, the Louisiana State Bar Association Board of Governors approved the development of a model pro bono policy for law firms. President Mike Patterson has sent a letter to law firms across the state encouraging them to review the model policy created by the Bar Association’s Access to Justice Committee and to adopt a pro bono policy for their firm. Pro bono programs throughout the state have followed up with local law firms to encourage the adoption of pro bono policies.

Walmart Pro Bono Legal Services Program. The Walmart legal department has launched an in-house pro bono program through which its attorneys, paralegals, and support staff will participate in legal aid projects in Arkansas, where the chain’s corporate headquarters are located. In doing so, Walmart has become the 100th signatory to the national Corporate Pro Bono Challenge, a voluntary benchmark developed and administered by Corporate Pro Bono, a partnership project of the Pro Bono Institute and the Association of Corporate Counsel. In addition, the Walmart legal department and the Walmart Foundation have announced a \$115,000 donation to Legal Aid of Arkansas and the Arkansas Access to Justice Commission to fund a medical-legal partnership.

Arkansas Supreme Court Order on Pro Bono Practice by Out-Of-State Attorneys.

The Arkansas Supreme Court has granted the petition of the Arkansas Access to Justice Commission to authorize attorneys licensed outside of Arkansas to provide pro bono services in the state under the sponsorship of legal aid.

New York and Tennessee Emeritus Rules. The Tennessee Supreme Court and the New York Court of Appeals have both amended their rules to create new emeritus programs to allow retired attorneys to provide pro bono services.

New Rule 6.1 in North Carolina. The North Carolina State Bar and the North Carolina Supreme Court have adopted revisions to Rule of Professional Responsibility 6.1 on pro bono service. The rule closely mirrors ABA Model Rule of Professional Conduct Rule 6.1 stating that lawyers should aspire to provide 50 hours of pro bono service per year. The rule also adds Comment 12, which encourages lawyers to report pro bono legal services as an inspiration to others.

New Colorado Rule 3.7 on Pro Bono and Support for Legal Aid Funding in Code of Judicial Ethics. In May 2010, the Colorado Supreme Court adopted Rule 3.7 of the ABA Model Code of Judicial Conduct, which clarifies that judges may promote pro bono and participate in activities supporting legal aid funding. Other states that have adopted the provisions of the model rule, using either identical language or similar language, are Arizona, Arkansas, Hawaii, Indiana, Kansas, Maryland, Minnesota, Montana, Nebraska, Nevada, Ohio, Oklahoma, Utah, and Wyoming. Delaware and Washington have rules that are substantively similar, but use different language. Arizona and Oklahoma's rules also provide that "a judge may provide leadership in identifying and addressing issues involving equal access to the justice system."

Civil Legal Aid Delivery

Massachusetts Special Legal Aid Planning Committee. The Massachusetts Access to Justice Commission has appointed a Special Planning Committee, which has convened board chairs and executive directors in each of the state's four regions to discuss possibilities for changes in the existing seven-year-old state delivery plan in response to experience and diminished resources. In one region, program leaders have already made the decision to bring an LSC hotline together with a non-LSC full-service program. Discussions are ongoing in other regions.

Michigan Immigrant Rights Center. The Michigan Immigrant Rights Center, a statewide network that now includes more than 70 member agencies, has been created to provide coordination and support for legal services and pro bono attorneys and to assist in policy advocacy in the immigration area. The Center provides technical and co-counsel assistance and training to Michigan legal aid and pro bono attorneys handling immigration matters and provides direct support to local immigration advocates in approximately 400 cases per year.

Washington State Proposed Strategies for Using Legal Aid Performance Standards.

The Washington State Access to Justice Board has developed proposed strategies for using the *Performance Standards Legal Aid in the State of Washington* that it adopted in late 2009. The strategies discussed fall into five categories: educational (training or orientation of staff and boards, others); evaluative (evaluation of program operations, including self-evaluation and peer review); developmental (guide or checklist in the design of systems within organizations); planning (guide for strategic planning and related activities); and defensive (authoritative guide to explain or defend program activities, when necessary).

New Legal Aid Center in Wyoming. In October 2010, the Wyoming Access to Justice Commission announced the formation of the Wyoming Center for Legal Aid. During the 2010 budget session, the state legislature passed the Indigent Civil Legal Services Act, calling upon the Wyoming Supreme Court to establish and oversee a program to provide legal services for those who cannot otherwise afford it. The new program will be funded by an additional \$10 fee on each filing in civil and criminal court, reserved for a separate indigent legal services fund expected to net \$1 million to \$1.5 million annually. The center will provide aid to those within 200 percent of the current poverty level. Chief Justice Marilyn Kite anticipated that the program when fully in place would provide centralized intake center for all types of legal aid to those in need, with services ranging from legal advice to representation in court.

Foreclosure Prevention and Assistance

Massachusetts Foreclosure Legislation Task Force. The Massachusetts Bar Association has created a Joint Foreclosure Legislation Task Force aimed at improving the state's foreclosure law and borrowers' access to assistance. The Task Force includes representatives of bar associations, legal aid programs, real estate attorneys and bankers' associations. In conjunction with the task force, the Bar Association has formed a Foreclosure Education Committee to teach attorneys how to counsel and advocate for individuals facing foreclosure.

New York Foreclosure Representation Program. In his February 2011 State of the Judiciary address, New York Chief Judge Jonathan Lippman announced the establishment of a program to ensure that over time all homeowners who cannot afford a lawyer will be provided with legal assistance or representation at foreclosure settlement appearances. Initially the court system will collaborate with the Legal Aid Society in Queens, which has one of the highest foreclosure default rates in the state, and Hudson Valley Legal Services. Chief Judge Lippman hopes to expand the effort across the state by the end of the year. Legal services attorneys with foreclosure expertise will be assigned to courthouses in the counties involved, where they will provide legal assistance or representation to unrepresented homeowners at the initial conference in as many cases as possible. Thereafter, the attorney will either continue with representation or refer the homeowner to a network of legal services, pro bono or law school clinic counsel who will be standing by to provide additional legal assistance in support of the project.

Pennsylvania Supreme Court Encouragement of Foreclosure Mediation Projects.

The Supreme Court of Pennsylvania has asked county court officials to consider developing foreclosure mediation programs involving court-supervised efforts to resolve foreclosure cases through negotiations between mortgage lenders and homeowners who are delinquent on mortgage payments. Chief Justice Ronald D. Castille invited the presiding judges of all county courts of common pleas to send representatives to a summit of court leaders on foreclosure mediation at the Pennsylvania Judicial Center in Harrisburg in October 2010.

California State Bar Foreclosure Project. The Office of Legal Services of the State Bar of California has launched a multi-faceted Foreclosure Prevention and Mitigation Project. Bar staff and volunteers have presented a series of Foreclosure Forums, providing strategic planning and free training for legal aid and private attorneys and housing counselors. Over 230 individuals from 40 agencies have learned about foreclosure prevention, loan modification, and eviction defense under new federal legislation. A critical component has been participation of enforcement agencies, including the U.S. Attorney's Office, the District Attorney, and the Department of Real Estate, which has led to enduring collaborations. Sponsors are using videotapes to reach more advocates. The Practising Law Institute has contributed to the collaboration by developing free training programs for volunteers and private attorneys to assist moderate-income clients, available through PLI's website. The Bar's Discipline, Ethics and Legal Services Offices are helping attorneys and addressing complaints of possible loan modification scams. The State Bar and the Legal Aid Association of California have developed a web site, www.ForeclosureInfoCA.org, providing information for homeowners, tenants, and attorneys regarding foreclosures and evictions.

Awards

Equal Justice Award to Former Arkansas Supreme Court Justice Annabelle Imber Tuck. The Arkansas Bar Foundation has presented recently retired Arkansas Supreme Court Justice Annabelle Imber Tuck with the 2010 Equal Justice Distinguished Service Award. Justice Tuck chairs the Arkansas Access to Justice Commission, of which she has been a member since 2005.

California's Aranda Award to Justice Laurie Zelon. Associate Justice Laurie Zelon of the California Court of Appeals is the winner of the 2010 Benjamin Aranda Access to Justice Award. Sponsored jointly by the State Bar, California Commission on Access to Justice, California Judicial Council and California Judges Association, the award honors a trial judge or appellate justice whose activities demonstrate a long-term commitment to improving access to justice. Justice Zelon recently chaired the Judicial Council's California Elkins Family Law Task Force. She was the founding chair of the California Commission on Access to Justice and has chaired the ABA Standing Committee on Legal Aid and Indigent Defendants (SCLAID).

Harrison Tweed Awards to Tennessee Bar Association and Washington State Bar Association. The Tennessee Bar Association and the Washington State Bar Association each received a 2010 Harrison Tweed Award for achievement in preserving and increasing access to legal services for the poor. The Tennessee Bar Association was recognized for the results achieved through its “Justice 4 All Campaign” to increase access to legal services for the poor through a four-prong approach: educate, collaborate, participate and legislate. The Washington State Bar Association was honored for its role in providing funding for the provision of legal services and for its Home Foreclosure Legal Aid Project. The award is given annually by the American Bar Association Standing Committee on Legal Aid and Indigent Defendants (SCLAID) and the National Legal Aid and Defender Association.

National ATJ Award for Indiana’s Judge Gregory Donat. Indiana Judge Gregory J. Donat has received the 2010 American Judicature Society’s Kathleen M. Sampson Access to Justice Award. Judge Donat is chair of the Indiana Supreme Court Committee on Self-Represented Litigants and has been a leader in expanding support for self-represented litigants and coordinating these initiatives with pro bono efforts.

New Maryland Access to Justice Commission Awards. The Maryland Access to Justice Commission has announced the winners of new awards to acknowledge programs, judges, court professionals and legislators who have made a significant contribution to access to justice in the state. Winners included Del. Kathleen Dumais and Sen. Brian Frosh, champions of legislation to increase surcharges on court filing fees to help legal aid funding shortfalls; District Court Chief Judge Ben C. Clyburn, for consistently challenging District Court judges around the State to respond more effectively to people who appear without counsel, the indigent, and those facing barriers in using the courts; and Joan Bellistri, director, Anne Arundel County Public Law Library, for her ongoing efforts to make legal information more accessible through publications, training and programs such as “Ask a Lawyer in the Library.”

Distinguished Service Award to Former Montana Chief Justice Karla Gray for ATJ Leadership. At the July 2010 meeting of the Conference of Chief Justices and Conference of State Court Administrators, Karla M. Gray, former Chief Justice of the Montana Supreme Court received a Distinguished Service Award from the National Center for State Courts for championing equal access to justice for all Montanans and encouraging pro bono service during her 18 years on the court. The award is one of the highest honors given by the group.

Documents and additional information about all of the topics reported above are available at www.ATJsupport.org or by contacting Bob Echols, State Support Consultant, ABA Resource Center on Access to Justice Initiatives, robert.echols@comcast.net.