2003 Equal Justice Conference to be Held in Portland, Oregon on April 10-12, 2003

Come April 10, 2003 approximately 1,000 people will descend upon Portland, Oregon for the largest gathering of equal justice advocates in the country. These people will include pro bono and legal services program staff, judges, corporate counsel, court administrators, law school leaders, private lawyers, paralegals, government officials, funders and technology experts interested in networking and learning how better to deliver legal services to those unable to afford them.

The Equal Justice Conference, which is jointly sponsored by the American Bar Association and the National Legal Aid & Defender Association, is focused this year on The Power of Partnerships. Two keynote speakers are Professor David Hall, Professor and former Provost and Law School Dean, Northeastern University and A.P. Carlton, President, American Bar Association.

The theme of the Conference emphasizes the need for developing and strengthening partnerships across professional lines to improve the quality of legal services to those segments of the population that need it the most. The Conference showcases approximately 80 workshops and sessions on issues as diverse as: Pro Bono; Pro Se; Hotlines; State Planning; Resource Development; Racial Justice Initiatives; Alternative Delivery Models; Client Outreach; Program Management, Training and Support; Intake; and Information Management and Technology.

The conference will include a one-day, invitation-only Partners for Justice Forum that convenes legal services and pro bono program supporters, advocates and partners to discuss and work on issues critical to their community.

Please look for the conference registration material in the mail and join us in Portland if you can. This year, you can also register online for the conference at www.equaljusticeconference.org

New Chair of the ABA’s Pro Bono Committee

Debra A. Segal, the pro bono partner for the law firm of Kilpatrick Stockton LLP in Atlanta, Georgia, has taken over as the new chair of the ABA’s Standing Committee on Pro Bono and Public Service. Prior to joining her law firm in January 2001 as full-time pro bono counsel, Ms. Segal had devoted her career to the delivery of legal services to low-income clients. She is the former executive director for the Atlanta Volunteer Lawyers Foundation and former managing attorney at the Atlanta Legal Aid Society. In 2001, Ms. Segal coordinated more than 17,000 hours of pro bono legal services through her firm’s pro bono program. In market dollars, these free legal services would be valued at more than $3.7 million.

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1994 Pro Bono Publico Award Recipient William Reece Smith, Jr.: In for the Long Run

This article is one in a series highlighting past Pro Bono Publico Award recipients and their ongoing commitment to pro bono service.

1994 ABA Pro Bono Publico Award recipient William Reece Smith, Jr. chuckles as he recites one of his favorite lines, one that he has used in numerous speeches: He likes to remind people that “meeting the legal needs of the poor is not a race for the short-winded.” Indeed, his commitment to pro bono illustrates this concept.

Smith was 69 and, in his words, “not a young lawyer,” when he received the award in 1994. However, from his earliest days in practice pro bono was always his “central focus,” and his “favorite activity.” Early in his career, he got the idea that lawyers are members of a profession, not a business; and that the law is a learning profession that exists so lawyers can serve others and improve the condition of society. He began representing indigent persons locally in 1949 as a solo practitioner, and his pro bono involvement grew from there.

Smith joined Carlton Fields, a 200-lawyer firm in Florida, in 1953. As an associate and then as a partner he played a key role in developing the firm’s pro bono culture. These days, as chairman emeritus, he works with the firm’s other partners to design, modify and expand its pro bono program. The firm has always supported his pro bono endeavors and over time, it has institutionalized pro bono itself. It pleases Smith to see pro bono work thriving there.

At the same time, Smith always looked beyond his own yard to see how to advance the cause of pro bono and access to justice. Among other positions, he has served as president of the Hillsborough County Bar Association (1963-64), the Florida Bar Foundation (1970-72), The Florida Bar (1972-73), Florida Legal Services, Inc. (1973-76), the American Bar Association (1980-81), the American Bar Endowment (1976-78), the National Conference of Bar Presidents (1978-79), the American Bar Foundation (1990-92) and the International Bar Association (1988-90). In 1989, he received the prestigious ABA Medal for “exceptionally distinguished service to the cause of American jurisprudence.”

When Smith was president of The Florida Bar, many counties in the state lacked any organized pro bono programs or federally funded legal services offices. He helped create Florida’s first statewide legal services program in 1972, Florida Legal Services, Inc. He served as the program’s first president.

As president-elect of the ABA in 1979, he inspired and helped to fund the creation of five local bar-sponsored pro bono programs as pilot projects across the country. These projects still operate today. He also took the lead in creating the ABA’s national support office for pro bono, the Private Bar Involvement Project (now called the ABA Center for Pro Bono.) As ABA president, Smith ensured that the many ABA entities that were becoming involved in pro bono activities coordinated their activities. He traveled around the country urging state and local bar associations to establish organized pro bono programs. Today, over 900 pro bono programs exist, compared to 50 when he started his campaign.

In 1981, while president of the ABA, Smith spoke out in defense of the Legal Services Corporation (LSC) when the Reagan Administration announced it would recommend to Congress that it be de-funded. He invited representatives of state and local bar associations to join him in petitioning members of Congress to support the LSC and over 4,000 representatives responded. Their efforts proved successful, and LSC survived the Reagan years.

Around the time he received the ABA Pro Bono Publico Award in 1994, Smith had begun slowing the pace of his practice. However, he has remained dedicated to meeting the legal needs of the poor. For example, he became involved in the organized bar’s professionalism movement, which he relates closely to pro bono. For more than a decade, he has taught professional responsibility at nearby Stetson University College of Law. With great pleasure, he stresses the importance of pro bono to the approximately 150 students he teaches each year.

Smith believes that the future success of pro bono expansion depends on continued effort, dedication and re-emphasis on the basics. Pro bono advocates should loosen their grip on “fancy” initiatives and instead focus on recruiting lawyers, and writing and giving speeches about the importance and value of doing pro bono work. Lawyers should be reminded constantly that they have a professional obligation to provide services to all who need them, including those who cannot afford to pay.

In terms of pro bono stamina and drive, Smith is unquestionably a long distance runner. He has been at the front of the pack of those working to meet the legal needs of the poor for more than 50 years. His work has dramatically benefited the legal profession, the legal services community and multitudes of clients served by pro bono and legal services programs across the country.
Nominations Sought for the 2003 ABA Pro Bono Publico Awards

The Standing Committee on Pro Bono and Public Service is seeking nominations for the 2003 ABA Pro Bono Publico awards. As past awardees have demonstrated, an ideal nominee has made a contribution to the quality of justice available for those who are unable to afford legal representation. The awards seek to honor individual lawyers, small and large law firms, government attorney offices, corporate law departments and other institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to our nation’s poor and disadvantaged.

Criteria that the Committee examines in choosing awardees includes

- dedication to the delivery of legal services;
- development of innovative approaches;
- expansion and fulfillment of unmet legal needs; and
- achievement of victory through legislation or litigation that favorably affects legal services to the poor.

The Committee will select up to five awardees and encourages people to nominate deserving candidates.

Nominations must be received by March 10, 2003. The awards will be presented at the Pro Bono Publico Awards Assembly Luncheon on August 11, 2003, during the ABA Annual Meeting in San Francisco.

For more information about the award, the nomination criteria and instructions on submitting a nomination, please visit www.abaprobono.org/2003nominationsolicitweb.pdf or call Dorothy Jackson at 312-988-5766 to obtain a copy of the Pro Bono Publico Awards brochure.

Former Governor of Georgia Takes Pro Bono Position at Atlanta Legal Aid Society

Governor Roy Barnes, the outgoing governor of Georgia, began a six-month unpaid full-time position at Atlanta Legal Aid Society (ALAS) in January. In his capacity as a pro bono attorney, Gov. Barnes will be assisting clients who meet the federal poverty guidelines to receive free legal services. In Georgia, there is just one legal aid lawyer for every 10,500 eligible poor people.

Before serving one term as governor, Gov. Barnes was in private practice and often handled pro bono cases. He was a frequent volunteer in the Cobb County office of ALAS and helped a broad range of clients, including senior citizens fighting predatory lending cases.

In announcing his decision to join ALAS, Governor Barnes said:

Atlanta Legal Aid helps our most vulnerable citizens. They reach out to the elderly, the mentally ill, physically disabled and victims of spousal abuse and give them hope when all hope seems lost. They give them a chance at a better life. Here in the United States, we have a legal system that is the envy of countries around the world. We take for granted that each and every one of us has a right to a fair hearing. But in reality, that fair hearing remains out of reach for many of our citizens. I have looked forward to getting back to the practice of law since the day I took office as Governor. And one day, I’ll probably do some work for those who can afford a handsome fee. But for now, I’m going to fulfill my duty as an attorney to help those who need it the most, to speak for those who cannot speak for themselves, and to defend those whose life and livelihood depend on it.

We applaud Gov. Barnes for his personal contribution to addressing the unmet civil legal needs of low-income people.
The Dawn of a New Response: How Loan Repayment Assistance Programs Help Attorneys in Need

The American Bar Association has taken the lead in recommending creative responses to the increasing load of educational debt weighing down upon law school graduates who seek careers in public interest. In August 2001, the ABA formed the Commission on Loan Repayment and Forgiveness to examine and report on ways of alleviating this debt burden for attorneys who want to choose public service careers. As the Commission noted:

Many of today’s law graduates are faced with law school debt of $80,000 or more upon graduation. For graduates following the standard 10-year repayment schedule, this results in monthly payments of more than $1000 for 10 years following graduation. With the median starting public interest salary for 2001 graduates at $35,000, these mortgage-size debts bar most graduates from pursuing public service legal jobs. Among those graduates who do take such positions, many—when faced with major life decisions such as starting a family—are forced to leave after two to three years of employment.

The Commission, which is co-chaired by Curtis Caton of San Francisco, CA and Judge Frank M. Coffin of Portland, ME, is focusing on the role of loan repayment assistance programs (LRAPs) in helping lawyers navigate the financial waters of pursuing and maintaining a public service career, including providing legal services to the poor. LRAPs provide financial aid to law school graduates, typically those working in the public interest sector, government, or other lower-paying legal fields. In most cases, this aid is given to graduates in the form of a forgivable loan to help them repay their annual educational debt. Upon completion of the required service obligation, the LRAP administrator will forgive or cancel these loans to program participants. Most LRAPs contain limits on the amount of income a recipient can earn while participating in such a program.

There are various types of LRAPs, administered by law schools, state bar foundations and federal and state governments, providing debt relief to some law graduates. The amount of assistance offered by these programs varies widely. Seven statewide LRAPs currently exist: the Arizona, Florida and New Hampshire Programs are administered by bar foundations; the Maryland Program was created by statute and is administered by the Office of Student Financial Assistance of the Maryland Higher Education Commission; the Minnesota and North Carolina Programs are administered by independent 501(c)(3) organizations and the Texas Program is administered by the Texas Access to Justice Commission, an independent entity created by the Texas Supreme Court and staffed by the State Bar of Texas. The California (in 2001) and Georgia legislatures (in 2002) each enacted authorizing legislation to create a statewide LRAP, but neither legislature has appropriated funds to support a program. Therefore, the programs are not operating in these states. Approximately 55 law schools offer LRAPs to their graduates. The federal government offers limited options to assist graduates seeking legal careers in public service, including the income-contingent repayment option (“ICR”) of the William D. Ford Federal Direct Loan Program and under the Perkins Loan Program, loan forgiveness for prosecutors.

Since August 2001, the Commission has worked to promote loan repayment assistance or loan forgiveness programs (LRAPs) and to guide ABA efforts to stimulate more LRAPs and scholarships/fellowships provided by law schools, state/federal government, bar associations and other sources to enable more law graduates to enter public service legal careers. One of its many initiatives is the development of a State LRAP Tool Kit, which will assist states interested to develop legislation or create a program focused on debt reduction for public service attorneys. The Commission will present its recommendations to the Association during the August 2003 Annual Meeting. For more information on the ABA’s Commission on Loan Repayment and Forgiveness, please visit the Commission’s website at: http://www.abalegalservices/lrap

New Pro Bono Chair
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All the while, Ms. Segal has been active in seeking to improve the legal system for those in need. She has served as a member of the ABA Standing Committee on the Unmet Legal Needs of Children and the ABA Commission on Domestic Violence. She currently serves on the State Bar of Georgia’s Access to Justice Advisory Committee and is a member of the Judicial Selection Committee of the Atlanta Bar Association.

The ABA Pro Bono Committee is also pleased to welcome six new members to the Committee: S. Kendall Butterworth of Atlanta, Georgia, Mary M. Connolly of Boston, Massachusetts, Kathleen J. Hopkins of Seattle, Washington, Elizabeth Barry Johnson of Birmingham, Alabama (a 2001 Pro Bono Publico Award recipient), J. Tate London of Seattle, Washington, and Mark Schickman of San Francisco, California.

ATTENTION: We are always curious and eager to hear news from your lives and your communities about new pro bono initiatives. We would be happy to share your pro bono thoughts and questions in our next issue of Pro Bono Connection. Please email us at: smithma@staff.abanet.org