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Funding News

✎ **Indiana and Hawaii Supreme Courts Enact Cy Pres Rule Changes** – In September 2010, the Indiana Supreme Court amended Trial Rule 23 to require that not less than 25 percent of unclaimed class action residuals be awarded to the Indiana Bar Foundation for distribution to pro bono programs. Then, in January 2011, the Hawaii Supreme Court amended its Hawai'i 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. For more information about the Indiana rule, contact Monica Fennell, Executive Director, Indiana Pro Bono Commission, at MFennell@inbf.org or 317-269-2415. For more information about Hawaii, contact Bob LeClair, Executive Director, at Hawaii Justice Foundation, hjf@hawaii.rr.com or 808-537-3886.

✎ **Minnesota's Temporary Attorney Registration Fee Increase for Legal Aid Becomes Permanent** – In 2009, the Minnesota Supreme Court added \$25 for two years to an already existing and on-going \$50 surcharge to the attorney registration fee to help fund civil legal aid during the current economic crisis. 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. For more information about the Minnesota fee, contact Steve Hirsh, Access to Justice Director, at shirsh@statebar.gen.mn.us or 612-278-6322.

Pro Bono News

✎ **Missouri Supreme Court Publishes Judge's Tool Kit** – The Missouri Supreme Court published the Judge's Tool Kit on Pro Bono Legal Assistance, addressing topics such as the need for pro bono legal services, ethical guidelines and duties for judges and lawyers, information on existing pro bono programs and practical tips on promoting pro bono involvement. The Tool Kit is an electronic publication and is now available at the following site: <http://www.courts.mo.gov>. For more information regarding this initiative, contact Lou DeFeo, Member, Supreme Court Committee on Access to Family Courts, at LegalCare@midmosamaritan.org or 573-364-7776.

✎ **New York Court of Appeals Adopts "Katrina" Rule** – The New York Court of Appeals adopted the Model Court Rule on the Provision of Legal Services Following Determination of Major Disaster as an amendment to the *pro hac vice* admission rule. The rule permits out-of-state lawyers to volunteer their legal services in New York when the Court of Appeals has determined an emergency exists affecting the justice system. Go to <http://www.courts.state.ny.us/CTAPPS/news/nottobar/MajorDisaster.pdf> to access a copy of the rule. New York is the tenth state to adopt a "Katrina" rule. For more information, contact Andrew W. Klein, Clerk of the New York Court of Appeals, at 518-455-7700.

✎ **Tennessee Supreme Court Hosts Pro Bono Summit** – Earlier this year 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. 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



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Tennessee Access to Justice Commission will follow up with the participants at the end of 2011. All five Supreme Court Justices were in attendance, and Chief Justice Cornelia A. Clark kicked off the event with a call to action. For more information, contact Sarah Hayman, Tennessee Bar Association Access to Justice Coordinator, at shayman@tnbar.org or 615-277-3233.

📌 **DC Bar Pro Bono Project and ATJ Commission Launch Senior Attorney Initiative** – The District of Columbia Access to Justice Commission and the District of Columbia Bar Pro Bono Program have joined forces with eleven leading District firms to form the SAILS (Senior Attorney Initiative for Legal Services) Project. This initiative harnesses the experience and talents of senior attorneys at law firms to infuse resources into the public interest legal community. Participating firms have agreed to institutionalize a senior lawyer program at each of their firms and create a structure and culture that encourages and supports senior attorneys taking on substantial pro bono work as a next phase of their careers. For more information, contact Marc Fleischaker, Chair, SAILS Project, at fleischaker.marc@arentfox.com or 202-857-6053.



Washington Update

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The final FY2011 appropriations bill (P.L. 112-10) was signed into law earlier this month. The Legal Services Corporation Basic Field funding was reduced by 4% (a reduction of \$15,758,800 from \$394,400,000 to \$378,641,200). The reduced funding levels will take effect with the May payments to LSC grantees. Because LSC grantees received five months' worth of funding at the higher Continuing Resolution levels, the reduction in future monthly payments will be larger than the 4% annualized reduction; those payments will be reduced by approximately 6.85%.

On April 5, the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies held a hearing on the FY2012 LSC budget request. Corporation President Jim Sandman and LSC Board member Robert Grey testified in support of LSC's \$516.5 million FY2012 request (which is the same amount originally requested by LSC for FY2011). The Obama Administration has requested \$450 million for LSC in FY2012. At the hearing, Subcommittee Chairman Frank Wolf (R-VA) stated that he supports LSC, but indicated that there will likely be some cuts in LSC funding; he emphasized that he believes federal funding must be further supplemented with pro bono efforts by the private bar.

The ABA sponsored its annual "ABA Day in Washington on April 12-14.th Over 100 bar leaders traveled to Washington DC to lobby on behalf of LSC funding (seeking at least \$450 million in FY2012 funding) and other issues of interest to the profession. The ABA announced that it will host a "National Summit on Pro Bono", bringing together pro bono experts, bar leaders, academicians and policymakers at an invitation-only event in Washington, DC on October 24-25, 2011.

The LSC announced that it has established a new Pro Bono Task Force to be chaired by LSC Board members Martha Minnow and Harry Korrell, III.

For more information, contact Ann Carmichael, Legislative Counsel, ABA Governmental Affairs Office, at Ann.Carmichael@americanbar.org or 202/662-1767.

For more information about specific items, call the contact person listed for that item. To contribute items to future issues of LEGAL SERVICES NOW, or for general information about this bulletin, contact Bev Groudine at 312-988-5771, fax 312-988-5483 or email Bev.Groudine@americanbar.org.