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"The shocking fact is that over two million people this past year came to LSC-funded programs for needed legal help, and over one million of them were turned away for lack of resources."

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## Military Tenants: Federal Law Provides Relief for Relocated Service Members

by Steve Lynch

Overseas military activity since 2001 has placed significant demands on service members, often requiring their relocation. One of the first issues implicated by a service member's entrance into active duty, deployment, or transfer of station is housing. For service members renting an apartment or house, maintaining a lease during a long term deployment or transfer of station is at best impractical, and attending to disputes that arise with a landlord may be impossible. These complications extend to nonmilitary family members who may continue to reside in the leased property during a deployment, or relocate closer to other family members. Fortunately, federal law—in the form of the Servicemembers Civil Relief Act (SCRA)<sup>1</sup>—provides limited relief to military tenants facing problems with a lease or landlord due to military service. This article highlights SCRA provisions that may directly benefit military tenants, and offers tips on how to use them.<sup>2</sup>

### Early lease termination

As a general rule, tenants who vacate early remain liable for the balance of the lease, unless a landlord is able to relet the premises. Section 535 of the SCRA changes this equation by providing relief for two broad categories of tenants who must terminate early: those already in a lease who then enter active duty; and those on active duty who enter a lease and then receive permanent change of station (PCS) or deployment orders.<sup>3</sup>

Members of either category **may** terminate a lease early without penalty or termination damages, but the earliest possible date of termination varies. For civilians (such as enlistees) entering active duty or for activated Reserve or National Guard personnel, termination **may** occur any time after the

Photo credit: Christine Singh, US Navy



Lieutenant Commander Johnny Nilsen, JAGC, USN, Command Judge Advocate, USS RONALD REAGAN (CVN 76) (right) guides ABA President Michael S. Greco during a tour of the USS Ronald Reagan in San Diego on December 20, 2005. Greco met with legal staff members of the San Diego Naval Base, Naval Legal Service Office Southwest, and Marine Base Camp Pendleton to discuss the legal assistance challenges facing members of the military.

**Tip One:**  
*Forewarned is forearmed.  
Publicize the SCRA's provisions often and early to your military clients, especially the rules on early lease termination.*

lessee's "entry into military service." For those already on active duty, lease termination may be effective as early as a month after the date of the military orders dictating a

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## DIALOGUE

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*Dialogue* is a quarterly magazine serving as an exchange of information on the funding and delivery of legal services, offering timely, relevant and proactive articles, developments and emerging issues from the ABA Standing Committee on Pro Bono and Public Service, Standing Committee on Lawyer Referral and Information Service, Standing Committee on Legal Aid and Indigent Defendants, Standing Committee on Legal Assistance for Military Personnel, and the Commission on IOLTA.

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## Military Tenants

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PCS or deployment to a military unit of at least 90 days, assuming proper notice.<sup>4</sup>

Counsel should be cautioned that many clients provide timely but deficient notice to landlords. Deficient notice delays the effective date of termination.

### Proper notice

To trigger protection, tenants must (1) notify landlords in writing, and (2) include a copy of military orders or written confirmation from a tenant's commanding officer.<sup>5</sup> Failure to do both leaves the original terms of the lease in force. Clients often fail to provide written notice, relying instead on a phone call or informal chat. In such cases, counsel should ensure that proper notice is provided immediately.

Upon proper notice, the effective date of termination depends on the lease payment terms. If the lease provides for monthly payment of rent, termination is effective 30 days after the first date on which the next rental payment is due. If rent is not paid in monthly installments, termination is effective the last day of the month following the month in which notice is delivered. To avoid surprises, counsel should alert clients that landlords may seek equitable offset under the SCRA, although experience has shown that relatively few do.<sup>6</sup>

There are some other details to keep in mind—Section 535 applies not only to residential leases, but also to agricultural and business leases and even vehicle leases.<sup>7</sup>

Activated Reserve and National Guard personnel<sup>8</sup> are protected, as are dependents who are co-tenants.<sup>9</sup> However, co-tenants who are not military dependents are not protected by the law.

Most landlords do not realize that willful violation of Section 535 carries with it the risk of criminal penalties, in addition to consequential and punitive damages. This is useful information to share with landlords who seize or detain a military tenant's security deposit or personal property as compensation for the tenant's lawful termination. Landlords risk up to a year in jail and significant fines.<sup>10</sup>

### Tip Two:

*Advise clients to use certified mail return receipt (CMRR) or another mode of delivery that requires landlords to acknowledge receipt of the notice. Ensure that clients know to keep a copy of their notice, activation or PCS orders, and the CMRR signature card when it is returned in the mail.*

### Eviction and distress

The SCRA prohibits landlords from evicting most military tenants and their dependents without a court order.<sup>11</sup> The prohibition is limited to residential leases where the monthly rent does not exceed an amount adjusted each year for inflation.<sup>12</sup> In 2005, that amount was \$2534.32.<sup>13</sup> Landlords must also obtain a court order before subjecting a tenant's personal property to distress for rent.<sup>14</sup>

If a landlord seeks a court order for eviction or distress, the SCRA affords broad discretion to stay the proceedings to protect the interests of the service member and all parties.<sup>15</sup> A stay may be entered on the court's own motion or at the

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*From the Chair. . .*



*by Gen Earl E. Anderson, USMC (Ret.)*  
Chair of the ABA Standing Committee on Legal Assistance for Military Personnel

A core mission of the ABA Standing Committee on Legal Assistance for Military Personnel is enhancing the delivery of legal assistance to service members through constant advocacy and expert programming. The means of achieving that mission are manifold, but none is more critical than the continuing legal education work of the committee in concert with its military partners. Legal advice to a soldier or sailor can only be as good as the relevant knowledge and skill of the lawyer delivering that advice. Dedication and compassion are necessary to good legal counseling, but not sufficient in themselves where substantive legal knowledge is lacking. LAMP CLE programs have proven invaluable in enhancing the legal horsepower of legal assistance attorneys across the country.

Experience teaches that when given the opportunity to learn to be better lawyers—whether through JAG school programs or the LAMP Committee’s curricula—legal assistance attorneys do not hesitate to climb aboard. The most recent LAMP CLE, a joint program with the North Carolina State Bar, served to underscore how much

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## *Enduring LAMP Shines Brightly in Louisiana*

*by ADM Thomas A. Morrison, U.S.N. (Ret.)*

**I**t might seem safe to assume that in light of the hurricane-wrought devastation facing Louisiana, the state bar would be fully occupied with the travails of displaced lawyers and overwhelmed civilians. Yet somehow, some way, the Louisiana State Bar Association has found the time and the resolve to address the critical legal needs of military reservists and their families residing in the state. In the wake of Hurricanes Katrina and Rita, the state bar has completed an innovative project to rejuvenate its Operation Enduring LAMP program. The result is a more powerful and useful Operation Enduring LAMP Web site for both prospective clients and attorneys, a better system for matching clients with lawyers, and a replenished list of attorney volunteers willing to represent reservists and National Guard members on a pro bono basis.

Nationally, Operation Enduring LAMP is a network of programs, typically administered by state and local bar associations, created to deliver volunteer legal services to National Guard members and reservists. The program, initiated by the ABA Standing Committee on Legal Assistance for Military Personnel in the wake of the September 11 attacks, was spurred by a patriotic urge among the nation’s lawyers to assist reservists and Guard members being mobilized by the military.

The Louisiana State Bar Association (LSBA) was an early and active participant in Operation Enduring Lamp, focusing on providing pro bono assistance to those facing financial hardship and a variety of other legal needs when summoned away from their civilian lives and jobs for active duty. Since 2001, more than 58,000 Louisiana reservists have been called to active duty.



The LSBA was on the verge of placing a new, improved Operation Enduring LAMP Web site online when Hurricane Katrina hit in late August, destroying the server and requiring the swamped bar staff to recreate the site. But the LSBA made the project a priority, and the new Web site is now online at [www.lsba.org/lamp](http://www.lsba.org/lamp).

The new site enhances the ability of prospective clients to search for attorneys both geographically and by subject area, and to review profiles of volunteer attorneys. Users may submit a description of their legal matter directly to a chosen attorney. In addition, volunteer attorneys are able and encouraged to enter periodic password-protected case status reports to their client reservists.

Bar staff is notified automatically when an attorney has not taken the case, referred it to another volunteer, or otherwise responded on a timely basis. In that event, bar staff will intervene to find the individual a lawyer. However, to date no client request on the new system has gone unanswered, according to Shelly A. Buckel, communications coordinator for the LSBA.

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## From the Chair..

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the attorneys and paralegals in the field appreciate and need these programs. The CLE, held November 17 and 18 in Raleigh, drew an audience of near-record size, more than double the strong turnout at the last LAMP CLE held in Raleigh three years ago.

From my perspective, several elements converged to account for this level of attendance: The fine effort of the NC State Bar LAMP Committee, under its chairman Judge Robinson Everett and program chairman George Humphrey, to promote the program; the much-appreciated initiatives by the chiefs of legal assistance to spread the word at area installations; the recognition by area SJAGs of the value of the LAMP lectures (even in the face of intense work demands on their staff members); the reputation of the superb LAMP CLE faculty; and, not least, the deep-seated appreciation of LAMP programming on the part of military and civilian legal professionals. That appreciation is writ large in the evaluation summaries of those who attended. It was related by the many paralegals and lawyers who took a minute to tell LAMP Committee members and staff how much the program helped them in their work. This committee will strive toward continuing to deliver education programs that are a credit to the ABA and a real asset to the legal professionals they serve.

\* \* \*

A vital skill for every lawyer is understanding when to bring in additional legal resources as special circumstances require. This

skill recently was demonstrated by the Air Force legal assistance team at Keesler Air Force Base in the wake of Hurricane Katrina. Keesler, near Biloxi, Mississippi, took an enormous hit from the storm, as thousands of service members and their families, living on and off-base, were driven from their homes. Hundreds of residences were destroyed. Military and civilian families have suffered a huge financial toll.

Two attorneys on the JAG staff at Keesler, Captains Matt Schwartz and Scott Jansen, were assigned to perform full-time legal assistance for the storms' victims. While steeping themselves in fine points of such substantive areas as landlord-tenant law and insurance coverage, they reached out to the local bar for expertise in other areas. They requested and received tutorials on bankruptcy and tax law and invited Navy and Coast Guard attorneys to attend. They contacted the U.S. Department of Justice and its Trustee Program directly to secure specific post-hurricane bankruptcy advice for their clients. Their new knowledge was well-utilized, as the entire Keesler legal staff handled more than 2200 office visits and 600 legal assistance cases requiring attorney consultation between the time Hurricane Katrina made landfall and early November.

In my capacity as a member of the ABA Task Force on Hurricane Katrina, I have been privileged to review reports from all the services on their legal assistance responses to the storm. The work of legal assistance attorneys and their commanders has been impressive, in the face of tremendous, and still evolving, challenges. When those challenges threaten to swamp existing legal resources and skill-sets, I urge all the legal assistance

attorneys in the field to do as the Keesler team did in seeking outside help to address unprecedented needs spawned by disaster conditions. Their outside-the-box thinking and quick decisions have made a difference for the clients they serve.

At the risk of too much hurricane talk, I do want to share my concern that the public has not been fully apprised of the extent of the challenge posed by Hurricanes Katrina and Rita. While the national spotlight has been trained on New Orleans, few in other parts of the country seem aware that Hurricane Rita's winds devastated much of southwest Louisiana, as one of the LAMP Committee's good friends, Colonel John Odom, (Ret.) USAF, has advised me. (Odom, a resident of Shreveport, is one of many of Louisiana lawyers who have volunteered their legal services through the Louisiana Bar's Operation Enduring LAMP program.)

It is still unclear how the insurance industry will respond to the many thousands of claims regarding homes damaged or destroyed by Hurricane Katrina's storm surge. Without a doubt, the hurricane-related demands on the civilian and military bars will be unprecedented.

On a positive note, when the 256th Brigade of the Louisiana Army National Guard came home in September, the Army offered Guard members the option of remaining on active duty for an additional year. The offer enabled these soldiers to support their families while pitching in with the hurricane recovery effort. The Army's action is a great example of the extra measure of consideration to be accorded those who offered up an extra measure of devotion in their country's service.

## Military Tenants

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request of a service member whose ability to pay rent is “materially affected” by military service. The law provides for a 90 day stay, which the court may lengthen or shorten as justice and equity require. Note that courts may look at the “totality of the circumstances” in determining material affect, not just the fact that a tenant’s income has dropped as a result of military service.<sup>16</sup> The law provides for a 90 day stay, which the court may lengthen or shorten as equity and justice require. The court has broad equitable powers to adjust the terms of the lease to “preserve the interests of all parties.” Willful violation of Section 531 carries with it the same criminal penalties as Section 535.

### Storage liens

Landlords and others who hold a storage lien on the property of a military tenant cannot enforce the lien without a court order.<sup>17</sup> Tenants are protected while on active duty and up to 90 days afterwards. The order must be obtained before the lien is enforced. Tenants may request a stay of enforcement or the court may exercise this right on its own motion where the tenant’s ability to satisfy the lien is “materially affected” by military service. As with the provisions already

**Tip Three:**  
When advising military tenants, keep in mind that some states provide statutory protections over and above those contained in the SCRA Familiarize yourself with these provisions, and include them in your training initiatives.

## Enduring LAMP

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### Recruiting more volunteers

While refining and upgrading Enduring LAMP’s Web-driven attorney match system, the Louisiana Bar also refreshed its list of volunteer attorneys in the program. A blast email seeking volunteers was sent out to all 22,000 members of the state bar. Volunteers also were sought through an electronic bar newsletter. During the Web `site renovation, all of the original program volunteers were contacted, and asked to confirm their continued availability. As a result, the bar has developed a reliable list of 99 active pro bono volunteers ready to serve Louisiana reservists during a time of great need.

The program now is in position to be largely self-sustaining. Judge Jules Edwards III, a state judge also serving on active duty as State Judge Advocate for the Louisiana Army National Guard, and also the chair of the LSBA LAMP Committee, says that he does not believe that Louisiana service members could be served adequately without the program. “Military lawyers can do a lot for service personnel but when

civilian lawyers get involved, ready to file pleadings and go to court, the issues usually are resolved quickly and in the service member’s favor,” explains Edwards.

As the LSBA was launching its renewed Enduring LAMP Web site, the Louisiana Office of the Attorney General established an educational Web site designed to assist veterans and, specifically, called-to-duty reservists and National Guard members. The site is located at [www.ag.state.la.us/AGLetter.aspx](http://www.ag.state.la.us/AGLetter.aspx). It provides a wealth of knowledge and practical advice to all Louisiana service personnel, whether they are in the state or deployed.

The Louisiana State Bar Association and the state’s attorneys have extended themselves, in trying circumstances, not only to civilians in dire need but to those who are serving our country. If this state, in a time of crisis, can think about and act upon the needs of service personnel, attorneys and bar associations everywhere can find the time to ensure that Enduring LAMP keeps shining brightly.

**Admiral Thomas A. Morrison, USN (Ret.)** is a member of the ABA Standing Committee on Legal Assistance for Military Personnel.

discussed, willful violation carries with it criminal penalties.

### Default judgments

The SCRA provides broad relief from default judgments that is not limited to military leases. If a landlord obtains a default judgment against a current or former military tenant, the

SCRA directs that a court shall reopen the judgment if provided that the tenant’s military service “materially affected” his or her ability to defend the initial suit, and the tenant has a meritorious legal defense.<sup>18</sup> The tenant has up to 90 days after release from active duty to petition the court.<sup>19</sup>

### Stay of proceedings

If an action other than for eviction

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## Military Tenants

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or distress (but otherwise covered by the statute) is brought against an absent military tenant, the court again has broad discretion to grant a minimum 90-day stay of proceeding. The court may do so on its own motion, or counsel's motion, if it determines that (1) there may be a defense and the defense cannot be presented without the presence of the defendant, or (2) counsel, after due diligence, has been unable to contact the defendant or determine whether a meritorious defense exists.

Where the military tenant has received notice of the covered action brought against him or her, the tenant at any point in the proceeding may, upon the tenant's application or the court's own motion, obtain a stay of proceedings provided that the tenant explains to the court how current military duties prevent the tenant's appearance, and also state when the tenant will be available to appear. In addition, tenants must submit a letter from their commanding officer confirming the impairment and that leave currently is not authorized. A court must grant a minimum 90 day delay for tenants who comply with these notice requirements.<sup>20</sup> The stay may be extended further as warranted.

### Conclusion

The SCRA contains provisions that offer military tenants an array of options not available to their civilian counterparts. Legal assistance attorneys would provide a great service to them by publicizing these as part of a proactive training program.

### Endnotes

- <sup>1</sup> Servicemembers Civil Relief Act (SCRA), 50 U.S.C App. §§ 501-596 (2005)
- <sup>2</sup> For an overview of the SCRA, see John Meixel, *Servicemembers Civil Relief Act Replaces Soldiers' and Sailors' Civil Relief Act*, ARMY LAW., Dec. 2003 at 38.
- <sup>3</sup> 50 U.S.C. App §535
- <sup>4</sup> *Id.* §535(b)(1)(A) & (B)
- <sup>5</sup> *Id.* §535(c)(1) & (i)(1)
- <sup>6</sup> See Maj. Paul Conrad, Note, *Pre-Service Lease Terminations May Be Subject to Landlord "Equitable Offsets"*, ARMY LAW., Apr. 1997 at 153.
- <sup>7</sup> *Id.* §535(b)(1) & (b)(2). There are significant differences between vehicle and real property leases in terms of eligibility, notice and effective dates of termination. This article focuses on residential leases.
- <sup>8</sup> Reserve and National Guard personnel are covered when activated under 10 USC § 101(d)(1) - such as for deployment to Iraq; and when performing duties under 32 USC § 502(f) for more than 30 days - such as for hurricane relief efforts. See 50 U.S.C. App. §511(1) & (2)
- <sup>9</sup> 50 U.S.C. App §535(a)(2)
- <sup>10</sup> The SCRA does not specify the amount of the fine, but does specify the length of imprisonment as "not more than a year." *Id.* §535(h)(1). Imprisonment of not more than a year is limited to Class A misdemeanors under 18 USC §3581. By inference, fines associated with Class A misdemeanors should apply. Under 18 USC §3571 those fines are up to \$100,000 for individuals and \$200,000 for businesses.

- <sup>11</sup> 50 U.S.C. App §531(a)(1)(A) & (B)
- <sup>12</sup> *Id.* §531(a)(1)(A)(ii) & (a)(2)
- <sup>13</sup> 70 Fed. Reg. 2396 (Jan 13, 2005)
- <sup>14</sup> 50 U.S.C. App §531(a)(1)(B)
- <sup>15</sup> *Id.* §531(b)(1)
- <sup>16</sup> See *Fed. Home Loan Mortgage Corp. v. Sincaban* (unpublished) (U.S. Dist. Ct. W. D. WI. Order # 93-C-0090-C 13 Dec 93). Reserve doctor's wages dropped upon recall to active duty; however investment income remained significant. Cited in The Judge Advocate General's School, U.S. Army JA 260, *Soldiers and Sailors Civil Relief Act Guide*, ch. 8-6 (2000). Found at: [www.jagcnet.army.mil/laawsxxi/cds.nsf](http://www.jagcnet.army.mil/laawsxxi/cds.nsf).
- <sup>17</sup> 50 U.S.C. App §537
- <sup>18</sup> *Id.* §521(g)(1)
- <sup>19</sup> Although petitioners have up to 90 days AFTER military service to challenge a default judgment, the judgment itself must have been entered either (1) during petitioner's military service, or (2) up to 60 days AFTER military service. *Id.* §521(g)(1) & (g)(2).
- <sup>20</sup> *Id.* §522(b). Delays beyond 90 days are within the discretion of the court.

**Steve Lynch**, a recipient of the LAMP Distinguished Service Award in 2003, serves as legal assistance attorney for the Ninth Coast Guard District in Cleveland.

### Tip Four:

*Military tenants may not realize that the SCRA gives them a "second" chance to challenge default judgments or liens. At demobilization or pre-separation briefings, highlight the post-active duty deadlines for challenging both.*

## From the Chair. . .



by *L. Jonathan Ross*  
Chair of the ABA Standing Committee  
on Pro Bono and Public Service

In his inaugural message, ABA President Michael S. Greco called for a “renaissance of idealism in the legal profession—a recommitment to the noblest principles that define the profession: providing legal representation to assist the poor, disadvantaged and underprivileged; and performing public service that enhances the common good.” The ABA Standing Committee on Pro Bono and Public Service welcomes this message and is organizing many of its activities this year to bring support and energy to these principles.

While many young lawyers start out in practice looking for opportunities to perform public service and provide legal assistance to the disadvantaged, the realities of time demands, billable hours and the pace of legal practice can easily thwart action on these intentions. Our profession needs to find ways to free up lawyer time in law firms, government offices and other legal settings to enable lawyers to use their legal training to serve those in need and to improve their communities. Only in this way can lawyers have the support from their practice settings to fulfill their desire to assist in the betterment of our society. These

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## Program Profile: The Children’s Law Center

by *Barbara Chasnoff*

**T**he Children’s Law Center, Inc. of Covington, Kentucky was founded in 1989 to provide legal assistance for Kentucky children through legal counsel, research and policy development, and training regarding the legal rights of children for attorneys and other child-affiliated organizations. Since the center’s inception, children have been represented in areas such as juvenile justice, child welfare, and educational issues, all with an eye toward improving the quality and accessibility of legal representation. The center is also an excellent example of a children’s legal advocacy organization that has successfully maintained a pro bono panel despite being located outside of a large urban area.

### About the panel

The center implemented its pro bono panel component in 2002 after receiving a mini grant from the American Bar Association Child Custody and Adoption Pro Bono Project. Panel members represent indigent or needy children in divorce, guardianship, adoption, and parentage proceedings. Representation is provided on the basis of several factors, including the overall severity of the case, the income level of the parties, and the age of the child.

After the center received another mini grant in 2003 to support the expansion of the project, panel membership stands at 40 attorneys today. Each attorney has agreed to handle two cases a year. This is no small commitment because these cases are challenging and involve the most entrenched problems, such as allegations of sexual and physical abuse. Frequently the attorneys are involved with the cases for long periods of time. In the course of their representation, the pro bono lawyers at the Children’s Law Center make numerous court appearances, take on investigative work, monitor the child’s situation, and often interact with the medical and mental health care community, domestic relations attorneys and judges.

### Case study

One case provides a good example of the value of this work. A six-year-old girl was living with her mother in North Carolina. Once her father’s identity was legally established through paternity testing, the mother abruptly sent the child to the father in Kentucky, seemingly without any intention of having the child return to North Carolina. The child had no contact with the mother until the mother suddenly appeared at the father’s house with the sheriff in tow. She demanded the return of the child, alleging custodial interference by the father.

An attorney from the Children’s Law Center assisted the child by securing an emergency custody order. Following an investigation, the attorney discovered that the child was to be removed from the mother’s custody by the North Carolina Department of Social Services because of

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## From the Chair...

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lawyers will benefit, as will their firms. Lawyers who find ways to use their expertise and judgment to help the common good find greater fulfillment in their legal careers.

In August 2005, President Greco appointed the Commission on the Renaissance of Idealism in the Legal Profession to coordinate efforts to encourage more participation in and opportunity for the legal profession in public service. The honorary co-chairs of the commission are Associate Supreme Court Justice Ruth Bader Ginsburg and Theodore C. Sorensen, former special counsel to President John F. Kennedy. In addition to being chair of the Pro Bono Committee, I serve as liaison to the Renaissance Commission and our committee counsel, Steve Scudder, provides staff support for the commission's work.

The Pro Bono Committee is working in collaboration with the Renaissance Commission to develop programs, publications, and policy initiatives that make the case for the value of pro bono and



### Just Released

The Commission on the Renaissance of Idealism is pleased to announce the release of an inspirational video showcasing why it is so important for legal employers to afford their lawyer

employees the opportunity to do pro bono and community service work. Featuring Theodore Sorensen, US Supreme Court Associate Justice Ruth Bader Ginsburg, former ABA President Dennis Archer and current ABA President Michael S. Greco, this 14 ½ minute video is designed to be viewed by any group of lawyers or law students. It is anticipated that the video will be used to promote involvement in pro bono and community service as part of a lawyer's public service work.

The video can be found at [www.abanet.org/renaissance](http://www.abanet.org/renaissance). It can be viewed online or downloaded to a disk.

public service activities, not only to the direct beneficiaries of those services but to the lawyers and legal employers who make them possible. Our goal—and the goal of the Renaissance Commission—is to encourage more lawyers to undertake pro bono and public service activity by fostering work-place policies and practices that make it more possible for them to do so.

As an initial step, the Renaissance Commission has created

an online pro bono best practices resource guide to help lawyers in every practice setting identify ideas, strategies and opportunities for engaging in pro bono and public service activities. We hope you will use the insights contained in the guide—located at [www.abanet.org/renaissance](http://www.abanet.org/renaissance)—to enhance the experience for your firm, agency or other practice setting and for the lawyers who work there.

## Program Profile

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abuse and neglect allegations. Furthermore, the mother was on probation in Tennessee and had been arrested in North Carolina for drug trafficking. To further complicate matters, just before the temporary custody petition review in circuit court the attorney also discovered that the father's wife currently was abusing the child.

The attorney quickly intervened and negotiated with the father to act in the child's best interests and have her placed in a safe, stable environment with a new temporary custodian. The attorney continues to monitor the child's placement and remains committed to assist her as necessary. The pro bono attorney has spent over 50 hours on this case.

### Training and education

As part of its work to increase

judicial involvement and awareness in these kinds of cases, the center has produced a comprehensive guardian ad litem manual and distributed it to family court judges as a reference regarding the children's needs in custody and visitation matters. The manual also is sent to agencies involved in children's issues to clarify existing standards of practice for attorneys representing children in child custody and visitation proceed-

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## Program Profile

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ings. The contents include resources such as current Kentucky custody and visitation law, as well as information about ethical obligations, the implications of domestic violence, and appropriate legal and non-legal strategies. The manual also includes a guide of resources available in the area to serve the special needs of children and families in child custody and visitation situations.

The Children's Law Center has done extensive work in outreach and the development of law and social work student externships with the Northern Kentucky University Chase College of Law and the University of Cincinnati and matching the externs with attorneys on their pro bono panel. The law school provides two IOLTA fellow positions each year, as well as offering externships to students who work with the center for credit.

The center's success is testimony to what innovation and the skillful use of volunteers can achieve. In 2006, the pro bono panel is being expanded to include attorneys around the State who are willing to accept referrals on cases involving federal education rights, specifically regarding federal disability issues. The center appears poised to remain an example of effective and forward-thinking program development and advocacy.

**Barbara Chasnoff** is a consultant attorney with the ABA Child Custody and Adoption Pro Bono Project. For more information about the project, contact her at [chasnofb@staff.abanet.org](mailto:chasnofb@staff.abanet.org) or visit [www.childcustodyproject.org](http://www.childcustodyproject.org).

### *It's Not too Late: Register for the 2006 Equal Justice Conference*

The 2006 ABA/NLADA Equal Justice Conference will take place March 30 to April 1 in Philadelphia. Under the theme of "Commitment, Service and Empowerment: Let Justice Ring," the main conference will celebrate the ongoing collaboration between pro bono and legal services, explore additional partnerships that must be created, the resources that must be tapped, and the new issues facing clients. For more information visit [www.equaljusticeconference.org](http://www.equaljusticeconference.org)

### *Mississippi and Louisiana Adopt Emergency Pro Bono Legal Assistance Rules*

The supreme courts in Mississippi and Louisiana have adopted rules that permit out-of-state lawyers to provide pro bono assistance to hurricane victims under limited circumstances. On October 13, 2005, the Mississippi Supreme Court entered an order allowing non-Mississippi lawyers to volunteer through the Mississippi Volunteer Lawyers Project. For more information see [www.mssc.state.ms.us/news/sn127311.pdf](http://www.mssc.state.ms.us/news/sn127311.pdf).

On January 20, 2006, the Louisiana Supreme Court issued an order permitting non-admitted lawyers to provide temporary pro bono civil legal services to victims of Hurricane Katrina and Hurricane Rita. The order expands the legal services providers and lawyer-supervised pro bono agencies through which volunteers may work to Southeast Louisiana Legal Services Corporation, Acadiana Legal Services Corporation, Capital Area Legal Services Corporation, Legal Services of North Louisiana, Southwest Louisiana Legal Services Society and The Pro Bono Project (New Orleans). For more information see [www.abanet.org/cpr/Louisiana\\_Order.pdf](http://www.abanet.org/cpr/Louisiana_Order.pdf).

### *Pro Bono Policy News: Nebraska Adopts ABA Model Rule 6.1*

In September 2005, Nebraska adopted a new Rule of Professional Conduct 6.1. The new rule breaks new ground in the state by recommending an aspirational goal of 50 hours of pro bono work per year by the state's lawyers. The new rule tracks the most recent changes to the ABA's Model Rule 6.1, which were adopted in 2002, and emphasizes that a substantial majority of the 50 hours of recommended pro bono work should go to persons of limited means or organizations designed to address the needs of persons of limited means. Nebraska's new Rule 6.1 is not intended to be enforced through the state's disciplinary process. The new rule can be viewed online at: <http://court.nol.org/rules/RulesProfConduct34.htm#rule61>.

### *Program News from the Field*

**Florida:** **Susie Rizzo** is the new technology and pro bono assistant at Florida Legal Services.

**Nevada:** The State Bar of Nevada has announced the creation of a new statewide Pro Bono Coordinator position. The position is currently being advertised and has not yet been filled.

**Ohio:** In December **David Ball** resigned as associate director of the Ohio Legal Assistance Foundation.

**South Dakota:** **Cheryl Hanna** is the coordinator of the new South Dakota Bar Foundation Access to Justice Project. The project will provide low-income residents with free legal help with civil cases. More than 250 lawyers in the state have already signed on to take part in it.

## IOLTA News and Notes

### New Mandatory IOLTA Programs Post Income Gains

The IOLTA programs in four states—Oklahoma, Indiana, South Carolina and Utah—converted to mandatory IOLTA in 2004 and 2005. All four have begun to realize impressive gains in IOLTA income. Oklahoma's program, which converted from voluntary to mandatory IOLTA in July 2004, leads the way with a 204 percent increase from the year prior to conversion to its most current fiscal year, which concluded on December 31. Its 2005 income exceeded \$491,000, compared to \$161,000 in 2003.

The "Class of 2005" states, which converted from opt-out IOLTA, also have seen significant increases in income. The table above shows how their average monthly income has changed.

These impressive gains have not occurred in a vacuum. All four states have benefited from the steady rise in interest rates since they reached historic lows in 2003. In addition, revenue enhancement policies implemented at the same time as the mandatory requirement likely have played a role in boosting the extent of the increases. Nonetheless, these gains echo the significant increases in revenue experienced by IOLTA programs that converted during the previous wave of conversions to mandatory IOLTA in the late 1980s and early 1990s.

The Joint ABA Commission on IOLTA/National Association of IOLTA Programs Technical Assistance Committee provides exten-

sive assistance to states studying mandatory IOLTA or pursuing a change in their programs' status. For more information contact Assistant Commission Counsel David Holtermann at 312-988-5744 or holtermd@staff.abanet.org.

### Revenue Enhancement News

Additional efforts to expand IOLTA revenues took a leap forward in several states in late 2005.

**Michigan:** In October, the Michigan Supreme Court issued an order amending the state's IOLTA rule to include a provision requiring financial institutions to pay no less on an IOLTA account than the highest interest rate or dividend generally available to its non-IOLTA customers when the IOLTA account meets the same minimum balance or other eligibility qualifications. The amendments also define the service charges that may be charged by banks, and prohibit the practice of negative netting. The court's order can be viewed at: <http://courts.michigan.gov/supremecourt/Resources/Administrative/2003-19-Oct-18-05.pdf>.

**New Jersey:** The IOLTA Fund of the Bar of New Jersey will begin implementing a new rate comparability policy following a administrative determination issued by the Supreme Court of New Jersey in November. The "best customer

standard" established in the determination requires banks to pay comparable rates on IOLTA accounts as are available on similarly sized non-IOLTA accounts, or in the alternative, to pay a pre-established rate (60 percent of the Federal Funds Target Rate). Information about the best customer standard is online at [www.ioltanj.org/bnk\\_guidelines.html](http://www.ioltanj.org/bnk_guidelines.html).

**Washington:** In December the Washington Supreme Court approved a state court rule amendment that automatically directs at least 25 percent of residual funds in class actions to the Legal Foundation of Washington for distribution to civil legal services programs. The rule went into effect at the beginning of January. The rule is online at [www.courts.wa.gov/court\\_rules/adopted/CR23.doc](http://www.courts.wa.gov/court_rules/adopted/CR23.doc).

### New IOLTA Director

The Legal Foundation of Washington welcomed Caitlin Davis Carlson as its new executive director in



Caitlin Davis Carlson (continued on 13)

### Mandatory IOLTA Conversion in 2005: Income Changes

State	Effective Date of Mandatory IOLTA	Date Income Shown Through	Average Monthly Income Six Months Before Conversion	Average Monthly Income Since Conversion	Income Most Recent Month	Change (from preconversion average to most recent month)
Indiana	07/01/05	1/31/06	\$49,814	\$107,096	\$134,995	171%
South Carolina	03/01/05	10/31/05	\$176,713	\$324,866	\$376,264	112.9%
Utah	07/01/05	11/30/05	\$16,500	\$21,454	\$26,859	62.8%

Prepared by ABA Commission on IOLTA, 2006

## From the Chair...



by *Joanne M. Garvey*  
Chair of the ABA Commission  
on IOLTA

One of the benefits of serving on the Commission on IOLTA is the opportunity to visit with representatives of IOLTA programs in the various locations where the Commission meets. Away from the pressures of our day-to-day work, we have the chance to listen carefully and learn about what IOLTA programs are doing in different states across the country.

The Commission's November 2005 meeting in Phoenix was one of those occasions. We spent time with several representatives of the Arizona Foundation for Legal Services and Education (AZFLSE), including several board members, its current president, and Executive Director Kevin Ruegg. Representatives of the Arizona State Bar, including its current president, Helen Perry Grimwood, also attended the meeting.

AZFLSE provides a great example of a successful program that is not content to stand still. While the program has been able to increase funding to its designated grantees by 14 percent in 2006 (with another \$200,000 to be granted later this year), it is also spurred onward by the challenges that continue to face legal services providers in Arizona. These include the escalating demand for

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## IOLTA Grantee Spotlight: The Indiana Pro Bono Commission

by *Kelly Valentine*

The last state to adopt IOLTA, Indiana has already seen many changes and experienced success in the seven short years its unique program has been in operation. Established by the Indiana Supreme Court in 1998, the program formally was launched in 1999 under the oversight of the Indiana Bar Foundation (IBF). With an addition to the Indiana Rules of Professional Conduct, the court also created the Voluntary Attorney Pro Bono Plan. The purpose of the plan, as outlined in the Rule 6.6, "is to promote equal access to justice for all Indiana residents, regardless of economic status, by creating and promoting opportunities for attorneys to provide pro bono civil legal services to persons of limited means." The court wanted to instill a spirit of pro bono in the legal community and create a mechanism to provide attorneys with resources and opportunities to make volunteering their legal services easier. Under this arrangement, the Indiana Bar Foundation directs 100 percent of its IOLTA grants to support pro bono work in the state.

### Indiana's pro bono structure

To accomplish these goals, Rule 6.6 also provided for the creation of the Indiana Pro Bono Commission as a program of the IBF. The commission, supported by IOLTA revenue, was charged with creating and administering a pro bono program in each of the 14 judicial districts throughout the state. It promotes lawyer participation and provides resources to the districts, each of which is led by a plan administrator.

Each district's pro bono program performs intake, screening, and referral of prospective clients and provides resources to attorneys for litigation and out-of-pocket expenses for pro bono cases. They encourage attorney participation and recruit volunteer attorneys through legal education and pro bono training; match cases with individual attorney expertise; and monitor ongoing cases and measure client satisfaction.

Annually, each district must provide the Pro Bono Commission with a report on its accomplishments and activities and submit a budget and request for funding from IOLTA dollars for the next year. The status reports and allocation requests are reviewed by a subcommittee, which evaluates each request, compares requests with the IOLTA funding available, and makes recommendations to the full commission for approval. The commission determines the allocations for each district and submits the budget for final approval to the board of directors of the IBF. After approval, the IBF disperses the funds to the districts as outlined in the budget.

### District 14

The IOLTA funds make a big impact throughout the 14 districts in Indiana, helping low-income people obtain needed legal information and represen-

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## From the Chair...

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tance with immigration issues, geographic isolation in many parts of the state (which can make services inaccessible to clients), and the difficulty of retaining legal services staff burdened by high housing costs and extensive law school debt loads. With these and other imperatives in mind, AZFLSE is working to maximize the impact of its programmatic efforts and to continue to expand its resources.

AZFLSE has cultivated a close relationship with the Arizona State Bar, and the two organizations have collaborated on several initiatives to improve access to justice in the state. A notable example is the successful petition to the state supreme court for revenue enhancement-related amendments to Arizona's IOLTA rule that took effect in June 2005. The amended rule has several new provisions, including a requirement that financial institutions

wishing to participate in IOLTA must sign an agreement with AZFLSE. Among other things, this agreement will give AZFLSE the ability to implement a requirement that banks pay comparable rates on IOLTA accounts if it believes that is necessary in the future.

The agreement also requires banks to report information about rates and service charges to AZFLSE on a periodic basis. This information is posted directly on AZFLSE's Web site and can be directly updated by the banks. This public forum allows the IOLTA program's participants—lawyers and their banks—to monitor the performance of each financial institution, and should provide leverage for negotiating for higher rates on IOLTA accounts.

Every state has its own challenges in improving access to justice. Fortunately, AZFLSE is not the only IOLTA program that is seeking additional resources to address those challenges. In fact, 2005 was a year of remarkable momentum toward rule and policy

changes designed to increase IOLTA revenue, with a significant number of programs pursuing and implementing rule and policy changes toward that end. (Please turn to IOLTA News and Notes on page 10 for the latest updates on this front.) I applaud these efforts, and the IOLTA executive directors, staff members, trustees, bar leaders, members of the judiciary, and other supporters who are making them possible. You are responding to the challenge of maintaining and increasing access to justice in 2006. Congratulations for your work.

There is no need for anyone to pursue this revenue enhancement work in isolation. The Joint Banking/Resource Development Committee and the Joint Technical Assistance Committee are ready to provide strategic guidance and practical insight into implementing these strategies. For more information and assistance, please contact Commission Counsel Bev Groudine at 312-988-5771 or [bgroudine@staff.abanet.org](mailto:bgroudine@staff.abanet.org).

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## One Year Later, IOLTA.ORG Serving IOLTA Community and Public

by Steve Berry

The first birthday of the IOLTA.ORG Web site is a good time to reflect on its progress toward the goal of supporting the IOLTA community. While its lifespan may seem short, research indicates that, because of the unique nature of "Internet time," the site is actually about 18 years old (1 human year = 7 dog years = 20 Internet years). As IOLTA.ORG

closes out its adolescence and moves into adulthood, let's take a quick look at the Web site in terms of how it works and what is needed for its future.

### IOLTA.ORG and the public

One of the central goals of IOLTA.ORG is to provide the public with information about IOLTA: what it is, how it works,

and how it serves the cause of equal justice. The IOLTA.ORG home page ([www.iolta.org](http://www.iolta.org)) is designed as the public's portal to information about IOLTA. From this page, visitors can easily find information about IOLTA history, IOLTA programs, challenges to IOLTA, and specific examples of how IOLTA has helped people in need.

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## Indiana Pro Bono

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tation and gain access to the justice system. One district-based organization, District 14 Legal Volunteers, demonstrates the work performed within the judicial districts.

Operating from a small office in a New Albany church, the District 14 program serves seven counties in south central Indiana. Largely rural, these counties include some of the poorest in the state, have very small attorney populations, and are largely underserved by other legal services organizations. Resources for the program are limited: it operates on a shoestring budget with one employee (who works 80 percent of full time). Fifty-four percent of its annual budget comes from IOLTA dollars. Donations and other grants make up the remainder of the budget.

The days of plan administrator Amy Roth are filled with the many and varied activities needed to keep the program in operation. These include regularly screening potential clients—many of whom are victims of domestic violence—and matching appropriate cases to attorneys in the program's pool of volunteers. The vast majority of clients who contact the program seek assistance with domestic relations matters. Attorneys provide representation in those cases, as well as in other related matters: guardianship, probate, and protective orders. In one county volunteer attorneys also devote significant time to pro bono debt counseling in bankruptcy cases.

The program is also committed to expanding its base of volunteers. Attorney participation is fostered by CLE programs, including some that give attorneys a break in the fee if they agree to take a certain number of pro bono cases. The

program is studying other mechanisms for involving interested attorneys, such as encouraging attorneys to provide "brief" or unbundled services to clients when appropriate. Legal Volunteers currently has an active base of 82 volunteer attorneys in the district. Attorney participation varies from county-to-county, with a peak participation rate of 42 percent of the attorneys in Clark County.

### Looking ahead

The other portion of Roth's work as plan administrator involves the long-term process of building her program's effectiveness by coordinating with other agencies. For example, the program is working with a local domestic abuse shelter to help train caseworkers in the Legal Volunteers' procedures, policies and guidelines. This will help streamline its intake process. The program is conducting an outreach and education program aimed at other organizations, including social service agencies and churches, to build recognition of Legal Volunteers as a source of assistance. For similar reasons, the program plans to offer intake sessions at other locations in the community in 2006.

Roth, the plan administrator, explains the initiatives the district plan is undertaking in 2006. "We are moving forward with plans to continue collaborating with different domestic violence organizations, especially the Center for Women and Families. A task

force of community organizations and service providers is currently forming to fight domestic violence and community education is planned to combat this problem."

### Mandatory IOLTA

The impact of district programs such as Legal Volunteers may increase in the wake of Indiana's conversion to mandatory IOLTA in 2005, which is already yielding significant revenue increases. The IBF's monthly revenue topped \$133,000 in January 2006, a new monthly record for the organization. IBF Executive Director Chuck Dunlap notes that this increase also is tied to steady increases in interest rates since 2004, but the bottom line result is indisputable: an increase in IOLTA revenue that will help the district programs that are Indiana's sole IOLTA grantees. Dunlap hopes that increased IOLTA grants will help District 14 plan more CLE programs and other events that can help recruit lawyers, and bolster efforts to coordinate with other organizations.

Through the district pro bono plan, IOLTA dollars bring free legal assistance to the most remote areas of Indiana. The efforts of the pro bono staff and the attorney volunteers have helped create a stronger spirit of pro bono in Indiana and made an impact on thousands of Hoosiers seeking access to justice.

**Kelly Valentine** is marketing and events coordinator for the Indiana Bar Foundation

## IOLTA News

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tion since it was founded in 1984. A graduate of Simon's Rock College, Carlson was the foundation's associate director for two years.

Prior to that, she was membership and development Officer for the King County Bar Association/Foundation, where she raised funds for legal aid programs, law school scholarships and law-related education projects.

## IOLTA.ORG

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Descriptions of the primary IOLTA.ORG contributors—the National Association of IOLTA Programs and the ABA Commission on IOLTA—and their joint projects are found in the “About” section of the site.

Specific sections of the IOLTA.ORG site are tailored to lawyers and financial institutions. Linking to “Information for Lawyers” can help attorneys find their local IOLTA program as well as answer frequently asked questions about IOLTA. Similarly, “Information for Banks” provides banks with relevant IOLTA information and contact information for their local IOLTA program.

The key to reaching the public, banks and attorneys with this information is to ensure that IOLTA.ORG can be found easily. Since the launch of IOLTA.ORG in February 2005, we have endeavored to make IOLTA.ORG easy to locate with a two-fold strategy: Ensure that IOLTA.ORG has strong placement in search engine results, and encourage other relevant Web sites to link to IOLTA.ORG. Today, the IOLTA.ORG home page is the first Web site returned for the search term “IOLTA” by Google, MSN and Yahoo search engines. Over 500 public visitors come to IOLTA.ORG each month, and they locate it primarily through search engine results or via links from state IOLTA program Web sites.

### A resource for IOLTA programs

Another essential part of IOLTA.ORG’s mission is to support IOLTA programs in promoting equal justice. To this end, the IOLTA.ORG Staff and

### What YOU Can Do to Help IOLTA.ORG

Believe it or not, you can help contribute to the success of IOLTA.ORG. Mostly painless, these easy steps will help IOLTA.ORG prosper in its mission of serving the IOLTA community.

- **Join the IOLTA.ORG Staff and Board Area** - If you meet the membership criteria (as an IOLTA executive director, staff member or trustee), please go to [www.iolta.org](http://www.iolta.org) and join the IOLTA.ORG Staff and Board Area. Encourage your staff, directors and board members to join, too. More members mean a more vibrant and useful resource.
- **Contribute content to the IOLTA.ORG Staff and Board Area** - When you see a piece of content that may be useful to other members of the IOLTA community, share it. Maybe it’s news about an IOLTA program such as a press release, or an interesting calendar item such as an upcoming training or conference call, or a useful document or Web link for the Library. The point is to share the information with fellow members by posting it in the IOLTA.ORG Staff and Board Area.
- **Link to IOLTA.ORG from your Web site** - Links to IOLTA.ORG help the public find the site more easily, and they also improve search engine placement.
- **Mention IOLTA.ORG as a resource for more information about IOLTA** - In press releases, articles and other public communication related to IOLTA, cite IOLTA.ORG as a source for further information about IOLTA. It’s a simple and effective way to get the word out about IOLTA.ORG.
- **Use the IOLTA.ORG site coordinator** - Steve Berry has served as the site coordinator since 2004, and is the best person to contact if you have questions about joining the site or posting content. Email him at [steve.berry@charter.net](mailto:steve.berry@charter.net).

Board Area provides a secure forum for IOLTA programs to share resources, news and ideas. It is a collective workspace that is open and easy to use by members, yet securely protected in cyberspace.

A key element of the security of the IOLTA.ORG Staff and Board Area is membership. The IOLTA.ORG Staff and Board Area is a password-protected, members-only area. Membership is limited to staff, directors and board members of IOLTA programs. Without membership, users cannot access any content or tools located in the area. Eighty people from the IOLTA community are now members.

The Staff and Board Area features a number of useful tools

for members. These include a library, calendar, news, staff and board home page and roster. The library tool features over 150 resources for IOLTA programs, on topics such as program management, training, leadership, banking, grant making, and technology. Most of this library content has been developed by nine volunteer section editors, each a specialist in a particular topic area.

### Contributions welcome

An important aspect of the IOLTA.ORG Staff and Board Area tools is that they are designed to allow members to contribute content. This means that any

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## From the Chair. . .



by *Ron Abernethy*  
Chair of the ABA Standing  
Committee on Lawyer Referral  
and Information Service

At first blush, the idea of a bar association making an online membership directory available to the general public is intriguing. But does it provide a public service? Would it be detrimental to the overall financial stability of the bar association? Many bar associations across the country are addressing these issues and we can benefit from some of the critical thinking these questions have engendered.

For years, bar associations periodically have prepared and distributed paper membership directories. Association members schedule a time for the obligatory photograph, and consider the all-important question, "Should I go with the fingers on the chin or appear as the studious one in front of a stack of law books?" Except for those who are unhappy with their photograph, members particularly like the membership directory because it allows them to place another member's name with a face. The actual contact information found in the directory—addresses, phone and fax numbers, email addresses and firm affiliations—is less important since that information is either easily available to the members in other formats, or outdated because

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## The Changing Face of America: Targeting Minority Lawyers for LRIS Panels

by *Ana Otero*

**A**s the 21st century unfolds, the population of the United States is rapidly increasing in diversity. U.S. Census figures indicate that in the last 30 years, Hispanics and minority racial groups—including non-Hispanic Blacks, Asians and American Indians—have each grown faster than the population as a whole. While in 1970 these groups together represented 16 percent of the population, this share increased to 27 percent in 1990, and by 2000 the figure had grown to 35 percent. The Census Bureau projects that by the year 2050, these groups will account for almost half of the U.S. population.

While population projection is not a precise science, the most recent statistics for two of the fastest growing groups appear to corroborate the predictions: Census 2000 counted 35.2 million Hispanics (12.5 percent of the total population), an increase of 61 percent from 1990 when the Hispanic population stood at 21.9 million. By 2000, the Asian population had risen to 11.9 million, or 4.2 percent of the total population.

### Impact on LRIS

What does all this mean to LRIS programs nationwide? To respond to substantially expanded racial and ethnic diversity in the United States, lawyer referral services will need to meet the evolving needs of the communities they serve. Having panel members that reflect the composition of the community satisfies one of the most important goals of these programs—to provide a public service. This requires both planning and creativity. LRIS programs should have a master plan that envisions foreseeable changes and establishes ways to meet new challenges. Equally important, LRIS programs should implement a creative approach to marketing tailored to the specific needs of its community.

What does a master plan entail, and how is this creative approach achieved? At its most basic level, it requires giving serious consideration to the following key questions when thinking about the targeted recruiting of minority attorneys.

### Should the recruiting of minority panel lawyers be targeted?

To properly meet the needs of the community, recruiting panel members should be an ongoing process. The process is better served when recruiting is targeted. "Targeted recruiting" means that the service identifies areas of need and recruits attorneys accordingly. Targeted recruiting serves a number of important goals inherent to lawyer referral services. It serves the needs of a large portion of the community, engenders credibility and trust in the service by a segment of the population which may otherwise be left unrepresented, and provides a source of revenue for panel attorneys and the service.

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## From the Chair...

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an attorney relocated after the directory was published.

Sales of the directory to members, space to advertisers, and the membership list to outside vendors generate considerable income for many bar associations. Yet traditionally very few bar associations made their directories available to the public.

Recently, with advances in information technology, bar associations have begun weighing the advantages and disadvantages of scrapping their paper directories and replacing them with an easily updatable electronic directory. Because production costs are not directly correlated to overall size, such a directory would not be limited to photographs and basic contact information. The electronic directory could contain expanded information regarding each member, including areas of practice, educational background and client lists. In essence, the bar directory would parallel some of the online information currently available from Martindale Hubbell and the Web sites of association members.

The question is whether public dissemination of such directories is really in the interest of the public or a sponsoring bar association. For there to be an advantage, the electronic directory would have to provide benefits beyond the convenience of a central listing of association members. Existing law firm Web sites contain extensive information about firms and individual lawyers, a phenomenon that will quickly grow until every lawyer, law office or firm offers an electronic portal into their practice.

There is no doubt a central listing would provide convenience.

However, there is a downside to such directories, particularly when public access is allowed. When a bar association opens its membership lists to the general public, it has to realize that the lists will be used by the public to find a lawyer. Furthermore, the public dissemination of such a list by a bar association suggests an implied warranty from the association that any lawyer listed is qualified to handle legal matters listed in that lawyer's entry. This is not to suggest that any particular lawyer is not qualified; but without screening, the bar association has no way of confirming the information submitted by the lawyer.

Many bar associations operate lawyer referral services specifically to help the public obtain qualified legal assistance. Those services operating in compliance with the American Bar Association's Model Supreme Court Rules Governing Lawyer Referral and Information Service serve the public through case-specific referrals to a lawyer who has the experience to handle the caller's particular legal problem. These referral services provide what the ABA's LRIS tagline, "The Right Call for the Right Lawyer," promises.

A membership directory accessible by the public inevitably will be used by people with legal problems seeking a lawyer for assistance. It is just as inevitable that in some of these situations the lawyer contacted will lack the experience to handle the client's legal problem. Some will suggest that this is little different from what occurs when a client finds a lawyer through the Yellow Pages, the Internet or the recommendation of a friend. But that analysis is only partially correct. The glaring difference between those ways of contacting a lawyer and a bar

association directory is the involvement of the bar association.

If a bar association can step back and look at the question of a legal directory from the point of view of the legal consumer, it will realize that the public really is not served by the existence of a directory in the way they are served by a bar association lawyer referral service.

Lawyer referral services exist for the benefit of both the general public and their attorney participants. Their staff members conduct detailed screening of calls to determine the nature of the legal problem and whether a referral to an attorney is the best course of action. This screening process is the bedrock of the program and is similar to, although perhaps not as detailed as, the intake consultation in an attorney's office. Skilled telephone interviewers direct the questioning to elicit accurate information about the caller's legal problem. Lawyer referral services guide callers to the right attorney and/or resource and help their attorney participants get cases matched to their designated areas of practice. In many cases, callers are referred to non-legal resources.

Selection of a lawyer through a directory involves no screening whatsoever. Anyone who has practiced law knows that clients, without any legal training, are not in a position to know whether their legal matter is, for example, a personal injury or workers compensation case. The answer to this sort of question and the myriad other questions routinely answered by lawyer referral operators cannot be adequately addressed in a directory.

The drawbacks of publicly accessible membership directories are not immediately apparent.

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## Highlights of the 2005 National Lawyer Referral Workshop

by Jeannie Rollo

The 2005 National Lawyer Referral Workshop was well attended by referral service representatives from across the country. Held in Memphis from October 26 to 29, the workshop gave LRIS directors, staff, and committee members an opportunity to share ideas, learn the best practices of referral services, and come away refreshed and enthusiastic about their programs.

The workshop opened with an expanded nuts-and-bolts pre-session. Veteran LRIS directors Audrey Osterlitz and Lisa Reep served as head and assistant coach, respectively, for the "LRIS Football Training Camp." This session provided an overview of nearly every aspect of running a successful LRIS. Particular emphasis was placed on meeting the standards of the ABA Model Supreme Court Rule Governing Lawyer Referral and Information Service (the prerequisite for obtaining ABA logo certification). Discussions ranged from establishing subject matter panels and effective call intake to working with committees, marketing, and coordinating state and local program efforts. The session ended with a comprehensive overview of successful intake methods by call center specialist Wanda Sitzler, who taught several advanced call center sessions during the remainder of the conference.

The regular session opened with a welcome from Ron Abernethy, chair of the ABA Standing Committee on Lawyer Referral and Information Service. The plenary

that followed was a very lively and humorous presentation by motivational speaker Dale Henry on changing the way we look at and deal with stressful situations.

As the workshop continued, registrants could choose from a wide array of programs, ranging from creating a subject matter panel to developing a business plan. Some of the sessions were offered more than once in order to give registrants the opportunity to take advantage of as many sessions as possible.

In a nod to the musical heritage of Memphis, many of the program titles contained musical references. Chris Albrektson and Jean Bednarski, LRIS directors at the

Dayton (Ohio) and York County (Pennsylvania) Bar Associations, respectively, presented "Make It Real - Developing Subject Matter Panels." Each explained the benefits of having subject matter panels in their LRIS, including improving the image of the service and providing a better product to the public. They noted that introducing and implementing the panels resulted in a rise in attorney participation on the service. They also reminded the attendees about the helpful information available on the ABA Web site regarding subject matter panels. (Visit [www.abalegalservices.com/lris/clearinghouse](http://www.abalegalservices.com/lris/clearinghouse).)

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The Fairfax (Virginia) Bar Association was recognized with the 2005 Cindy A. Raisch Award by the ABA Standing Committee on Lawyer Referral and Information Service. The association was honored for its superior efforts in revising the structure of its LRIS program. On hand at the 2005 LRIS Workshop to receive the award from Ron Abernethy, chair of LRIS Committee, were Donna McBride, director of the Fairfax Bar Association LRIS (left), and Emily Blatch, LRIS program administrator (right). For more information about the award and the efforts of the Fairfax Bar Association, please go to [www.abalegalservices.org/lris](http://www.abalegalservices.org/lris).

## Targeted Recruiting

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The five counties served by the Houston Lawyer Referral Service comprise a diverse community where targeted recruiting is a must. The Hispanic population of these counties ranges from 25 to 37 percent. Of 20,000 annual referrals, 23 percent are made to Spanish-speaking clients. Consequently, the service must have a sufficient number of panel members able to communicate with clients in their own language, and familiar with issues—such as immigration, employment and housing—that may be of specific interest to this minority group in Houston.

### How does an LRIS program know when it needs to target its recruiting?

A number of factors will determine whether targeted recruiting efforts are needed. Conducting a comprehensive environmental scan allows the service to detect and assess the changing needs of the community. For example, it is important to obtain and review census figures that might reflect changes in demographics. It is also important to remember that national changes in the composition of the population do not necessarily reflect what happens

**Marketing techniques are dictated by the specific composition and needs of the community your LRIS program serves.**

at the regional level. Geographic distribution of racial and ethnic groups may vary significantly within the same state. For example, while Houston and Laredo are both Texas cities, their demographics are quite different. Houston has a population of over two million, of which approximately 37.4 percent are Hispanic. On the other hand, Laredo, a border community of almost two hundred thousand people, is 94.1 percent Hispanic. In addition, the socio-economic profile of Houston is distinct from that of Laredo. Clearly, the demands of LRIS programs serving these two communities are very different.

LRIS programs that incorporate these assessments into their long-term plans will be well-equipped to identify and target recruitment efforts.

### What are effective marketing techniques for recruiting minority attorneys?

Marketing techniques are dictated by the specific composition and needs of the community your LRIS program serves. Once these are identified, seek assistance from other attorneys and bar associations to achieve your recruiting goals. The following have proven very effective for a variety of LRIS programs nationwide:

- **Make a presentation at the monthly meeting of an ethnic bar association**

A presentation by the LRIS director offers a valuable opportunity to make a targeted pitch for membership. Examples of these in Houston include the Mexican-American, Hispanic, and Asian Bar Associations. The director can discuss general information about the referral service, present call and referral statistics, emphasize the need for attorneys, describe eligibility requirements for panel membership, and tout the benefits of membership. The presentation is also a good opportunity to hand out brochures and applications.

- **Use the membership resources of your association and local ethnic bar associations**

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## From the Chair...

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They include, as noted already, the danger that the public will see the directory as a source for legal assistance and the lawyer referral service as a pro bono or reduced

fee program for those unable to afford a “real” attorney. By providing public access to an online directory, a bar association will diminish its image, built on the strength of its lawyer referral service, as the place the legal consumer can turn for an educated referral to a qualified attorney. The result will likely be a diminution of

the role of the referral service and a loss of revenue for the bar association.

Even if the only real benefit they provide is access to readily available information in a form convenient to members, online directories have a place. But that place is in the members-only section of a bar association Web site.

## Targeted Recruiting

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If the service lacks attorneys in a specific geographic area, contact your membership department and minority bar associations in that area to obtain member rosters and pre-printed labels. Mail solicitation letters to all attorneys in the target area. The information to include in the letter is discussed below, but generally it should explain the need to increase panel members in that area, and highlight the number of calls received and the number of clients who could not be served for lack of panel attorneys.

- **Network with panel attorneys**

Your panel attorneys are an excellent resource for identifying minority attorneys who may be interested in joining the service. Because of their professional interaction with other attorneys, panel members are well qualified to make the assessment as to whether a specific attorney may be a good candidate. Citing a recommendation from a panel member in a solicitation letter makes the director's contact with the recruit much more effective than a form letter or cold call. Additionally, the LRIS program can host an event for panel attorneys to mix with each other and LRIS staff. An annual open house is a great opportunity for your LRIS committee, staff and panel members to get together and talk about the needs and success of the program.

- **Waive first-year membership dues**

Waiving dues may not be a viable

option for a cash-strapped service. However, it can be a valuable incentive for attorneys to join and experience the benefits of membership. If they are referred any matters of substance, or see the likelihood of such referrals, they will choose to remain with the service.

- **Maintain a presence in the state bar**

Networking with members of your state bar taps another valuable resource. There are many avenues available: attending annual state bar conferences and functions such as induction ceremonies for new lawyers. Attendance at an induction ceremony is an excellent opportunity for the director to meet new attorneys who may be future candidates to join the panel.

- **Contact the national associations of the minority bars**

Nearly every ethnic group has a national bar association that can be tapped for assistance with recruiting. For example, the Hispanic National Bar Association (HNBA) has a membership of over 25,000 Hispanic-American attorneys nationwide. Its Web site, [www.hnba.com](http://www.hnba.com), lists affiliate member organizations throughout the country. The National Asian Pacific American Bar Association (NAPABA) represents over 40,000 attorneys. Its 47 affiliate organizations listed on the NAPABA Web site at [www.napaba.org](http://www.napaba.org), serve most cities with significant Asian communities, and play a key role in publicizing and addressing Asian Pacific American legal issues. Contacting these national

bar associations would be particularly helpful in cities where there are no local minority bars and where minority lawyers are scarce.

- **Establish relationships of trust with community leaders**

In the Spring 2003 issue of *Dialogue*, Clara Schwabe, of the Legal Referral Service of the Association of the Bar of the City of New York, made a compelling argument for serving immigrant communities. She said that to truly reach a targeted immigrant community requires a long-term commitment to involvement with that community. Many immigrants fear prejudice and corruption in government entities. To overcome this fear, relationships of trust with community leaders must be established. These local leaders, she went on to say, are "invaluable interfaces between the immigrants and the service and the panel members." (View Schwabe's article online at [www.abalegalservices.org/dialogue/03spring/dial\\_03springiris.html](http://www.abalegalservices.org/dialogue/03spring/dial_03springiris.html))

- **Use ABA resources to recruit minority attorneys**

The ABA Standing Committee on Lawyer Referral and Information Service has a wealth of resources that should be tapped when reviewing recruiting efforts. Visit the committee's Web site at [www.abalegalservices.org/iris](http://www.abalegalservices.org/iris). Read *Dialogue*. This quarterly publication of the ABA Division for Legal Services contains excellent articles written by program directors and others with great

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### Save the Date

The 2006 National Lawyer Referral Workshop will take place October 11 to 14 in Albuquerque, New Mexico. Visit [www.abalegalservices.org/iris](http://www.abalegalservices.org/iris) for more information.

## LRIS Workshop

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In “Everybody Wants to Rule the World - Bar Leaders Do,” Nashville Bar Association President William T. Ramsey and Howard Shalowitz, former president of the Bar Association of Metropolitan St. Louis, shared their experiences, suggesting ways to increase the visibility of LRIS. With the bar association as a partner, the powerful public service message of LRIS, “we are there to help,” can be used as both a marketing tool for LRIS and as a public relations message for the bar association. They recommended using the bar association president as a spokesperson for LRIS.

Wanda Sitzer presented “Can We Talk?” a session about dealing with difficult callers. She stressed the importance of using a “call map” to guide operators through intake calls. The ingredients of a call map include the greeting, determining the reason for the call, identifying the emotions of the caller, affirming and empathizing

with the caller, and proceeding with the call by gathering information and providing a solution. She emphasized that LRIS intake staff members want to leave callers with the feeling that someone was there to help.

During the “Key Issues” breakout sessions, attendees had the opportunity to meet with colleagues from similar-sized local or state bar associations to share ideas. In the “Small Urban” session, the lively discussion focused, in order of interest, on marketing ideas, establishing and/or refining modest means programs, working with committees, targeted panel recruitment, referral resources, and how to gracefully wear the myriad hats many LRIS program executives are required to don in the course of their jobs.

Several programs shared exciting news about LRIS-sponsored call-in television programs coordinated at no or low cost with local television stations. A new program aired in Nashville drew particular interest. Amanda Ackerman, the Nashville Bar

Association’s LRIS coordinator, offered to share tapes of her program’s television show to facilitate other programs’ efforts to get similar publicity in their venues. The greatest value of this session was establishing contacts with attendees from similar-sized programs to share useful information.

Allen Charne, executive director of the Legal Referral Service of the Association of the Bar of the City of New York, and LRIS Committee member Ana Otero presented “Signed, Sealed, Delivered, I’m Yours - Targeted Recruiting of Attorneys.” The discussion focused on strategies such as creating a master plan by assessing the balance between the number of attorneys needed to meet public demand and the number of referrals needed to keep attorneys satisfied. Effective marketing techniques were discussed, with the attendees sharing many valuable suggestions. Charne offered a number of specific hypothetical situations, which generated considerable participation and feedback.

The ethics program, “Do Right Woman/Do Right Man - Ethical Dilemmas Abound,” was facilitated by LRIS “true believers” Lish Whitson and Sheldon Warren. It provided a forum for give-and-take discussions on topics ranging from the importance of maintaining the confidentiality of all communications with LRIS callers to how to handle LRIS panel applicants and current panel members who have been the subject of discipline.

One topic that produced lively discussion was drawn from a recent inquiry about whether LRIS programs could share fees on matters they refer to each other. While a majority of the partici-

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## Targeted Recruiting

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expertise in all aspects of lawyer referral. If your program is approved to use the ABA logo and tagline, “The Right Call for the Right Lawyer,” make sure to use it in your solicitation letters. Prospective panel members will be glad to know that your service has met the ABA standards.

Whenever possible, attend the annual National Lawyer Referral Workshop—the yearly conference of referral program staff members,

bar executives, and committee members from across the country. At the 2005 Workshop there was a session that specifically dealt with targeted recruiting of panel members. Participants were given the opportunity to share their varied experiences in the recruiting of minority attorneys, and to offer valuable ideas.

**Ana Otero** is an associate professor of law at Texas Southern University Thurgood Marshall School of Law and is a member of the ABA Standing Committee on Lawyer Referral and Information Service.

## LRIS Workshop

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pants believed that having a formal agreement for the possible sharing of such fees was unnecessary, there was also a general acknowledgement that the sharing of percentage fees might well be appropriate in a potentially large fee case. As with all things LRIS, the discussion on this topic, and the many other topics covered in this sessions, will undoubtedly continue at the 2006 workshop.

Janet Diaz and Marion Smithberger, directors of the Houston and Columbus (Ohio) Lawyer Referral Services, respectively, led a business/budget planning session called "Land of the Bottom Line." Both speakers emphasized the importance of creating a written plan to share with bar association governing boards, executive directors, LRIS committees and staff. Creating such plans involves preparing information gleaned from past

years including information about mission, governance, referral statistics, membership, marketing, staffing, technology and finances. The speakers emphasized the need for a budget plan to establish the financial requirements for projected goals and to control spending, as well as the need for a business plan to analyze the past, plan for the future, document operations and monitor performance.

Sessions on marketing, improving the appearance of and bringing traffic to your LRIS Web site, establishing collaborations with outside organizations, developing subject matter panels, motivating staff, relieving stress and building a financial base rounded out the busy workshop agenda.

The workshop was not all business. The night before the opening plenary, the LRIS Committee sponsored a reception at the host hotel, the Marriott Memphis Downtown, giving arriving attendees an opportunity to meet and greet colleagues. The following evening, a famous Memphis

hotspot, Charlie Vergos' Rendezvous Restaurant, was the site of a barbecue buffet and another chance for attendees to mingle in a casual atmosphere.

Attendees also had a chance to congratulate one of their own when LRIS Director Donna McBride accepted the Cindy A. Raisch Award on behalf of the Fairfax County Bar Association. The award honors the enhancement of public service oriented lawyer referral services. The award was presented this year in recognition of the Fairfax County Bar Association's efforts to completely restructure their LRIS program.

Later in 2006, attendees will enjoy the beauty of Albuquerque, New Mexico, when the 2006 LRIS Workshop convenes October 11 to 14, during the city's famous annual International Balloon Fiesta. Mark your calendars now!

**Jeannie Rollo** is administrator of the Lawyer Referral Service of Central Texas in Austin.

IOLTA

## IOLTA.ORG

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member can contribute a news item, an update to the calendar, or a library resource. In fact, the success of the Staff and Board Area depends on the commitment of members to share new and interesting content. This process creates a much more dynamic and useful site for members. According to Steve Casey, president of the National Association of IOLTA Programs, contributions from the broader IOLTA community are critical to the vitality of the site:

"As we look forward to the second year of IOLTA.ORG's operation, it is imperative that we continue to add timely and relevant information and further utilize the powerful communication tools that are available, to best capitalize on the full potential of IOLTA.org. Fortunately, every member has an opportunity to contribute to and utilize the resources of the site to insure its ongoing success."

### IOLTA.ORG growing up

As IOLTA.ORG enters its second year of serving the IOLTA community, two goals are essential to the

long-term success of the site. These goals are to increase IOLTA.ORG Staff and Board Area membership and improve Staff and Board Area content. Despite all the technology that goes into building and supporting the website, the long-term success of IOLTA.ORG ultimately hinges on the active participation of the IOLTA community as Web site members who share resources, information and news to strengthen the community and promote equal justice.

**Steve Berry** is an attorney and the site coordinator of IOLTA.ORG. Contact him at [steve.berry@charter.net](mailto:steve.berry@charter.net).

## From the Chair. . .



by *Hon. Lora J. Livingston*  
Chair of the ABA Standing Committee  
on the Delivery of Legal Services

Four years ago, the Standing Committee on the Delivery of Legal Services went through a long-range planning process. We adopted a mission statement, “to maximize access to justice and access to lawyers for those of moderate income.” We formulated four objectives to advance this mission: (1) outreach, (2) research, (3) policy, and (4) models. While the committee is dedicated to each of these objectives, the advancement of various models for the delivery of legal services to moderate-income people is simultaneously the most difficult and the most rewarding.

Models are sometimes difficult to advance because they originate and are supported from many different sources. Some are supported by bar associations. A prime example is the bar-sponsored lawyer referral service that includes a modest means panel. The lawyers who participate in these programs abide by sliding-fee scales, charging a set fee or hourly rate that depends on the income of the client. Some referral services now have limited service, or unbundling, panels where lawyers “partner” with clients to provide something less than the complete range of services in a particular matter. Bar associations also frequently sponsor “Ask a

Lawyer” programs, where people can obtain brief consultations at little or no charge.

Other models are stimulated through cooperation with law schools. The Law School Consortium Project, for example, encourages and supports the establishment of programs that bring the resources of the law school to lawyers providing personal legal services. Some projects include practice management classes, low-cost legal research resources and, of course, the availability of law students, who hopefully are encouraged to follow a career serving those of moderate income in the legal marketplace.

Still other models that provide legal services to moderate-income consumers are advanced by those working in non-profit settings. The AARP hotlines for the elderly are examples of limited scope representation that provides advice and direction. A variety of free-standing non-profits arrange staffing for legal advice desks in the courthouse. In one Utah courthouse, a single lawyer simply volunteers his time to answer questions and help fill out forms for pro se litigants.

A few models are advanced in the marketplace. In other words, lawyers are working toward methods of providing legal

services to those who do not qualify for legal aid or pro bono assistance, but lack the income for full traditional representation. On a large scale, prepaid legal services are an excellent resource, both for those who receive it through a menu of employee benefits and those who choose to enroll in a plan outside of the work force. On a much smaller scale, there are a few coffee-houses around the country such as Legal Grind in Santa Monica, California. People can buy a cup of coffee and spend time talking with a lawyer in a relaxed atmosphere. Sometimes the lawyers can help people solve their problems themselves. Other times, people can arrange to hire a lawyer for more extensive representation.

The broadening sources of models reveals a range of opportunities that did not exist in the recent past and which are still not widely available in some areas. The Delivery Committee is dedicated to expanding the models for delivering legal services to moderate-income people. We have initiated a Blueprints Project that provides online technical assistance for the replicating these models. The committee plans on expanding the Blueprints Project in the near future. If you have a program to suggest, please contact me at [lora.livingston@co.travis.tx.us](mailto:lora.livingston@co.travis.tx.us).

## Legal Resolutions Center Receives 2006 Brown Award

The innovative Legal Resolutions Center was recognized on February 10 as recipient of the ABA Louis M. Brown Award for Legal Access. The project is sponsored by the Legal Aid Society of Orange County in California and bridges the technological resources of a legal aid office with the hands-on resources of private practitioners. Find more information at [www.abalegalservices.org/delivery](http://www.abalegalservices.org/delivery).

## From the Chair. . .



by *Bill Whitehurst*  
Chair of the ABA Standing  
Committee on Legal Aid and  
Indigent Defendants

The Legal Services Corporation (LSC) issued an important new report in September 2005: "Documenting the Justice Gap in America." The report provides the most thorough examination to date of the gap between the needs of poor people for legal help and the capacity of the system to respond to those needs. In the report, LSC took a multi-faceted approach to examining its ability to provide necessary access to civil legal assistance for the nation's poor, offering several measures to document the critical need for LSC to obtain more resources to fulfill its mission. Those measures provide a strong foundation for understanding the dimensions of the problem and for calculating the resources needed to address it. (For a copy of the report, visit LSC's Web site at [www.lsc.gov](http://www.lsc.gov))

The problem is immense. Hurricane Katrina and its aftermath throughout the Gulf region have brought into sharp focus the problem of poverty in this nation. It is a problem that proved to have life-or-death consequences for many in New Orleans who could not afford transportation to a safe haven. In responding to that crisis, in a speech in New Orleans on

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## LSC Funding Request for 2007

In early February the administration released its budget for FY2007, which included its funding request for the Legal Services Corporation. The request seeks a total of \$310,860,000 for LSC in FY2007, down from the final FY2006 appropriation of \$330.8 million (reduced to \$326,578,000 following two government-wide rescissions). Only \$288,585,000 is allocated for basic field programs in FY2007, down from \$312,375,000 in FY2005. Increases are requested for other items, including management and administration, the Office of Inspector General, client self help and information technology, and grants to offset losses due to census adjustments.

The administration's request stands in sharp contrast to LSC's own budget request, and the recommendations of outside groups including the ABA. On the heels of its report "Documenting the Justice Gap in America," which illustrated the shortfall in meeting the legal needs of low-income Americans, LSC's board voted to request \$411.8 in funding for FY2007. This represented a \$48 million increase from LSC's FY2006 request and was \$85.2 million more the final FY2006 appropriation. Earlier, the American Bar Association recommended that LSC seek an appropriation of \$495 million.

Adequate funding for LSC remains among the ABA's legislative priorities, and it is anticipated that a strong effort will be required to maintain LSC funding at the FY2006 level as the 2007 budget goes through the appropriations process. This will be among the topics addressed during ABA Day in Washington on May 3 and 4, 2006. For more information about participating in ABA efforts to advocate for increased funding, please contact Julie Strandlie in the ABA Governmental Affairs Office at [jstrandlie@staff.abanet.org](mailto:jstrandlie@staff.abanet.org).

## Nominations Sought for 2006 Harrison Tweed Award

The ABA Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association invite nominations for the 2006 Harrison Tweed Award.

Named for an outstanding leader in the promotion of free legal services to the poor, the Harrison Tweed Award was created in 1956 to recognize the extraordinary achievements of state and local bar associations that develop or significantly expand projects or programs to increase access to civil legal services to poor persons or criminal defense services to indigents.

The award will be presented in August at the 2006 ABA Annual Meeting in Honolulu, Hawaii in recognition of work accomplished during the year beginning April 1, 2005. Projects that began prior to that date will be considered if substantial services have been provided between April 1, 2005 and March 31, 2006. Nominations must be received April 3, 2006.

A full description of the award, past recipients and nominating procedures are available at [www.abalegalservices.org/sclaid/harrisontweedinfo.html](http://www.abalegalservices.org/sclaid/harrisontweedinfo.html) or by calling Janice Jones at 312-988-5767.

## From the Chair...

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September 15, 2005, President Bush said:

“We have a duty to confront this poverty with bold action. So let us restore all that we have cherished from yesterday, and let us rise above the legacy of inequality.”

For now, the problem is growing, not shrinking. Ironically, the U.S. Census Bureau released new statistics on poverty in America on August 30, 2005—the day the levees broke in New Orleans. Those statistics show that in 2004, there were 37 million people living in poverty (12.7 percent), up from 35.9 million (12.5 percent) in 2003. A total of 7.9 million American families lived in poverty in 2004, up from 7.6 million in 2003.

Legal problems often keep families and individuals mired in poverty. Children go hungry because their parents have been

unable to obtain help to resolve legal problems that prevent them from putting food on the table. Elderly poor people perish for lack of legal help in obtaining necessary medicines. Empirical studies have long demonstrated that four-fifths of the legal problems of the poor go unaddressed. An American Bar Association study of legal needs in 1993 showed that only about 20 percent of the legal needs of the poor were being met.

To determine if things have changed since 1993, the “Documenting the Justice Gap” report reviews legal needs studies conducted in nine states during the past five years. It was hoped that economic improvements in the past decade would lift more people out of poverty and reduce the extent of unmet legal needs. However, the independent studies analyzed in the LSC report demonstrate that the problem remains as deep as ever. These studies reveal that little has changed since 1993; less than

20 percent of the legal needs of low-income citizens are being met by our legal services delivery system today.

Another way to assess the justice gap is by examining how many applicants are turned away by LSC-funded legal aid programs. As part of the Justice Gap report, LSC assessed how many applicants went unassisted by its grantees due to insufficient resources, and found that in 2004, for every one client served, another was turned away. The shocking fact is that over two million people this past year came to LSC-funded programs for needed legal help, and over one million of them were turned away for lack of resources.

The ABA will continue to lend its strong support to lobbying efforts in support of an increased appropriation for LSC. We hope that state and local bars and individual ABA members will continue to use their influence to assist in this important endeavor.

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