

# DIALOGUE

Spring 2010  
VOL. 14, NO. 2

News and Perspectives from the ABA Division for Legal Services

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**Pro Bono**

## Judicial Promotion of Pro Bono: A New Frontier

By Jamie Hochman-Herz, Assistant Committee Counsel, ABA Standing Committee on Pro Bono and Public Service and Andrew N. Monson

Judges, by virtue of their position, are viewed as leaders in both the legal community and the community at large. As a result, the judiciary possesses a unique ability to promote access to justice. [Read more...](#)

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By A. Michael Pratt

In the context of efforts to reform America's health care system, lawyers have an opportunity to play a vital role by working with healthcare professionals to ensure the best outcomes for patients. [Read more...](#)



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## Deferred Law Firm Associates in Public Service Placements By Steven Grumm

In a phenomenon driven by the economic recession, law firm associates whose 2009 start dates were deferred have taken temporary public-service placements in nonprofit and government law offices across the country. [Read more...](#)

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**Oregon State Bar Promotes LRIS with 30-Second Law School**  
By George D. Wolff

Beginning in October 2009 and continuing through January 2010, the Oregon State Bar's Communications Department, which promotes the programs and goals of the Bar and its LRIS, had great success running a public service announcement campaign on cable television. [Read more...](#)

**From the Chair...**  
**By Sheldon Warren**

When you have been working with the ABA's LRIS Standing Committee as long as I have, it is easy to forget (or take for granted) the products and services available to local lawyer referral and information services from the ABA. [Read more...](#)

**Off to Campus: Raising Student and Staff Awareness of LRIS Programs**  
**By Charles J. Klitsch**

Lawyer referral service directors looking for ways to expand into additional markets would do well to consider their local colleges and universities. [Read more...](#)

***SAVE THE DATES!***  
**2010 LRIS Workshop - October 27-30 - Portland, Oregon**

This is the only national Workshop designed for public-service Lawyer Referral managers and bar leaders. [Read more...](#)

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**By Richard T. Cassidy**

The mission of the ABA Standing Committee on the Delivery of Legal Services is, simply put, to expand access to legal services for those of moderate income. [Read more...](#)

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**Testing the Waters: Social media in IOLTA programs**  
**By Kimberly Schmitt**

As IOLTA programs throughout the country continue to tread water in this economy plagued by low interest rates, it is refreshing to know that the newest ways to communicate with your audiences and build relationships are free. [Read more...](#)

**From the Chair...**  
**By Lora J. Livingston**

I want to take this opportunity to congratulate the Joint Meetings and Training Committee of the Commission on IOLTA and the National Association of IOLTA Programs for producing excellent sessions at the Winter 2010 IOLTA Workshops in Orlando. [Read more...](#)

**Grantee Spotlight: Answering the Call - Delaware's Legal Help Link**  
**By Janine Howard-O'Rangers**

On a cold Monday morning in January, second and third year law students at Widener University's School of Law make their way to the Honorable Philip D. Cloutier Public Service Wing. [Read more...](#)

## News and Notes

### Revenue Enhancement

On January 28, 2010, the North Carolina Supreme Court issued an order adopting IOLTA rate comparability, effective July 1, 2010. [Read more...](#)

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### Financial Support for Military Dependents - Service Regulations By Michael S. Archer and CPT Tricia L. Birdsell

Lawyers on either side of a domestic dispute over military pay or military dependent support payments would do well to master the applicable service regulations. [Read more...](#)

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Pro Bono Feature

Pro Bono

**Judicial Promotion of Pro Bono: A New Frontier**

Judicial  
Promotion  
of Pro Bono

*By Jamie Hochman-Herz, Assistant Committee Counsel, ABA Standing Committee on Pro Bono and Public Service and Andrew N. Monson*

From the Chair

Judges, by virtue of their position, are viewed as leaders in both the legal community and the community at large. As a result, the judiciary possesses a unique ability to promote access to justice.

Deferred  
Law Firm  
Associates

Judicial support of pro bono can increase attorney awareness of their responsibility to do pro bono work and promote pro bono as a necessary component to the delivery of access to justice. Throughout the country, judges are opening doors by exerting their unique influence to increase participation in pro bono work. They are encouraging more attorneys to provide pro bono legal services, making administrative accommodations for pro bono and forging alliances with community leaders to develop methods for increasing access to the courts.

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has recently created the following web resource:  
<http://www.abalegalservices.org/probono/judicial>

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**ABA Model Code of Judicial Conduct Rule 3.7**

In February 2007, the ABA House of Delegates approved changes to the ABA Model Code of Judicial Conduct, and in particular, Rule 3.7(B). According to Rule 3.7(B), a "judge may encourage lawyers to provide pro bono publico legal services." Comment [5] to the Rule states that in addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono legal services, if in doing so the judge does not employ coercion, or abuse the prestige of her judicial office. Such encouragement, according to Comment 5, may take many forms, including providing lists of available programs, training lawyers to do pro bono legal work, and participating in events recognizing lawyers who have done pro bono work.

Furthermore, Section (A) of the rule permits a judge, with certain exceptions, to participate in "activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations, not conducted for profit." When doing so, the comments to the Rule make clear that a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that would adversely reflect upon the judge's independence, integrity and impartiality. For example, under the old Model Code, it was unclear whether judges could assist in fundraising efforts for such organizations. Under the new rule, fundraising is permissible, as long as the judge limits solicitation to family members or from other judges over whom

the judge does not exhibit any supervisory authority. Under the new Model Code judges are also able to assist an organization in planning related to fundraising and the management and investment of the organization's funds.

### **State Adoption of ABA Model Code of Judicial Conduct Rule 3.7**

Currently, four states (CO, NH, UT and WY) have adopted or proposed the identical language of Rule 3.7, while twelve (AZ, AR, HI, IN, KS, MD, MN, MT, NE, NV, OH and OK) have adopted or proposed similar language. Most of the twelve states that have adopted similar language have not altered the Model Code language significantly; rather, they add language that provides additional examples of pro bono activities in which judges can engage. For example, some states have added a section C to the rule or an addition to the comments which states that a judge can provide leadership in addressing issues involving access to justice, develop public education programs, engage in outreach activities to promote justice, and participate in advisory committees to improve the law. In addition, some states have explicitly stated in their rule's comments that a judge can be an announced speaker at a fundraising event benefiting indigent representation, scholarships for law students or law schools.

Three states (DE, NY and WA) have adopted rules with different language than Rule 3.7 of the ABA Model Code of Judicial Conduct. Delaware has implemented many of the aspects of Rule 3.7 but its comments proscribe judges from doing any kind of fundraising. Also, Delaware omits Section 3.7(B) of the Model Rule, which states that a judge may encourage lawyers to provide pro bono legal services. Washington's proposed 3.7 is substantively similar to ABA Model Rule 3.7, however, it does not specifically state that judges can solicit membership for an organization nor does it state that judges can make recommendations to a public or private fund granting organization in connection with its programs and activities. It also does not include provision 3.7(B) from the Model Rule but instead places the language within its comments. The comments also incorporate some of the additional examples of leadership that judges can engage in identified in other state rule adoptions as 3.7(C). Finally, New York's proposed Rule 3.7 does not include the language of the Model Rule regarding the solicitation of contributions. The rule replaces this language with the statement that a judge may attend an organization's fundraising events, but may not be a speaker or guest of honor at such events.

### **Recruitment**

Judges are actively involved in the recruitment of pro bono attorneys. In many jurisdictions, judges sign letters urging members of the bar to join a pro bono program and thank you letters to attorneys who have been serving on a program's panel of volunteers. These letters can take the form of "opt-in letters," which invite attorneys to participate in pro bono activities, or "opt-out letters," which inform attorneys that they have been assigned pro bono work, and are expected to perform such work unless they inform the court that they are unable to provide the requested assistance. These letters have proved to be a particularly effective strategy for increasing the number of volunteers in pro bono programs.

In addition to letters, judges have often contributed editorials and opinion pieces for newspapers, magazines and bar publications on the increasing need for volunteer attorneys. In 2001, Chief Justice Ronald M. George of the Supreme Court of California contributed an article entitled "Pro Bono Work is Lawyer's Duty" to the *California Bar Journal*, highlighting the need for pro bono legal services in California. Other judges have spoken about the issue in speeches to bar associations and to new bar admittees.

Some judges have taken a more novel approach to recruiting pro bono attorneys. For example, Alabama Supreme Court Chief Justice Sue Bell Cobb recently sent a letter to new admittees of the State Bar. In the letter, Chief Justice Cobb encouraged each new member to join the Volunteer Lawyers Program and to become increasingly active in providing pro bono services as their career progresses. Following the dinner, Chief Justice Cobb hosted select members of the admission class for a private dinner. The dinner guests were selected by raffle from those admittees who registered for the

Volunteer Lawyers Program at or before the admission ceremony.

### **Recognition**

By its very definition, pro bono represents a cost on attorneys for which there is no monetary reimbursement. Accordingly, many judges reward volunteer attorneys through praise, awards and publicity. Many courts host annual pro bono awards ceremonies in which judges recognize the contributions of volunteer attorneys within their jurisdictions. For example, in October 2009, Justice Richard C. Bosson of the New Mexico Supreme Court held a luncheon at which he presented Certificates of Appreciation to 31 attorneys who have provided Pro Bono services for the last five years.

The Colorado Supreme Court has also established a program to recognize attorneys who provide pro bono legal services. Through its website and *The Colorado Lawyer* magazine, the Court recognizes attorneys who inform the court of their voluntary commitment to achieving the goal of 50 hours of pro bono legal services per year.

### **Resolutions**

Judges can also help by passing resolutions that reinforce the need for pro bono legal services. These resolutions can have a very positive effect on attorneys. Recently, the Supreme Court of Iowa issued such a resolution which urged all Iowa attorneys to devote at least 50 hours of pro bono legal services per year.

### **Court Based Pro Bono Programs**

Judges may also promote pro bono by creating programs in their courts. The U.S. District Court for the Northern District of California posts cases in need of pro bono attorneys on its website. Other courts have created more complex programs. The United States District Court for the Northern District of Illinois, for example, requires that attorneys join a pro bono panel when they are members of a court-associated bar.

Other courts have devoted a portion of the fees they receive from attorney admissions to help volunteer attorneys cover the costs they necessarily incur. The United States District Court for the Eastern District of Wisconsin requires newly admitted attorneys to pay a fee of \$25.00, which is then deposited in the District Court Pro Bono Fund. This fund is used for prepayment or reimbursement of out of pocket expenses necessarily incurred by court-appointed attorneys representing indigent pro bono in civil cases not covered by the Criminal Justice Act.

In addition to programs existing within the court system, some judges have worked to establish pro bono programs outside of the court. For example, U.S. District Judge Jim Zainey founded Project H.E.L.P. (the Homeless Experience Legal Project) in New Orleans to provide the homeless with free legal assistance. The program, which sets up legal clinics in homeless shelters, has now expanded to over 15 cities.

### **Local Pro Bono Committees**

Judicial involvement in pro bono may also take place locally. Florida, Indiana, Maryland, Nevada, New Mexico, New York and Ohio involve judges in a "hands-on" manner to promote pro bono. In these states, court rules establish a system in which pro bono efforts are organized into districts with local judges overseeing the efforts of each district. Judicial participation is integral to these programs. In addition to increasing bar support for pro bono, judicial participation provides the program with prestige, credibility, and a heightened visibility within the legal community.

### **Administrative Accommodations**

Some courts have afforded a docket preference to pro bono attorneys. The Civil Courts of Dallas County, Texas for example, allow an attorney representing pro bono clients to alert the Court when the matter is set for a hearing.. The court will then attempt to accommodate the attorney by moving the new matter towards the beginning of the docket.

## Training and Education

Judges can also do pro bono work by giving their time to provide Continuing Legal Education (CLE) training in their area of expertise. In addition, states have offered CLE programs to clarify what judges can do to participate in and/or promote pro bono. A CLE program entitled "Judicial Ethics: *Pro Bono Publico* Options for Judges" was offered at the 2005 Alaska Judicial Conference. The program included a mock-game show, "Wheel of Pro Bono Fortune," which addressed the various ways in which judges can encourage pro bono in their area.

The judiciary is in a unique position to promote pro bono and engage in certain pro bono activities themselves due to the less restrictive rules outlined in Model Rule 3.7. Accordingly, judges should take an active role in recruiting and recognizing pro bono attorneys, providing free legal training, and authoring articles espousing the importance of pro bono. Judges can also establish internal programs in their courts to promote pro bono or establish administrative accommodations for pro bono attorneys. As the work in the judiciary increases, so will the number of volunteer attorneys. The costs to the courts for such measures are small when compared to their immediate and long-lasting contributions to justice.

**Andrew N. Monson**, *third-year law student at DePaul University, assisted in the preparation of this article.*

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## From the Chair...

*By A. Michael Pratt*

**Standing Committee on Pro Bono and Public Service**

In the context of efforts to reform America's health care system, lawyers have an opportunity to play a vital role by working with healthcare professionals to ensure the best outcomes for patients. Healthcare reform is focused on increasing access to health insurance, increasing the efficiency of the healthcare system, and helping people gain access to prevention and wellness programs. Lawyers have the ability to help obtain these goals by participating and supporting medical-legal partnerships (MLPs). This preventive law model, similar to preventive medicine, allows lawyers to stop legal issues from developing, address legal issues before the point of crisis, and resolve any existing legal issues.

Health is greatly affected by social circumstances. Low-income households are overwhelmed by legal problems related to their basic needs of housing, income and stability. About 50% of low-income and moderate-income households have a least one unmet legal need with low-income households averaging between 1-3 legal issues. These legal problems at times have a detrimental effect on health and cannot be cured with a prescription. MLPs aim to address the social determinants that create hardships for vulnerable populations by integrating legal assistance in healthcare settings. For example, an uninsured child with chronic asthma will never breathe easier if she is relying on the emergency room for care; returning to a home with mold, rodents or cockroaches; or is unable to continue prescribed breathing treatments at home because the utilities have been shut off. Furthermore, many child health conditions can be linked to social factors that are potentially cured by enforcing existing laws and regulations. However, discrepancies in implementation result in denial of services leading to poor health outcomes.

Services and benefits that are available to vulnerable populations, even if expanded, are not accessible. Programs provided by local, state and government programs can pose significant hurdles to families trying to access the services, including health insurance. It is estimated that 46 million people in the US are uninsured including 9.4 million children. The uninsured are less likely to receive preventive care, more likely to seek care in the emergency room, and more severely ill when diagnosed. Although the estimates vary on the total number of patients that die every year because they do not have insurance, we know patients who are uninsured are more likely to die than those with health insurance. Children are at the greatest risk. Uninsured children who are hospitalized for illnesses are 60% more likely to die than children hospitalized with health insurance. Through medical-legal partnerships, doctors and lawyers work together to ensure that patients are receiving benefits such as health insurance.

In addition to securing health insurance for patients, lawyers at MLPs can address numerous legal issues that are damaging to health such as substandard housing conditions, utility shut-off, lack of food subsidies and income benefits, special education services, and domestic violence. Upon the discovery of a legal problem, doctors refer the patient to a lawyer at the health center just as they would refer a patient with a heart problem to a cardiologist. Since lawyers are the best resource to make sure that the

laws and regulations intended to protect people are enforced, MLPs provide a more holistic approach to patient care. Additionally, MLPs help communities by engaging a range of community stakeholders to invest in legal solutions that will promote health and well-being.

Lawyers may not be able solve health problems, but we have an integral part to play in helping vulnerable populations live healthier lives. For information about the ABA Medical-Legal Partnership Pro Bono Support Project, how to develop a program in your area or participate in an existing program please visit [www.abaprobono.org/medlegal](http://www.abaprobono.org/medlegal).

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## Deferred Law Firm Associates in Public Service Placements

*By Steven Grumm*

*In a phenomenon driven by the economic recession, law firm associates whose 2009 start dates were deferred have taken temporary public-service placements in nonprofit and government law offices across the country. Reports of the associates' integration into the public interest community have been positive. And the associates have seized chances both to develop skills and gain perspective on challenges and opportunities in the public service arena. Now, as the law school Class of 2010 approaches graduation and the business cycle has shown signs of recovery, some public interest leaders, law firm pro bono managers, and other stakeholders are evaluating the phenomenon's overall impact. Further, some are considering whether a longer-term pro bono model could emerge from what was initially seen as a short-term occurrence born of unique circumstances.*

## Unexpectedly, the Recession Gives Rise to a New Pro Bono Model

The narrative is familiar to most in the legal community. Through 2008 and into 2009, deteriorating economic conditions resulted in less business for large law firms. Many large firms took significant hits as there was simply less work upon which to bill time. For several years prior, these firms had favorable economic winds at their backs, and the ranks of junior associates had grown through boosted recruitment efforts. With the sudden change in the business cycle, "Biglaw" firms realized that they would not have work for their large cohort of first-year associates. But, because the firms had invested thousands of dollars in recruitment efforts, and did not want to sever ties with all of their junior talent, law firms began looking for solutions.

Public interest and public sector law offices were faring even worse than large law firms in the recession. In the nonprofit community, some of the major funding streams – including vital Interest on Lawyers Trust Account (IOLTA) funding – decreased significantly. In New York State, for instance, trust account yields plummeted from \$32 million to \$8 million in one year. At the same time low-income client communities, battered by the recession, were seeking assistance from public interest law offices in greater numbers. The *Tennessean* reported last December that requests for assistance at the Legal Aid Society of Middle Tennessee had risen by an astonishing 83%. Public interest organizations were not able to afford staffing needs as demand for services rose. In local and state government, budget-tightening initiatives were putting the squeeze on legal departments. Layoffs and hiring freezes were part of the everyday realities in the nonprofit and government sectors.

In the beginning of 2009, many large law firms elected to defer the start dates for associates from several months to over a year. Some firms offered stipends in the range of \$50,000 to \$80,000 to associates deferred for longer periods, and many also encouraged the associates to seek volunteer public service placements. Some law firms directly facilitated public-service placements for deferred associates, while others left associates to find placements independently.

No one knew how this would play out. On the one hand, members of the public interest community voiced a valid concern about not having time or resources to efficiently integrate junior attorneys into their service-delivery

models. Yet, coordinating private-sector volunteers is something that public interest organizations do well, and the workloads they faced were overwhelming. Therefore, for a large number of organizations, it made sense to shore up client-service capacity by hosting deferred associates.

### **How Has it Played Out? Initial Reports are Positive**

Starting last fall, deferred associates began public service placements with host organizations throughout the country. The placements have ranged in duration from three to four months to over a year. Inferences drawn from NALP research suggest that the number of associates in public service placements could be as high as 900 individuals out of the approximately 3,200 associates who were deferred nationwide.

Major legal markets are hosting the largest numbers of deferred associates. The *National Law Journal* reported last November that there were upwards of 140 deferred associates taking placements in New York City nonprofit and government offices. In the civil legal services community, the NYC Bar Association and the City Bar Justice Center launched the "Deferred Associate Law Extern Support Project" to train and monitor the progress of deferred associates. Chicago's legal services community welcomed 54 deferred associates from the Class of 2009. In California, the Public Interest Clearinghouse has counted at least 55 associates working with nonprofits throughout the state. Associates are also contributing in Philadelphia, Cleveland, and in other smaller markets.

In terms of associates' substantive contributions to their host organizations, reviews from all parties involved - the hosts, the law firms, and the associates themselves - are generally quite positive. Eric Angel, legal director of the Legal Aid Society for the District of Columbia, notes that:

"Legal Aid's four deferred associates have made a substantial difference in helping us provide free legal services to persons living in poverty in DC, helping us with client interviews, legal research and writing, administrative tasks, policy work, and even case-handling. They have brought enthusiasm, intelligence, and hard work to their practice. We are confident that they will return to their firms with a desire to remain engaged as long-term advocates for pro bono service."

Law firm managers, too, are excited that a pro bono collaboration emerged from the decisions to defer associates. Rene Kathawala, pro bono counsel at Orrick, Herrington & Sutcliffe, LLP, observes:

"In my discussions with our fellows who are working for public interest and government agencies, I have been struck by their enthusiasm and their ability to advance their client's interests at such an early point in their careers. The associates are gaining outstanding professional development opportunities that are just not readily available in the first year of a private law firm practice. Our firm has once again committed to a fellowship program for next year."

As for the associates, most indications are that they are reaping rewards, both in terms of skills development and exposure to the public interest practice arena. In January, the *New York Times*' "City Room" blog featured a post from Chris Reid, a deferred associate from Ropes & Gray, LLP, who is serving with the Legal Aid Society in NYC. Mr. Reid wrote of the "challenging and stimulating" nature of his work. About his new colleagues, he offered, "all attorneys ... at Legal Aid that I have met share an enormous commitment to the clients they are serving, and for the equal access to justice that they are fighting for."

In January, NALP, the Chicago Bar Foundation, and the Public Interest Law Initiative (PILI) convened a focus group of 11 deferred associates working in Chicago's legal services community. The tone of the discussion was quite positive, with several participants highlighting the opportunities they had to immediately use their advocacy skills in court, to cultivate problem-solving skills, and to interact with clients. Katie Walton, who is serving with Chicago Volunteer Legal Services while deferred from Latham & Watkins, LLP,

remarked on the value of seeing things from her clients' perspectives:

"Working with clients who are in poverty is the only way to understand the challenges they face in everyday life. No amount of newspaper articles on systemic poverty will offer the insight gained by directly advocating for our clients."

Notwithstanding the largely positive tone of the discussion, some focus group participants noted that the first couple of weeks were a little bumpy as they, their supervisors, and colleagues, learned how to best put their skills to use. Some participants felt the heat of a trial by fire as they were given immediate caseload responsibilities, while others had to seek out additional responsibilities in order to make more significant contributions.

While no one would argue that this interruption in the normal employment patterns has been all positive, and surely there have been a few mismatched deferral placements along the way, almost all observers have come to view these unforeseen events as having beneficial results for the attorneys, the firms, the public interest organizations and the clients.

### **The Road Forward: Evaluating Progress and Asking, "What's Next?"**

The deferred associate phenomenon has held the attention of stakeholders in the public interest and pro bono communities for the past several months and enough time has now passed to begin formal data-gathering and analysis on its effectiveness. Stakeholders have begun to assess the phenomenon's scale, scope, and overall efficacy, and to consider the possibility of its continuation in some form, perhaps even after business at firms increases.

Here is a list of research currently available or under way:

- The New York City Bar and City Bar Justice Center released a [report](#) on the Deferred Associate Law Extern Support Project. The report explains how the Project was structured and offers insight on how the deferred associates' public service placements have progressed. Overall, the report suggests that deferral placements have been rewarding for the associates and their host organizations.
- NALP's recently released [Perspectives on Fall 2009 Law Student Recruiting](#) report contains data - provided by large law firms - on what kinds of work settings deferred, recent graduates are working in. Of deferred associates from large firms who are/were working in some capacity during their deferral periods, 45% are in public interest and 21% are in government.
- At the ABA, a group chaired by former president Mike Greco circulated an online survey to legal aid organizations in early January. At present, information has been gathered but it has yet to be analyzed and disseminated.
- The Pro Bono Institute surveyed public service host organization in early 2010 and is analyzing data as of this writing.

The deferred associate phenomenon will likely continue in 2010, although the number of deferred associates should be lower than in 2009. Despite the anticipated decrease, there may still be significant numbers of deferred associates taking public service placements. For example, Morgan Lewis & Bockius, LLP, which saw 64 deferred associates take placements in 2009, expects 26 to do so this year. At Orrick, 35 Class-of-2010 associates will take public service placements this year, whereas 45 did so last year. Interest in hosting deferred associates remains high within the public service legal community.

The addition of deferred associates within public interest legal organizations leads to an important question about the effect of deferral placements upon those law students who are on public service career paths. The public service job market has always been highly competitive. Because of the recent influx of deferred associates with independent funding, the prospect of a displacement of students on public service career tracks must be

considered. In 2009, this displacement effect was less of a concern because public service organizations were largely unable to hire new attorneys. In 2010, however, funding has stabilized somewhat, and law students who have invested time and money in public service careers are confronted with the reality that public interest organizations are still flush with deferred associates. To further complicate matters, there is speculation that some deferred associates in public service placements may decide to remain even after their deferral period passes. However, at this stage, there is simply not enough evidence to measure whether this will occur in any significant dimension.

Regardless of the peculiarity of its origins, and whatever its ultimate impact on the employment and pro bono landscapes may be, the short-term result of this phenomenon has been that deferred law firm associates have gained first-hand perspective on the importance of public service work that is likely to endure after they return to their law firms. For example, it is possible that deferred associates working in public interest organizations today will be tomorrow's public interest fundraisers and pro bono advocates. Most importantly, deferred associates increase the pool of lawyers supporting the work of government and fighting for access to justice for clients on society's margins. That is the brightest of silver linings.

**Steven Grumm** is Director of Public Service Initiatives at the National Association for Law Placement.

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## Policy News

### Georgia Supreme Court Rules Permit Out-of-State-Attorneys to Participate in Pro Bono Activities

On December 2, 2009, Part XX, Extended Public Services Program, Rules 114-120, of the Rules of the Supreme Court of the State of Georgia took effect. These rules permit out-of-state attorneys employed by, associated with, or volunteering with certain public legal offices, including nonprofit organizations providing free legal services to the indigent, to practice law in Georgia. The rules impose additional restrictions such as submission of proof of good standing, co-signing of documents by attorneys licensed in Georgia, and malpractice insurance coverage. For more information, see [http://www.gasupreme.us/rules/sectionXX\\_rule114-120.pdf](http://www.gasupreme.us/rules/sectionXX_rule114-120.pdf).

### Indiana Supreme Court Modifies Professional Conduct Rule 6.1

Effective January 1, 2010, the Supreme Court of Indiana amended its Professional Conduct Rule 6.1 to further define pro bono under the rule, as well as explicitly addressing issues such as how to view attorneys fees awarded in pro bono cases and the types of cases that would qualify as pro bono. For more information on these amendments, see <http://indianalawblog.com/documents/20090821Professional%20Conduct%20Rules.pdf>

### Iowa Supreme Court Resolution on Pro Bono

On October 19, 2009 the Iowa Supreme Court issued a resolution urging all attorneys to provide at least 50 hours of pro bono legal services each year. The resolution also encouraged judges to promote free legal help by attorneys. The resolution coincided with and recognized the American Bar Association's first National Pro Bono Week Celebration, October 25-31. For more information, see [http://www.iowacourts.gov/news\\_service/news\\_releases/NewsItem394/index.asp](http://www.iowacourts.gov/news_service/news_releases/NewsItem394/index.asp).

### Maryland Releases 2008 Mandatory Pro Bono Reporting Data

Maryland Rule 16-903 requires all Maryland attorneys authorized to practice law in the state to annually report on their pro bono activities. In 2008, among full-time attorneys practicing in Maryland, 59.7% reported doing some type of pro bono. The total number of pro bono service hours also increased by 40,020 hours from the previous year. In addition, 22.4% of full-time attorneys reported performing 50 hours or more of pro bono service. For more information on these findings, see [www.mdcourts.gov/probono/pdfs/probonoreport\\_2008.pdf](http://www.mdcourts.gov/probono/pdfs/probonoreport_2008.pdf)

### Minnesota Supreme Court Adopts Disaster Assistance Rule

On December 10, 2009, the Minnesota Supreme Court adopted a major disaster rule, effective January 1, 2010. Minnesota is the ninth jurisdiction to adopt such a rule. Proposed by the Minnesota State Bar Association, the rule conforms to ABA Model Court Rule 5.8 (2007) and is designed to speed the provision of volunteer legal aid following a disaster by reducing procedural barriers for lawyers licensed in other states. For more information, see [http://www.mncourts.gov/Documents/0/Public/Clerks\\_Office/2009\\_12\\_10\\_Order\\_Leg\\_Svc\\_Rule.pdf](http://www.mncourts.gov/Documents/0/Public/Clerks_Office/2009_12_10_Order_Leg_Svc_Rule.pdf)

### New York Adopts Pro Bono Emeritus Rule

Effective January 1, 2010, The State of New York Court of Appeals recently amended the attorney registration rules, to allow retired attorneys to practice law on a pro bono basis as "Attorneys Emeritus." Those who

register as Attorneys Emeritus indicate their willingness to provide at least 30 hours annually of pro bono legal services to low-income clients supervised by qualified organizations. These attorneys are also exempted from mandatory CLE requirements and the annual attorney registration fee. For more information about the rule, see <http://www.nycourts.gov/attorneys/volunteer/emeritus/index.shtml>.

#### **North Carolina Adopts Rule of Professional Conduct 6.1**

In October 2009, North Carolina adopted Rule of Professional Conduct 6.1 – Voluntary Pro Bono Publico Service. The rule closely mirrors the ABA Model Rule of Professional Conduct rule 6.1 stating that lawyers have a professional responsibility to provide pro bono legal services and should aspire to provide 50 hours of pro bono service per year. The rule also adds Comment 12, which encourages lawyers to report pro bono legal services to act as an inspiration to others to provide service. For more information about the rule, see <http://www.ncbar.gov/rules/rules.asp>.

#### **South Carolina Supreme Court Amends Appointment of Lawyers for Indigents Rule**

In December 2009, the Supreme Court of South Carolina amended Rule 608, Appointment of Lawyers for Indigents, by adopting a number of the amendments recommended by the SC Access to Justice Commission. Specifically, the Court has redrawn the regional list from which attorneys may be selected to assist in handling appointments in other counties; reduced the number of appointments an attorney may be required to handle in an appointment year; raised the age exemption for attorneys to increase the pool of available lawyers; permitted lawyers to attend certain hearings by telephone or videoconference; and amended Rule 608(i) to require more detailed and specific reporting of the numbers and types of appointments by clerks of court to the Bar. For more information on this rule, see <http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=609>

#### **Tennessee Supreme Court Proposes a New Pro Bono Emeritus Rule**

In February, 2010, the Tennessee Supreme Court proposed a new pro bono participation emeritus rule open for comment until April 12, 2010. The Emeritus rule states that attorneys who are not currently engaged in the practice of law but have practiced five out of the last ten years can participate in pro bono as long as they are supervised by a practicing attorney. In order to participate in the program, an attorney must also file certification with the Tennessee Supreme Court and provide a sworn statement. The attorney is also subject to the Rules of Professional Conduct and continuing legal education requirements.

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LRIS Feature

Pro Bono

**Oregon State Bar Promotes LRIS with 30-Second Law School**

LRIS

*By George D. Wolff*

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From the Chair

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Beginning in October 2009 and continuing through January 2010, the Oregon State Bar's Communications Department, which promotes the programs and goals of the Bar and its Lawyer Referral and Information Service (LRIS), had great success running a public service announcement campaign on cable television. The following is an interview with Kay Pulju, the Oregon State Bar's Communications Manager and Project Manager of the campaign. She is interviewed by George Wolff, Administrator of the Oregon State Bar's Referral & Information Services Department and member of the ABA Standing Committee on LRIS.

**George Wolff:** What is 30-Second Law School?

**Kay Pulju:** It's a series of public service announcements (PSAs) for cable TV that pose basic legal questions, provide answers, and direct viewers to the bar's website for more information. The questions were designed to pique people's interest by debunking legal myths and focusing on areas of law that impact a lot of people.

Delivery

**Wolff:** Where did the 30-Second Law School idea come from? Who thought of it?

**Pulju:** We first thought of it about 15 years ago, but didn't have the money to move forward. At that time, we were contemplating paying a production company and trying to get the program aired on network stations. We did produce one spot, but it aired only on the station that we paid to produce it. The way networks view PSAs isn't what it used to be, and it can be very difficult to get your spots aired.

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**Wolff:** Had you seen this idea presented by other bar association Communications Departments or LRIS programs before?

**Pulju:** Not in this way.

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**Wolff:** What was 30-Second Law School's purpose? Was it in response to feedback about other public outreach efforts? What need was it fulfilling?

**Pulju:** The purpose was to get people to re-think what they thought they knew and to establish our website as a "go to" source for legal questions and information. We designed the spots to look like our website and pamphlet series as part of an overall branding effort. Now that the cable run has finished, we will continue to use the format for PSAs on community access TV.

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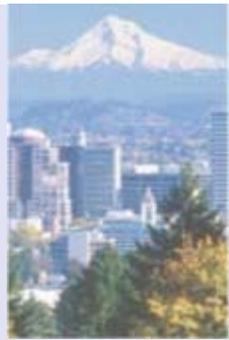
**Wolff:** When 30-Second Law School was done before, did it get a lot of play for the money spent?

**Pulju:** The first ad we did was filmed by our local network TV sponsor. We paid \$5,000 for production and relied on free air time as a pure PSA. We received very little air time, and only on the channel of the station that produced it.

**Wolff:** What other formats were considered or used this time, e.g., posters, website, public service announcement radio spots, etc.?

**Pulju:** We considered radio, print ads and movie theater on-screen advertising. Our ultimate decision to go with cable was based on cost and the number of estimated households we could reach.

**Wolff:** Which came first -- the 30-Second Law School idea or seeking out a



low-cost Cable TV contract for Oregon State Bar-related PSAs?

**Pulju:** 30-Second Law School. As I've said, the idea has been around for a long time but we did not have the money or expertise to make it happen. Two fairly recent developments made it possible for us to produce the series last year. First, for several years we have been producing a community access series using bar staff for all the production positions. Our experience producing television has given us the skills to produce PSAs on our own. We have a better understanding of what works in the time given, and access to the software and other tools we needed. Second, the poor economy has hit advertising in many sectors, including television, and in 2009 we were able to purchase more air time than we could have for the same amount of money just a year or two earlier.

**Wolff:** What made you think that a cable TV provider might be receptive to the idea?

**Pulju:** Because we solicit advertising and sponsorships for some of our other bar programs we pay attention to industry trends. We knew the down market might make our concept more affordable than in the past. Frankly, everyone we approached was receptive, but we were particularly interested in cable TV. Having tried both network and community access, it was the natural next option to explore.

**Wolff:** Did you have an idea of what it would cost to place the spots before you approached the cable TV provider?

**Pulju:** Yes, and it was less than I had expected.

**Wolff:** What did you need to put together to pitch the campaign to the cable company?

**Pulju:** Just our idea, and the message that we would produce the spots ourselves.

**Wolff:** How did you get the cable company to even take your call or agree to a meeting?

**Pulju:** That wasn't a problem. We simply called them and asked for a meeting. They were very receptive, and followed up several times while we went through our typically long process deciding how to move forward. Again, we were exploring multiple options and working with a committee of lawyer volunteers to help decide how we would proceed.

**Wolff:** How did the negotiations take place?

**Pulju:** In person, with staff from the cable station and me.

**Wolff:** Who developed the questions for the TV spots?

**Pulju:** Members of our Public Service Advisory Committee, working on topic suggestions we gleaned from our experience with LRS clients mostly. For example, in LRS we get a lot of Monday morning remorse calls from car buyers. There's a well-established myth out there that you get three days to change your mind when you buy a car. That's not the law in Oregon. I've heard this one so many times I was determined to de-bunk it with our first PSA spot.

We took our list of topics and myths to the committee, who worked on crafting short questions to which we could give a clear answer. That was a lot more difficult than you might expect – unless you have a lot of experience drafting by committee.

**Wolff:** Who created the spots and how?

**Pulju:** Our internal design and IT staff, using LiveType for the graphical elements and Final Cut Express for the final video rendering.

**Wolff:** How many spots were there?

**Pulju:** Five, all using the same template that we will now use to produce more spots for broadcasting on our state's network of community access stations.

**Wolff:** How did you keep production costs down?

**Pulju:** By keeping it simple and doing everything ourselves. The spots are entirely graphically based, which means our designer could do everything on his own desktop – no actors, no film, no voiceovers. For audio we relied on simple sound effects and the lucky circumstance that our RIS administrator

(George Wolff) is a talented musician/songwriter with his own home studio. He donated original music for the series. So in essence we had zero production costs, with the added benefit that the staff who worked on it now can say their work has been on TV – during Monday Night Football on ESPN.

**Wolff:** Who owns the rights to the spots?

**Pulju:** We do.

**Wolff:** What areas of law did the spots cover?

**Pulju:** Consumer law (return policies and co-signing), DUII, Unemployment, and common law marriage.

**Wolff:** Why were those areas of law chosen?

**Pulju:** They are areas of the law that cause a lot of public confusion, plus we were able to identify discrete issues that fit into our simple Q & A format.

**Wolff:** How flexible was the cable company with respect to using different spots at different times? Did you have to run one or two spots the whole time? What enabled you to have some flexibility?

**Pulju:** They were pretty flexible, and so were we. The spots aired in rotation, but we were able to give more weight to some over others. We could not control directly which spot ran on what station at what time. Our package did include an option to designate a few specific time slots on a few stations. One of the ones we picked was Monday Night Football on ESPN. We were able to request that the car buying question run in that slot, which seemed like a particularly good audience fit.

**Wolff:** How many times did the spots air?

**Pulju:** About 1,400 spread out over 5 months.

**Wolff:** What advice would you give to a non-profit LRIS that wanted to duplicate this campaign?

**Pulju:** First, keep it simple. If you can't do production yourself, pay someone to create spots in a flexible format so you can modify and update your product for future use. Our spots are computer-generated, not filmed, which means we now have a template we can use again and again. I think our simple, clean graphics and quiet audio made our series stand out from the noisy crowd and seem less "cheap" than anything we could have afforded using traditional film or video.

Second, tie it in to a larger, overall marketing plan. Our goal was to make viewers think of the bar's website as the best place to go for legal information. Even though the cable campaign is finished for now, the website is still there. Our public site is similar to the PSAs design-wise, so it will look familiar to anyone who has seen the series. We also saw the initial expenditure for cable as more of a launch of our brand than a discrete project. The web presence will live on, and we will use the template for promo spots for another of our ongoing projects, the Legal Links cable access series.

**Wolff:** What would you have done differently?

**Pulju:** Started working with the committee sooner. Getting a final set of questions acceptable to everyone took a very long time. I would not, however, try to circumvent the committee process, which I do believe resulted in a better product. I would just give it more time.

**Wolff:** What surprised you?

**Pulju:** How much fun we had producing the series ourselves. And how few words you can really use in a 30-second production.

**Wolff:** What was better or worse than you expected?

**Pulju:** We had more placements than originally planned. A bright side of the slow committee process is that by the time we were ready, prices had dropped.

**Wolff:** During which cable programs were the 30-Second Law School spots placed?

**Pulju:** We selected a few specific programs targeting different demographics, beyond that we had choices of stations only, not specific programs or times. We picked stations based on the middle-income

demographic we were hoping to reach.

**Wolff:** What sort of statistics did you receive from Comcast on the public's response to the spots?

**Pulju:** We received regular reports on when the series aired, along with weekly reports on click-throughs for our banner ad on their site (included with our ad package).

**Wolff:** What kind of affect did the cable spots have on the Oregon State Bar's website traffic?

**Pulju:** Significant increase in traffic directly to oregonstatebar.org, the new "public home page" included in the PSAs.

**Wolff:** What kind of feedback did you receive from lawyers who saw the spots?

**Pulju:** Very positive. They were pleased we were reaching out in such a public way, and thought our approach was informative and professional. Plus, I found out that a surprising number of people I know watch a show about something called "ice road truckers."

**Wolff:** How big were the markets in which the spots aired?

**Pulju:** Comcast reaches approximately 650,000 households across the state.

**Wolff:** Are the spots still running anywhere else?

**Pulju:** Community access.

**Wolff:** Where I can see an example of 30-Second Law School?

**Pulju:** We don't have the actual PSAs streaming online right now, but you can see the web-only companion versions here:

<http://www.osbar.org/public/>

**Editor's Note:** View the sample videos on the ABA LRIS Clearinghouse web page: <http://www.abalegalservices.org/lris/clearinghouse/tvads.html>

**George D. Wolff** is Administrator of the Oregon State Bar Lawyer Referral and Information Service.

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## From the Chair...

By Sheldon Warren

### Standing Committee on Lawyer Referral and Information Service

When you have been working with the ABA's LRIS Standing Committee as long as I have, it is easy to forget (or take for granted) the products and services available to local lawyer referral and information services from the ABA. Fortunately, the exchanges on the ABA LRIS LISTSERV regularly remind me that it is essential that we make sure these services know what is available to them. That is the goal of this column.

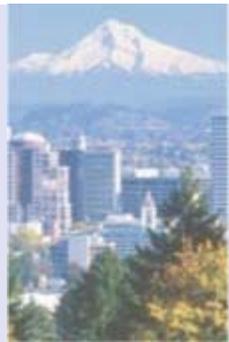
First, the "free stuff." Times are tough across the entire economy, whether in the public or private sector, and the bar associations which sponsor most public service oriented lawyer referral services have not been spared. The materials available through the [ABA LRIS Clearinghouse](#) on the web are so extensive that someone could use them to essentially start a legitimate LRIS from scratch. Moreover, the cost of all those materials is an amount that would warm the heart of even the most fiscally conservative bar executive, i.e. **zero**.

These materials include everything from sample applications and job descriptions to information on budgets, LRIS committees, the establishment of subject matter (experience) panels, percentage fee funding, marketing and many more topics. These materials have been gathered from services throughout the country and/or generated internally by the ABA Standing Committee and its staff. If an LRIS director has a question, regardless of the area, it is hard to imagine not being able to find the answer among these materials.

Not enough free stuff for you? How about ABA's Program of Assistance and Review (PAR)? PAR provides lawyer referral and information services throughout the country with on-site visits by consultants experienced in all aspects of lawyer referral. After observing a program's operation, these consultants provide concrete recommendations with regard to how that service can enhance its operation to better serve the public, its panel members and the sponsoring bar association. These recommendations are made during the course of the visit to the LRIS, and then distilled in a comprehensive written report that is provided to the LRIS and sponsoring bar within 30 to 45 days after the visit.

As I noted in my last column, the PAR consultants are sensitive to the unique characteristics of each individual LRIS they visit and offer all of their "best practice" recommendations in a constructive manner with these unique characteristics in mind. And the cost to the LRIS or sponsoring bar association – again, **zero**. While we ask the sponsoring bar to bring in sandwiches for lunch, this is to allow the PAR consultants, LRIS staff, bar executives and volunteers to continue their discussions during the lunch hour. I personally believe the PAR program is the most valuable resource available to lawyer referral and information services and I urge you to take advantage of it if you have not already done so.

There are numerous additional materials available from the ABA LRIS Standing Committee which, while not free, are available at basically the cost of their production. These materials, a list of which can also be found at the LRIS page on the ABA's website, include the "Lawyer Referral Public



Relations and Marketing Guide", which is essentially a "marketing campaign in a box." This 115 page guide shows LRIS programs how to launch and maintain a public relations/marketing campaign, and supplies sample publicity materials to utilize in that campaign.

The companion "PR Tools, Tips and Timesavers" provides numerous examples of successful public relations campaigns gathered from lawyer referral programs throughout the country, as well as a 22 page index of all available ABA LRIS public relations materials. There are additional materials available, all of which can help an LRIS successfully grow its program, whether large or small and regardless of its budget.

Last, but certainly not least, one of the best (and most fun) resources offered by the ABA is the annual [LRIS Workshop](#). The 2010 Workshop will be held October 27 - 30 in Portland, Oregon. It would be impossible for me to over emphasize the value that this Workshop, year in and year out, provides to its attendees. For individuals who have only recently started working in the LRIS field, whether as staff or as a volunteer, there is no better introduction than the all day, in-depth "nuts and bolts" session on the first day of the Workshop. The information provided during this "nuts and bolts" session, which is facilitated by a group of highly experienced LRIS staff and volunteers, enables attendees to not only have a clear understanding of the challenges facing a public service oriented LRIS, but also the tools with which to meet those challenges and succeed.

There are numerous programs on a variety of topics that are offered across the course of the Workshop, most of which are offered in a "breakout" (as opposed to plenary) format in order to allow for active participation by both presenters and knowledgeable attendees. Some of the programs are broken down as small/medium/large or metropolitan/rural/statewide so that attendees can interact with colleagues from similar lawyer referral services. The topics covered are myriad and you can choose to attend those most appropriate to your program. Many of the most popular sessions are repeated in order to avoid attendees having to miss a session they might want to attend.

While I have said it before, it bears repeating that, year after year, Workshop attendees report that one of the most valuable aspects of the Workshop is the opportunity to meet other individuals who are facing the same daily challenges and opportunities. The network of LRIS staff and volunteers that one can develop at a Workshop is, quite simply, invaluable. When you're faced with a problem and can't seem to come up with a solution, or maybe you're just having a bad day (and we all have those), it is reassuring to know that you can reach out to individuals within this network for advice or, maybe, just to vent. It's nice to know you're not alone.

So, don't be shy. Take advantage of the LRIS resources available from the ABA. Remember, many of these are **free**. And start planning your trip to the Workshop in Portland in October. It will be fun and I hope to see you there.

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## Off to Campus: Raising Student and Staff Awareness of LRIS Programs

*By Charles J. Klitsch*

Lawyer referral service directors looking for ways to expand into additional markets would do well to consider their local colleges and universities. As of 2008, according to a report issued by the U.S. Census Bureau, 18.5 million people were enrolled as either full time or part time students at America's institutions of higher learning. In addition, the U.S. Department of Education reports that nearly 3.5 million people are employed by colleges and universities.

Salaries paid by these institutions place university professionals, administrators and support staff in the group most likely to benefit from lawyer referral programs – middle income individuals who can afford to pay for legal services but who do not know or have never used an attorney.

While college students are often financially stretched, they or their parents may find it necessary from time to time to hire lawyers for problems such as DUI, debtor-creditor issues, identity theft, landlord-tenant disputes and minor criminal offenses.

College legal service programs – where they exist – generally limit representation of staff to situations where their legal problems stem from matters related to their employment by the school. Likewise, such legal service programs generally limit representation of students to university-related or housing matters.

Nevertheless, employees and students with personal legal issues often contact their school's legal services program or general counsel's office to ask where to go for legal help. Lawyer referral services are an ideal resource – if school administrators and legal staff know they exist.

What is the current state of affairs across the country when it comes to the information our institutions of higher learning provide about LRIS to employees, students and third parties? A review of college and university websites is revealing. Some schools have a keen awareness of the value of LRIS programs, listing the contact information, hours and a description of one or more lawyer referral services in the area. Many other schools make no mention of lawyer referral services, even while stating clearly on their sites that they do not provide legal representation to students and staff. Some websites name local lawyer referral programs, but have inaccurate or outdated information about them. Still others have made the unwise decision to list specific lawyers for site visitors to contact.

Making a list of colleges and universities in your service area and then checking their websites is a good first step to determine what kind of outreach is needed and who you need to contact at your local schools. Keep in mind that lawyer referral services may be listed as a resource at various places on a website, depending upon the perceived needs of the audience.

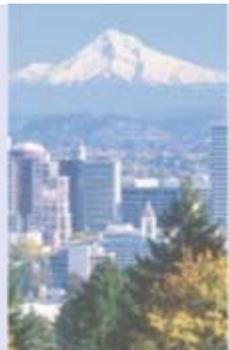
For example, schools such as Stanford University, Dartmouth College, Tufts University and Arizona State University list local lawyer referral services as resources for employees and students on their Office of General Counsel web pages.

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MIT and the University of South Carolina list lawyer referral services on their Office of Housing web pages. The University of California at San Francisco lists LRIS on its Office of Student Life web page. Similarly, the University of Pittsburgh names LRIS as a resource on its student government web page, and the University of Texas at Austin has information about LRIS on the web page of the Dean of Students.

Cal Poly and University of California at Santa Barbara place LRIS contact information on the Human Resources Department pages of their websites. Other schools, such as the University of New Mexico and the University of Washington, recognize the immigration needs of a significant number of their constituents and provide information about LRIS programs on their web pages devoted to international students.

When you investigate the websites of your local schools, remember that many colleges and universities have community outreach programs where information about finding legal help may already be posted or would be beneficial to site visitors. For example, the University of New Hampshire names LRIS as a resource in its Women's Commission Legal Handbook, while the University of Idaho lists LRIS on its community resources page.

Once you have surveyed the websites of schools in your service area, you can formulate a plan for reaching out to each institution. Your goal, of course, is to convince school officials to recommend LRIS whenever and wherever a student, staff person or member of the general public may approach the school seeking legal help.

If a bar leader has a connection with a particular local school, by all means recruit that person to communicate the advantages of LRIS to appropriate school officials.

If a school has a general counsel's office, begin there. The general counsel will know whether there is a legal services plan, an office of student housing or an assistance program for international students. The general counsel is also likely to recognize the value of using a lawyer referral service as a resource for staff and students.

Absent a general counsel's office, contact the dean. The dean's office is often the first stop for a student or staff member seeking help with a problem. Present your LRIS as the "go to" resource for legal assistance in your area. More than likely, your LRIS brochures and contact information for a school's website will be a welcome addition to the information various college offices can provide to students, staff and the public.

Another way to reach out to local colleges and universities is to offer to provide programs at the school. A local campus can be the ideal setting for events such as a people's law school, a Law Week program, citizenship ceremonies, student moot court competitions or themed free advice to the public programs.

Establishing a relationship with a college or university can lead to collaborative programs that benefit all parties involved. For example, the Lawyer Referral Service of Central Texas has entered into an agreement with the University of Texas at Austin, one of the largest university campuses in the United States.

Under the agreement, the Legal Services for Students office will send all students they are unable to help to the Lawyer Referral Service of Central Texas for a referral. LRS has agreed to waive the initial consultation fee for students referred from Legal Services for Students.

On the website of the University of Texas at Austin, the Legal Services for Students office says that it is "delighted to announce" the agreement and terms the arrangement as "this great offer of valuable free legal advice." These words should be music to the ears of any LRIS director.

It is often said that the system of higher education in the United States is the greatest in the world. With millions of students and staff, it is also an outstanding market for lawyer referral services.

**Charles Klitsch** is Director of Public and Legal Service of the Philadelphia



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## SAVE THE DATES!

**Please join us for the 2010 National Lawyer Referral Workshop at the Hilton Portland and Executive Tower in Portland, Oregon - October 27-30.**

This is the only national Workshop designed for public-service Lawyer Referral managers and bar leaders.

### **Our Nuts and Bolts Is a Must-Attend!**

Enjoy our pre-conference Nuts and Bolts program. Jam-packed with best practices, tips for growing your lawyer referral, and practical advice on call-centers and Internet visibility.

### **One-on-One Consults and Networking**

#### **Mini-Program of Assistance and Review (PAR) Visits**

Need a few questions answered? Meet with a PAR consultant to discuss your program's issues and receive some "quick and helpful" assistance.

#### **Consults with a Web Designer**

Want to get a quick assessment of what you can do to make your web site more user-friendly? Get an overview of ways enhance the user-friendliness and appeal of your web site.

#### **Networking Sessions**

Meet with your peers from comparable size programs and discuss shared issues and concerns. This is the best opportunity to have an extended dialogue focused on the operation of your program.

#### **FOR INFORMATION, PLEASE VISIT**

**[www.abalegalservices.org/lris/workshop.html](http://www.abalegalservices.org/lris/workshop.html)**



Yaquina Head Lighthouse

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## From the Chair...

*By Richard Cassidy*

### Standing Committee on the Delivery of Legal Services

The mission of the ABA Standing Committee on the Delivery of Legal Services is, simply put, to expand access to legal services for those of moderate income. This population, sometimes known as the working poor, does not qualify for legal aid or pro bono legal services, yet lacks the resources to pay for full-service legal costs in most settings. The Louis M. Brown Award for Legal Access honors the work of those who advance this mission in innovative ways. We recognize those who have demonstrated the highest dedication to the creation, development and implementation of methods and means of innovative delivery.

Our journey to find better ways to provide legal services takes a wide variety of paths. Nominations for the 2010 Brown Award came from projects sponsored by bar associations, law schools, non-profit entities, law firms and entrepreneurs. These projects enhance services to the elderly, parents, small businesses, homeowners and those of moderate incomes in general in a wide variety of ways. The sole unifying element of the Brown Award nominees is their dedication to improving access to legal services for those who cannot otherwise afford it. To this end, each project exemplifies the spirit of Lou Brown and his lifetime of dedication to those in need of legal services.

This year, the Delivery Committee honored Richard Granat with a lifetime achievement award. Richard was involved in the national legal aid movement in the 1960s and then went on to develop the first college program training paralegals. But, his decades of work creating, applying and adapting technology for the delivery of legal services are his greatest distinction. Richard was instrumental in the development of the Maryland Peoples Law Library during the advent of the Internet. In the 1990s, he worked on an ABA presidential initiative culminating in an international conference on e-lawyering. Most recently, Richard has created and piloted Direct Law, a business model that enables practitioners to offer online document preparation services to solo and small firm practitioners.

Also this year, the Committee presented meritorious recognition to Illinois Legal Aid Online for its Statewide Virtual Legal Self-Help Center. Illinois Legal Aid Online maintains an exemplary and comprehensive web site that provides free legal information, self-help resources and referrals to legal services. In the past three years, it has led the way to the development of 38 technology-based self-help centers in courthouses and public libraries across the state. Illinois Legal Aid Online has emerged as a rich source of online information that is constantly moving forward exploring ways to support those with legal needs.

The 2010 Brown Award for Legal Access was presented to the CUNY School of Law's Community Legal Resource Network (CLRN). The network originated in 1998 to provide those who begin a law practice with the tools necessary to succeed. Lawyers participating in the Network are community-based practitioners who serve clients in economically depressed areas. The Network provides low-cost Continuing Legal Education (CLE) programming, hands-on advice and assistance in starting a law practice, peer mentoring,

LISTSERV participation and networking opportunities that are all designed to make the lawyers successful in practices that in turn strengthen the communities in which they work. Most recently, CLRN has created the Incubator for Justice. Lawyers participating in the Incubator have an intensive array of support in the establishment of a practice for 18 months. After this incubation period, the lawyers have the tools necessary to sustain their own offices and further develop their caseloads.

The Committee is proud to recognize Richard Granat, Illinois Legal Aid Online and the CUNY Community Legal Resource Center, and to honor all of those projects that participated in the 2010 Brown Award. As we encourage others to embrace, adopt, adapt and advance similar models, information about Brown Award recipients is posted at the Delivery Committee's web site, at [www.abalegalservices.org/delivery](http://www.abalegalservices.org/delivery).

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IOLTA Feature

Pro Bono

**Testing the Waters: Social media in IOLTA programs**

LRIS

*By Kimberly Schmitt*

Delivery

As Interest on Lawyers' Trust Account (IOLTA) programs throughout the country continue to tread water in this economy plagued by low interest rates, it is refreshing to know that the newest ways to communicate with your audiences and build relationships are free. Some IOLTA programs have begun to embrace social media sites – like Facebook, Twitter, YouTube, and Flickr – by diving into the water with both feet. For other IOLTA programs that may be a little more hesitant, your colleagues who have already tested the waters can help answer some of the most common questions about social media.

IOLTA

**Social Media  
in IOLTA  
Programs**

**From the Chair**

**What do we say in the social media world?**

**Grantee  
Spotlight**

A very basic definition of social media, is “people using tools (like blogs and video) and sites (like Facebook and Twitter) to share content and have conversations online.” <sup>1</sup>

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“Social media is just another way of communicating what you’re already doing,” says Catherine Sanders Reach, director of the [ABA Legal Technology Resource Center](#). “If you have things to say in a newsletter, on a web site – you have things to say in social media,” she continues. “Like all other communication efforts you still have to create effective messages, you still have to target your audiences, and you still have to choose the most effective tools to reach your audience,” Sanders Reach adds. An additional element in social media strategy is finding ways to be engaging, interactive, and responsive to feedback and messages. All things that make sense as we communicate with each other, but may not come naturally for organizations.

LAMP

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Whereas with traditional media approaches organizations were often concerned about controlling the message, social media opens up communities and forums where anyone can comment, blog, or post information about your organization. Shannon Willis Scruggs, executive director of the [South Carolina Bar Foundation](#) (SCBF), remembers attending an American Bar Association workshop where the speaker on social media said, “If you’re not going to be talking about yourself ... someone else is.” That was inspiration enough for her to create a Facebook Page for the SCBF. <sup>2</sup> Facebook, with an estimated 400 million users, is currently one of the most popular social media tools for IOLTA programs.

## **IOLTA Group on Facebook**

For IOLTA directors and staff already on Facebook, a new [IOLTA Programs Group](#) has just been created to share information and help extend the outreach taking place nationwide between programs.

“We ventured into this, not to fund raise, but as an extension of our public relations efforts,” Scruggs said. “It just seemed like the next natural progression for us.” Scruggs has also begun using Twitter and now sends out “tweets” almost daily to her list of followers. <sup>3</sup> She views these tools as an extension of her day-to-day work – using and sharing content she has already developed in new ways.

IOLTA programs are naturally skilled at building relationships, community support, and sharing information. Social media allows you to do just that – online. [The Equal Justice Coalition](#), created by the [Massachusetts](#) and [Boston Bar](#) Associations and the [Massachusetts Legal Assistance Corporation](#) (MLAC), started a “group” page on Facebook about 18 months ago to help publicize their annual Walk to the Hill event. <sup>4</sup> Brianne S. Miers, communications director for MLAC says that having a specific focus for their group on Facebook helps engage members. “We’re asking them to do something, to volunteer for the event, send letters, etc.”

“We definitely are working to integrate our traditional media efforts with our social media efforts,” Miers said. Admitting that there is an additional time commitment involved in keeping up with the new media channels, Miers says their use of social media tools have quickly become additional steps in their regular communications process. “Now when we issue a press release, we have to think about how we will add it to our web site, how we share the news on Twitter, what goes on Facebook, for example,” Miers said.

### **What is it going to do for us?**

Since IOLTA programs are always looking for ways to increase funding for legal services to the poor, will social media bring in donations or additional funding? In most cases, foundations and other nonprofits have not seen social media efforts translate directly to dollars in the bank. However, like other communications efforts, social media builds awareness of your programs and projects, expands your audience to some people you may not reach in other traditional communication methods, and helps create relationships with those individuals through online conversations and information sharing.

“I think you get a second bite at the apple,” said Scruggs, executive director of the South Carolina Bar Foundation, of their social media efforts. “You might be missing that second chance to catch someone’s attention if you are not using social media,” she continued. Although social media tools are not replacing traditional communication tools in IOLTA programs like newsletters or e-blasts, they are helping cross-promote and publicize these traditional tools in a new way.

The [Montana Justice Foundation](#), which uses Facebook and Twitter, has had success in garnering media coverage of events via Twitter. “The media coverage alone we’ve received (from Twitter) has been worth it,” said Amy Sings In The Timber, executive director of the Montana Justice Foundation. Previous attempts at inviting media to events were not successful until recently, which she attributes directly to their use of Twitter. She also credits their social media efforts for bringing a broader range of awareness to their IOLTA program by reaching a younger demographic than they had in the past.

The Equal Justice Coalition in Massachusetts began experimenting with Twitter over the past few months and has found the micro-blogging tool has been useful in gathering information in addition to distributing news. By following people and organizations on Twitter in their community, they quickly learn information they might otherwise miss.

Many social media tools make it easier and faster to share information, video, and photographs. The Equal Justice Coalition has successfully used Flickr, a photo sharing web site, to disseminate photos of their Walk to Hill event to the media, partner organizations, and participating law firms. YouTube, a video sharing web site, is another social media platform that is an easy way for IOLTA programs to share their videos with anyone who may be interested. While most IOLTA programs have not yet created their own blogs, most programs contribute content to their bar association or other related blogs, utilizing another popular social media tool.

### **How do we get started?**

Since most social media tools are relatively new in the professional world, most social media users suggest you begin by spending some time listening or looking at what other similar organizations are doing online.

"Log on to some of the social media sites, play around, and begin to understand the culture of each to see how they can work for you," said Catherine Sanders Reach of the ABA Legal Technology Resource Center.

Reach recently presented a session at the Winter 2010 IOLTA Workshops on the most popular social media tools for IOLTA programs and how to get started with them. Most social media tools require a simple, online process to create an account with a login and password.

"Pick one or two that you can handle and manage effectively," Scruggs says as you begin your entry into social media. She was surprised at how easy it was to get started with Facebook and Twitter, and her colleagues have said the same thing. At the Montana Justice Foundation, young volunteers with AmeriCorp Vista are credited with ushering the program into social media.

Often in small organizations one staff person is designated to serve as the person in charge of social media efforts and is responsible for keeping content fresh and monitoring posts and tweets. While there are concerns about privacy and inappropriate posts or comments, there are several resources to help design a social media policy that works for your particular organization.<sup>5</sup>

Building a list of "fans"<sup>6</sup> or "followers"<sup>7</sup> on Facebook and Twitter initially relies upon traditional methods of publicity like, your newsletter, web site, e-mail signatures, etc. Once you become a fan or follower of others, it is generally viewed that they, in turn, will reciprocate and follow you or become your fan. Many social media users suggest not to be overly concerned about the quantity of fans or followers you may have, but to concentrate on the quality of the interactions.

While she says she might have spent a few more hours researching the difference between "group," "cause"<sup>8</sup> and "fan" pages on Facebook at the outset, Amy Sings in the Timber with the Montana Justice Foundation, cautions new social media adopters, "not to spend a ton of time contemplating the right one, because it will pass you by." The next wave of new social media tools is always on the horizon.

**Kimberly Schmitt** is the Communications Manager for the Texas Access to Justice Foundation and the Texas Access to Justice Commission. The [Texas Access to Justice Foundation](#) created a Facebook fan page and a [YouTube channel](#) last year.

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<sup>1</sup> To learn more about social media, please visit <http://www.slideshare.net/PrimalMedia>

<sup>2</sup> A Facebook Page is a public profile that enables you to share your business and products with Facebook users. For more information, please visit <http://www.facebook.com/advertising/?pages>

<sup>3</sup> Twitter is a micro-blogging site where users can send out short 140-character messages ("tweets"). Users can also become subscribers ("followers") of your posts ("feed"). To learn more, please visit <http://www.twitter.com>

<sup>4</sup> Facebook Groups can be created by any user and about any topic, as a space for users to share their opinions and interest in that subject. Groups can be kept closed or secret, whereas Pages are intended to help an entity communicate publicly. For more information, please visit <http://www.facebook.com/help/?faq=13622>

<sup>5</sup> To learn more about social media policies, please visit <http://mashable.com/2009/06/02/social-media-policy-musts/>

<sup>6</sup> Facebook users who add your Page to their profiles.

<sup>7</sup> Subscribers of your posts on Twitter.



8 "Causes" is a Facebook application where members create a "cause", a group focused on an issue they care about, and then pick an existing nonprofit organization as their beneficiary. To learn more, please visit <http://apps.facebook.com/causes/about>

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## From the Chair...

*By Lora Livingston*

### Commission on Interest on Lawyers' Trust Accounts

I want to take this opportunity to congratulate the Joint Meetings and Training Committee of the Commission on IOLTA and the National Association of IOLTA Programs for producing excellent sessions at the Winter 2010 IOLTA Workshops in Orlando. I also want to thank the many members of the IOLTA community who attended the Workshops in these times of declining income and limited travel budgets. Because the Workshops provide such a wonderful opportunity for IOLTA staff and trustees to network, share information and learn from one another, I know that many programs share my view that sending representatives to the Workshops is extremely valuable and of the highest priority.

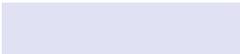
The sessions in Orlando provided several opportunities for attendees to meet in small groups to discuss issues of common concern. The Speed Dating – IOLTA Style session, which enabled attendees to select topics for three, 30-minute discussions at tables of ten, generated a lot of positive feedback and enthusiasm. The Banking Breakouts once again facilitated the sharing of useful information on a regional basis. And the Let's Talk Again breakout groups enabled IOLTA programs of similar sizes and budgets to compare notes and talk about the critical issues they are currently facing.

The substantive topics addressed in the plenary and concurrent workshops combined those that are timely, such as attorney compliance, social media, developing grant applications, and partnerships, with an opportunity to learn about the history of IOLTA and the evolution of legal aid. Each of these sessions included thoughtful presentations and lively audience participation.

Hearing about the history of IOLTA from Arthur England, the father of IOLTA in the United States, was one of the highlights of the Workshops. He traced how he learned about the IOLTA concept, traveled to Canada to learn more, and worked with a number of public-spirited young lawyers in Florida and across the country to make the creation of the first IOLTA program in the United States a reality. Mr. England called upon all present to use the inspiration of those founders to preserve the benefits of IOLTA and to innovate in the future.

That session was so well received that it will be the subject of a future *Dialogue* article. In addition, the Commission on IOLTA is exploring the possibility of producing a video of interviews with many of the founders of the first IOLTA programs in the United States and Canada. Though that means our history will be preserved and can be shared with present and future members of the IOLTA community, the bar, the judiciary and the public. I urge IOLTA leaders in each state and province to consider a similar project involving their IOLTA founders so that their history is preserved for future generations, as well.

Please plan to attend the 2010 Summer IOLTA Workshops to be held August 5-6 in conjunction with the ABA Annual Meeting in San Francisco. The Workshops will once again provide a valuable opportunity to share ideas, network and develop strategies for the future. While it always seems impossible to improve upon the past sessions, I have no doubt that the Joint Meetings Committee's goal is to do just that. I look forward to seeing

 many of you in San Francisco.

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## **Grantee Spotlight: Answering the Call - Delaware's Legal Help Link**

*By Janine Howard-O'Rangers*

On a cold Monday morning in January, second and third year law students at Widener University's School of Law make their way to the Honorable Philip D. Cloutier Public Service Wing. Here the students turn on the computers and telephones and by 9:00 a.m. are ready to answer the call: "Legal Help Link, may I help you?"

The Legal Help Link was the brainchild of the Delaware State Bar Association's Standing Committee on the Provision of Legal Services to Low Income Persons. Under the leadership of Donald Parsons, now a Vice Chancellor in Delaware's Court of Chancery, the committee embarked on a number of collaborative efforts for legal services in Delaware. The first project was the creation of the Legal Help Link, a joint effort begun in New Castle County, Delaware in 1997, by the Delaware State Bar Association ("DSBA"), Delaware Volunteer Legal Services, Inc. ("DVLS"), Widener University School of Law ("Widener"), Community Legal Aid Society, Inc. ("CLASI"), and Legal Services Corporation of Delaware ("LSCD"). The program became statewide in 1998. Since its inception, funding for the Legal Help Link has been provided by IOLTA grants from the Delaware Bar Foundation.

### **A Needed Service**

Prior to the creation of the Legal Help Link, if you were looking for legal assistance in Delaware you could be on the telephone all day. You may have been referred to three or four different agencies just to be told to go back to where you started. There was so much confusion in the community about which agency provided legal assistance for which legal matter that potential clients could not even remember which agency agreed to help them. In fact, on one occasion, a client ended up being represented by two different legal services providers, which was not discovered until both appeared in court on his behalf. It was also too easy for someone facing significant legal issues to become frustrated and to give up. Potential clients were falling through the cracks of a disjointed system. Clearly something needed to be done in order to make the delivery of legal services more efficient.

The concept of the Legal Help Link was simple: instead of having to call each of the legal aid agencies and the DSBA's Lawyer Referral Service in an effort to determine what kind of help was available from each organization, a person would have only one number to call. The Legal Help Link would provide one central statewide telephone number that would be answered by live intake workers. The intake worker would determine which, if any, of the participating organizations could assist the caller. If none of those could provide assistance, the intake worker could give the caller other appropriate referrals.

When the Legal Help Link became a statewide service in 1998, the DSBA suggested that Lawyer Referral Service calls also be routed through the Legal Help Link. It was agreed that this would serve callers well, and all Lawyer Referral Service calls were transferred to the Legal Help Link at that time. Prior to being transferred to the Legal Help Link, the Lawyer Referral Service operated through an automated system. With the move to the Legal Help Link, which enabled referrals to be completed by a live person,

the number of requests for lawyers through the Lawyer Referral Service more than doubled.

### **A Collaborative Effort**

All the agencies involved contribute to the Legal Help Link. The system relies on Widener University School of Law for space and the manpower – law students serve as the intake workers. DVLS runs the day-to-day operations of the program. The DSBA provides its Lawyer Referral Coordinator, who is housed along with DVLS and the Legal Help Link at Widener, and provides a toll free telephone number for the Legal Help Link. The other legal aid agencies are relied on for their cooperation in supporting the program, as well as providing information on a regular basis regarding the legal matters they are handling so that appropriate referrals can be made.

### **Expansion of the Program**

Since its inception the Legal Help Link has expanded in space and volume of calls. Originally, the Legal Help Link was in a converted dorm room at Widener. In 1999, Widener moved DVLS and the Legal Help Link to newly constructed space. Funding for this new construction came in part from a grant from the Delaware Bar Foundation's IOLTA fund, as well as the State of Delaware and several law firms. This new space not only allowed DVLS and the Legal Help Link to expand, but also provided DVLS' clients with a more professional law firm setting in which to meet. In 2009, the Legal Help Link and DVLS moved again, still on Widener University School of Law's campus, but in newly renovated and larger space.

The Legal Help Link has been very successful. In 1998, a manual count of telephone calls received over a two week period provided an estimate that the Legal Help Link was receiving 18,000 – 20,000 calls a year. In 2008, a new telephone software program demonstrated that the Legal Help Link was receiving 30,000 to 40,000 calls a year.

### **Assistance Provided**

The success of the Legal Help Link can be attributed, at least in part, to the fact that calls are answered by trained intake workers, who are law students from Widener University School of Law. The students are either paid or volunteer law clerks for the Legal Help Link or legal interns with the Delaware Civil Clinic of Widener. While the law students are not permitted to give any legal advice, their law training gives them insight in determining a caller's legal issues and the ability to extract information from the caller that is necessary to determine how best the caller can be helped. In addition, the intake workers are trained on the many other services that may be available to assist callers with various problems.

During a brief interview with the caller, the law students determine what the caller's legal issues are, if the caller is eligible for free legal services and if so, which agency is best suited to assist the caller. Callers that are eligible for the services of either CLASI or LSCD are transferred directly to that agency, avoiding the need for the caller to hang up and make another call. If the caller is eligible for the services of DVLS, and provided that there are no conflicts, the law student will complete an in-depth intake interview over the phone.

If the intake worker determines that the caller is not eligible for free civil legal services, then other options are available to the caller, such as a referral to the DSBA's Lawyer Referral Service. If the caller chooses to be referred to the DSBA's Lawyer Referral Service, the intake worker completes a form with the names of the parties, court dates, if any, and the legal issue the caller is calling about. The caller is then forwarded to DSBA's Lawyer Referral Service Coordinator, who will match the caller with an attorney from the Lawyer Referral List. Alternatively, the intake worker will provide the caller with the number for appropriate state agencies or community services programs, such as the Public Defender, Division of Child Support Enforcement, or the Attorney General's Office.

Not everyone who contacts the Legal Help Link can be helped by a legal



services agency or the lawyer referral service, but everyone who calls the Legal Help Link is helped in some way, even if it is by letting them know that the assistance they are searching for is not available in Delaware. Before the Legal Help Link was created, one could spend an entire day on the telephone without talking to anyone who could be of help. Now thousands of people are helped each year just by making one call.

**Janine N. Howard-O'Rangers** is the Executive Director of Delaware Volunteer Legal Services, Inc. and a Supervising Attorney for the Delaware Civil Clinic of Widener University School of Law.

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## News and Notes

### Revenue Enhancement

On January 28, 2010, the North Carolina Supreme Court issued an order adopting IOLTA rate comparability, effective July 1, 2010. This revenue enhancement strategy requires that lawyers place their IOLTA accounts only in a financial institution that pays those accounts the highest interest rate or dividend generally available at the institution to other customers when IOLTA accounts meet the same minimum balance or other qualifications.

The District of Columbia Court of Appeals issued an order adopting both mandatory IOLTA and interest rate comparability on March 22, 2010. These rule revisions become effective on August 1, 2010. At that time, there will be a total of 42 mandatory IOLTA jurisdictions and a total of 32 jurisdictions with interest rate comparability in effect.

Assistance in exploring, drafting, and implementing an IOLTA interest rate comparability requirement is available through the Commission on IOLTA and National Association of IOLTA Programs Joint Technical Assistance Committee. Contact Commission Counsel, [Bev Groudine](#) or call 312/988-5771 for more information.

### FDIC Insurance Update

On April 13, 2010, the Board of Directors of the FDIC approved an interim rule extending the Transaction Account Guarantee (TAG) Program, which was scheduled to end on June 30th, to December 31, 2010. The interim rule also gives the Board the discretion to extend the program to the end of 2011 without additional rule making if it determines that economic conditions warrant such an extension. Participating institutions can opt out of the TAG Program effective July 1, 2010, but if they do not, they must remain in the program until it ends.

Comments on the interim rule are due by May 19, 2010. As of press time, it was not known when a final rule would be promulgated.

Under the TAG Program, funds held in IOLTA accounts will continue to be fully guaranteed by the FDIC, without limit, for participating financial institutions. IOLTA funds held in institutions that opt out of the extended TAG program (or that previously opted out of the TAG program) will be insured up to \$250,000 per owner (i.e., client) until December 31, 2013. Institutions are required to display their status as either participating or not participating. For further information, visit the FDIC website at [www.fdic.gov](http://www.fdic.gov).

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**Financial Support for Military Dependents - Service Regulations**

LRIS

*By Michael S. Archer and CPT Tricia L. Birdsell*

Delivery

**ABSTRACT**

IOLTA

Lawyers on either side of a domestic dispute over military pay or military dependent support payments would do well to master the applicable service regulations. Getting to the bottom of the regs, however, can be a daunting task. Here two military legal assistance experts have performed a service for all five services by compiling and analyzing the pertinent military pay and support regulations from the Army, Navy, Marine Corps, Air Force and Coast Guard. This survey piece, featuring web links to the regulations, will be an invaluable reference for lawyers practicing in the military family law area. The co-authors are Michael S. Archer, a retired Marine Judge advocate, currently serving as the Regional Legal Assistance Officer, Marine Corps Installations East, located at Marine Corps Base, Camp Lejeune, NC; and Tricia L. Birdsell, Captain, US Army. [Read the full-text article.](#)

LAMP

**Financial Support for Military Dependents**

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