

DIALOGUE

News and Perspectives from the ABA Division for Legal Services

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A National Effort to Celebrate Pro Bono

by Sharon Browning, National Celebration of Pro Bono Consultant

Steven Scudder, Committee Counsel, Standing Committee on Pro Bono and Public Service

After years of discussion and planning for an annual national celebration of pro bono, the ABA Standing Committee on Pro Bono and Public Service chose 2009 as the optimum time to launch this important initiative. At the ABA Annual Meeting last year in New York, plans for the National Pro Bono Celebration were announced; the inaugural Celebration will take place the week of October 25-31, 2009.

The confluence of two circumstances makes this timing ideal: the increasing need for pro bono services as economic conditions worsen, and the unprecedented response of attorneys to meet this need. Although national in breadth, this celebration provides an opportunity for local legal organizations across the country to collaboratively commemorate the vitally important contributions of America's lawyers and to recruit the many additional volunteers required to meet the growing demand. Together, segments of the legal community will showcase local and statewide efforts that demonstrate the great difference that pro bono lawyers make to our nation, our system of justice, our communities and, most of all, to the clients whom they serve.

There has been an enthusiastic response to celebration planning: national, statewide and local partners, including other ABA entities, are working to implement this initiative, developing hundreds of celebration events across the country. Over 200 leaders of the judicial, legal education and bar communities are serving as an Honorary Advisory Committee, and 80 groups have already committed to holding pro bono events during the Celebration week. As momentum increases, it is anticipated that hundreds of events will take place throughout the nation as part of the National Celebration.

The project's website, www.celebrateprobono.org, is critical to providing information, resources and support to those groups interested in hosting events in their communities. The site is also key to the collection and dissemination of information about what groups are doing nationwide. In April, the site will be expanded

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An Event-A-Day The San Francisco Plan

In San Francisco, the Bar Association, Volunteer Lawyers Program, area law schools, corporate law departments, law firms, and the judiciary are collaborating on a week-long celebration which will include:

- Monday:** Strategic Planning Summit
- Tuesday:** Law School Day: events will be hosted by law schools throughout the Bay area
- Wednesday:** Law Firm Day: local volunteer events and national law firm "virtual celebrations".
- Thursday and Friday:** Court-originated community events, an afternoon symposium, and after-hours party.
- Saturday:** Legal Clinic(s)



Dialogue

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Mark I. Schickman
Chair, ABA Standing Committee on Pro Bono and Public Service

Sheldon Warren
Chair, ABA Standing Committee on Lawyer Referral and Information Service

Deborah G. Hankinson
Chair, ABA Standing Committee on Legal Aid and Indigent Defendants

Donald J. Guter, RADM, USN (Ret.)
Chair, ABA Standing Committee on Legal Assistance for Military Personnel

Jonathan D. Asher
Chair, ABA Commission on IOLTA

M. Catherine Richardson
Chair, ABA Standing Committee on Delivery of Legal Services

Terry Brooks
Director, ABA Division for Legal Services

Michelle Fogiel
Editor, ABA Division for Legal Services

Gail Thompson
Division Designer
ABA Division for Legal Services

Comments, suggestions and proposed articles should be directed to:

Terry Brooks
ABA Division for Legal Services
321 N. Clark Street
Chicago, IL 60654-7598
312/988-5747
fax: 312/988-5483
email: tjbrooks@staff.abanet.org

Address changes and subscription inquiries should be directed to:

Margie Bruynseels
ABA Division for Legal Services
321 N. Clark Street
Chicago, IL 60654-7598
312/988-5749
fax: 312/988-5483
email: mbruynseels@staff.abanet.org

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Chicago, IL 60654-7598
fax: 312/988-6030
email: copyright@abanet.org

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Celebrate Pro Bono

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to include a comprehensive list of all celebration activities, including an interactive map linking to details of local events. In addition, the website will also contain information on publicity tips and strategies, sample press releases, public service announcements, proclamations and resolutions, op-eds, talking points, and creative ways to spotlight pro bono during the celebration week.

Events already scheduled are diverse in form, substance, and sponsoring entity. Law schools have planned symposia, bar associations partnering with legal services groups are holding day-long strategic planning gatherings, state bars are coordinating state-wide days of service, and law firms and pro bono referral organizations are collaborating on walk-in and call-in clinics.

In some locales, events are planned for each day of the Celebration week.

In addition to highlighting past successes and providing current services, the National Celebration of Pro Bono also is intended to educate attorneys about the increasing need for their involvement. The past three decades have marked a steady increase in the amount of pro bono work. As reported in the recently published *Supporting Justice II: A Report On The Pro Bono Work of America's Lawyers*,¹ both the overall percentage of pro bono participation and the average number of pro bono hours are on the rise. ABA President H. Thomas Wells recently observed—"We can take pride in the fact that nearly three quarters of us—73 percent—report doing pro bono work for people of limited means."

Yet despite this encouraging news, another recent study, *Documenting The Justice Gap in America: The Current Unmet*

Civil Legal Needs of Low-Income Americans,² revealed that there has been virtually no progress in reducing the percentage of unmet legal needs of the poor in the past 20 years. Fifty percent of eligible individuals seeking legal help are turned away due to lack of resources, and countless others never seek assistance at all, stymied by a lack of information about the legal issues they confront and the help that might be available to them. In commenting on his hopes for the National Pro Bono Celebration week, Mark Schickman, Chair of the ABA Standing Committee on Pro Bono and Public Service noted that "...over 80% of the legal needs of America's poor remain unmet. Despite our best efforts, this number will grow, as more Americans than ever slip into poverty. We dedicate this week to the quest for *more* volunteers to help meet that need."

As gatekeepers of justice, attorneys are rising to the challenge of ensuring the fairness and integrity of our system of laws by providing access to legal processes for the poorest Americans. The National Celebration of Pro Bono will enhance and highlight the ongoing efforts by so many in the legal community who work tirelessly throughout the year to meet the legal needs of people who are poor. Most importantly, the celebration will draw even more attorneys into the pro bono community, increasing our profession's ability to meet one of our greatest responsibilities: providing access to justice for Americans living on the social margins. We have much to celebrate. How will you be celebrating the work of pro bono lawyers in your community that week?

Endnotes

- ¹ The American Bar Association Standing Committee on Pro Bono and Public Service, February, 2009.
- ² The Legal Services Corporation, June 2007.



From the Chair...

by Mark I.
Schickman

Chair of the ABA Standing Committee on Pro Bono and Public Service

Though our profession is at the forefront of protecting the rights of others, in times of crisis it is only natural that we tend to think of ourselves. As the legal marketplace experiences unprecedented stress it is not surprising, then, to see private law offices focusing inward, minimizing, maintaining and retooling the business aspects of their practices. One by-product of this retrenchment that must be watched closely is to what extent law firms might be cutting back on their charitable giving and pro bono commitments.

Even though there is not yet any hard data on this question, anecdotally there is evidence that law firms have reduced their charitable contributions and are rethinking how those funds will be spent. Added to the steep decline in IOLTA funds, this has put great financial strain on an already overburdened legal services delivery system.

While some have suggested that pro bono hours are higher than ever as firms are diverting underutilized lawyers into pro bono work, that trend is not clear. Rather, pro bono partners are reporting that, as lawyers are laid off, they are returning their pro bono caseload into inventory. These cases must either be referred to others in the firm or returned to the referring agency. The first instance creates the challenge of moving cases to other lawyers who are understandably under

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Pro Bono as a Healing Art

by Kelly Scott, Staff Attorney, ABA Center for Pro Bono
Medical-Legal Partnerships Pro Bono Support Project

Medical-Legal Partnership

It can not be disputed that our health is greatly affected by our social circumstances. No amount of medication will help a child with asthma when she continues to live in an apartment overgrown with mold that the landlord refuses to remove. Nor will a child thrive without proper nutrition and access to health care. However, there is hope when doctors and lawyers work together. An innovative legal services delivery model is gaining momentum: medical-legal partnerships. The medical-legal partnership is an interdisciplinary approach to solving health issues that are rooted in social circumstances and can be alleviated with the intervention of a lawyer on the medical team. Two professions, typically at odds, work collectively to ensure the best outcomes for patients.

The first medical-legal partnership was founded in 1993 by Dr. Barry Zuckerman, a pediatrician at Boston Medical Center. It was a local program created to complement the work of doctors by providing a different set of skills to pediatricians to keep patients and their families healthy. The medical-legal partnership model proved to be a success and in 2006 a national center was established to promote the model. Earlier this year, the national center expanded to serve all vulnerable populations and is now called The National Center for Medical-Legal Partnership.¹ The National Center for Medical-Legal Partnership assists medical-legal partnership sites already in formation, provides training, conducts research and creates policy. Today there are over 80 medical-legal partnerships that improve the health and well-being of vulnerable populations across the United States. Lawyers represent patients on a number of issues including housing, access to utilities, immigration, education, public benefits and family law.

In the past, patients were generally on their own to navigate the legal system or referred to a legal services office that is already overburdened by clients in need. In a medical-legal partnership, doctors are trained to recognize legal issues that may have a detrimental effect on a patient's health since they are uniquely situated to catch these issues before they reach a point of crisis. After a potential legal issue has been identified, the doctor refers the patient to a lawyer at the medical-legal partnership in conjunction with that hospital or clinic. The lawyer can be a medical-legal partnership staff attorney at the hospital, an attorney at a collaborating legal services office, or a pro bono attorney. While there are several different models of medical-legal partnerships, all aim to provide legal services that improve the lives of patients and address the issues that burden a patient's health.

Pro Bono Opportunities and Medical-Legal Partnerships

Medical-legal partnerships have created unique opportunities for pro bono services. In addition to the traditional case-by-case referral method, pro bono attorneys can provide valuable services to medical-legal partnerships in a number of ways. For example, law firms can adopt hospital or community clinics or pro bono attorneys can participate in clinics set up by medical-legal partnership staff.

In the adoption model, a law firm agrees to provide its expertise and skills to the patients of a specific hospital or clinic. This model eliminates the need for patients to travel to a number of places to

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From the Chair...

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pressure to bill more hours and to engage in business promotion, while the latter demands redoubled attention from already overstretched legal services staff. The thought that the law firm melt-down is good for pro bono service, while appealing, isn't necessarily so.

It has long been proven that pro bono work is good for the profession, and often good for individual business. This is no less true during times of economic difficulty. The top law students are still looking for firms that will provide them with both excellent professional opportunities and opportunities to exercise their community conscience. Law firm associates are anxious about their jobs, but are still looking for training and professional development to enhance their skills. Pro bono has been, and must continue to be, a critical component of a law firm's culture supporting these employee needs.

In 2006 the ABA's House of Delegates adopted Report 121A, calling on law firms to recommit to pro bono. Yes, the economy for law firms was better then, but the core values of that report are perhaps even more important now, to anchor a law firm's community presence. The report recommends that firms adopt written policies and practices that support and reward pro bono work, including policies and practices advising that they:

- Count pro bono hours as billable hours.
- Consider attorneys' commitment to pro bono activity as a favorable factor in advancement and compensation decisions.
- Set annual goals regarding the number of hours contributed through firm pro bono programs and the number of attorneys who participate.

- Establish and maintain systems that ensure that firm pro bono programs are managed effectively, that participating attorneys receive training and guidance, and that the highest levels of firm management oversee and participate in their programs.
- Support the pro bono commitment and involvement of senior and retired lawyers.
- Report to law school placement offices specific information regarding their pro bono policies, practices and activities.

These strategies serve the interests of America's law firms by providing lawyers with active, meaningful and rewarding opportunities that improve society and enrich their professional lives. But, that motivation should not be the primary driver for a law firm's pro bono commitment. The reality is that as bad as things are for law firms right now, they are even worse for the poor. In addition to the regular clientele of legal services and pro bono programs, new victims of the financial crisis are being created every day—as middle class Americans see their dream of home ownership devolve into the nightmare of homelessness, their retirement funds evaporate, and their consumer debt become a crushing burden. As if that challenge weren't enough, the legal services delivery system faces dwindling resources as IOLTA funding and

philanthropic giving both decline.

There is an ancient three part maxim that has never been more apt:

- **If I am not for myself, who will be for me?** Of course, in order to survive, law firms must protect their own financial viability, to keep afloat in the turbulent tide. If we don't protect our own bottom line, nobody else will.
- **If I am only for myself, what am I?** But even as we fight to survive, we cannot abandon our values—the public service that lawyers have always given to the society in which we live and work. If we abandon that, we jettison the best of our professional values.
- **If not now, when?** As Dr. Martin Luther King wrote, "The measure of a man is not where he stands in time of comfort and convenience, but rather where he stands in times of adversity and challenge." This is the moment in which we can tell what our profession is really made of, by standing up for our ideals at the time when it is personally hardest to do so.

Pro Bono assistance is not an option, it is a necessity. The harder it is on us to provide help the more it needs to be given. It is to the credit of the ABA, and of our profession, that we remember our less fortunate clients in the midst of our own personal challenges. Makes you proud to be a lawyer.

From the Editor...

How Do You Want to Receive *Dialogue*?

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Healing Art

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travel to a number of places to receive assistance for their basic needs. The only model of this kind was created by the Medical-Legal Partnership Boston. In this model the law firm agrees to staff a weekly legal clinic, attend trainings, and represent patients on legal matters while absorbing any out-of-pocket expenses. Doctors will refer the patient to the medical-legal partnership pro bono attorney for intake. Upon the discovery of an unmet legal need, the patient schedules an appointment during the law firm's weekly clinic hours. The attorney will evaluate the legal problem, give advice, or represent the patient on one or multiple issues. A law firm typically averages 700 hours of pro bono work during the first year of involvement with the adoption model. There are currently 5 law firms that have adopted clinics in the Boston area. Each firm will provide legal services to an average of 29 families a year.²

Another way of utilizing pro bono services is through a pro bono clinic setting where pro bono attorneys can give advice on specific issues. An example of a clinic supported by pro bono attorneys and a medical-legal partnership is a utility clinic. The Medical-Legal Partnership Project in Hartford, Connecticut started the "Keep the Power On" utility clinic.³ The clinic was created in response to a law in Connecticut, similar to those in most states, that guarantees utility service during the coldest months of the year. Unfortunately, in the spring, many of these customers are left with an extremely large utility bill and no protection from discontinuation of services. There is an exception made if a medical condition exists in the household that would put the individual's life at risk if the utilities were disconnected. The clinic serves families who do

not fall within this exception. Pro bono attorneys are recruited and trained by the medical-legal partnership to provide budget counseling. The medical partners provide the clinic information to the patients, and utility company representatives attend the clinic to enroll the patients in affordable payment plans. The patients are educated about budgeting on a very limited income and prioritizing expenses with the goal of avoiding a yearly crisis. The result is a balanced budget that can provide for electricity, gas services, rent and groceries to keep their families healthy.

As a part of the national movement towards medical-legal collaboration and the new pro bono activities it provides, the ABA Center for Pro Bono is now home to the Medical-Legal Partnerships Pro Bono Support Project (MLP Project). The MLP Project's goal is to expand the current landscape of medical-legal partnerships by engaging the private bar as a consistent provider of legal services in hospital, clinic and other health care settings. The MLP Project will provide guidance to medical-legal partnerships as they initiate and develop their programs. To accomplish this objective, the MLP Project will provide support and training to pro bono attorneys through a variety of resources on the website as well as workshops at conferences.⁴ The MLP Project will assist medical-legal partnerships in establishing pro bono programs, securing pro bono participation, and ensuring quality service delivery in their communities by developing a compendium of best models and best practices. And, the MLP Project will educate both lawyers and health care providers about the enhanced medical outcomes to medical-legal partnership clients.

Everyone Benefits

Medical-legal partnerships rely on the collaboration of

professionals to ensure the best possible outcomes for patients, and the benefits from them are far reaching. Medical-legal partnerships help put to rest the stereotypes that often cloud the relationships between doctors and lawyers. Additionally, attorneys are given the opportunity to form collegial relationships with doctors and participate in interdisciplinary work. Doctors learn of legal issues affecting their patients and gain the ability to treat their patients with tools outside the world of medicine. Doctors finally have the resources not only to improve the health of their patients but to alleviate some of the chronic social burdens that face vulnerable populations.

The patient and their families, however, receive the ultimate benefit. They are provided with a group of professionals that act as a team to remove the social impediments affecting their health. With the help of their pro bono lawyer, they can navigate the persistent social conditions that contribute to chronic, often debilitating medical conditions, and lead healthy and productive lives.

Endnotes

- ¹ Please see The National Center for Medical-Legal Partnership website at www.medical-legalpartnership.org
- ² The Adoption Model was created by Samantha Morton, Executive Director, Medical-Legal Partnership Boston. Information on the Adoption Model was provided by Jennifer Stam Goldberg, Staff Attorney and Pro Bono Manager, Medical-Legal Partnership Boston.
- ³ The "Keep the Lights On" Clinic information was provided by Bonnie Roswig, Senior Staff Attorney at the Medical-Legal Partnership Project, Center for Children's Advocacy, Connecticut Children's Medical Center, Hartford, CT.
- ⁴ To learn more about the ABA MLP Project, please visit www.medlegalprobono.org

Policy News

Proposed Amendment to Rule 7.3 of the Maine Code of Professional Conduct—

Rule 7.3 of the Maine Code of Professional Conduct describes how attorneys can make contact with prospective clients. Because some Maine attorneys who volunteer as “lawyers for the day” in courthouse-based assistance programs feel that they are prohibited by the current rule from announcing their presence and availability to a member of the public, an amendment was proposed for clarification. In particular, the amendment states that subject to the other restrictions of the rule, an attorney may solicit professional employment on a pro bono basis from a non-commercial client if the solicitation is part of an approved courthouse legal assistance program that offers free representation to unrepresented clients. For

more information, contact Caroline Wilshusen, Executive Coordinator of the Justice Action Group, cwilshusen@mbf.org.

North Dakota Proposes Limited Practice Rule for Non-Licensed Attorney Volunteers—

On January 5, 2009, the Joint Committee on Attorney Standards submitted a request for a proposed rule that would allow an attorney not licensed in North Dakota to be able to practice law on a limited basis in order to provide civil legal assistance as an unpaid volunteer under the supervision of an approved legal services organization. The attorney must have been admitted to practice for at least five years in another state, territory or district. The purpose of this rule is to increase the pool of attorneys available to meet the legal needs of North Dakotans unable to pay for legal services. For more information, see <http://www.ndcourts.gov/court/notices/20090003/notice.htm>

ABA Releases Supporting Justice II—A Report on the Pro Bono Work of America’s Lawyers—

The American Bar Association Standing Committee on Pro Bono and Public Service has completed a follow up study to its first study on national pro bono conducted in 2004. This study clarifies some of the original findings and establishes an accurate and credible baseline for tracking and measuring individual attorney pro bono activity on a national basis over time. The findings of the present study reflect increasing levels of attorney pro bono interest and participation. In particular, 73% of the nation’s attorneys reported that they did pro bono in the past year, and the average attorney reported performing 41 hours of pro bono in that time period. The study also provides new insight into how to recruit new pro bono attorneys and how to support them in their work. Contact Jamie Hochman Herz at herzj@staff.abanet.org for more information.

IOLTA

IOLTA Grantee Spotlight: Enlace Comunitario — Giving a Voice to Immigrant Victims of Domestic Violence

by *Claudia Medina*

Marta, a Mexican native, came to Albuquerque, New Mexico four years ago. She didn’t speak a word of English. Shortly after arriving, her husband became abusive, occasionally slapping her in the face. A year later, physical abuse became a daily part of her life. One night, her husband choked her while their three-year-old son Daniel watched and cried.

Marta’s family and closest friends lived far away. She thought about calling the police, but then didn’t, worried that they might find something wrong with her immigration situation. Besides, Marta feared her husband might come through on his threat to run away with Daniel if she talked to anyone. She too considered running away, but quickly

realized she had no money, no car and nowhere to go.

Last year, a nurse at the local health clinic referred Marta and her son to Enlace Comunitario (EC), an agency that has, since its inception in 2000, provided comprehensive services to Spanish speaking immigrants in Central New Mexico.

Thanks to EC’s assistance,

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From the Chair...

by Jonathan D. Asher

Chair of the ABA Commission on IOLTA

It was a pleasure to see so many good friends and colleagues from the Interest on Lawyers' Trust Accounts (IOLTA) community at the Winter 2009 IOLTA Workshops, and to participate in productive sessions on the challenges of navigating the new economic reality. Certainly the operations and the challenges the IOLTA programs face differ greatly in each state. An IOLTA program's current reality depends upon a number of factors including reserve policies, whether programs are making grants from the current year's or the previous year's revenue, whether the programs receive non-IOLTA sources of funding, and their agreements with their major banks. Despite IOLTA program differences and their state specific issues, however, there clearly are common concerns among IOLTA programs, and common themes that surfaced during the Workshops.

Programs in states with benchmark interest rates as part of their comparability rule are reevaluating how benchmarks have frequently been tied to the federal funds target rate. Now that a percentage of the federal funds target rate and other traditional indicators may no longer accurately reflect rates being paid by banks on comparable accounts, a number of programs are looking for a way to express benchmark rates so as to ensure that they provide more accurate and true interest rate comparability.

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Recovery: What IOLTA Programs Can Do Now to Maximize Revenue and Protect Revenue in the Future

by Jane E. Curran

This article appeared in MIE Journal, Vol. 23 No.1 (Spring 2009). Reprinted with permission.

This article will report on the current state of Interest on Lawyers' Trust Accounts (IOLTA) revenue, recount past IOLTA revenue cycles, describe current efforts by IOLTA programs to address the revenue drop,¹ and explain how IOLTA programs are dealing with the historically low Federal Funds Target Rate (FFTR). Finally, the article will describe steps IOLTA programs and their grantees can take to prepare for the next revenue increase.

IOLTA Revenue

It is an understatement to say that in 2008, IOLTA revenues began to decline significantly from their high watermark in 2007. National data is not available yet for 2008, but it is clear that the down cycle we are presently experiencing is far deeper than such cycles have been in the past.

Using data from Florida as an example, 2008-09 Interest on Trust Accounts (IOTA) revenue is projected to decline 71% from the prior year. Balances in IOTA accounts dropped 23% from May 2007 to January 2009. Florida's statewide weighted interest rate² is down 79% for the same period. The decrease in Florida's IOTA revenue is primarily the result of dropping interest rates. However, IOTA account balances have also fallen for the first time since 1981, reflecting the troubled economy. At workshops held jointly by the American Bar Association Commission on IOLTA and the National Association of IOLTA Programs ("IOLTA Workshops") in Boston this February, several IOLTA programs from around the country reported similar trends.³

Since at least 1993, national IOLTA revenue has run in cycles of roughly three years interrupted with occasional one-year or two-year cycles, tracking the national economy.⁴ Overall, IOLTA revenue has grown steadily over the past 15 years. Much of that growth has been fueled by states' implementation of mandatory IOLTA⁵ or comparability.⁶

Because of the depth of the current recession, 2008 may not simply be the first year of the next regular down cycle for IOLTA revenue. Several IOLTA programs are projecting much steeper declines than usual in IOLTA revenue for 2009-10.

What IOLTA Programs Can and Are Doing about Falling Revenue

IOLTA programs have already embarked on or are exploring a number of actions in an effort to soften further revenue declines. Responding effectively to falling IOLTA revenue was the topic of a full afternoon's discussion at the IOLTA Workshops. However successful these efforts may be, it is unlikely that they can offset the full effect of the current recession on interest rates and IOLTA account balances.

Mandatory IOLTA

In most states, it is now mandatory for attorneys to maintain IOLTA accounts. In several of the remaining states, programs have begun to advocate for mandatory IOLTA rules. Programs that converted to mandatory IOLTA before the recent drop in interest rates garnered

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From the Chair...

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Programs are also evaluating their reserve policies. IOLTA programs with reserves are deciding whether and how to distribute all or a portion of the reserves over the next few grant cycles in the face of a very uncertain future. Programs with and without reserves are contemplating how to design and implement policies that will best compensate for future, but inevitable, cycles in interest rates. This is a critical time in the evolution of IOLTA; many programs are taking this opportunity to consider policies which will make IOLTA funding more stable and, hopefully, less vulnerable to economic volatility in the future.

Brainstorming sessions provided for the broad exchange of ideas on funding for civil legal aid as well as how to best work with grantees during these turbulent times. Some common themes from sessions on the funding of civil legal aid included exploring new funding sources (such as rules providing for *cy pres* allocations to civil legal assistance) and creating IOLTA-like accounts for

court-held funds.

Sessions on working with grantees focused on increasing opportunities for cooperation, including shared contracts for services, and providing support for grantees' fundraising needs and initiatives. A full list of ideas from each of the brainstorming sessions will be prepared and circulated to the IOLTA community shortly. Susan Erlichman, President of the National Association of IOLTA Programs (NAIP), and I will be working with ABA staff to identify those items, if any, that should be explored and given additional attention at the national level.

IOLTA programs are also deciding what role, if any, they should play in educating the bar as to the details of the Temporary Liquidity Guarantee Program (TLGP). Specifically, programs are considering how and whether to assist attorneys in identifying banks which provide unlimited insurance on their IOLTA accounts and those that have chosen not to provide full insurance coverage. Some programs, such as the Massachusetts IOLTA Committee and the Arizona Foundation for Legal Services and Education, have posted information on their

websites regarding the TLGP with a link to the Federal Deposit Insurance Corporation (FDIC) website, where a complete list of the banks that have opted out of the TLGP program can be found.

The success of our efforts to include IOLTA accounts in the unlimited insurance provision of the FDIC's Temporary Liquidity Guarantee Program is a true testament to the strength, responsiveness and the dedication of the IOLTA community. It also demonstrated the very effective collaboration among the organized bar, the access to justice community, and particularly between the ABA and NAIP. Difficult times have always brought out the best in our community and will do so again in these trying times. We have seen that in our success with the FDIC and in the creativity and energy with which we are confronting our economic challenges.

Please join us at the 2009 Summer IOLTA Workshops to be held July 30th and 31st in conjunction with the ABA Annual Meeting in Chicago. The Workshops will provide another valuable opportunity to share ideas and develop strategies to more successfully chart our future together. I look forward to seeing you in Chicago.

Recovery

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significant increases in revenue. Programs taking this step now may increase revenue somewhat in the near term, but any increase will be limited by low interest rates and reduced IOLTA account balances. Still, making this change now may generate a substantial increase in revenue in the future.

Comparability

Some IOLTA programs have considered amending their IOLTA rules or guidelines to include an

interest rate comparability provision, while in the process of converting to mandatory or where rules making IOLTA participation mandatory already exist. As is the case with converting to mandatory in the present economic climate, adopting a comparability provision now may not result in much, if any increased revenue in the near-term because of low interest rates and reduced IOLTA account balances. However, IOLTA programs adding comparability provisions are setting the stage for revenue growth as the economy recovers.

It is important to point out that comparability is not a "one size fits all" proposition. To benefit from comparability, a portion of a program's IOLTA accounts must regularly hold balances in excess of \$100,000. That is the common threshold over which banks make higher-paying products available to customers and the minimum break-even point to offset the higher fees that go along with higher-paying products. Some IOLTA programs have, after analyzing their IOLTA accounts, concluded that comparability

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would not yield better results than they have already achieved by negotiating directly with banks for higher interest rates or reduction or elimination of service charges. Those programs usually revisit their analysis periodically to determine if changes in various factors have created more favorable conditions for pursuing comparability.

Reducing Bank Service Charges

Some IOLTA programs, which have drafted revisions to their rules or guidelines, have taken the opportunity to delineate which service charges can be deducted from IOLTA account interest and which are the responsibility of the lawyer or law firm.⁷ In addition, these programs have added provisions that prohibit banks from deducting service charges that exceed the interest earned on one IOLTA account from another IOLTA account, a practice called “negative netting.”

Tweaking “Benchmarks”

In some more recent comparability rules or guideline changes, participating banks are offered the option to comply with comparability requirements by paying a “benchmark” rate. A “benchmark” refers to a rate that reflects overall comparability in that state’s market. This is determined based on the IOLTA program’s analysis of the highest interest rate or dividend generally available to non-IOLTA customers holding similar balances at banks holding IOLTA accounts in its state. Benchmark rates are an attractive alternative because they are easier for both the bank and for the IOLTA program to administer.⁸

State or jurisdiction-wide benchmark rates have, until recently, been expressed as a

percentage of the prevailing FFTR set by the Federal Reserve. The FFTR was used to express the benchmark because, historically, it has been the major influence on interest rates paid on repurchase agreements and the earnings of money market mutual funds.

Although the FFTR was and may again in the future be the appropriate index for expressing a benchmark rate, when it recently plunged to .00% - .25%, it was no longer an accurate approximation of what banks were actually paying comparable, non-IOLTA customers. As a result, some programs in states where the IOLTA rule includes a benchmark rate have been seeking formal IOLTA rule changes or amending their guidelines in order to ensure receiving comparable interest rates.

Several new models are now being implemented to adjust existing benchmark provisions to allow flexibility in how the benchmark is expressed. Importantly, all of these models retain the guiding principle that however the benchmark is expressed it must reflect an overall comparable rate for that state. Also, these models continue to be premised on the analysis of the interest rate banks pay comparable, non-IOLTA customers and the requirement that qualifying IOLTA accounts must be paid the same rate of return.

One model requires banks that had voluntarily chosen to pay the benchmark rate to now pay the *higher of* the existing FFTR-linked benchmark rate or a flat interest rate that *currently* approximates the state or jurisdiction-wide interest rate banks are paying comparable, non-IOLTA customers. Banks that can demonstrate to the IOLTA program that the benchmark rate described above is higher than what they pay their comparable, non-IOLTA customers, may pay their own, lower comparable interest rate.⁹ Another model gives the IOLTA

program flexible authority to periodically reset the benchmark rate that reflects the state’s overall comparability rate. However, it does not require that the benchmark use a numerically flat rate or to express the rate in relation to a specific index.

A third model combines elements of the two previous models. It includes a provision that the bank pay the higher of a flat interest rate or a percentage of the FFTR, but allows the IOLTA program flexibility in determining how that interest rate may be expressed in terms of the FFTR or another recognized market index. It also permits the flexibility found in the second model so that the program can periodically adjust the benchmark to reflect the state’s overall comparability rate.

All of the models, which modify the traditional expression of benchmark rates, are consistent with the principle of comparability. They are premised on the analysis of the interest rate banks pay comparable, non-IOLTA customers and the requirement that qualifying IOLTA accounts must be paid the same rate of return.

NEGOTIATION WITH BANKS FOR HIGHER INTEREST RATES

IOLTA Programs without Comparability

IOLTA programs without comparability requirements are re-doubling their efforts to negotiate higher interest rates. These efforts generally produce better results where IOLTA accounts are maintained in regional or community banks among which there is greater competition for lawyer/law firm business. Negotiations are most fruitful when grantees, bar leaders and state justice commissions work in concert with their IOLTA programs.

IOLTA Programs with Comparability

Some of the more recently

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Recovery

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implemented comparability provisions of IOLTA rules or guidelines include clauses allowing for negotiated interest rates or inviting banks to pay rates higher than required under the comparability provision. Banks are then recognized by IOLTA programs in accordance with the level of interest that they pay. For example, an IOLTA program may publish a list of "Prime Partner" banks, which pay a rate above the comparable level and may highlight the highest-paying banks as "Leadership Banks." Banks can also be recognized for reducing or eliminating service charges. For the same reasons noted above, it is generally the regional or community banks that voluntarily choose to pay higher rates. Accordingly, where the majority of IOLTA accounts are maintained in larger or multi-state banks, revenue increases due to banks voluntarily paying rates above comparable levels are often lower.

If We Knew Then What We Know Now...

Looking back, many IOLTA programs now wish that they had been able to establish grant and operating reserves with the significant revenue increases earned through the implementation of mandatory IOLTA rules and comparability provisions. Those without reserves cannot reasonably be expected to maintain any measure of stable grant funding given the sharp decline in interest rates and therefore IOLTA revenues. This is true even if the IOLTA revenue enhancement activities described above achieve their maximum potential, and will remain so until the economy improves.

Looking Ahead

Recognizing that IOLTA revenue rises and falls in fairly regular cycles, IOLTA program and

grantee leaders can plan now for the future and strike a balance between increasing funding to make up for past grant funding cuts and setting aside grant and operating reserves when IOLTA revenue enters its next up cycle to help stabilize grants in the next down cycle.

The next up cycle will come, as will the next down cycle. In this sense, there may be no such thing as an IOLTA revenue "crisis" given that, historically, revenue goes up and down at fairly predictable intervals. Both IOLTA programs and legal aid grantees need to build that reality into their planning. Grantees should carefully consider IOLTA revenue cycles when increasing staff. One estimate is that it costs about \$39,000 for each staff position added and then eliminated when grant funds go down.

For IOLTA programs, there are a number of reserve policy models in place. Although, as we have learned, none is foolproof in a recession as severe as the present circumstances when interest rates plummet and investments lose ground and when none of us knows for sure whether our reserves will last longer than the recession.

IOLTA programs need to carefully project best and worst-case scenarios for IOLTA revenue and share those forecasts with their grantees. A number of accurate forecasting models are available that use interest rate and economic activity.

Grantee leaders need to have strategic plans in place for when IOLTA grants next decline; as they will inevitably do. Those plans should include building their own reserves as funding sources permit, and discussing with their IOLTA programs how much of the IOLTA grant may be held in reserve.

IOLTA programs and grantee leaders should decide together if reserve policies or grantee strategic plans should contemplate the type of economic collapse, we are currently experiencing.

The best future for IOLTA grant funding will come from careful and cooperative planning between IOLTA programs and their grantees.

It will be challenging in the future, as it has been in the past, for IOLTA programs to hold back increased IOLTA revenue and for grantees to do the same with their IOLTA and other sources of funding. Client services, infrastructure improvements for grantee organizations, and adequate IOLTA program staffing to administer IOLTA and maintain or generate increased income are all pressing needs.

We may have several years before which IOLTA revenues will rise. During this time, we can work together as a community and develop plans to avoid or substantially reduce future instability in IOLTA grant funding, grantee operations and IOLTA program operations.¹⁰ About three years following the next rise in IOLTA revenue, we will be able to look back and gauge our success.

Jane E. Curran has been executive director of Florida's IOTA program since 1982. She served on the board of the National Legal Aid & Defender Association and as a member of the ABA Commission on IOLTA.

Endnotes

- ¹ This article deals only with increasing revenue from IOLTA. However, many IOLTA programs are strengthening or considering expanding their activities to raise revenue from non-IOLTA sources such as fundraising, *cy pres*, state appropriations, filing fee increases and through other means. These efforts are often led or aided by state justice commissions.
- ² A weighted interest rate reflects the rate paid on the majority of IOLTA account funds.
- ³ It is important to note, however, that while IOLTA income is declining precipitously, in many states this will not translate into a similar percentage decline in IOLTA grants due to grant reserves established during the recent "up" cycle in IOLTA revenue.
- ⁴ 1993-1995 down; 1996-1998 up; 1999 down; 2000-2001 up;

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Grantee Spotlight

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Marta and Daniel obtained food and temporary housing at the local shelter. EC provided Marta legal representation on her restraining order, divorce, child support and custody cases and found a pro bono lawyer to assist with her immigration concerns. EC provided counseling services in Spanish for Marta and play therapy for Daniel.

Nine months after entering the program, EC helped Marta find a job and her own efficiency apartment where she lives safely with Daniel. She remains in poverty, but manages to provide a decent home for her son. Daniel now sleeps through the entire night without waking from a nightmare. Marta attends English classes on site at EC and talks positively about the future.

Legal Services to Immigrant Victims of Domestic Violence

Like Marta, women who access EC's services typically have many needs beyond the direct effects of violence, including housing, clothing, food, employment, childcare, and emergency

services. While EC has helped meet its clients' needs in most of these areas by collaborating with other organizations, the need for legal representation and advocacy has become more difficult to address. EC has long recognized that, in addition to emergency legal services to obtain restraining orders, domestic violence victims need legal assistance with divorces, child custody cases and immigration issues. EC's immigrant clients need these services in their own language and at little or no cost. In 2005, with funds from Interest on Lawyers' Trust Accounts (IOLTA) and other resources, EC added a legal services component to its spectrum of counseling and support services for victims and their children to meet this need.

Since then, the EC Legal Services Project has formalized its relationships with several providers of legal services, recruited and trained pro-bono attorneys, recruited students from the University of New Mexico Law Clinic for legal clerical support, and enhanced its existing relationships with private immigration attorneys. In addition to the development of a

highly functional infrastructure, EC's legal project has been successful in providing an array of quality services to the immigrant community. Direct legal representation has been provided to more than 500 domestic violence victims in cases that included custodial issues, restraining orders, divorce and international child abduction. Hundreds of domestic violence victims have received legal advice and thousands of others have received a variety of referral services and education about the legal system through EC's Legal Services Project.

A recent study has demonstrated that access to legal services is the only public service that reduces domestic abuse.¹ Leslie Orloff, Vice President and Director of the Immigrant Women Program at Legal Momentum: Advancing Women's Rights states, "isolated by violence, fear and misinformation on laws in this country, access to legal services and justice system remedies is vital to immigrant victims' ability to achieve safety and well-being in this country. Further, immigrant victims' ability to

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Recovery

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2002-2004 down; 2005-2007 up; as reported in the *IOLTA Handbook* published by the ABA Commission on IOLTA, 2008.

- ⁵ Rules making it mandatory for attorneys to maintain IOLTA accounts.
- ⁶ Comparability requires banks to pay interest rates on IOLTA accounts, which are comparable to those paid to other customers when IOLTA accounts meet the same minimum balance or other requirements. The recommended features for IOLTA comparability are: 1) mandatory IOLTA; 2) that banks choosing to participate in IOLTA must pay the highest interest rate or dividend generally available from the bank to

its non-IOLTA customers with similar account balances; 3) allowing the use of higher rate products including repurchasing agreements (REPOs) and government Money Market Funds; and 4) that lawyers may only hold IOLTA accounts at banks that have agreed to pay comparable interest rates or dividends.

- ⁷ Although IOLTA rules and guidelines differ, they generally permit banks to deduct standard checking account transaction charges as well as a reasonable IOLTA account administrative fee for reporting and remitting interest. Special services such as wire transfers or account reconciliation are the responsibility of the lawyer or law firm.
- ⁸ Traditional comparability provisions require the IOLTA program to work with each bank to determine the

comparable interest rate and then monitor remittances from that bank to ensure ongoing compliance if the bank has raised or lowered interest rates for comparable, non-IOLTA customers. Benchmark rates eliminate this need for constant monitoring.

- ⁹ This approach is likely to be effective over the long term as it allows for the use of either a flat interest rate or the original benchmark expressed as a percent of the FFTR in contemplation of a return of higher FFTR rates when the economy turns around.
- ¹⁰ It is important that any grantees interested in the kinds of strategies noted in this article work together with their IOLTA program in light of IOLTA programs' expertise about the banking system and technical aspects of IOLTA accounts.

Grantee Spotlight

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effectively participate in criminal prosecutions is significantly undermined, without legal assistance and support.”²

Domestic violence affects women from all nationalities and social classes. However, women from immigrant communities appear to be at greater risk and are less likely to access needed services. Moreover, women from other countries face a complex and unique set of obstacles. These include cultural and language barriers, increased threats of becoming separated from their children through deportation or international child abduction, lack of legal permission to work, and limited or no access to many public benefits. Immigrant victims of domestic violence frequently encounter a lack of understanding from service providers and the community about their specific needs and circumstances. They may also be frustrated by their own lack of understanding of how the U.S. justice system works.

The Growing Need

Like Marta, nearly all of EC’s

domestic violence clients and a high proportion of the Latino immigrant community in central New Mexico have incomes below the federal poverty level. A recent analysis of EC’s caseload revealed that 90% of EC’s clients who have experienced domestic violence live in deep poverty, earning less than 50% of the national poverty threshold. The remaining 10% are best described as working poor. Most clients are single mothers struggling to access basic necessities.

EC currently works with over 800 women and their children who find themselves in a desperate trap like Marta’s, and knows this is just the tip of the iceberg. EC adds approximately 20 new women and their children to its caseload each month, many through referrals from a variety of agencies, former clients and other members of the local community. The growing immigrant community in Albuquerque is increasingly comprised of women and children seeking refuge from the tremendous poverty and violence in their native countries.

Despite its early success at addressing the demand for legal services in the community it is evident that a high demand for services remains unmet and

additional resources are urgently needed. The current legal staff at EC, which consists of one supervisory attorney, one full-time and one part-time staff attorney, and one paralegal, cannot keep up with the demand for services.

Holistic Services and Leadership Development

To effectively overcome the barriers immigrant victims face, legal assistance needs to be combined with culturally and linguistically appropriate comprehensive services. EC provides free legal representation on civil cases, assistance with the completion of legal forms (including those required to obtain restraining orders), and advocacy in court. EC also provides counseling for both the victim and her child, connects victims with other services to meet basic needs, and offers educational opportunities such as parenting and life skills classes.

The legal staff works closely with EC’s other professional staff members including licensed psychologists, social workers, caseworkers, community organizers and administrators. All members of EC’s staff and board are bilingual and most

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From the Chair...

by Sheldon Warren

Chair of the ABA Standing Committee on Lawyer Referral and Information Service

On page 15 you will find an informative article by Michele Morley about the Modest Means Survey Report recently published by the ABA Standing Committee on Lawyer Referral and Information Service (LRIS). In the article, Morley highlights the modest means efforts of a number of the LRIS programs that responded to the 2008 survey. These programs should be applauded for the valuable service they are providing to the public.

The article also notes the two most common problems reported by the responding services: (1) the perception by members of the public that modest means programs are pro bono programs, and (2) the fact that there are simply more people who need legal services at a reduced fee than there are attorneys willing or able to provide such services. It is these problems I would like to consider in this column.

Addressing the latter issue first, it is an economic reality that a public service oriented LRIS simply cannot be all things to all people. Short of having access to a significant portion of the Troubled Asset Relief Program (TARP) funds currently being made available to stimulate the U.S. economy, an LRIS is not going to be able to meet the needs of every caller.

The sponsoring organization of an LRIS must set clear goals and objectives for that service,

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The Personal Touch: Service Sells the LRIS Referral

by Carol Woods

"Sam was so understanding and helpful! And the attorney he referred me to is great. She has helped other people who were starting a business *and* she understands real estate matters, so she can handle the paperwork for my business *and* help me with the commercial lease I am about to sign. Muchas gracias and thank you."

This client, fictionalized, but typical, called with questions about opening a store to sell her custom-made jewelry. She was hesitant to speak with an attorney because English is her second language and though she was nearly fluent, she was concerned that she might not understand everything the attorney said or that the attorney would have trouble understanding her. Sam, the Lawyer Referral and Information Service (LRIS) Legal Interviewer, listened carefully to understand the woman's concerns and specific legal needs. He explained that she could be referred to an attorney on our Business Law Panel who speaks Spanish, if that would be more comfortable. The client was very relieved to hear this, and even more pleased to learn that the lawyer also practiced real estate law and would be able to advise her about the lease agreement for the space where she hoped to open her shop. She and Sam discussed her availability, and soon he called her back with information about an appointment he had scheduled for her. The questionnaire quoted above expressed her satisfaction with our services and those of the attorney to whom she was referred.

It's an old adage that good customer care is good business, and it is no less applicable to those of us who are in "the business of public service." Since good business and good customer care go hand in hand, it helps to ask ourselves a few questions. What makes up good customer care for clients of LRIS programs? What sets us apart from the plethora of attorney advertising and on-line directories? How can we create and maintain a reputation for excellent service, so that clients will tell their friends, relatives and co-workers about the positive experience they had with us and our attorneys?

Public service LRIS programs offer something not readily available to people searching for an attorney: a live person to talk with, who is both empathetic and knowledgeable. The people who answer calls and respond to on-line referral requests in LRIS offices throughout the country help clients sort through what may be an overwhelming and confusing set of facts and then make unbiased, appropriate referrals. They also provide what no on-line directory or advertisement ever can—a sense that someone cares about their situation.

That personal attention is something we at the Bar Association of San Francisco LRIS try to accentuate in every interaction with our clients. It enhances the service we provide and it makes good business sense. Providing personalized treatment is just one of the factors that account for the fact that about 25% of the clients for whom we schedule appointments retain the attorney to handle their legal matter.

The personal connection extends beyond the first phone call, when our staff introduces themselves by name and explains that they will be calling the client with information about their appointment. When a referral request is received by email, a staff member often follows up by phone to make sure we have the information necessary

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From the Chair...

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recognizing that if it is to be a success and thus aid the maximum number of potential clients; it must view itself as being in “the business of public service.” The LRIS must operate as a business, realizing that, absent a rich benefactor with unlimited means, revenue must meet, if not exceed, expenses.

“Branding” is a term we hear less since the world economy went into a downward spiral. Businesses have turned their attention to surviving rather than expanding their market share. However, the necessity of developing a strong, identifiable brand is probably more important today than ever. In difficult economic times, consumers most often turn to goods and services they know and trust. It was with the goal of developing a nationally recognized “LRIS brand” that the LRIS Standing Committee introduced the “The Right Call for the Right Lawyer” logo and slogan in 1992 at the annual LRIS Workshop in Denver.

So, how do esoteric marketing strategies involving branding relate to lawyer referral services and their operation of modest means programs? One must first recognize and acknowledge that lawyer referral programs are primarily intended to provide a

mechanism by which the *middle-income* consumer can obtain legal counsel. If an LRIS is to be self-sustaining then its marketing must be focused on this segment of the legal consumer market. The brand of the LRIS should be that of a service that will provide a referral to a competent, affordable attorney.

“Brand extension”, is the broadening of the range of products or services sold using a particular brand. “Brand dilution” is the weakening of a brand through ill-conceived “brand extension”. The risk of the LRIS brand being “diluted” exists when the lawyer referral service attempts to offer modest means, or reduced fee, panels for individuals who are unable to pay an attorney’s standard rate.

Now, does the possible dilution of the LRIS “brand”, by the service maintaining modest means panels indicate that such panels should not be offered? My response to that would be a qualified no. Public service lawyer referral programs are uniquely situated to manage modest means programs. Having said that, operating a successful modest means panel is often extremely difficult. Over the years, many services have been unsuccessful in maintaining such panels for more than a brief period. Unless there is a clear delineation between the LRIS and the modest means panel, it can become difficult to manage

the expectations of clients with regard to the limited services provided through a modest means program. At the same time, the income qualifications of a modest means program can lead clients to erroneously expect that services will be provided free of charge.

Consequently, establishing a modest means program requires careful planning. Panel members must be assured that the modest means panel will be a small (albeit important), voluntary component within the larger LRIS. Such planning could also include talking with those services who responded to the recent Modest Means Survey and finding out what they have done to make their panels a success.

I believe that including the availability of modest means panels in LRIS advertising risks diluting the LRIS brand. Modest means panels should be marketed separately to lower income communities, legal aid organizations and lawyers willing to provide quasi pro bono services. LRIS advertising should focus on its core audience—middle-income consumers and potential LRIS panel members. Again, the latter should see LRIS as a reliable source of fee-paying referrals and the former should identify LRIS as a “brand” they can trust for quality referrals to attorneys experienced in their area of need.

Personal Touch

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to make an appropriate referral. We try to provide continuity for clients, making sure that they know they can call back and speak with the same interviewer (although they are assured that others on staff can help, as well.) Legal problems are personal problems, and for many people

it is reassuring to deal directly with an individual, especially someone who conveys both professionalism and concern.

Many clients who contact the LRIS have never had a legal problem before. The fact that they call us instead of contacting an attorney directly sometimes means that they may need a little extra support to have the confidence to meet with a lawyer. We have concluded that

it is not only good customer service, but also good business, to provide that support. After determining what the legal needs are, we work to schedule an appointment, making sure that the lawyer has an overview of the situation and is specifically interested in meeting with this particular client.

It may take several calls before we find an attorney with the

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Modest Means, Bold Programs: ABA Survey a Wealth of Information

by Michele C. Morley

Survey Overview

The ABA Standing Committee on Lawyer Referral and Information Service has conducted a survey of modest means programs every few years and has published the results of those surveys. The 2009 publication of the results of the most recent survey provides extremely useful information for LRIS programs. In addition to charts and text detailing the responses to the 17 survey

questions, the new edition provides contact information for all of the 37 programs that responded this year.

LRIS programs are designed to serve people who fall into the gap between those who qualify for publicly-funded legal aid and those who can afford to have a lawyer on retainer. This number of people in this gap has become larger lately because many people are slipping from the middle

class life style to situations where they have no job, no insurance and no home. LRIS programs want to address any gap in legal services now and in the future. So what are they doing?

Details About Program Operations

The survey reveals that there is a lot of consistency across LRIS modest means programs. Most

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Personal Touch

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appropriate experience who is interested in the matter and available at a location, date and time that are convenient to the client. Once we have arranged an appointment, we get back in touch with the client, either by phone or email, or both. Ideally, it is the same person they originally spoke with who calls with the information about their appointment. We also encourage clients to contact us again if, for whatever reason, the referral doesn't work out to their satisfaction.

On the other hand, if the attorney does not have the ability to assist the client, the personal attention that the LRIS staff provided is overshadowed by disappointment. Establishing requirements that ensure attorneys are appropriately experienced in the areas of law for which they wish to receive referrals, and having procedures in place that make it possible for staff to cross-reference several areas of expertise, allow us to match clients with attorneys

who *can* help. Arranging the appointment with the attorney and briefing them on the facts of the case minimizes referrals where the attorneys are not able to help.

For us, taking a few extra steps to connect with clients and to make it as easy as possible for them to meet with a qualified attorney has proven to be good business, as well as good customer service. Clients report a high degree of satisfaction. Panel attorneys are retained at a higher than average rate. Perhaps the most significant acknowledgment of our efforts is that among the most frequently cited referral sources are "Friend/relative referred me" and "I used the Service in the past."

Of course, not every caller can be helped directly by a referral to an LRIS attorney. Many callers are better served by a social service or governmental agency. Clients who call thinking they need to hire a lawyer are usually very satisfied with their experience with the LRIS when they instead are given information about an organization that can help with their situation, usually at no charge. In fact, many who say

they used our services in the past were given just such a referral, and having had a positive experience, contact us again when another legal need arises.

Our best efforts notwithstanding, there are some clients for whom we have no referral to offer. Sometimes their legal problem is so inconsequential that an attorney would not be interested in handling it. Even in those cases, if we take care to phrase the message that we can't help them in the most positive and caring way possible, it is likely that we can impart enough good will that the client would feel comfortable calling back later with a different matter.

In these hard times, making the personal connection and conveying concern about our clients' problems not only helps to boost people's spirits, it makes it more likely they will want to use our services again, and encourage their family, friends and coworkers to do the same. You can't buy better public relations.

Carol Woods is Director of the Bar Association of San Francisco LRIS.

Modest Means

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use a standard financial guideline to qualify for the program, based upon a percentage of the federal poverty guidelines. As with other client types, the LRIS staff does the initial client screening. Examples of intake forms and questions are included in the survey report. Options for payment of attorney fees vary; the report described a range of fee options from direct negotiation between the client and the attorney to set retainers or set fees for specific legal work.

While most modest means programs focus on providing family law services, some LRIS' include many or most areas of law within their modest means programs. Robin Brown LRS Coordinator for the New Hampshire Bar Association, when asked how they were able to include so many areas of law within the modest means program responded: "I have been here eight years and cannot recall any objections from panel members to the types of cases we are referring, and I believe a broad area of case types benefits the public we serve through the Reduced Fee Program."

Every LRIS struggles to market itself within limited resources. The survey report lists many inexpensive ways to market reduced fee programs, and better yet, provides examples of the marketing language and techniques used.

The report provides useful data on financial aspects of operating modest means programs. It offers statistics on the number of referrals made through modest means programs and the significant number of attorneys participating in these programs. It provides a listing of programs that charge percentage fees on modest means referrals.

Exceptionally detailed information about income qualifications, mission

Useful data on financial aspects of operating modest means programs.

statements, client and attorney service agreements, marketing materials, fees, intake question forms, and policy and procedures are provided in this publication.

Program Success

The survey asked was about the perceived success of modest means programs. A majority of survey participants rated their programs as "good" on a 3-point scale ranging from "poor" to "good".

The survey also inquired about problems encountered by LRISs that offer modest means programs. One problem cited by many respondents is the perception of some members of the public that modest means referral programs are pro bono programs. Another frequently-cited difficulty is that there are always many more people who need services than there are resources to accommodate this demand.

Useful Examples

The survey report provides a number of detailed examples of modest means programs. These include details on the Low-Fee Family Law Project of the Hennepin County Bar Association in Minneapolis, Minnesota. This project provides to prospective modest means clients a listing of estimates of the time it would take a lawyer to complete each of the legal tasks involved in family law cases is included in the report. The Director of the Program, Duane Stanley described the purpose of providing these estimates: "We present that listing as a guide we thought might help keep fees down, but of course, attorneys set their own times for tasks.

We pulled together a group of practitioners to recommend the actual numbers for the various tasks." Designing a modest means program with potential panel attorneys involved certainly helps gain support and participation from your legal community.

Another model is the Pro Seniors Hotline Referral Attorney Program in Cincinnati, Ohio. Its focus is "to enable the legal profession to render better service to the aging public." If more assistance is required beyond the hotline, then a referral to an attorney is provided—in many cases at a reduced fee. The Pro Seniors' survey material includes a reduced fee schedule chart and a nicely designed intake form.

The Small Business Program operated by the New York City Bar Association is designed to help small business owners who have moderate-income levels to obtain legal services. Small businesses create the majority of jobs in the United States. Modest means managing attorney Clara Schwabe indicated that serendipity played a part in creating the program: "We did not start the small business program at the same time as the others. It came about in one of those rare moments when you have all the right people in the room with the same agenda."

How to Order

The 242-page survey report is available in two versions. It can be downloaded for free at <http://www.abalegalservices.org/lris>. It is also available in print form for \$20 (plus S&H). To order a printed copy, contact Jami Krause, at the American Bar Association LRIS Committee – 312-988-5786.

Michele C. Morley is a consultant for the San Fernando Valley Bar Association Attorney Referral Service and a member of the ABA Standing Committee on Lawyer Referral and Information Service.

How Lawyer Referral Services and Proactive Client Relations Can Anchor Lawyers

by Gregg R. Frame, Taylor, McCormack and Frame LLC

The news and the lawyer blogs are replete with stories regarding large- and mid-sized law firms laying off scores of attorneys. The newly-disenfranchised attorneys, along with the many solo or small-firm practitioners, often face the question of how to marry the practice of law with the business of law, and how to make their law practice a profitable endeavor, in difficult economic times.

Despite the dire news and the tough economic times, there are a number of ways that attorneys, either newly displaced or operating in a small firm, can build their law practice. The most prominent practice development tool in those situations is joining your state or local lawyer referral service, which will immediately connect you with potential clients who are looking for legal representation in your field of expertise. In addition, practice development is achieved through continuing to invest in marketing your practice, reconnecting with dead files or dead ends, and treating every client touch as an opportunity.

Access Your Local Resources

One of the best ways to develop your practice, whether you are newly displaced or looking to supplement a continuing practice, is to join organizations that have a client base ready for your expertise. Contact your state or local bar and ask about its lawyer referral service. These organizations take calls from potential clients and match the client's needs with lawyers in that particular practice area. For a small fee, you can join the

The lawyer referral service is the first place that a newly-displaced or small practitioner should turn to develop his or her practice.

roster of available attorneys who will be referred cases in practice areas that you choose.

When I left a large firm and started a small firm with two other partners, I joined the lawyer referral service in my state, and found it to be an invaluable part of my practice. While many of the calls that I took from the lawyer referral service were from potential clients whose legal matter required only a quick answer or was not yet ready for legal representation, I have retained some tremendous clients through the lawyer referral service, clients whose legal needs have sometimes expanded beyond the discrete project they first encountered. For those matters that didn't provide an instant client, I had a valuable networking opportunity with a potential client.

I was initially skeptical at the type of client that I could retain through my lawyer referral service, myopically thinking that any sophisticated individual would have access to a lawyer or a network of lawyers from which to choose. I quickly learned that individuals and businesses look to their local lawyer referral service as a clearinghouse, where

they are likely to get a qualified practitioner who has been vetted for their expertise in a particular area and their willingness to take calls. This eliminates two common hurdles that clients face when trying to obtain legal representation.

A snapshot of LRIS cases that have been referred to me over the years highlights the integral part that LRIS plays in my practice and its continued growth. These cases include: contract disputes involving out-of-state entities being dragged into court in my state by long-arm statutes; incorporation and continued legal representation of start-ups; complex disputes involving landowners; employment based disputes; and many other clients.

In one particular instance, I represented a good-sized company from another state that was forced to defend a litigation in Maine. I asked the client's chief officer why they had gone through the LRIS, rather than seeking advice from his local counsel. He stated that he expected the LRIS to have done a thorough job screening its panelists, and he trusted that system as opposed to having one of his attorneys refer it to a colleague from another state who perhaps was not vetted as thoroughly.

The lawyer referral service is the first place that a newly-displaced or small practitioner should turn to develop his or her practice. While each referral will not yield a paying client, you will be constantly expanding your client and potential client list, while also performing a valuable public service. To give

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Anchor Lawyers

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you an idea of how valuable I believe LRIS is to our firm, both from the standpoint of client development and retention as well public service, each attorney that we hire is required to join LRIS, and all have indicated that it is an important part of their practice.

Beyond the lawyer referral service, your state or local bar also offers networking events that are great opportunities for newly-displaced lawyers and small-firm practitioners. For many practitioners, a sizable amount of their legal work will come as a result of referrals from other attorneys. In addition, you will likely receive a fair number of inquiries that are outside of your practice area, so you will want to develop a stable of lawyers that you trust for referrals of valued clients and potential clients. Lawyer to lawyer networking events allow you to meet other practitioners, and allow you to get the word out about your practice. Attend these functions as often as possible and follow-up with a personal contact after the event.

Market, Market, Market

I recently spoke at a CLE on building your law practice. One question I was asked was what my budget was for marketing. The answer was “unlimited.” It is imperative that you publicize your practice areas and availability. The law is a competitive field, and you want to be able to distinguish your practice. While the money we dedicate to marketing is unlimited, we are particular about the marketing we do. Find a marketing approach that works for you. For some people, that will mean print, internet, radio, television or other media. For others, that will mean personal contact marketing, through individual

Each attorney that we hire is required to join the LRIS... all have indicated that it is an important part of their practice.

client (or potential client) meals, attending sporting events or social events with clients, or attending client functions. A perfect example of this would be a client's fundraising event. One of the ways that non-profits tend to raise their funds is through charity events, like auctions or dinners. Attending these events is a great way to support your client and raise money for their cause. It is also a great way for you to meet new clients!

Raise the Dead

In the parlance of our office, dead files are those files that have not been touched in quite some time, and for which the work on the matter is completed. Dead ends are those calls we took that did not result in a client. Despite the “dead” characterization, both of these can be useful. On the rare occasion when there is down time, go through your list of dead files or dead ends. Follow up with the clients for which the work has already been performed. In many instances, those clients will have legal needs again, and maintaining a cordial contact is enough for them to recall the good work you have done previously. In reviewing the dead end file, are there any of those potential clients for whom you advised waiting before proceeding into legal representation, perhaps because their matter was far from ripe? Sending a hand-written note or a personalized email to

those clients is a great way to maintain contact.

There's No Such Thing as a “Waste of Time” Client Meeting

This past week, I had a meeting with one of my associates and a potential client. The associate had brought the client in, and wanted me to sit in on a meeting because the subject matter trained on a particular area in which I had a great deal of experience. The meeting was not fruitful from the standpoint of gaining a client. The potential client's case was thin, and we advised the potential client against pursuing any legal action. After the meeting, the associate apologized for wasting my time. Far from being a waste of time, I considered that meeting a positive meeting. We had met a potential client, we had exhibited our legal acumen, and we had helped someone understand the law better. While that particular meeting did not produce an immediate client, we dealt with the potential client in a professional and friendly way, and I am certain that should that individual have future legal needs, we will get the call. Don't burn bridges when the initial client meeting is not fruitful; treat it as an investment.

While tough economic times pose challenges for lawyers in small firms or newly-displaced lawyers, those challenges are not insurmountable. By accessing the resources available through the ABA and your state and local bars, and by accessing the resources in your own office, you can create, maintain, and grow your practice.

Gregg Frame is a founding member of Taylor, McCormack & Frame, LLC in Portland, Maine, where he focuses his practice on labor and employment law, corporate law, and litigation. Mr. Frame is also a member of the ABA Standing Committee on Lawyer Referral and Information Service and a Board Member and panelist of the Maine LRIS.



From the Chair...

by M. Catherine Richardson

Chair of the ABA Standing Committee on the Delivery of Legal Services

The Standing Committee on the Delivery of Legal Services has presented the Louis M. Brown Award for Legal Access since 1995. This year is a special one for the Brown Award. We observe the centennial of Mr. Brown's birth in 2009. Lou Brown was born at a time when most lawyers sought to serve large corporate interests over the needs of individuals. He went on to graduate from Harvard Law School in 1933, when the need for legal services was too frequently unmet by both practitioners and the organized bar. Lou spent the next 63 years advancing innovative ideas to improve access to people of moderate incomes. In the 1950s, he advanced the notion of legal clinics to provide widespread access for individuals. He then fostered the idea of preventive law, encouraging people to get periodic legal check-ups, just as they get medical check-ups.

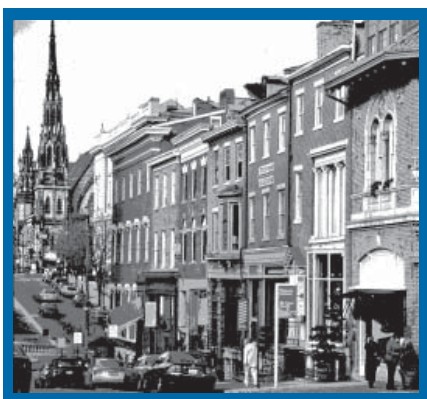
Most importantly, both as a practitioner and as a professor at the University of Southern California, Lou Brown created an environment of innovation. His students and protégés went on to advance improved avenues for access to legal services. They include Forrest Mosten, who has spent decades advancing concepts of unbundled legal services and was a Brown Award recipient for his lifetime of achievement, and Michael Cane, who, prior to the Internet, founded a hotline for legal services and was the first recipient of the Brown Award.

This year, the Standing Committee on the Delivery of Legal Services recognized four distinctly different programs. First, meritorious recognition was presented to the Community Legal Resource Network at the CUNY School of Law. The Network operates an Incubator for Justice, providing practice management support, mentoring and facilities that foster law practices oriented toward the representation of people in underserved communities. Next, the Committee gave meritorious recognition to Heisler, Feldman, McCormick & Garrow, PC, a Massachusetts law firm that represents low and moderate income tenants, consumers, employees and victims of discrimination in litigation and

is dependent on fee shifting for its compensation. Its clients are never obligated to pay a fee. The final recipient of meritorious recognition is a non-profit agency entitled Have Justice—Will Travel. The group provides legal services as part of a holistic endeavor to end domestic violence in rural Vermont.

The 2009 Louis M. Brown Award for Legal Access was presented to the Virtual Courthouse.com. This project illustrates the capacity of online dispute resolution to provide arbitration and mediation for the full range of legal disputes in ways that are quick and affordable. Lawyers serve as legal representatives for "litigants," mediators and arbitrators. Those who turn to the Virtual Courthouse are not constrained by time or location. They merely need Internet access. The program guides someone with a dispute through a series of online questions, enables them to select from a list of neutrals and facilitates a quick decision at a low cost.

The Committee is proud to recognize each of these programs. We encourage others to embrace, adopt, adapt and advance these and similar models as we collectively pursue our common goal of creating access to justice for all.



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Evolving LAMP CLE Content Tracks Real-World Needs of Servicemembers

The March 19 CLE program at Fort Carson, Colorado, blended the unflagging commitment of the Standing Committee on Legal Assistance for Military Personnel (LAMP) to hands-on support of Judge Advocates with fresh ideas about keeping the CLE curriculum current and highly useable for lawyers and paralegals in the field.

Along with tried-and-true offerings such as SCRA (Servicemembers Civil Relief Act) developments, legal ethics, and local family court procedures, the Fort Carson program delivered cutting-edge content on consumer law for servicemembers as well as the legal assistance implications of a raft of new federal and service rules on the medical evaluation process for injured servicemembers.

Under the direction of Pete Seidler, Capt. USCG (Ret.), the LAMP CLE planning chair and committee member, the Standing Committee on Legal Assistance for Military Personnel has reached out to unconventional sources for CLE programming with an eye on maximizing the benefit for the Judge Advocate audience.

For example, in the March 2008 LAMP CLE at Marine Corps Base Quantico (Va.), attendees heard from a pre-eminent authority and author on veterans benefits law, Bart F. Stichman of the National Veterans Legal Services Program, with a positive reaction across the board. At the next day's LAMP business meeting, Col. Greg Block, then-Dean of the Army JAG School, commented that he found Mr. Stichman's briefing extremely valuable for the Judge Advocates in attendance, who

...the Fort Carson program delivered cutting-edge content on consumer law for servicemembers...

not infrequently face veterans benefits inquiries from their servicemember clients.

Capt. Seidler, the LAMP CLE chair, said that new, out-of-the-box LAMP subject offerings resonate for today's Judge Advocates delivering legal assistance. "Expanding our CLE programs into areas such as veterans' rights law and medical review boards provides the military legal assistance practitioner with a foundation in topics not traditionally taught in other military legal assistance CLE programs," Seidler said. "This gives legal assistance JAGs a better understanding of important issues facing many of today's servicemembers as they transition from the military back to civilian life and better equips these legal assistance attorneys to help them and their families."

At Fort Carson, another recognized national authority, Ira Rheingold, Executive Director of the National Association of Consumer Advocates, briefed the Judge Advocate audience on the effects of the current financial crisis on consumers, with a special emphasis on common consumer abuses targeting military members.

In comments after his CLE class, Mr. Rheingold emphasized that young enlisted personnel

are particularly at risk for predatory creditor practices. "I spend a lot of time speaking to military legal assistance attorneys, and it is clear that their clients are incredibly vulnerable to consumer scams," Rheingold said.

"The young enlisted person is really the perfect target for predatory lenders, auto sales scams and the like. One, they have steady, but limited income; two, they are honor-bound to pay their debts, as they can get in trouble if they don't—for example, lose their security clearance—and, three, they are typically very young and out on their own for the first time. They're perfect targets—that's why you see military bases surrounded by payday lenders and bad car dealers.

"That's why it's essential that legal assistance attorneys learn how to represent them and find out what the scams are."

Mr. Rheingold is frequently on the road educating various groups on consumer protection laws. It was clear that his special interest in protecting military consumers was heart-felt. "I find it infuriating that the people who are sacrificing so much to protect our country are being targeted by these scams," he said.

The LAMP Committee was a primary advocate, within the American Bar Association, of military predatory lending reforms embodied in the 2006 Military Lending Act.

From the time LAMP started including these topics, legal assistance lawyers attending these programs have consistently commented on their relevance and timeliness to their practices and how these topics give them yet another tool to help the

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From the Chair...

by Donald J. Guter, RADM, USN (Ret.)

Chair of the ABA Standing Committee on Legal Assistance for Military Personnel

I am pleased to report substantial progress in the efforts of the Standing Committee on Legal Assistance for Military Personnel (LAMP) to encourage enhanced enforcement powers for the Servicemembers Civil Relief Act (SCRA) (50 U.S.C. App. §§ 501-596). On February 16, 2009, at the ABA Midyear meeting, the ABA House of Delegates unanimously adopted Resolution No.114, as proposed by the LAMP Committee.

The SCRA is the great statutory repository of substantive and procedural protections for servicemembers and their dependents, designed to ensure that creditors, landlords and litigants do not take unfair advantage of individuals who are away serving their country. The new ABA policy embodied in Resolution 114 brings the full support and persuasive power of the ABA to bear in urging Congress to amend the SCRA "to authorize the Attorney General of the United States to commence a civil action in any United States District Court when the Attorney General has reasonable cause to believe that a violation of the SCRA has occurred, on a matter of general public interest." The new policy further urges that such amendment "(i) clarify that a private right of action exists under the SCRA, pursuant to which servicemembers or covered dependents may bring

civil suits, independently or in conjunction with Department of Justice enforcement actions, for damages or injunctive relief arising from violations of the SCRA, and (ii) provide that a prevailing plaintiff in such an action may recover reasonable attorney's fees."

Neither the SCRA as originally enacted in 2003 (replacing the venerable but outdated Soldiers and Sailors Civil Relief Act) nor the amendments to the Act in 2004 and 2008 explicitly spelled out what should have seemed obvious—that the essential servicemember protections codified in the Act are subject to enforcement by court action. Now, Congress should take its cue from the ABA House of Delegates and move quickly to strengthen the Act by making manifest the right of both the Department of Justice (DOJ) and individual servicemembers to enforce their rights under the Act. Among other things, those protections require creditors to obtain court orders before taking adverse actions such as evictions, repossession of automobiles or other property, foreclosure on mortgages, termination or suspension of cell phone contracts, and enforcement of storage liens against covered servicemembers.

The new ABA policy restates two simple propositions that should be self-evident: That the SCRA's vital protections of our servicemembers can only be as strong as the opportunity to enforce them in court, and that there is no reasonable basis for disallowing public and private enforcement of its servicemember protections.

Indeed, for years the majority of federal courts have taken it as a given that an implied private right of action was part of the SCRA.¹

But LAMP and the ABA were spurred to action by a recent case in Michigan where a federal court

dismissed a servicemember's suit brought under the SCRA, holding that no private cause of action exists to enforce the SCRA.

In this case, Sgt. James Hurley was mobilized and deployed to Iraq. His mortgage company was so notified, but allegedly proceeded to ignore his demand for an interest rate reduction pursuant to 50 U.S.C. App. section 527; the company allegedly caused a non-judicial mortgage foreclosure to be executed on his property in violation of 50 U.S.C. App. section 533; and subsequently initiated eviction proceedings against Hurley's family and sold his property.² Fortunately, in an interesting and unusual action, on March 13, 2009, Judge Quist, on a motion to reconsider, reversed and vacated his previous decision, holding, *inter alia*, that the SCRA does contain an implied enforcement right and that Hurley was entitled to summary judgment on his wrongful foreclosure claim.

The Hurley reversal should not induce complacency, however, because as that case illustrates, counting on continued court recognition of an implied right of action going forward is an unsound strategy in a cause as important as preservation of SCRA enforcement. There is a not insignificant risk that, absent congressional action to cement enforcement powers, a federal appeals court or the Supreme Court could hold (as the Supreme Court has recently held in federal securities cases and other areas) that no private enforcement right is implicit in the SCRA.

LAMP and the ABA are not suggesting, and the ABA policy statement does not state or imply, that Congress must act because as currently written the SCRA does not support private or public enforcement. On the

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LAMP CLE Content

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servicemember in these trying times.

Another LAMP first at Fort Carson was a presentation by David Hoerber, Outreach Counsel at the Evans Army Medical Center, on legal assistance practice implications of the Medical Evaluation Board (MEB) process. Congress has pushed through numerous changes in the MEB and Physical Evaluation Board (PEB) process recently in response to the plight of wounded warriors, among them a heightened emphasis on attorney support throughout the process. The Army has brought in specialized counsel to work with eligible soldiers, but a role remains for regular legal assistance attorneys, who need to be up to speed on process requirements, according to Mr. Hoerber. "It's certainly important for the PEB/MEB process to get the word out to other legal assistance counsel, because they may run into a soldier who's involved in that process. The law is constantly changing in this area.", Hoerber said, after his class. Hoerber noted that in order to stay current on the evaluation board rules he checks the Army Physical Disability website biweekly for new guidance.¹

The Fort Carson CLE also featured a two-hour presentation on SCRA issues and developments by John Odom, Col., USAFR (Ret.), a private practitioner whose mastery of the SCRA and experience litigating its provisions has made him a regular lecturer at the services' JAG schools. The LAMP Committee has gained a double benefit from Colonel Odom's three-year term as Committee member, as he has been a major contributor both on committee matters and at the CLE lectern, as was recent LAMP Committee member Patricia Apy, a leading national expert and instructor

U.S. Department of Justice attorneys responsible for SCRA enforcement have been fixtures at the CLEs in recent years.

on military family law and also a regular lecturer at the JAG schools.

LAMP CLE programming is integral to the mission of the Committee. Twice in a typical year, LAMP stages CLEs around the country, taking care to rotate among the services and cover different geographic regions. In the past four years, the LAMP road show has appeared at Hickam Air Force Base (Honolulu, HI – July 2005); civilian quarters (Raleigh, NC – November 2005); Camp Pendleton (San Diego County, CA – March 2006); The Naval Justice School (Newport, RI – July 2006); Fort Sam Houston (San Antonio, TX – November 2006); The Air Force JAG School – Maxwell Air Force Base (Montgomery, AL – July 2007); Coast Guard 13th District (Seattle, WA – November 2007); Marine Corps Base Quantico (Quantico, VA – March 2008); Coronado Naval Station (San Diego, CA – November 2008); Fort Carson (Colorado Springs, CO – March 2009).

The LAMP CLEs and committee meetings also attract interest from outside of LAMP and military circles. For example, U.S. Department of Justice attorneys responsible for SCRA enforcement have been fixtures at the CLEs in recent years. Explained Elizabeth Singer, Director of the U.S. Attorneys' Fair Housing Program in DOJ's Civil Rights Division and head of the agency's SCRA

enforcement efforts: "One of the major ways the attorneys in my office and I stay in touch with the real world legal problems of active duty servicemembers is by regularly attending the LAMP Committee's CLEs and business meetings. It gives us the opportunity to engage in give-and-take with the chiefs of legal assistance from each branch of the military and with military and civilian attorneys who serve servicemembers.

"It allows us to hear about the most common SCRA issues facing the troops, such as foreclosures on their homes and the towing and selling of their vehicles without court orders, and difficulty obtaining the 6 percent interest rate on their pre-service obligations. It also gives us the opportunity to spread the word about the Justice Department's ongoing cases and investigations. And it gets DOJ lawyers out of their offices in Washington, D.C. to military installations throughout the country so that we can have a more direct look at how our SCRA enforcement mission can help servicemembers obtain the legal benefits Congress granted them in the SCRA."

At Fort Carson, Ms. Singer briefed the CLE audience on DOJ's escalated program to enforce the SCRA, including its effort to develop "pattern and practice" cases against systematic violators. She said the LAMP connection has been vital to the Department's SCRA enforcement push, which continues to gain momentum. "The Justice Department is very committed to enforcing the SCRA vigorously," she said. "We filed our first case in federal district court in December 2008, and we have conducted numerous investigations that have resulted in successful outcomes for servicemembers."

Other presenters at the Fort Carson CLE were Kevin Kuhn, Col., USAFR (Ret.), on Ethics

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From the Chair...

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contrary, the ABA is asking Congress to clarify that these enforcement powers are essential elements of the statute, and

have been all along. That said, contingency planning should always be part of sound military and legal strategy.

Endnotes

- ¹ See, e.g., *Marin v. Citibank, N.A., Inc.*, 2000 U.S. App. LEXIS 3789 (2nd Cir. 2000); *Engstrom v. First*

National Bank of Eagle Lake, 47 F. 3d 1459 (5th Cir. 1995); *Marin v. Anderson*, 1998 WL 1765716 (N.D. Tex 1998).

- ² See *Hurley v. Deutsche Bank Trust Company Americans*, 2008 WL 4937906 (W.D. Mich. (11/14/2008) and 2008 WL 4539478 (W.D. Mich. 9/30/2008).

LAMP CLE Content

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and Professionalism, and several members of the El Paso County (Colorado Springs) court staff, on Colorado Family Law Practice & Procedure. A separate paralegal ethics class was presented by LAMP CLE veteran Pat Lyons of the Roger Williams University.

The Army JAG attendees at Fort Carson were complemented by a strong turnout from neighboring Air Force installations, including the U.S. Air Force

Academy, Peterson Air Force Base, Schriever Air Force Base and Buckley Air National Guard. Lt. Col. James Durant III, an Air Force Academy faculty member and current Chair of the ABA General Practice, Solo and Small Firm Division, was the Committee's special guest.

The Fort Carson CLE presenters collectively hit the mark set by LAMP CLE Chair Seidler for balancing strong traditional offerings with new presenters on cutting-edge subjects. As the Committee continues to fine-tune its LAMP content to reflect

the particular legal landscape confronting today's soldiers, the more beneficial and lasting the LAMP CLE experience will be for the Judge Advocates and paralegals who attend.

Endnote

- ¹ For an article surveying major changes in the PEB/MEB process and its implications for legal assistance attorneys, see: Frost, Major John. 2008. "Wounded Warrior Update," *Dialogue* Vol. 12, No. 3, p. 20. <http://www.abanet.org/legalservices/dialogue/downloads/dialsu08.pdf>.

Grantee Spotlight

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of them are Latino; both of these factors help to foster a culturally sensitive and familiar environment for EC's clients. EC considers linguistic and cultural competency issues in every aspect of its work including staffing, advocacy, community education, community organizing and the provision of services.

EC's innovation goes well beyond these essential services. The organization engages its clients in a process of leadership development. Former victims are trained to become community educators and organizers in an effort to advance their rights as victims of domestic violence and as immigrants. Although EC's

primary focus is on assistance to immigrant victims of domestic violence, it recognizes that Albuquerque's immigrant community has several pressing concerns stemming from isolation, poverty and neglect. EC's mission is to give a voice not only to women like Marta but also to Albuquerque's immigrant community at large.³

Claudia Medina is a co-founder and the executive director of Enlace Comunitario (EC) in Albuquerque. She is also a co-founder of El CENTRO de Igualdad y Derechos, an organization working to advance immigrant rights in New Mexico.

Endnotes

- ¹ See Amy Farmer and Jill Tiefenthaler, "Explaining the Recent Decline in Domestic Violence", *Contemporary*

Economic Policy, Vol. 21, No. 2, April 2003.

- ² See www.legalmomentum.org. Legal Momentum: Advancing Women's Rights is the nation's oldest legal advocacy organization dedicated to advancing the rights of women and girls; it was originally founded as NOW Legal Defense and Education Fund in 1970.
- ³ In recognition of its innovative and comprehensive work EC was honored recently with the University of New Mexico's Mexican American Law Student Association's Fighting for Justice Award; the Samaritan Counseling Center's New Mexico Ethics in Business Award and the New Mexico Peace and Justice Center's Peace and Justice Award. In addition, EC's lead attorney, Elizabeth Rourke, was honored last year by the New Mexico Hispanic Bar Association with the Liberty and Justice Award.

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