

DIALOGUE

News and Perspectives from the ABA Division for Legal Services

Important Announcement from the Editor

Dialogue is moving to the web!

Starting with the Fall 2009 issue, *Dialogue* will only be available in web format. If you would like to continue receiving *Dialogue*, please submit your full name, title, company name, address, city, state, zip code, e-mail address and phone number to dialoguemag@staff.abanet.org or visit us online at www.abalegalservices.org/dialogue/ and click on "Dialogue Subscription Update."

SUMMER 2009
VOL. 13, NO. 3

Inside this Issue

IOLTA

Grantee Spotlight

Support for law graduates in public interest careers . . . 3

Pro Bono

ABA Pro Bono

Publico Awards

Highlighting the 2009 award recipients 9

Delivery

Delivery Milestones

M. Catherine Richardson reflects on the Delivery Committee's achievements 13

LAMP

Protecting Servicemembers' Credit

Helping servicemembers avoid credit problems . . . 14

LRIS

Twitter and Your LRIS

Evaluating the pros and cons of this popular social networking site 18

SCLAID

2009 Harrison Tweed Awards

Awards presented to the North Carolina Bar and the Philadelphia Bar 23

IOLTA Innovations and the Foreclosure Crisis

by Sofia Ali-Khan, Assistant Staff Counsel,
ABA Commission on Interest on Lawyers' Trust Accounts

By the time the economy began to decline, several legal aid programs had already developed sophisticated practices to address the issues of low-income consumers, including, among other things, predatory lending to low-income homeowners. The growing volume of these cases was an indication that problematic sub-prime lending practices were on the rise. Still, few programs were prepared for the magnitude of the problem that has emerged. Many Interest on Lawyers' Trust Accounts (IOLTA) programs are now working with grantees to build statewide foreclosure assistance projects to meet this new demand.



Building Stakeholder Coalitions

When the foreclosure crisis hit, the Ohio Legal Aid Foundation (OLAF) had already begun to implement recommendations from the Supreme Court of Ohio's Task Force on Pro Se and Indigent Litigants to improve access to justice for distressed homeowners in Ohio. These included recommendations to increase pro bono involvement and to encourage courts to set up mediation systems to assist self-represented litigants.

Ohio's courts, inundated with foreclosure cases, were eager to implement the latter recommendation quickly. Meanwhile, the attorney general's office was struggling to handle the overwhelming number of calls they were receiving from victims of predatory lending. Several key stakeholders were concerned about marshalling referral, pro bono, and legal aid resources to meet the need.

OLAF became aware of the emerging crisis early on, through a number of channels, including several statewide task forces focused on substantive areas of poverty law, communication with its grantees, and its own needs assessment survey. As a result, OLAF provided discretionary grants in the area of foreclosure

(continued on page 2)



Dialogue

Published by the American Bar Association
DIVISION FOR LEGAL SERVICES

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

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

The ABA Division for Legal Services encourages reprints of the articles in *Dialogue*. However, all rights are reserved and no material may be reproduced without the express permission of the ABA. For reprint permission, please contact:

Manager, Copyrights & Licensing
ABA Copyrights and Contracts Department
321 N. Clark Street
Chicago, IL 60654-7598
fax: 312/988-6030
email: copyright@abanet.org

The views expressed in Dialogue are those of the authors and do not necessarily represent the policies of the American Bar Association. The contents of this magazine have not been approved by the ABA House of Delegates and do not constitute ABA policy.

Read *Dialogue* online at www.abalegalservices.org/dialogue.html

©2009 American Bar Association ISSN 1092-2164

IOLTA Innovations

(continued from page 1)

defense and exclusively solicited fellowship proposals related to foreclosure defense in 2007. The fellows selected continued to report back as the crisis emerged.

In December of 2007, OLAF took the decisive step of bringing together key stakeholders on the issue of foreclosure. These included representatives from the Governor's office, the Attorney General, the Ohio Supreme Court, the Ohio State Bar Association, the state treasurer's office, legal aid programs, and housing counselors. OLAF relied heavily on its formal and informal relationships to bring key parties to the table, and to gather resources to address the emerging crisis. For example, a former OLAF board member who is now the Governor's chief of staff brought forth representatives from the Governor's office and OLAF's associate director of pro bono built exceptionally strong pro bono support for the project as the former president of the state bar association.

Each partner and the relationships that they brought to the table formed a critical element of what has become a successful foreclosure defense initiative. This initiative, called "Save the Dream," has mobilized dozens of legal aid attorneys and pro bono attorneys and tied together stakeholders' efforts across the state.

The Save the Dream Initiative now includes a hotline staffed by the attorney general's office, which is advertised statewide. To bolster available legal resources, the state Supreme Court and attorney general's office sent a joint letter recruiting pro bono attorneys to work on foreclosure cases. The Ohio State Bar Association registered pro bono volunteers and worked with legal aid to set up statewide and local Continuing Legal Education

(CLE) trainings. In May, Save the Dream was awarded the National Association of Pro Bono Professional's Best Practice Award.

When six legal aid programs around the state jointly submitted a grant proposal to OLAF to provide foreclosure defense, OLAF asked the applicant programs to create standard practices to serve homeowners facing foreclosure effectively in all parts of the state. The grant terms include the integration of pro bono resources in each program, as well as several advocacy components which integrate additional stakeholders. For example, the terms include advocacy with the courts and counties to properly set up foreclosure mediation programs, development of "Save Our Homes" community advisory groups, and legislative and media advocacy.

The leadership provided by OLAF to unify foreclosure assistance efforts in Ohio is unique, but it need not be so. Its grantees and other stakeholders were responsive to OLAF's efforts because they addressed a critical need felt throughout the legal system. OLAF's leadership has resulted in a model for collaboration that may permanently change how Ohio addresses access to justice issues.

Establishing Pro Bono Recruitment and Training Systems

The Arizona Foundation for Legal Services and Education ("AFLSE") realized there was a problem when signs began appearing in front yards declaring, "Auction tonight, house to the highest bidder!" even before their grantees began to talk about the dramatic increase in foreclosure cases. It was also clear to AFLSE that the existing legal aid program could not meet the swelling demand alone. Grantees were devastated to be turning away many homeowners facing foreclosure whose incomes were between 150% and 250% of poverty, and

(continued on page 4)



From the Chair...

by Jonathan D. Asher

Chair of the ABA Commission on IOLTA

During this current and most serious economic crisis, it is clear that effective collaboration is essential in our efforts to increase access to justice. This is certainly true of the Commission's efforts to expand and protect Interest on Lawyers' Trust Accounts (IOLTA) revenue that is so necessary for the support of civil legal services.

Virtually all of the Commission's work is accomplished through committees it sponsors jointly with the National Association of IOLTA Programs (NAIP). This partnership knits together the various skills and the interests of the IOLTA community, making it possible to respond quickly and effectively to needs for technical assistance, training and advocacy. The collaboration between NAIP and the Commission is a model of how organizations can work seamlessly together for the greater good. The work of NAIP and the Commission brings together the best both organizations have to offer. It has been a privilege to see first hand this exceptional collaboration in action.

In the past, the Commission and NAIP worked together to successfully defend the very concept of IOLTA in lengthy and protracted litigation. Last fall, the Commission and NAIP mobilized the IOLTA community, bar leaders and government officials to address the initial failure of the Federal

(continued on page 4)

Grantee Spotlight Opening the Door: the West Virginia Fund for Law in the Public Interest

by Professor Charles R. DiSalvo

The student plopped himself down in a chair in my office. "Forlorn" wouldn't begin to describe the look on his face.

"Why does it have to be this way?", he asked.

"What do you mean?"

"Here I am, a third-year law student, who's done respectably well in law school. I want to work for legal aid after I graduate. That's my number one preference. Yet, I can't."

"Why not?"

"Why not? There's not an open position to be found. And even if there were an opening, I couldn't afford to take it. It's a simple matter of economics. I owe a ton of money on my educational loans. The plain fact is that my monthly take-home pay from legal aid would not even equal my monthly loan obligation."

This student was about to graduate from the West Virginia University College of Law (WVU). West Virginia is entirely within Appalachia—a region well-known for its stubborn and brutal poverty. Here the need for legal services for the poor is immense and this student, with professional degree in hand, was stymied from helping those in need.

Something had to be done. And so, in the fall of 1987, the West Virginia Fund for Law in the Public Interest ("Fund") was incorporated by a WVU law student and a WVU law professor. The initial aim of the organization was to fund permanent, full-time jobs at legal aid and similar organizations in West Virginia. Reality quickly set in, however, when the founders realized that such a goal was well beyond their initial financial reach. So, they turned instead to the creation of summer opportunities for students. The goal was three-fold: to provide a measure of free civil legal services to West Virginia's poor, to create a feeder system for legal aid organizations in West Virginia, and to sensitize future members of the bar to the vast, unmet need for legal services by West Virginia's poor.

The Fund partnered with the Public Interest Advocates ("PIA"), a student group at the College of Law, to raise enough money to send a handful of students to legal aid offices during the summers of 1988 and 1989. In a 1991 change to the state's IOLTA rule, the West Virginia Supreme Court specified that the Fund would be one of several entities to annually receive special grant funding from IOLTA and was to provide summer legal interns to the state's four legal services organizations. The significance of that decision was—and remains—enormous. The Fund was able to greatly expand the number of students it could send into the field from just a few students at the program's inception to as many as eighteen at a time—about 5% of the eligible student body each year. From the time of the Fund's inception until now, the Fund has sent nearly 300 second and third year students into the field. The Fund's inclusion in the IOLTA program was not the only factor in the Fund's ability to expand at this time—the donations of West Virginia's lawyers and the support of law students were others—but it was a crucially important factor.

(continued on page 5)

From the Chair...

(continued from page 3)

Deposit Insurance Corporation (FDIC) to include IOLTA accounts in its provision of unlimited temporary insurance at participating banks under the Transaction Account Guarantee Program. The work of the Commission and NAIP had to be done very quickly, but despite the required speed of the effort, it was impressively thoughtful, professional and most effective. The FDIC responded to the American Bar Association (ABA) and NAIP and agreed to include IOLTA accounts in the unlimited insurance program. And today, we continue to work together on a number of projects including the development and presentation of high quality, relevant IOLTA Workshops and providing the technical assistance necessary to support the efforts of states to convert to mandatory IOLTA and adopt interest rate comparability.

In all of these endeavors, NAIP provides invaluable on-the-ground technical experience and the expertise of IOLTA directors and staff, while the Commission commits volunteers, staff and organizational resources to our

joint efforts. The partnership itself, built on a single vision and shared goals, functions with surprisingly little, if any, of the conflict that so often plagues or even derails attempts at collaboration. Thus, the energies of both partners, the Commission and NAIP, are fully directed to the important work of the joint committees. Without the contributions of each partner, the IOLTA community could not have realized the important gains of the last several years. As we move through this time of economic hardship and uncertainty, this continuing and mutually beneficial collaboration will be essential to planning and laying the foundation for a successful and sustainable future.

As I approach the end of my tenure as Chair of the ABA Commission on IOLTA, I would like to thank all of the members of the Commission and NAIP for their dedication to IOLTA, to one another, and to the cause of equal justice for all. I thank them for the day-to-day work that is required of them to expand, protect and manage the resources that help make access to justice possible for low-income people across the country. I would particularly like

to thank the leadership of NAIP and the staff of the Commission for the support that they provide to the joint committees and that they have provided to me. The presidents of NAIP during my tenure, Mark Braley and Susan Erlichman, have been consistently accessible, responsible, professional and a pure joy to have with me and by my side as good friends and valued partners.

I wish to thank Tamaara Piquion and LaVernis Hall who help staff the Commission, the very able assistant counsel with whom I have worked, first David Holterman and more recently Sofia Ali-Khan, a wonderful addition to the Commission staff, and Bev Groudine, who makes the work of the Commission and the committees possible, rewarding and so successful. All of us in the IOLTA community owe each member of the staff—Bev especially—a huge debt of gratitude and appreciation. It has been a privilege to be part of this dedicated, hard working and mutually supportive IOLTA family. Together, I know we will continue to make a huge difference and significant progress on our journey to achieve full access to justice for those in need.

IOLTA Innovations

(continued from page 2)

were therefore ineligible for free legal aid.

AFLSE awarded special funds to grantees to subsidize their outreach efforts to homeowners with incomes just above their eligibility guidelines, and provided in-kind services to improve grantees' web-based referral of these homeowners. What remained was to develop a willing group of pro bono attorneys to handle the incoming requests for assistance.

AFLSE worked with the state bar association and grantees to set up a CLE on foreclosure defense, requiring participants to take one case each.

Chief Justice Ruth Gregory of the Arizona Supreme Court became actively involved, identifying a mortgage broker who could provide training to pro bono attorneys, and encouraging members of the bar to donate their time. Twenty attorneys attended the CLE training session each week for five weeks, drawing 100 new attorneys from around the state into the pro bono foreclosure effort.

Pro bono recruitment efforts were so successful that an additional layer of coordination was required. AFLSE supplied the full time support of two legal interns, forming a project called Lawyers Helping Homeowners. Lawyers Helping Homeowners identified an additional partner in Pheonix Law School, and is preparing to refer foreclosure cases to the school's mediation clinic. AFLSE's pro bono recruitment, training, and coordination are a cornerstone of their efforts to cope with the foreclosure crisis in their state.

(continued on page 6)

West Virginia

(continued from page 3)

IOLTA funding not only helped the Fund increase the number of students in the program, it also made it possible to send the students to a wider range of organizations helping the poor. Today, thanks to IOLTA support, the West Virginia Fund for Law in the Public Interest sends students to a number of organizations, all of which are also IOLTA grantees:

- Legal Aid of West Virginia, the organization that serves the legal needs of the poor in all 55 West Virginia counties
- Childlaw Services, an organization that serves the needs of abused and neglected children in southern West Virginia
- Mountain State Justice, a legal aid society focusing on alleviating the problems caused for low-income consumers by predatory lending and
- West Virginia Senior Legal Aid, an organization that offers education and counseling on a range of issues affecting low-income seniors in West Virginia

Students provide thousands of hours of services each summer to clients of these organizations.

Some years ago, the Fund resolved to find a way to meet the goal it originally set for itself—making it financially possible for graduating students who had large debts to serve the poor through employment in legal aid societies. It set fund-raising goals that contemplated the continuance of the Fund's participation in the IOLTA program. Several years ago, those fund-raising goals were met, enabling the Fund to initiate a loan repayment assistance program for graduates. About a dozen students have since qualified for loan repayment assistance.

...the Fund set its sights on establishing post-graduate fellowships at legal aid and similar organizations.

The Fund was not satisfied with this progress, however. Even with the generous support offered through the loan repayment assistance program, only a few graduating students were able to take jobs with legal aid and similar organizations each year. Not every student who wanted to work in a public interest job was able to do so because there were simply not enough job openings to satisfy the demand. Cash-strapped legal aid organizations were unable to create a significant number of new positions.

Again using IOLTA funds as a stabilizing financial base, the Fund set its sights on establishing post-graduate fellowships at legal aid and similar organizations. Finally, that goal was reached when in 2007 the Fund selected its first post-graduate fellow and assigned her to Legal Aid of West Virginia to perform work on health care issues affecting the poor in West Virginia. In the fall of this year, Legal Aid of West Virginia will enjoy the presence of two post-graduate fellows. One will continue to work on health care issues; the second will focus his attention on housing issues. A third fellow will begin work at another organization serving the poor this fall.

Other students who have enjoyed summer public interest fellowships have been inspired to embrace a lifetime of service to the poor; they have gone on to not only work for, but head, legal aid and similar organizations. At the same time, the private practice and government sectors of the legal

profession in West Virginia have become populated by former summer public interest fellows. The chair of the Judiciary Committee in the West Virginia House of Delegates, partners at major law firms, heads of important state government agencies, the statewide political director for United States Senator Jay Rockefeller—all served as summer public interest fellows. On the national stage, summer fellows have gone on to teach at the University of Chicago Law School, lead a prominent environmental organization in Oregon, operate a nationally-known political blog and hold high-level positions with public interest organizations in Washington, D.C. and elsewhere. These individuals continue to be friends of legal aid.

The Fund has been able to enjoy some success because it operates as a partnership among law students, law faculty, the private bar, the West Virginia Bar Foundation and the West Virginia Supreme Court. A big part of the Fund's success is the environment in which it functions. The West Virginia State Bar has a long tradition of concern for the poor. It is from this tradition that the West Virginia Bar Foundation's IOLTA program—and its support for ventures like the Fund—grew.

Despite the measured success the Fund has enjoyed over the past twenty-two years, there is obviously much more to be done. There will be no shortage of poor persons who need legal help in the years immediately ahead. Those of us lucky enough to be associated with the Fund will not rest until every graduating student who wants to provide his or her professional services to the poor has a chance to do so.

Professor Charles R. DiSalvo has been a member of the faculty at West Virginia University College of Law since 1979. He also chairs the Executive Committee of the West Virginia Fund for Law in the Public Interest, Inc.

News and Notes

Revenue Enhancement

West Virginia and Wisconsin have adopted Interest on Lawyers' Trust Accounts (IOLTA) interest rate comparability. The West Virginia Supreme Court issued an order approving the rule change on March 17, and the new rule went into effect on April 15, 2009. The Wisconsin Supreme Court issued its order approving a rule change on July 1, 2009, and the new rule will go into effect on January 1, 2010. Interest rate comparability is a revenue enhancement strategy that requires lawyers to place their IOLTA accounts only in a financial institution that pays those accounts the highest interest rate or dividend generally available at the institution to other customers when IOLTA accounts meet the same minimum balance or other qualifications.

The Tennessee Supreme Court issued an order adopting both mandatory IOLTA and interest rate comparability on July 8, 2009. Tennessee lawyers have until January 1, 2010 to comply with the order. At that time, there will be a total of 40 states with mandatory IOLTA, and a total of 26 states with interest

rate comparability.

Assistance in exploring, drafting, and implementing an IOLTA interest rate comparability requirement is available through the Commission on IOLTA and National Association of IOLTA Programs Joint Technical Assistance Committee. Contact Commission Counsel, Bev Groudine at 312/988-5771 or bgroudine@staff.abanet.org for more information.

New IOLTA Director

Christopher O'Malley became the new Executive Director of the Interest on Lawyer Account Fund of the State of New York (IOLA) in May, 2009. He was previously the Executive Director of Student Sponsor Partners (SSP), a scholarship-mentoring program providing a quality education to over 1,250 at-risk children in New York City. During Mr. O'Malley's five year tenure, SSP achieved the highest graduation rate and posted the largest surplus in the



Christopher O'Malley

organization's 23-year history.

Mr. O'Malley joined SSP after a fifteen-year legal career, which included six years in the General Counsel's Office at Salomon Smith Barney, four years as a litigation associate at McAloon & Friedman, and five years as an Assistant District Attorney in Kings County. Mr. O'Malley is a graduate of Boston College and Boston College School of Law.

FDIC Insurance Update

On May 20, 2009, the Federal Deposit Insurance Corporation (FDIC) announced that the unlimited insurance provided to IOLTA and other specified accounts through the Transaction Account Guarantee Program, adopted in the fall of 2009 at participating financial institutions will not be extended beyond December 31, 2009.

As of January 1, 2010, funds held in IOLTA accounts will be treated the same as funds held in all other FDIC insured accounts: each depositor's total funds held in the financial institution will be insured up to a total of \$250,000 through December 31, 2013. For more information, visit www.fdic.gov/deposit/deposits/changes.html.

IOLTA Innovations

(continued from page 4)

Developing Innovative Funding Partnerships

In 2007, Michigan State Bar Foundation ("the Foundation") realized increased revenues as a result of adopting interest rate comparability. Ultimately, the Foundation allocated increased revenues to reserves and to fund several multi-year project grants targeted at statewide initiatives identified through a grantee

input process. Foreclosure assistance was one of the highest need areas identified and was included in the Foundation's request for proposals, which prioritized projects using regional or statewide collaborations.

The Foundation received a compelling proposal from a group of legal services providers to provide assistance to clients in foreclosure across the state. The project included legal representation, legal education to help individuals understand their rights, policy advocacy, and

credit/mortgage counseling. The Foundation became actively involved in shaping the project and requested that its proponents connect with other programs doing similar work. The collaboration grew to six main partner programs throughout the state and encourages additional relationships and referral protocols between partner programs and local mortgage counseling agencies. It includes a telephone hotline system for statewide intake, advice, and

(continued on page 7)

2009 Equal Justice Conference

The 2009 ABA/NLADA Equal Justice Conference brought over 700 attendees to Orlando in May. Networking opportunities such as service ads, “want-ads”, and speed networking provided several opportunities for conference attendees to interact and to learn about various projects. By offering more than 100 different programs, the conference created a forum for members of the legal services and pro bono communities, private bar, law school leaders, corporate counsel, judges, and other stakeholders in the civil legal services delivery system to share ideas and learn about new and unique ideas for serving the legal

needs of the poor. Jointly sponsored by the ABA Standing Committee on Pro Bono and Public Service and the National Legal Aid and Defender Association, the Equal Justice Conference is the largest conference in the country focused on the civil legal needs of the poor. The 2009 conference featured keynote speakers Attorney P. Sabin Willett and ABA President H. Tommy Wells Jr. Planning is already underway for a 2010 conference that will even exceed the 2009 event. Mark your calendars now for the 2010 Equal Justice Conference, to be held May 12 through 15, 2010 in Phoenix.

IOLTA

IOLTA Innovations

(continued from page 6)

referral of complex cases to participating programs, as well as a statewide web intake portal. Finally, the project includes a staff training plan, provided with assistance from the National Consumer Law Center.

The Foundation recognized that it could not offer enough funding for a project of this magnitude, and it encouraged the group to seek additional funding from the state and from private foundations. The Foundation made a very large project grant of \$500,000 in order to help encourage other funders to contribute. The Foundation then contacted the Ford Foundation (“Ford”) which had also received a proposal for this project, informed them about the Foundation’s grant and suggested a partnership for coordinating the funding and evaluation of the project. Ford made a large grant towards the

project after which several other funders contributed, more than tripling the Foundation’s original funding. The Foundation and Ford remain the major project funders. Together, they agreed upon and provided additional funding for in-depth evaluation to ensure that the statewide initiative would both meet clients’ needs and function as a model for other statewide collaborations. Both foundations agreed that using experienced evaluators would allow them to capture lessons that would benefit others. Evaluation consultants will manage a data-based evaluation, assessing the impact of the project on clients and on the delivery system. In addition, poverty and foreclosure law experts will visit programs and other partners in a series of peer reviews.

The successful partnership of the Foundation and Ford in both funding and capturing data from this project has reinforced the Foundation’s broader interest in engaging the greater philanthropic community. It is a

member of the Michigan Council of Foundations, through which it develops relationships with program officers and keeps apprised of the funding priorities of other grant making institutions. The Foundation has learned from this experience to consider the potential of its grants to attract additional funding for the legal services delivery system.

Each of the programs discussed here has, by stepping outside its traditional grant-making role, helped build an exceptional statewide foreclosure assistance program in its state. In these examples, IOLTA programs participated in statewide networks, gathered grantee feedback, participated in larger grant making forums and paid close attention to what was happening in their communities to inform their innovative leadership. Their efforts to support the delivery of legal aid to homeowners facing foreclosure demonstrate the great potential of IOLTA programs as catalysts in the development of more effective legal aid delivery systems.

An Inside Look at Solo and Small Firm Attorney Pro Bono

by *Melanie Kushnir, Assistant Staff Counsel, ABA Center for Pro Bono*

This article was reprinted in Solo, Vol. 14, No. 3 (Spring 2008).

While small firm and solo lawyers agree on the need for pro bono legal services, many say the demands of time and a lack of resources make it difficult, if not impossible, for them to contribute.

At the 2006 Annual Meeting, the ABA House of Delegates adopted Resolutions 121A¹ and 105² which, in part, urge solo and small firm lawyers to perform pro bono and community service (respectively). The Resolutions identify common barriers lawyers confront in performing pro bono and public service activities and urge adoption of policies and procedures that would aid in overcoming these barriers.

As a follow-up to the Resolutions, the ABA Standing Committee on Pro Bono and Public Service and the General Practice Solo and Small Firm Division (GPSSFD) developed an informal online survey of solo and small firm attorneys. The goal of the survey was to learn more about respondents' participation in pro bono and community service, including motivating factors and challenges to participation.

Survey Findings

The survey used the ABA's Model Rule 6.1 as the basic foundation for the questions about pro bono.³ The results confirmed that solo and small firms are deeply involved in their local communities. Respondents indicated that, within the 12 months prior to taking the survey:

- 74% provided pro bono services to persons of limited means or organizations that address the needs of the poor.
- 56% provided pro bono services to groups or

individuals by substantially reducing their fees.

- 53% provided pro bono services to groups or individuals seeking to secure or protect civil rights, civil liberties or public rights.
- 63% participated in activities for improving the legal system or legal profession.
- 80% provided non-law related community service activities.

In addition, respondents who reported providing some level of pro bono and/or community service activities contributed on average 77 hours and 65 hours (respectively) of service within 12 months prior to taking the survey.

Respondents who reported having performed pro bono service were also asked from what referral sources these matters derived. The most common sources of referral were a legal services or pro bono program or a family or friend to whom they provided services. The third-most cited source was "other." Comments indicated that these frequently came from court appointments, former clients, and various non-profits.

The primary reasons given for participation in pro bono and community service were a sense of professional responsibility, personal satisfaction, civic responsibility, the opportunity to enhance legal skills, and professional benefits such as contacts and referrals. Others indicated being motivated by an issue that has impacted their life or that of a loved one or an issue to which they are personally committed.

Factors that were not significant motivators included:

1) employer encouragement and policies; 2) encouragement of law firm clients; and 3) awards or professional and judicial recognition.

Reasons mentioned for not participating were: 1) a lack of time; 2) a commitment to family obligations; 3) a lack of skills or experience in the practice areas needed by pro bono clients; and 4) a lack of administrative support or resources.

The survey also presented respondents with a series of factors and asked the respondents to rate how strongly they agreed the factor would encourage or facilitate pro bono and community service work. While no factor emerged as the single factor that would drive solo and small firm attorneys to conduct more pro bono work, the findings did provide some insight as to what would motivate them. The top motivators cited were:

- Allowing the attorney to take on a discrete legal task as opposed to a full representation of the client
- Providing free malpractice insurance coverage related to the pro bono work performed
- Providing free training and CLE credit for pro bono
- Offering a full range of volunteer opportunities

The factors that would most encourage non-law related community service are: 1) a wide range of volunteer opportunities; 2) the opportunity to partner with other organizations on signature projects; and 3) a direct request from a colleague.

Based on this information, it becomes important to ask what the ABA, bar associations, legal service providers, and volunteers

(continued on page 12)



From the Chair...

by Mark I. Schickman

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

Poverty continues to be a pervasive problem in today's society. Both the Old and New Testaments attest to the enduring intractability of poverty and the exhortation to help the poor is a basic tenet of several religions worldwide as it is among secular humanists and every other school of social thought. And the ranks of the poor keep growing, even in our land of opportunity. Currently, one in eight Americans live below the federal poverty level.

We have been at war against poverty for the past 35 years, and poverty is winning. The chronically poor have been a constant since President Johnson launched the War Against Poverty, and despite limited success in reducing the numbers of individuals affected by poverty, circumstances such as disasters, foreclosures, illness, human predators and a system more focused upon capital gains than human losses tend once again to swell the ranks. As a result, those who serve the poor have no shortage of clients.

Most of this war has been fought by people who re-up for a lifetime of battle, and we wonder what else there is to do? What have we not tried? What has worked? For better or for worse, we have been given a set of new challenges in the new millennium. We may die of exhaustion in fighting this good fight, but not of boredom.

The legal community is stepping up to do its part.

(continued on page 10)

2009 ABA Pro Bono Publico Award Recipients

The ABA Pro Bono Publico Award is presented each year by the Standing Committee on Pro Bono and Public Service to honor individual lawyers, law firms, law schools, government attorney offices, corporate law departments and other institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to the poor. The Pro Bono Committee received 29 nominations for the 2009 Award. After a very thorough review, the committee selected the following recipients:

Hope Olsson

After a long career in the software business Hope Olsson went back to law school in her late 40s. She has done pro bono work since that time. As a small firm attorney at Olsson, Fedder LLP in Rochester, NY, Olsson has counseled over 348 individual clients for the Volunteer Legal Services Project (VLSP) of Monroe's County's Debt Clinic. Through her work with the Clinic, she provides debt management education for low-income clients, participates in one-on-one client counseling sessions and accepts bankruptcy case referrals. She was also instrumental in helping VLSP establish the Clinic, a model that is one of the most successful in the region. Olsson continues to provide pro bono legal assistance in bankruptcy cases despite recent changes in bankruptcy law that have made this type of work more complicated for practitioners. She has also staffed a project once per month in the Rochester City Landlord Tenant Court to advise unrepresented tenants appearing in the Court of their rights and has done some pro bono immigration work.

Since 1998, Olsson has also been a member of the Board of Directors for Farmworker Legal Services of New York (FLSNY). She assists the project by helping to ensure that farm workers who have successful claims are compensated even when the employer files bankruptcy. She assists FLSNY staff attorneys in answering legal questions and providing mentoring in bankruptcy litigation.

In 2006, Olsson received the New York State Bar Association President's Pro Bono Service Attorney Award. She has also been actively involved in the Monroe County Bar Association's Bankruptcy Committee, which addresses issues of process and justice in Bankruptcy Court, and was a member of the Association's President's Commission on Access to Justice.

Gordon P. Erspamer

Gordon P. Erspamer of Morrison & Foerster in San Francisco, CA has been actively involved in pro bono for almost 30 years. He has received numerous awards during this time honoring his work as a tireless advocate for veterans' rights.

Erspamer's pro bono cases tend to be large in scope, often brought against government institutions to enforce veterans' rights. One of his earliest cases involved an effort to declare the \$10 attorney fee limitation imposed by the Department of Veterans Affairs unconstitutional. In 2007, Erspamer filed a lawsuit alleging that the U.S. Department of Veterans Affairs and other government institutions failed to care for veterans who returned from Iraq and Afghanistan suffering from post-traumatic stress disorder. Most recently, he filed an action for declaratory and injunctive relief under the United States Constitution on behalf of a group of veterans who

(continued on page 10)

From the Chair...

(continued from page 9)

More attorneys (73%) donate more pro bono (an average of 41 hours a year) than ever before. Our law firms have professionalized their pro bono activities—over 130 ABA accredited law schools devote major resources to pro bono and we have harnessed technology to reach pro bono clients who reside 1000 miles from the nearest legal services office. Yet despite these efforts, we are still not able to address 80% of the legal needs of the nation's poor. Unfortunately, government funding of legal services doesn't appear to be a realistic answer. It would take at least \$5 billion—a 10-fold increase in current government expenditure—to meet the legal needs of the poor. That kind of money is going to GM, Citibank and AIG; but it is the first line item to be eliminated by executive offices seeking to balance a budget.

So, this fall, lawyers across America will hit the streets during our first Pro Bono Week Celebration. We'll urge our colleagues to redouble our efforts—asking all lawyers to hit the benchmark of 50 hours

of pro bono service per year. Currently, 27% of the private bar reaches that goal; doubling that figure is an attainable goal.

We should use that week to proudly point to our pro bono colleagues who soldier against poverty every day, including our 2009 Pro Bono Publico Award winners—Gordon Erspamer, who fights for forgotten military veterans suffering from post-war traumas who are often denied the legal rights for which they fought; the Federal Pro Bono Project, government lawyers who understand that even publicly funded lawyers have a public obligation to the poor beyond their normal working hours; the Holocaust Survivors Justice Network, a nationwide model for the delivery of discrete, targeted, scalable service for one of the most vulnerable, abused populations on the globe; Hope Olsson, a lawyer in one of New York's smallest law firms, and the lawyers of Weil, Gotshal & Manges, one of New York's largest, who have all shown that pro bono lawyers come from every town, every practice, every philosophy—joined only by the belief that the privilege of practicing law comes with the responsibility to provide equal access to justice for all.

It is time to bring community

resources to bear, as well. The civic and interfaith communities in which we work fight for public benefits to ease hunger, and homelessness, but do not understand that the poor won't get those benefits without lawyers to obtain them. Groups advocating for the rights of veterans, immigrants, or minorities need to know that those rights are unattainable without pro bono lawyers to enforce them. Pro Bono Week should be filled with PSA's, editorials, speeches and gatherings spreading this truth to every part of our community.

Some wars are not destined to be won. The war for equality, over freedom from need, for the restoration of human dignity is worth fighting, even though victory will always be elusive. For the past seven years, I have been privileged to be one of the Pro Bono Committee's soldiers in this unending war, following the great men and women who made pro bono the most shared value of the bar, and to be followed by others who will bring us closer yet to the goal of equality. It is a battle which will only be lost if we stop fighting, stop aspiring toward the principles of equal justice that bring worth and nobility to what we do.

Publico Award

(continued from page 9)

acted as human test subjects for chemical weapons in the late 50s and 60s.

In addition to his impact pro bono work, Erspamer has brought individual cases on behalf of veterans with profound disabilities who were denied benefits. He has also assisted attorneys and veterans with questions concerning veteran benefits and advice on the Department of Veterans Affairs claims process.

Erspamer has served as a

member of the Board of Directors of the Contra Costa County Bar Association, where he was a member of the Pro Bono Committee and Chair of the Judicial Evaluations Committee. In 1992, Erspamer was named "Trial Lawyer of the Year" by the Trial Lawyers for Public Justice Foundation in Washington, D.C. Fifteen years later, he continues his pro bono work to ensure the rights of veterans and mentors numerous attorneys who do work in this area.

Federal Government Pro Bono Program

The Federal Government Pro Bono

Program was originally established in 1996 to comply with an order from then President Clinton which instructed federal agencies to "develop appropriate programs to encourage and facilitate pro bono legal and other volunteer service by government employees to be performed on their own time, including attorneys, as permitted by statute, regulation or other rule or guideline."

Led by the United States Department of Justice, 36 federal government agencies currently participate in the Interagency Pro Bono Working Group.

(continued on page 11)

Publico Award

(continued from page 10)

group was developed to assist federal government agencies with drafting pro bono policies, promoting the federal government's pro bono efforts, and expanding the pro bono program to other agencies and cities. Although the program has been well established in D.C. for over a decade, recent efforts have been made to expand the program to federal agencies in other states. Recently, a pro bono program was launched for federal government attorneys in Chicago that involves a number of local Chicago pro bono organizations.

One of the unique aspects of the program has been its ability to thrive despite the unique challenges facing government attorneys who want to do pro bono work. Because government attorneys must provide legal services during their own time, cannot use government resources in providing services, and must be cognizant of job-related conflicts, pro bono work becomes all the more challenging. Yet, despite these obstacles, federal government attorneys have been able to provide pro bono services for a number of local agencies, engaging in such tasks such as providing advice and referrals, litigating civil cases, staffing clinics, and conducting mediation.

Holocaust Survivors Justice Network

In October 2007, German Chancellor Angela Merkel announced the creation of the German Ghetto Work Payment (GGWP) program to provide a one-time payment of 2,000 Euros to Holocaust survivors who performed "voluntary" work in German-controlled ghettos. Over the course of the next year, legal professionals in over 30 cities in the U.S. came together who collectively provided over 34,000 hours of pro bono service to

survivors, resulting in over 2,000 GGWP applications being filed.

The Network has been called "the largest coordinated pro bono effort in United States history." Never before has such a large group of legal professionals come together to coordinate such a seamless effort to reach individuals in need across the nation. Because of the use of technology and strong coordination among partners, the Network has been able to reach an unprecedented number of survivors in an extremely short period of time. In addition, the Network has been able to identify survivors who were previously unknown to social service agencies or local survivor groups due to their vast marketing campaign and other outreach efforts.

Some of the innovative actions that the Network has taken include visiting survivors in their homes to ensure access to services, holding daylong clinics at a firm, holding several

simultaneous clinics in a community, and developing a technological platform to track client assignments and case progress. Currently, there are over 2,600 attorneys from over 130 firms participating and there are plans to expand the program to Australia and Canada.

Weil, Gotshal & Manges LLP

In 2004, Weil, Gotshal & Manges developed an innovative pro bono policy which requested that every lawyer in the firm perform 50 hours of pro bono work, every partner and counsel take or supervise at least one pro bono matter, and every new lawyer work on at least one pro bono matter. By implementing this policy, the firm nearly tripled its pro bono hours. The firm's U.S. average number of hours per attorney has also reached over 80 hours for the past few years.

Weil's involvement in pro bono cases is extensive both domestically and internationally. Some of the firm's most notable efforts include working with Human Rights Watch to monitor and analyze on a daily basis motion practice and jurisprudence at the International Criminal Court and working with the Innocence Project in supporting its litigation, administration and policy work.

One of the more unique pro bono efforts of the firm is its participation as the first "beta subscriber" to Pro Bono Net's interactive Pro Bono Manager. This fully integrated online portal, known in the firm as the "Weil Pro Bono Hotspot," serves as a repository of all materials relevant to the firm's pro bono practice. In addition, the firm initiated World Pro Bono Week in 2008, during which all Weil offices held a special pro bono related event. The firm also sponsors externships of four to twelve month(s) duration at leading public service organizations. Summer associates and retiring attorneys are also

(continued on page 12)



ABA Pro Bono Publico Award

Solo and Small Firm

(continued from page 8)

can do to increase pro bono attorney involvement of solo and small firm practitioners.

Foster Pro Bono Ethic of Service

This survey demonstrates that a large number of solo and small firm lawyers have a profound sense of responsibility to perform pro bono and community service activities and that they gain personal satisfaction from doing so. While awards, CLE credit and other inducements may encourage some participation, it is even more important that the ABA, law schools, and the legal community foster a sense of professional responsibility to volunteer.

Communicate Availability of Support

Survey responses identified a number of obstacles unique to solo and small firm practitioners who lack the administrative support and resources of a larger firm.

Pro bono and legal service organizations commonly provide free training sessions and some states provide CLE credit for services performed. In addition, most offer malpractice coverage, reliable pre-screening of client financial eligibility, mentoring and co-counseling programs, and opportunities to partner with larger firms on complex cases. Programs that offer these services must communicate more effectively

the availability of these services for cases that they refer.

Offer a Breadth of Opportunities

Legal service and pro bono programs should offer a wide range of volunteer opportunities including those that enable attorneys to perform discrete legal tasks such as initial consultation or limited representation. Transactional lawyers, who don't want to go to court, can perform discreet transactional projects assisting either nonprofits that help underserved populations or micro entrepreneurs who qualify for service or who are developing a needed business in a distressed area. Similarly, programs can coordinate general counsel relationships for an individual to work for a small non-profit that helps underserved populations.

Sign-up!

Individuals wishing to volunteer can find pro bono opportunities within their communities by searching the National Pro Bono Opportunities Guide at www.volunteerforprobono.org. The guide indexes links to organizations and web sites that list pro bono opportunities in each state and provides information on available support services.

Increase Awareness and Recognition

The ABA, legal service programs, and their volunteers are poised to develop educational and public awareness materials to promote pro bono service. Lawyers in small firm settings

can support these efforts by participating in bar association initiatives such as programs discussing best practices for encouraging pro bono and public service, recognizing lawyers' participation through public service awards and highlighting achievements in various print and electronic publications.

While the survey's quantitative results did not indicate that bar association recognition was a strong motivator for pro bono service, many respondents focused on this in their comments. As one respondent indicated, "The ABA and other organizations should give greater recognition to the contributions of solo practitioners who devote substantial amounts of time to pro bono... Too often, large law firms and corporate law departments both of which have substantial resources are given recognition for their pro bono work to the exclusion of solo practitioners who go unmentioned."

If you are a solo or small firm practitioner and have suggestions related to this article or are interested in learning more, contact the ABA Center for Pro Bono Assistant Staff Counsel, Melanie Kushnir at kushnim@staff.abanet.org.

Endnotes

- ¹ <http://www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentyonea.doc>
- ² http://www.abanet.org/renaissance/downloads/2006MY_105.pdf
- ³ <http://www.abanet.org/legalservices/probono/rule61.html>

Publico Award

(continued from page 11)

urged to continue pro bono work for the firm and Weil partners with its corporate clients on several pro bono projects.

Over the past two years, the

firm has received upwards of 20 different awards from programs around the country for its laudable pro bono work. These include the Pro Bono Institute Pickering Award, the Lawyers' Committee for Civil Rights Under Law Advocate for Justice Award and the Law Technology

News Award for Most Innovative Use of Technology for a Pro Bono Project.

The recipients of the 2009 ABA Pro Bono Publico Award were honored on August 3, 2009 at the Pro Bono Publico Awards Assembly Luncheon during the ABA Annual Meeting in Chicago.



From the Chair...

by M. Catherine Richardson

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

After three years of service, my tenure as the chair of the Standing Committee on the Delivery of Legal Services comes to an end soon. When I was appointed chair in the fall of 2006, the thought of an Obama presidency was for those with active imaginations, twitter was something that birds did and TARP was something that covered a baseball field when it rained. During this time, the Delivery Committee instituted some changes as well.

During my tenure, the Committee has recognized three outstanding projects with the Louis M. Brown Award for Legal Access. First, the New Hampshire Bar Association was honored for the work it did to change policies governing unbundled legal services. The Bar's Pro Bono Committee and Ethics Committee collaborated to provide the intellectual insights necessary to take a concept and see it through to adoption by the state's Supreme Court. New Hampshire lawyers now have clear terms to guide them when providing limited scope representation. The following year, the Committee recognized the Chicago-Kent College of Law Center for Access to Justice and Technology for, among other things, the work it did to create a technological platform for A2J software. A2J enables a person to take a virtual walk down a pathway to the courthouse, answer simple questions and end up with a

package of documents ready to file with the court. The same year, the Committee recognized Sue Talia for her extraordinary commitment to educating lawyers and those in the courts on unbundled legal service. Sue has selflessly traveled across the country giving presentations to bar groups, access to justice entities and courts on how lawyers can unbundle their services responsibly. This year, the Committee honored the Virtual Courthouse, an online dispute resolution model that enables people to settle matters inexpensively, quickly and conveniently. The Virtual Courthouse is an alternative to small claims courts that may soon become the norm, rather than the exception.

The Committee has expanded its collaboration with other entities both inside and outside the ABA. In each of the last three years, Committee members, alumni and staff have contributed to the workshops at the ABA/NLADA Equal Justice Conference. We have explored topics ranging from the impact of Civil Gideon on those with moderate incomes to technological advances in the delivery of legal services. We have also contributed to the ABA TechShow and to the Bar Leadership Institute. At the 2009 ABA Annual Meeting, the Committee presented a plenary session at the program of the National Conference of Bar Presidents on practicing law in a difficult economy. In addition, members have participated in programming sponsored by law schools, such as the recent Law for America workshop hosted by the S.J. Quinney Law School at the University of Utah. And, we have worked with outside entities including the Self-Represented Litigants Network.

The Committee's outreach efforts also extend to a reinvigorated web site, at www.abanet.org/legalservices/delivery.

We now post upcoming developments about bar initiatives from around the country on innovations in the delivery of legal services. We post links to an array of articles on topics such as unbundling and e-lawyering from both the general press and from bar publications. I am particularly proud of the training material that we have recently posted on unbundling. This program, provided by Sue Talia, is designed to train the trainer and includes video, a PowerPoint and written materials.

Much of the Committee's policy work has focused on tracking and reporting changes to state rules of professional conduct and procedure that enable people to have better access to the courts and to lawyers. This information is included in the Committee's online Pro Se/Unbundling Resource Center. We are also in the midst of a project examining polices that govern the use of technology to deliver legal services. Throughout 2008, the Committee held a series of hearings and has gathered information that is being used to identify the policy needs as we strive to strike the balance between improving access and protecting consumers who turn to the Internet for legal services.

Not only have we done great things, but I've had a chance to work with great people along the way—ABA section leaders, judges, academics, legal aid lawyers, practitioners and wonderful ABA staff have come together to make my service on this Committee a unique and enriching time. I turn the gavel over to Rich Cassidy, who served as the Committee's liaison from the Board of Governors before joining as a member last year. I am confident Rich will do a great job as chair and hope he finds the experience as fulfilling as I have.

Helping Servicemembers Avoid Consumer Credit Traps

by the Standing Committee on Legal Assistance for Military Personnel

The stresses of military life are many. Even in good times, personal financial pressure is one of the greatest challenges facing servicemembers and their families. In a time when the United States is fighting two wars and a world-wide recession lingers, military families are particularly vulnerable to financial problems. A few simple borrowing tips can substantially ease that burden for many, and awareness of laws designed to shield servicemembers from financial abuse can also provide relief. Knowing where to ask for help can also make a difference.

Borrowing Tips

Borrowing money can be confusing, especially to those who are inexperienced with credit. Here are some tips for those considering taking out loans:

- **Debt comes at a cost.** We live in a credit-based society where people routinely borrow money to purchase homes, vehicles, appliances and other consumer goods. While credit is sometimes necessary and beneficial (a home mortgage or a car loan), impulsive or unnecessary credit purchases can put them in a debt hole that is difficult to escape, as accruing interest can rapidly increase the amount owed back to the lender. For many young and financially inexperienced servicemembers, it is easy to overlook the financial burdens that they are creating down the road when they take on consumer debt.
- **Getting help.** There are many resources available to borrowers. Servicemembers and their spouses considering

a loan may contact their local legal assistance office for help. The internet can also be an excellent informational resource. A list of approved credit counseling agencies by state is available through the Department of Justice's (DOJ) website at http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved.htm. There are readily available consumer credit counselors willing to assist with what can be a complicated process.

- **Seeing the big picture.** Low monthly payments do not always mean that the loan products are good ones. Borrowers should examine the interest rate or annual percentage rate (APR) that is being offered, the length of the loan term and the size of the lender's fees. Loan rates and fees should be clearly stated, as well as any prepayment penalties for paying off the loan early.
- **Looking around.** Comparison-shopping is a good way to see what other lenders are offering and what other loan products are available. This not only will provide peace of mind, it might result in better loan terms.
- **Reviewing the loan documents.** Reviewing loan documents is necessary to avoid any incorrect or incomplete information. Loan terms written in the documents should always match what lenders' representatives tell borrowers. If the written documents do not contain verbal terms or have different terms from what the borrower is being told, something is wrong.

- **Walking away.** Understanding loan terms is essential, especially when borrowers get to the closings of their loans and the loans are different from what they had expected or seem to be too good to be true. A borrower always has the option to wait and get help before signing documents if something seems amiss.

Payday Loan Protection for Military Personnel

The Department of Defense ("DoD") recognized in 2006 that financial problems among military members were pervasive, and presented Congress with a report outlining predatory lending practices affecting its members. The DoD found that predatory lending practices were not only highly problematic for servicemembers on a personal level, but they also negatively affected military readiness and morale. As a result, Congress enacted Section 670 of the John Warner National Defense Act for Fiscal Year 2007. The Act regulates consumer credit afforded to covered borrowers, which includes active-duty servicemembers, their spouses and certain dependents.

The DoD, and subsequently Congress, found payday loans to be particularly onerous to servicemembers. In order to obtain one of these short-term cash loans, a military borrower would write a personal check to the lender (usually at check cashing stores), postdated to an upcoming payday when the member was expected to repay the loan. The lender typically charged exorbitant fees and interest. Often, the military borrower would not have the funds to pay off the loan when it came due, and would enter

(continued on page 16)



From the Chair...

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

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

All military legal assistance attorneys and offices undertake a profoundly important mission—keeping our service personnel legally fit and prepared to perform their duties without unnecessary legal distractions. The exemplary work of a handful of legal assistance professionals merits special recognition. Each year the Standing Committee on Legal Assistance for Military Personnel (LAMP) selects its Distinguished Service Award recipients from a pool of nominees submitted by the services. Here are the four recipients of the 2008 LAMP awards.

Mr. George Sabga, a volunteer lawyer at Naval Legal Service Office Southwest (“NLSO SW”), embodied the spirit of legal assistance by donating his immigration-law expertise to hundreds of clients in 2008 alone. A retired master gunnery sergeant and a lawyer, Mr. Sabga formerly served as an immigration adjudicator at the California Service Center. He has selflessly deployed that in-depth knowledge of immigration law and processes for the benefit of his NLSO SW clients, as well as for legal colleagues handling immigration issues. A typical example of Mr. Sabga’s dedication was his unrelenting and successful effort to arrange the release of a Navy spouse who had been wrongly detained in an immigration case. In comments supporting Mr. Sabga’s

nomination, Captain James Ryan recognized the best motives behind this lawyer’s volunteer service: “Mr. Sabga views the opportunity to provide legal assistance services as an honor, a privilege, and an opportunity to thank service members and their families for the many sacrifices they make while serving our country.”

The Legal Assistance Program of the 6th Air Mobility Wing, MacDill Air Force Base (FL), in 2008 exemplified best use of legal technology combined with outstanding lawyering to enhance and expand legal assistance delivery. The 6th Air Mobility Wing team assembled an in-depth training regimen ensuring that their attorneys and paralegals were up to speed on subjects affecting their clients, utilizing weekly training sessions, live webcast briefings, and in-house training by active-duty attorneys and reservists, as well as formal courses at the Air Force Judge Advocate General School. The MacDill team also developed an exemplary legal assistance website loaded with information on legal assistance subjects, along with other military law areas, for the use of legal professionals as well as servicemembers. For example, the website features a Personal Legal Readiness Record, a handout used by legal assistance attorneys to help clients gather information required for personal estate documents and administration. The MacDill team has also effectively partnered with the Hillsborough County Bar Association, interacting with civilian lawyers and as appropriate engaging pro bono volunteers and arranging minimal-cost civilian representation in civil cases. The MacDill program also has been innovative in the area of outreach to clients, for example dispatching a legal team equipped with a laptop

and portable printer to prepare estate and power of attorney documents for a terminally ill client. Finally, MacDill created an electronic client-scheduling calendar that enhances the ability of lawyers and paralegals to effectively plan their client meetings. Technology was a driver of MacDill’s impressive array of legal services for a large client population, but the key to quality service was the program’s highly trained, innovative legal assistance team.

The LAMP Distinguished Service Award (“DSA”) earned by **Naval Legal Service Office Pacific** (“NLSO PAC”) recognizes timely and topical substantive innovation in legal assistance. NLSO PAC addressed emerging legal problem trends confronting a widely scattered constituency by developing comprehensive home foreclosure training and consumer credit training. The office developed exemplary substantive materials on the national foreclosure crisis as well as legal answers for those facing foreclosure issues. In 2008, the office also developed a hybrid full service/self-service tax center that focused tax counseling resources on those personnel with complex tax profiles, while offering effective self-help tools to sailors with more straightforward tax issues. The NLSO PAC Office warranted praise for its continued commitment to preventative legal programs. This office’s work in 2008 represented the type of nimble and responsive program-level initiatives on substantive legal issues that make a difference for servicemembers and their families in an evolving civil legal landscape.

The Office of the Staff Judge Advocate, Warner Robins Air Logistics Center (GA), earned the LAMP Distinguished Service Award

(continued on page 16)

From the Chair...

(continued from page 15)

for 2008 through a creative array of new programming that organically enhances the quality and range of legal services available for clients. Those enhancements included: (i) engagement with the Georgia Expanded Legal Assistance Program, enabling Warner Robins lawyers to appear in Georgia state courts on behalf of their clients in appropriate cases; (ii) development of a comprehensive Legal Assistance Guidebook that became an Air Force exemplar distributed to legal assistance offices globally; (iii) proactive collaboration with the Georgia bar to connect

with civilian lawyer volunteers available to represent base personnel on civil matters; (iv) resourceful use of personnel regulations to add a legal assistance attorney position and to add three law interns whose positions ultimately transitioned into three permanent attorney slots, replacing retired lawyers; (v) development of a Georgia Attorney Advantage program to use Georgia-licensed attorneys working in other capacities on base to use their Georgia legal knowledge and bar status to help legal assistance clients as appropriate; and (vi) a significant reduction in the time required for personnel to make a legal assistance appointment. The Warner Robins team has shown

vision in its well-integrated, coordinated approach to legal assistance.

The LAMP Committee commends the 2008 Distinguished Service Award winners for showing the way to improved military legal assistance services. At the same time, we do not lose sight of the fact that each day thousands of legal assistance lawyers and paralegals, often facing unreasonable time and resource constraints, are zealously doing all they can to relieve the legal burden on their clients. There is no substitute for the passion and commitment of a legal professional. We thank them all for their good service and for taking pride in their most important mission.

Credit Traps

(continued from page 14)

into another short-term payday loan to pay off their last payday loan, which compiled interest and fees upon interest and fees. This created a spiraling, ever-worsening cycle of debt that caused grave harm to many military families. The Act restricts the terms under which payday loans may be made to covered borrowers, and it subjects lenders who violate the Act's provisions to fines and up to a year in prison.

The Act prohibits payday lenders from charging covered borrowers interest in excess of 36 percent, a figure that includes fees, service charges, renewal charges, and credit insurance premiums in order to prevent the circumvention of the rate cap. This cap affects the hordes of check-cashing stores that have surrounded military bases and often charge annual interest rates of up to 300 percent.

The Act also bans:

- Conditioning a loan on the setting up of an allotment, or payment by automatic payroll
- deduction, by the military member;
- Conditioning any loans made to servicemembers and military family members on the use of a vehicle title as security;
- The use of access to a member's financial account, such as a check, as security for a loan;
- The use of the proceeds of other credit granted by the same lender to the military member in renewing, repaying, refinancing, rolling over, or consolidating consumer credit;
- Requiring military members to waive their rights under the Servicemembers Civil Relief Act, or any other federal law;
- Any penalties for early payments or the denying of the opportunity for military members to pay the loan off early;
- Provisions in the credit agreement designed to make it more difficult for military members to take a creditor to court; and
- State laws permitting

creditors to violate state consumer loan protection laws for nonresident military members.

Credit Card Reform

President Obama recently signed into law a bill that limits the interest and fees that credit card companies can charge all consumers, including servicemembers. This new law takes effect in February 2010. It bars credit card companies from increasing interest rates until the consumer is more than 60 days late on their bill. The credit card company must reinstate the original interest rate when the individual successfully makes the minimum monthly payments over six consecutive months. The law will also eliminate the concept of universal default, where a credit card company might raise the interest rate on the consumer's credit card account merely because the consumer has defaulted on some other debt obligation.

The credit card reform legislation increases the level

(continued on page 17)

Credit Traps

(continued from page 16)

of notice that a credit card company must provide to make changes to a credit card account. Account holders will be entitled to 45 days' notice before the credit card company can increase interest rates and finance charges. Additionally, credit card companies must provide notice of all significant changes in terms to the account holders, who will have the right to cancel their account before the new terms go into effect.

Credit Repair Scams

With credit availability at an all-time low, lenders are tightening their standards. As a result, borrowers' credit ratings are taking on added significance. In these circumstances, military borrowers may feel intense pressure to present a strong credit score, and many of them turn to credit repair agencies for help.

Not all credit repair agencies are scammers. But a number of them do prey on the vulnerability of individuals with poor credit histories. Their advertisements pervade television, the radio and the internet, promising to rid consumers of their debts and fix all of their bad credit problems. Essentially, these scams involve the agencies collecting a significant fee before they actually perform any services, which in the end may amount to nothing or very little. It is important for servicemembers and their spouses to know that credit repair agencies cannot perform miracles, and a good rule of thumb, just as with loans, is that if it sounds too good to be true, it probably is.

A legitimate function of a credit repair agency would be the reinvestigation of a credit infraction claim, in which the credit repair agency attempts to have inaccurate information

deleted from a report. While this may be a useful service to some, it is one that a service member or spouse can perform on his or her own at no charge. An individual can do anything a credit repair agency can do. Indeed, more often than not, there is nothing that a credit repair agency can do that the service member and spouse could not do on their own, or with the help of a free military JAG legal assistance attorney.

Warning signs that may indicate caution is needed regarding a particular credit repair agency:

- Requesting payment for credit repair prior to performing any services;
- Failing to inform potential customers of their legal rights and what they may do on their own;
- Discouraging customers from contacting credit bureaus on their own;
- Suggesting that a customer can create a new credit report, credit identity or Social Security Number; or
- Suggesting that the agency can remove accurate or timely information from a consumer's credit report.

Accurate information cannot generally be removed from a credit report. A borrower who has missed making timely payments in the past is accountable for it, and credit reports are intended to accurately report the bad with the good. Any company that suggests it will get accurate information removed from a credit report is misstating the truth.

Individuals are legally entitled to a free credit report each year through <http://www.AnnualCreditReport.com>. This website is the only federally approved website where consumers may obtain a free credit report. Information is also available on the Federal Trade Commission's (FTC) website at <http://www.ftc.gov/freereports>. If inaccurate

information appears in the report, the individual should request a dispute form from the credit-reporting agency and dispute the information in writing, with appropriate supporting documentation. After conducting an investigation, the credit reporting agency must provide the results free of charge and must remove any information that it determines is inaccurate or which the creditor fails to verify. An individual can also contact the creditor directly to dispute the inaccurate information appearing in his or her credit report and ask the creditor to correct it. If these methods fail, an individual can provide a statement of their position and the credit reporting agency must show that the creditor's information is disputed and show the individual's position alongside the creditor's. More information on disputing inaccurate information is available on the FTC's website.

Servicemembers Civil Relief Act

In 2003, Congress replaced the Soldiers' and Sailors' Civil Relief Act of 1940 ("SSCRA") with the Servicemembers Civil Relief Act ("SCRA"). The SCRA was intended to ease the stresses on active-duty servicemembers and their families resulting from various civil and financial obligations, such as repayment of credit cards, rental agreements and certain judicial proceedings, with the goal of allowing servicemembers to devote their attention to defending the nation.

The following are examples of how the SCRA can aid qualifying military personnel:

- **6% Limit on Credit Obligations.** The SCRA states that interest from credit obligations arising prior to active duty, including credit card payments, cannot exceed 6% during that individual's time on active duty. That excess interest cannot later be

(continued on page 21)

Is Twitter Right for Your Lawyer Referral Program?

by Ken Matejka and Maya Blyth

These days, it seems as if everyone is talking about Twitter.com, which has become one of the most popular communication tools on the Internet. The buzz is tremendous. In June, Twitter was a Time Magazine cover story and the headline read: “How Twitter Will Change the Way We Live.” Inside the same issue was an article: “10 Ways Twitter Will Change American Business.” On television, a show called *The Soup* recently featured a lengthy segment highlighting the dozens of times anyone mentioned “tweeting” or “Twitter” on television the prior week. Numerous books have come out on the topic of using social networking websites for marketing purposes.

Twitter is considered by many people to be a great way to keep in contact and share real time information with friends and colleagues. Lately, businesses have been attempting to use the website as a way to reach new customers and keep former customers loyal to the business’s brand.

How Does Twitter Work?

Twitter.com is a massive networking site, with a reported 32 million unique visitors worldwide in April 2009, that allows users (known as “tweeters”) to send messages (known as “tweets”) of up to 140 characters in length to a group of subscribers (known as “followers”). The tweeter’s act of posting his or her message is referred to as “tweeting.”

Your archive of messages, known as your “feed,” can be viewed by everyone who has joined your feed as a follower. You, in turn, join other feeds as a follower and when you follow others, their tweets become

part of your feed. As your network of followers grows and as you follow more people, the activity in your feed increases exponentially as you reply to the tweets of others and as your followers reply to your tweets.

Doing Twitter Right Takes a Lot of Work

At the outset, it should be said that you shouldn’t start unless you, the person who will be actually posting the organization’s messages to the LRIS feed, have a genuine interest in reaching out to others. It can take significant time out of your workday to monitor and respond to messages in your Twitter feed and a certain amount of stamina is required to stick with it. Some messages from followers can be ignored, but you should make an effort to respond thoughtfully to direct questions, because those questions to you will be viewable by the poster’s followers.

If you have work to do in other areas that are much more likely to provide greater return on investment for the time and money spent on them, tackle those before getting started on Twitter or any other social networking site.

Things to Think About Before You Tweet

As lawyer referral programs consider testing this new communication tool, it is worthwhile to consider whether the effort expended on establishing a presence on Twitter—posting regularly and accumulating followers—would pay off in terms of getting new clients to make contact with your LRIS program.

Marketing professionals generally agree that social networking websites can be good

tools to build brand awareness and to enhance brand value, but that social networking websites are not particularly useful for generating leads or increasing traffic to your website. If you choose to participate in Twitter, you should view it as an activity that you engage in for the purpose of participating in the conversation about your organization’s brand in your community, and not to acquire clients directly.

If improving or building your organization’s brand is a priority, or if you’d like to provide more exposure for your LRIS, you can give more thought to social networking sites such as Twitter and whether they make sense for your program. Here are some questions to think about and discuss with your colleagues as you evaluate social networking as a possible activity:

1. Do you see any value in joining Twitter or another social network and if so, what might it be?
2. Who is your target market? Are you interested in communicating with the general public or do you feel that your efforts would be better spent reaching out to attorneys in your community? Or both?
3. What kind of information makes sense for you to share with your target market? What is of value to them that you are uniquely able to provide?
4. How frequently can you communicate fresh or interesting information to your target market? What is the best way for you to share that information?
5. Would it make more

(continued on page 20)



From the Chair...

by Sheldon Warren

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

Regular readers of *Dialogue* will recall having seen an excellent article in the last edition by Gregg Frame about the benefits of Lawyer Referral and Information Service (LRIS) panel membership to attorneys who are “newly-disenfranchised”, i.e. unemployed, as a result of one of the worst markets in the legal profession since the Great Depression. Gregg, a panel member of the Maine LRIS as well as a LRIS Standing Committee member, detailed how joining a local or statewide LRIS can be one of the smartest investments an attorney struggling to build (or re-build) a practice can make.

I think a strong case can be made that the same holds true when the equation is looked at from the standpoint of an LRIS. I believe that the current difficult environment in the profession presents incredible opportunities for an LRIS willing to reach out and make a comparable investment in these “newly-disenfranchised” attorneys.

Not a day goes by that I don't receive an e-mail from one organization or another offering a program designed to help attorneys deal with the financial and emotional trauma of having been laid off from a firm that just a few years ago seemed to offer unquestionable job security. Many of these programs are directed at attorneys who have been let go by large or mid-size firms. A disproportionate number of

these attorneys are relatively new to the practice of law. Most of these attorneys never had to develop their own clientele, as there was always more than enough work being fed to them by the senior partners.

Further, many of them have never had to really “practice” law, as their jobs consisted of reviewing mountains of documents or writing briefs in cases about which they had limited knowledge.

Quite frankly, these folks need help, and I believe a smart, entrepreneurial LRIS is uniquely situated to provide a significant portion of that help. By providing substantive assistance to attorneys facing one of the greatest crises of their careers, I believe an LRIS will not only enlist a cadre of grateful (and loyal) panel members, but also develop a network of potential referral sources second to none.

I believe these attorneys will also provide the foundation for expanded political support for the LRIS within the sponsoring bar association for years to come, as they are not going to forget who was there to help them when things were tough. Further, many of these attorneys are likely to have experience in areas that their local LRIS may have few, if any, panel members.

The current economic climate also presents serious challenges to small firm and solo practitioners who have seen their small business clients go bankrupt and their account receivables go from a net 30 to a 120-plus status. While these individuals may have different skill sets, and a vastly different frame of reference insofar as developing paying clients is concerned, they provide the same incredible opportunity for an LRIS to broaden its reach within its local service area.

So, what exactly is this “help” that an LRIS can provide this ever expanding group of

“attorneys in transition?” First and foremost, an LRIS can offer what is most needed by any attorney struggling to pay the bills—fee-paying clients. However, I think the role of an LRIS should, nay *must*, be much broader if it is going to maximize the opportunity presented by the current economic slowdown. It's like the old adage, “give a man a fish, you have fed him for a day; teach a man to fish, you have fed him for a lifetime.” An LRIS must essentially teach these transitioning attorneys how to practice in an environment that many are calling the “new normal” if it is to engender the grateful loyalty described above.

An entrepreneurial LRIS should be offering its own “transition” workshops, either in conjunction with programs run by its sponsoring bar association or on its own, on topics an LRIS should know well, e.g. client intake, on-going client relations, marketing, operating efficiently on a fixed budget, etc. Depending on the topics, these workshops could be led by LRIS staff (who knows more about effective client intake than an LRIS telephone counselor?) or volunteer panel attorneys.

That same LRIS should be offering short (one to two hours), intensive workshops in particular subject matter areas, again led by panel members, that would allow an attendee to gain at least a basic understanding of a potential new practice area and, potentially, identify a mentor that might be willing to aid him or her in developing a practice in that particular area. One might reasonably question whether a panel attorney would be willing to help train other attorneys to essentially compete against them for business. My experience is that most panel attorneys are incredibly generous with their time when

(continued on page 20)

From the Chair...

(continued from page 19)

it comes to the LRIS and are, if asked, more than willing to assist the LRIS in any way they can.

An LRIS should have a *prominent* page on its web site (and possibly even a telephone “hot line”) that could serve as a clearinghouse of information and resources for transitioning attorneys. Are there other entities out there that offer—or

at least claim to offer—similar clearinghouses of transition information? Sure there are. But how many of them also actually have the unique ability to provide the user with that much sought after paying client? I would suggest that only a legitimate LRIS that is in the “business of public service” fits that description.

I know there are many other things that can and already are being done by lawyer referral and information services

throughout the country to assist not just transitioning attorneys but also, in a very real sense, themselves, by “making lemonade from the lemon” of a sour economy. These ideas, as well as other topics focused on helping LRISs not just survive but thrive in the ever-changing marketplace of legal services providers, will be the focus of the 2009 ABA LRIS Workshop, which will be held in Baltimore from October 28 through 31. I hope to see you there.

Twitter

(continued from page 18)

sense for you to become a participant in social networking communities other than Twitter?

Your Tweets Should Be Relevant, Friendly and Carefully Phrased

A Twitter feed can do more harm than good if your staff person who is the voice of your organization has the wrong tone, is non-responsive to inquiries or is indiscreet.

The person who tweets for your LRIS must be well trained to avoid violating any ethics guidelines prohibiting solicitation of legal work. Your tweeter should also be cautioned not to disclose any information in your LRS program’s possession that may be sensitive, confidential or privileged.

Staying on topic and providing valuable feedback will help bolster your organization’s brand. Typing irrelevant ramblings about what you’re eating for lunch or what you’re doing this weekend (common Twitter themes) could unintentionally hurt your brand.

Dealing with Negative Tweets

Some people’s negative feelings about the legal profession could expose your organization to negative tweets from followers. These posts, and your responses, can damage your brand if the criticism is not handled tactfully.

In one famous example of a social networking blunder, Wal-Mart created a Facebook page to reach out to college-aged consumers. The effort backfired when “Fans” of the Wal-Mart page defiled it with angry posts about what were perceived to be the company’s unfair labor practices.

Tweeting in Response to Specific Legal Questions

It is very important that your organization’s tweeter carefully avoid dispensing legal advice when responding to direct questions. Your tweeter would be well advised to periodically post to your feed that messages may contain legal information, but every case is different and a client should consult with an attorney to get legal advice.

Your organization’s feed is a permanent record and is subject to discovery in litigation should someone sue your LRIS for giving legal advice that a follower relied upon to his or her detriment.

To Tweet or not to Tweet?

Participation in Twitter depends entirely on your LRIS program’s circumstances and resources. In the authors’ opinion, Twitter is not worthwhile for most programs as the risks are great and the benefits are few.

Many employee hours can be lost in the daily monitoring of your organization’s Twitter feed, responding to inquiries and so forth. It might be better to dedicate this staff time to other marketing activities likely to produce a greater return on investment, like Craigslist postings or optimization of your LRIS website.

However, if it is done correctly and does not distract you or your staff from your regular duties, participation in Twitter will do no harm to your program. A well-executed Twitter feed will allow you to help influence your community’s view of your brand and address negative issues that may arise from time to time.

Ken Matejka and Maya Blyth are cofounders of LegalPPC, a San Francisco-based marketing company dedicated to helping bar associations and small law firms get more clients from the Google search engine. They can be reached at info@legalppc.com.

REGISTER NOW!

Please join us for the **2009 National Lawyer Referral Workshop** at the Tremont Plaza Hotel in Baltimore, Maryland - October 28-31.



The harbor at Fell's Point

This is the only national Workshop designed for public-service Lawyer Referral managers and bar leaders. Sessions focused on the issues of today and the future. Programs deal with building call center skills and your web presence, marketing, fee issues and other significant LRIS management issues.

Our Nuts and Bolts Is a Must-Attend!

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

One-on-One Consults and Networking

Mini-Program of Assistance and Review (PAR) Visits

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

Consults with a Web Designer

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

Networking Sessions

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

Join Us for Our Complimentary Thursday Evening Event in Historic Fell's Point

Our thanks to the Maryland State Bar Association and the Baltimore City Bar Association for sponsoring this event in the Historic Fell's Point Area.

FOR INFORMATION PLEASE VISIT www.abalegalservices.org/lris/

Credit Traps

(continued from page 17)

recouped; it is permanently forgiven.

- **Housing Protections.**

Subject to certain rules and restrictions, a servicemember who is deployed for longer than 90 days or whose station is permanently changed has a right to terminate a housing lease. The termination is not effective immediately, however, as he or she must

provide written notice to the landlord and pay rent for a short while afterwards, depending upon the terms of the lease. One further protection relating to rental agreements is that active duty servicemembers and their families are protected from eviction from housing leases up to \$2,720.95 per month.

- **Judicial Proceedings.**

The SCRA created new protections for servicemember defendants, including: 1) protection against the entry

of default judgments; 2) stays of proceedings when servicemembers have notice; and 3) stays of execution of judgments, attachments and garnishments.

The SCRA is complex, and numerous qualifications exist for eligibility. The servicemembers or their family members can consult with their local Armed Forces Legal Assistance Program attorneys for information and advice before making any decisions to act based on a belief of such eligibility.

Recent State Access to Justice Initiatives

New Access to Justice Commissions

With the addition of 3 new state access to justice commissions, 25 states have now established such high-level entities to address the justice gap which prevents many low-income people from obtaining help from the justice system.

The Wyoming Access to Justice Commission was created by the Wyoming Supreme Court on December 12, 2008, and held its first meeting on February 27, 2009. The Commission includes seventeen representatives from the bar, law schools, the state IOLTA program, and tribal and state court judiciaries, including two justices of the Wyoming Supreme Court.

The Tennessee Access to Justice Commission held its first meeting on April 29, 2009. The charge of the ten-member commission is to develop strategies and solutions to help meet the legal needs crisis; to foster continued collaboration among the judiciary, access to justice organizations, bar associations, and legal professionals; and to work to educate and focus the attention of the public and policymakers on this civil legal needs crisis.

On June 5, 2009, the Wisconsin Supreme Court ordered the creation of a new Access to Justice Commission. The court acted on a petition by the state bar. The new commission will be staffed by the State Bar, and will be governed by a 17-member board of directors designated by the state supreme court, the State Bar Board of Governors, the state's law schools, the Wisconsin Trust Account Foundation, the Legislature, and the governor.

Recent State Access to Justice Activities

A number of states have undertaken recent activities to focus the

attention of the public and opinion leaders on the justice gap.

Tennessee's Supreme Court launched the Access to Justice Campaign with a series of public hearings around the state, the last of which was held on March 17, 2009. The campaign highlights the fact that presently Legal Aid is able to meet only approximately five percent of legal need in the state.

In April 2009, the Mississippi Access to Justice Commission

A number of states have undertaken recent activities to focus the attention of the public and opinion leaders on the justice gap.

held its third public hearing on the difficulties faced by low-income Mississippians who do not have access to civil legal assistance. The Commission heard testimony on the need for legal assistance in housing, domestic violence, child custody and other matters, and will use this testimony to develop recommendations to the Mississippi Supreme Court, state legislature and the Mississippi Bar on legal aid for the poor.

The Maryland Access to Justice Commission is holding a series of seven monthly regional listening events, the first of which was held on June 23. More

than 400 advocacy and service organizations and their clients are expected to speak with members of the Commission about their experience with the civil justice system. The events are open to the public, although registration is required.

The Supreme Court of Georgia Committee on Civil Justice presented its Civil Legal Needs Study at the Georgia Civil Legal Needs Summit on June 24, 2009. Summit participants discussed the study's findings and began to develop recommendations. Eleven roundtable discussions will be held around the state to follow up on the summit.

On June 24, 2009, the Hawaii Access to Justice Commission held its first annual Access to Justice Summit. The conference included sessions on the human cost of failing to meet basic civil legal needs, funding for legal services, non-traditional approaches to meeting civil legal needs, clients' view of the legal services labyrinth, and articulating future goals for legal services in the state.

On July 23, 2009, Indiana Legal Services (ILS), the Indiana Bar Foundation, and the Pro Bono Committee of the Indiana State Bar Association released their report: "Unequal Access to Justice: A Comprehensive Study of the Civil Legal Needs of the Poor in Indiana." The report suggests that as many as 62 percent of eligible applicants seeking legal assistance through pro bono plan administrators and 75 percent of eligible applicants for ILS services did not receive services that met their legal needs.

Maine's first biennial Access to Justice Symposium is scheduled for October 2, 2009. The Symposium will include a session on the past and future of civil legal aid in Maine.

(continued on page 24)

2009 Harrison Tweed Award

The Harrison Tweed Award was created in 1956 to recognize the extraordinary achievements of state and local bar associations that develop or significantly expand projects or programs to increase access to civil legal services for poor persons or criminal defense services for indigents. This award, named for a leader in the promotion of free legal services to the poor, is co-sponsored by the American Bar Association Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association.



Harrison Tweed

The North Carolina Bar Association and the Philadelphia Bar Association (PA) will each receive a 2009 Harrison Tweed Award for achievement in preserving and increasing access to legal services for the poor. The award winning activities of each of these bar associations demonstrate the wide range of activities that bars engage in to promote access to justice.

North Carolina Bar Association

The North Carolina Bar Association is being recognized for its innovative "4ALL" campaign to increase access to legal services for the poor through a five-prong approach: educate, legislate, donate, participate and provide loan repayment assistance. The education campaign has focused on informing North Carolina lawyers about the great unmet need for legal services by the poor in the state and the professional responsibility of the private bar to help fill that gap. The legislative campaign

has developed a grassroots advocacy network to seek increased public funding for legal services. Through its private bar fundraising efforts, the "4ALL" campaign has raised close to \$900,000 for the Legal Aid of North Carolina (LANC) Fund, with a portion of those funds supporting loan repayment assistance for North Carolina law school graduates who work for LANC. The "4ALL" campaign has also led to increased pro bono participation through its annual statewide "Service Day" that has provided hundreds of volunteer lawyers the opportunity to respond to calls for legal advice and referral. The "4ALL" campaign has established a widespread culture of service and volunteerism among North Carolina lawyers, and it is an approach that is being replicated in other states throughout the nation.

Philadelphia Bar Association

The Philadelphia Bar Association is being honored for its role in

creating, supporting and sustaining the Residential Mortgage Foreclosure Diversion Pilot Project, which has saved hundreds of low-income homeowners from the loss of their homes. This project is a collaboration among key stakeholders including the judiciary, the bar, legal services programs, pro bono programs, city officials, lenders and borrowers. It includes a hotline that provides rapid access to housing counselors, who give advice to homeowners facing foreclosure. In addition, hundreds of volunteer lawyers are recruited and trained to represent

low-income homeowners in special conciliation conferences held weekly at the courthouse. There, lawyers gather with their clients, housing counselors and lenders to negotiate affordable loan modification or payment arrangements. Judges and judges pro tem (who are also pro bono volunteers) are on hand, as needed, to work out a suitable compromise. This project serves as a model, attracting dozens of visitors from around the country, and it represents a creative and collaborative response to the current housing crisis.

The Harrison Tweed Award, given annually by the American Bar Association Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association, was presented during the 2009 ABA Annual Meeting in Chicago on Friday, July 31, at a joint luncheon of the National Conference of Bar Presidents, National Association of Bar Executives and National Conference of Bar Foundations.

SCLAID

Access to Justice

(continued from page 22)

State Legislative Funding for Civil Legal Assistance

Advocates for increased resources for civil legal services for the poor have continued to work closely with state access to justice commissions to seek new sources of funding, especially funding from state legislatures. Results so far in 2009 have been mixed. There have been new sources of funding in six states, increases in three and decreases in eleven. Many states, including virtually all those that use court fees and fines rather than appropriations as the funding mechanism, will experience no change in state funding. South Dakota obtained its first-ever state legislative funding, reducing the number of states without state funding to just two.

The legal aid community had feared that there would be far greater reductions in state funding, and the successes this year demonstrate the great skill, sophistication and hard work of leaders of the bar, the judiciary and legal aid programs. Access to Justice Commissions and state Supreme Courts have been instrumental in the successes in many states.

This year's legislative successes are best viewed in the broader context of all aggregate resources available to support civil legal services. In recent years, increases in state funding have meant increases in total civil legal aid funding for the state. Most of the current increases, including the two largest—approximately \$13,350,000 in Texas and \$7,700,000 in Connecticut—will be helping to offset losses in other revenue, particularly from IOLTA. Further,

it is anticipated that 2010 will be a more difficult year than 2009, and in some states there may be special sessions to reduce budget deficits before the 2010 sessions.

National Meeting of State Access to Justice Chairs

Over 120 bench and bar leaders from 37 states and the District of Columbia attended the eight annual National Meeting of State Access to Justice Chairs in Orlando on May 16, 2009. Among them were two Chief Justice and representatives from seven other state Supreme Courts. The 2010 meeting will take place in Phoenix, AZ on May 15, 2010, in conjunction with the 2010 Equal Justice Conference.

Documents and additional information about the topics reported above are available at www.ATJsupport.org.