



Dialogue

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DIVISION FOR LEGAL SERVICES

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Fellowships: Working for Equal Justice and Social Change

by Lucy Metting

Beginning this fall, IOLTA programs will for the first time provide matching funds in nine states for eleven National Association for Public Interest Law (NAPIL) Fellowships for Equal Justice. IOLTA involvement will help to increase the number of NAPIL fellowships to 140 by September 1999. These two-year, post-graduate positions have been made possible by a multimillion-dollar grant from the Open Society Institute (OSI), supported by George Soros.

When OSI began funding NAPIL fellowships in 1997, the plan was to appeal to law firms, corporations and bar associations for matching funds. It became apparent that resources for the match were more available in urban than rural areas.

According to Lori Grange, Director of NAPIL Fellowships, "In order to rectify the disparity, this year NAPIL requested and received a rural exception from OSI so that IOLTA funds could be used as matches in non-metro areas." (See charts on pages 4-5).

The cost of a two-year NAPIL fellowship is \$88,000. This includes:

- an annual salary of up to \$32,500 (an organization can pay more but must provide the funds on its own);
- \$5,500 for loan repayment each year (an important ingredient that enables a law school graduate with debt to consider public interest work);
- \$4,500 in annual program costs; and
- \$1,500 per year for national leadership training.

Impact and project sustainability are two of the criteria that NAPIL uses for selecting organizations to sponsor for fellowships. NAPIL relies on the applicant organization and prospective fellows to develop a viable and effective plan.

Joe Tafelski is the Director of Advocates for Basic Legal Equality (ABLE), a fourteen county legal services program in northwest Ohio. He sees the NAPIL fellowship as a way to begin to meet the needs of predominantly Hispanic migrant farm workers and to serve the growing communities of immigrants from Eastern Europe and Asia.

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Fellowships

(continued from page 1)

"There is a very diverse population in northwest Ohio, and currently one attorney handles most of the immigration work," said Tafelski. "The churches, including the Catholic diocese, have not been able to continue this work due to lack of funding."

Responding to the community need, Tafelski is ready to re-establish legal services for immigrants, which he views as a long-term commitment to people needing legal help.

The NAPIL fellowship will help to foster awareness of immigration law in the private bar throughout the state, increase pro bono involvement, provide continuing legal education, and build trust in the client community that the legal services program is an effective and knowledgeable source of help. Tafelski was impressed with the number of qualified candidates with solid immigration law backgrounds coming out of law school. When Emiko Furuya came along, Tafelski found a perfect match.

Immigration law is exactly what Emiko Furuya wanted for her first job out of law school. She recently graduated from Temple University School of Law, and, as a student, she volunteered in an immigration clinic and immigration court in Philadelphia. She appreciates the interface of domestic and international issues in immigration work. Before law school, Furuya worked in a human

rights organization in Japan.

Furuya was born in the United States and grew up in Japan. She was a law clerk at the U.S. Department of Justice Court in Philadelphia, an intern for the U.S. Department of State working on a project concerning international trafficking of women and children, and a freelance interpreter. Furuya also has worked with the United Nations Vienna Conference on Human Rights.

"Because of my background, a number of international organizations were interested in me," said Furuya. Eventually, she hopes to work in developing countries to contribute to the establishment of the rule of law.

"First, I need to learn the nuts and bolts of legal aid, and I am looking forward to the grassroots connection with immigrant communities." She was drawn to ABLE in part because she sees Tafelski as being dedicated to high-quality services to the community and to staff training. He also has a long-term commitment to the people whom the program serves. In all, Tafelski has a vision for the organization. Furuya has found what she was looking for and views the fellowship opportunity with ABLE to be a privilege and an honor.

The New York Experience

Matching the skills and interests of talented new lawyers with programmatic needs and innova-

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Texas Litigation Update

At a status conference held on May 19, 1999, U.S. District Court Judge Nowlin set *Washington Legal Foundation, et al. v. Texas Equal Access to Justice Foundation, et al.* for a bench trial to begin the week of September 20, 1999. The judge indicated his desire for an efficiently timed trial to help him establish a clear and accurate record. It is expected that the trial will last no longer than four days.

From the Chair...



by Herbert S. Garten
Chair of the ABA
Commission on IOLTA

On May 15-16, 1999, the ABA Commission on IOLTA met in Scottsdale, Arizona. David F. Ganoa, President of the Arizona Bar Foundation; Diane S. Lindstrom-McClure, Chair of the Arizona Bar Foundation's Legal Services Grant Allocation Committee; Stuart A. Forsyth, Executive Director of the Arizona Bar Foundation; and Kelly Carmody, Director of Legal Services at the Arizona Bar Foundation, joined us for a significant portion of the meeting.

The session with our colleagues from Arizona provided an opportunity to discuss, brainstorm, and network regarding issues confronting the Arizona IOLTA program, such as interest rate fluctuations and the reconfiguration of the state's legal services delivery system. It also gave the Commission an opportunity to highlight the types of activities with which it is engaged and the array of services that it can provide. Everyone in attendance felt that this meeting was extremely valuable. In the future, the Commission will make an effort to arrange similar sessions with representatives from the states in which it meets.

Just a reminder that this year's Summer IOLTA Workshops will be

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Legal Services of North Carolina—If We Value Freedom, We Must Insist Upon Justice

by Tony L. Adams

The North Carolina Bar Association (NCBA) established Legal Services of North Carolina, Inc. (LSNC) in 1976. LSNC is organized as a statewide network of local legal services offices, comprised of 12 geographically based programs and two special client programs that address migrant farm-worker and mental health issues.

In North Carolina, 1.2 million people meet the requirement for free legal assistance. Last year, over 340,000 of them were in need of an attorney. Working with limited resources, LSNC still managed to take the lead in developing collaborative strategies for helping poor and low-income families establish lives of independence, security and dignity.

LSNC is a recipient of IOLTA grants in North Carolina. The following are examples of the kind of work in which LSNC is engaged.

SSI Kids Project

Two years ago, a change in federal law meant that 13,000 children in North Carolina could face the possible loss of Supplemental Security Income (SSI) benefits. In response, LSNC initiated the "SSI Kids Project." The project is involved in a series of activities, including community education efforts, and recruitment and training of legal services and pro bono lawyers to represent these children, many of whom have epilepsy, autism, diabetes, mental handicaps and other disabilities. The goal is to help these children maintain their SSI benefits.

The SSI Kids Project worked closely with another IOLTA-funded program, the North Carolina Justice and Community Development Center, in coordinating a statewide response to assist these children.

Domestic Violence

When domestic violence shelters turned to LSNC for assistance in developing special advocacy programs for battered women and their

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PHOTO BY LEGAL SERVICES OF NORTH CAROLINA

Fellowships

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tion is not unique to the NAPIL fellowships. The IOLA Fund of the State of New York (the entity that administers IOLTA revenues in the state) provided funding for ten post-graduate legal services fellowships

annually from 1994 to 1998.

According to Jerry Wein, Director of the Greater Upstate Law Project, Inc., and administrator of the legal services fellowship program, focus groups were helpful in defining important issues. "There was an amazing variety of views about the fellowships from the field."

From about 1995-1997, as resources for legal services were shrinking, some providers would have preferred support for their veteran staff. In addition, these providers had difficulty finding cash for matching funds, had no real empathy for the debt load of

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1999 NAPIL EQUAL JUSTICE FELLOWSHIPS CO-FUNDED BY IOLTA PROGRAMS

These rural/non-metro projects are among 68 new fellowships that NAPIL is launching this fall. Combined with the 72 1998 fellowships, NAPIL will have 140 fellows in the field by September.

All of the IOLTA contributions to NAPIL fellowships listed below are being matched by the Open Society Institute, the foundation founded by financier and philanthropist George Soros.

Name of IOLTA Program	Contact Person at IOLTA	Organization Hosting Fellowship	Organization Location	Name and Law School of Fellow	Project Description
Arizona Bar Foundation (co-sponsoring with several other funders)	Stuart Forsyth	Florence Immigrant and Refugee Rights Project	Florence, Arizona	Patricia Mejia Boston College Law School	Provide desperately needed legal assistance to the thousands of people detained each year for immigration removal proceedings in the remote Eloy detention facility and address psychological, social and practical needs.
Florida Bar Foundation	Paul Doyle or Jane Curran	Legal Aid Society of the Orange County Bar Association	Orlando, Florida	Not yet confirmed	Conduct policy advocacy and litigation on behalf of welfare recipients who are not receiving the necessary support services to assist them in attaining self-sufficiency.
Florida Bar Foundation (co-sponsoring with several other funders)	Paul Doyle or Jane Curran	Legal Services of North Florida	Tallahassee, Florida	Merribeth Bohanan Boston University School of Law	Facilitate an increase in affordable, safe and efficient housing for low-income residents in Quincy, Florida.
Massachusetts Bar Foundation	Heather Robinson	Employment Options	Marlboro, Massachusetts	Christie GhettoYoung Northeastern University School of Law	Establish the Clubhouse Parents Legal Support Project to provide legal representation to low-income parents with mental illness who are at risk of losing custody or contact with their children.
Michigan State Bar Foundation (co-sponsoring with several other funders)	Linda Rexer	Hispanic American Council	Kalamazoo, Michigan	Kirsten Enstice University of Cincinnati College of Law	Expand services of The Farmworker Immigration Clinic in Southwest Michigan to provide representation to clients, and coordinate, train, and mentor a pro bono panel of private attorneys.

Fellowships

(continued from page 4)

recent law school graduates, and were convinced that salaries for fellows should be on the same level as other in-coming staff. The fellowship program was structured to address and alleviate some of these concerns.

This experience taught Wein that successful placement requires meaningful work, quality supervision and loan repayment.

With Congressional restrictions on Legal Services Corporation

grantees, the IOLA Fund of the State of New York initiated, in 1997, the Social Justice Fellowship Program for Law Graduates, which is a law school-based fellowship program. IOLA funds Senior Social Justice Fellows in faculty positions at Brooklyn, Touro, Pace and Syracuse Law Schools. These fellows are experienced legal services advocates, and they provide supervision to four associate post-graduate fellows who are involved in the law school clinic and handle an on-going caseload.

Having the program as part

of the law school has advantages and disadvantages, according to Wein. "The senior fellows can feel a sense of isolation from their colleagues in legal services, but the tradeoff may be more awareness of poverty law issues on the part of the law school community."

Shawn Moore is completing her second year as an IOLA Social Justice Advocate (post-graduate fellow) in the clinical program at Syracuse College of Law. She has handled a wide variety of cases, worked with ten students at a time

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Name of IOLTA Program	Contact Person at IOLTA	Organization Hosting Fellowship	Organization Location	Name and Law School of Fellow	Project Description
Ohio Legal Assistance Foundation (co-sponsoring with the Ohio State Bar Foundation)	Robert Clyde	Advocates for Basic Legal Equality	Toledo, Ohio	Emiko Furuya Temple University School of Law	Provide legal assistance to immigrants in Northwest Ohio and to immigrant farm-workers statewide to help them obtain the full benefits and privileges of U.S. citizenship.
Ohio Legal Assistance Foundation	Robert Clyde	Ohio State Legal Services Association	Columbus, Ohio	Tracy Ulstad Case Western Reserve University Law School	Establish statewide pro se clinics, developing forms and streamlining court procedures, and by collaborating with interested organizations to coordinate pro se effort currently under development.
State Bar of California Legal Services Trust Fund Program	Judy Garlow	Legal Services of Northern California	Sacramento, California	Erin Farley University of California at Davis School of Law	Provide welfare-to-work and economic development opportunities to low-income populations in Northern California.
Tennessee Bar Foundation (co-sponsoring with several other funders)	Barri Bernstein	Tennessee Justice Center	Nashville, Tennessee (although fellow will work in Memphis)	Chris Griffin University of Utah College of Law	Reach the most vulnerable families impacted by Tennessee's welfare reform program and use their experiences to reshape the program to make it more responsive to families' needs.
Texas Equal Access to Justice Foundation (co-sponsoring with American Immigration Lawyers Assn.)	Lisa Melton	ProBAR	Harlingen, Texas	Not yet confirmed	Provide all immigration detainees at the nation's largest INS detention center with legal rights and information and increased access to counsel.

North Carolina

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children and to help train law enforcement officials and social services personnel in working with this particularly vulnerable population, LSNC instituted a statewide domestic violence project. Staffed by 17 specially trained attorneys, LSNC assists battered women and their children.

Project attorneys have worked with state officials to assure that North Carolina implements a procedure under federal welfare reform called the "Family Violence Option." This allows the state to serve battered women who are having difficulty moving from welfare to work because of the effect of domestic violence.

Corinne Railey, one of the project attorneys in the rural eastern part of the state, says she and the other domestic violence attorneys are helping to put lives together again. "If you, as an attorney, are able to help the victims find some form of stability in their lives again through income, child support, sometimes spousal support, a home, a car to drive, these things can mean everything to the victim. They can determine whether the person remains a victim or is able to break free," Railey said.

In addition to the work that Corinne and her associates are doing, LSNC has joined with others working in the domestic violence field to address domestic abuse in the Hispanic community through Project Esperanza. This project has produced a manual and training program designed to help state and local agencies better assist the growing Hispanic population with family law and domestic violence problems.

Environmental Law

One of the most promising projects that LSNC has recently undertaken is the North Carolina Environmental Law Project. In one of its first cases, LSNC and pro bono attorneys from the law firm of Kilpatrick Stockton assisted a low-income neighborhood in contesting a company's air permit request, which would allow toxins into the neighborhood. The company attempted to obtain a preliminary injunction to stop the community's challenge, but the group of pro bono attorneys countered the legal maneuver and kept the permit challenge on track.

North State Legal Services (NSLS), an LSNC-program that serves a seven-county area from Caswell on the Virginia line to Anson and Richmond counties bordering South Carolina, promoted community environmental interests by coordinating several environmental efforts affecting poor people. In one case, it represented a low-income community where a 3,600 hog farming facility was being placed in Chatham County, possibly endangering ground and surface water. NSLS assisted the community in investigating alternative technologies, and helped present a workable compromise on behalf of the community.

Economic Empowerment

Legal services work always has been about empowering people to break out of poverty. Last year, Pamlico Sound Legal Services, an LSNC program on the Atlantic coast area of the state, assisted nine not-for-profit community economic development corporations in five of the 10 counties within its service area around New Bern. As a result of this assistance, the development



corporations are actively involved in creating jobs and housing for low-income people, acquiring sewer and water facilities for low-income neighborhoods, establishing community recreation centers for low-income children, and implementing after school enrichment programs for these children.

To help people move toward independence, LSNC attorneys function in partnership with a wide range of related agencies, from housing authorities and youth services agencies to senior citizen programs and churches. For example, the former director of Legal Services of the Blue Ridge, an LSNC program in the mountains of North Carolina, served as chair of the Boone Housing Authority, an appointment made by the mayor of Boone. Due in large measure to the mayor's leadership, the Boone Housing Authority brought into the area more than \$4 million in community economic development, housing rehabilitation, and low-income housing funds.

The Basics

Even as LSNC takes the lead in developing community-based collaborative solutions to the systemic problems faced by North Carolina's poor families, it contin-

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North Carolina

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ues to do what it does best: assist poor individuals with civil legal problems. On a daily basis, LSNC attorneys handle hundreds of cases regarding the basics of life, such as housing, consumer issues, health, nutrition, income, education and employment.

For many poor people, having legal assistance can mean the difference between staying in an apartment or becoming homeless, holding a family together or losing a child, keeping even a low-paying job or going on welfare, obtaining equal access to justice or receiving no justice at all.

"Joseph," a Vietnam veteran and LSNC client, entered the U.S. Army on June 26, 1969 at age 17. During his first six months of stateside service, he was an excellent soldier, earning the Good Conduct Medal. But then he was sent to Vietnam, where for the next year he was exposed to extreme combat conditions, which resulted in undiagnosed severe post-traumatic stress disorder (PTSD).

After returning from Vietnam, Joseph got into serious trouble, by failing to follow orders and being absent without leave (AWOL). Rather than being offered any medical or psychiatric diagnoses or treatment, he was given a discharge under other than honorable conditions. Although this discharge was in lieu of a court-martial, it still was a bar to veteran's benefits, unless he could prove that his misconduct was caused by a service-connected mental impairment.

After discharge, Joseph was unable to hold a job, and Social Security found him disabled due to PTSD. After years of mental

health treatment, in September 1987 he applied for VA benefits, but the authorities denied them due to his alleged misconduct. He appealed administratively and again was denied.

Finally, out of desperation, Joseph decided to appeal to the newly created U.S. Court of Veterans Appeals in Washington, D.C. In North Carolina, however, he could not find an attorney to take his case. Those with whom he spoke either were not interested or they were not admitted to practice law before the new court.

Then one day in 1990, an acquaintance told Joseph about legal services. When he contacted the LSNC program in Wilmington, Legal Services of the Lower Cape Fear (LSLCF), Co-Director Jim Wall agreed to help him. Wall first tried to help Joseph find a private attorney to take the case. He could not, however, find one attorney who would agree to take the case on a fee-generating basis. "It was such a specialized area of law," said Wall, "that nobody wanted to go to the trouble of taking the case."

Realizing that it was up to him to take the case, Wall applied and was admitted to practice before the new court. "We did a lot of research," Wall said, "and introduced a large amount of new evidence on Joseph's condition. As a result, we were able to obtain a remand from the court."

In spite of all the evidence that Wall presented, he and Joseph received repeated denials by the regional Veterans Affairs office. In response, Wall filed administrative appeals to the Board of Veterans Appeals, which granted Joseph a hearing.

After eight long years of denials, remands and delays, the Board of Veterans Appeals finally found that his service-connected PTSD

caused Joseph's misconduct and that the character of his discharge was not a bar to benefits. The Board found Joseph to have a 100 percent service-connected disability caused by PTSD, which resulted directly from his combat exposure in Vietnam.

"Our client," said Wall, "was awarded \$218,502 in back benefits and, in addition, he now receives a check for \$1,964 per month in ongoing VA benefits. As a result, he has been able to get out of poverty, buy a home for himself and his family for which he paid cash, and now he is no longer eligible for legal services."

Conclusion

For more than 20 years, dedicated legal services attorneys like Jim Wall have been serving the civil legal needs of North Carolina's poor. We have faced many challenges over that time, but we withstood each challenge and have been able to survive. Like many survivors, we have grown stronger and become more resolved than ever to help bring a measure of fairness and justice to the poor of our state.

At LSNC, we are dedicated to and inspired by the ideals so eloquently stated by the former Majority Leader of the North Carolina House of Representatives: "The cornerstone of freedom has been the belief that every citizen, whether rich or poor, is equal before the law. Those of us in position to lead, whether it be in the law or in government, have a special duty to uphold that ideal by ensuring that no North Carolinians are denied equal access to justice because of economic misfortune. If we value freedom then we must insist upon justice."

Tony Adams is the Director of Communications and Development for Legal Services of North Carolina, Inc.

Fellowships

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in the clinical setting and taught seminars. The cases range from disputes over public benefits to civil litigation on behalf of Native American prisoners regarding the right to practice their religion.

Moore has gained valuable experience in handling administrative hearings and going to court. She has learned negotiation skills and worked with a number of community groups. Shawn hopes to stay in public interest law, but concern over law school debt may make it impossible. Syracuse does not have a loan repayment program, and the fellowship did not have a loan repayment component.

"In this program I developed skills in areas that were vaguely touched on in law school," said Moore. "I liked being part of the law school faculty. I have gotten tremendous support all through law school and as a Social Justice Advocate. This is home, it will be hard to leave."

Post-graduate fellowships like those sponsored by the IOLA Fund of the State of New York and NAPIL with IOLTA matching funds are important ways that law school graduates can gain experience in poverty law. Yale Law School Career Development Office publishes a Fellowship Opportunity Guide with an extensive fellowship index. Public interest post-graduate fellowships are offered by a host of organizations including the Alliance For Justice, Skadden Fellowship Foundation of the international law firm of Skadden, Arps, Slate, Meagher & Flom, and the NAPIL based National Service Corps (AmeriCorps.Vista) program.

Beginning in 1967 and continuing for almost 20 years, there were Reginald Heber Smith Community Lawyer Fellows (Reggies), a part of the war on poverty and a training ground for talented law school graduates. Thirty years later, there are new lawyers like Shawn Moore and Emiko Furuya who are eager to take on the unfinished work, build relationships, strengthen communities, educate, advocate,

and work for social change and equal justice.

Lucy Metting is a consultant for the National Association of IOLTA Programs.

Eric Ward Joins the Kansas Bar Foundation

After 16 years at the Kansas Bar Foundation, Art Thompson resigned as its Public Services Director. Art is the new Dispute Resolution Coordinator for the Kansas Supreme Court.

Eric Ward has been hired to replace him. Prior to his accepting the position, Eric was the Assistant Continuing Legal Education Director at the Kansas Bar Association. He served in that capacity for two years. For eight years, Eric served in the Navy, where he was stationed at Subic Bay in the Philippines and at Pearl Harbor, Hawaii.

Please join Dialogue in welcoming Eric to the IOLTA community. He can be reached at 785/234-5696.

From the Chair...

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held in conjunction with the ABA Annual Meeting in Atlanta, Georgia, on August 5-6. As usual, the Joint Commission/NAIP Meetings and Training Committee has put together first rate workshops on topics such as:

- technology from a funder's perspective
- state planning
- banking
- leadership for IOLTA directors
- legal access and the poor
- collaborative funding efforts.

The Workshops also will include a trustees' roundtable, sessions for new directors and hot topics.

Every year, not only does the ABA Annual Meeting house the Summer IOLTA Workshops, it also signifies changes in the Commission's membership. The only out-going Commission member this year is Joe Genova. During his tenure, Joe truly has been an invaluable participant in several Commission activities. He worked tirelessly on the many amicus curiae briefs that the ABA filed in support of IOLTA; he was a proactive Co-chair of the Joint Resource Development/Banking Committee and member of the Joint

Technical Assistance, Conversion/Diversion Committee; and he always graciously offered his expertise and counsel whenever called upon. Thank you Joe for hard work and commitment.

The ABA Annual Meeting also marks changes in the membership of the NAIP Board of Directors. I would like to take this opportunity to thank out-going NAIP President Jayne Tyrrell for helping to guide IOLTA through another challenging year. As I wrote in my last Chair's Column, the relationship between the Commission and NAIP is unique. Jayne's leadership this year has only strengthened the collaboration between the two organizations.

From the Chair . . .



by Hon. Judith Billings
Chair of the ABA Standing
Committee on Pro Bono
and Public Service

This will be my last column as Chair of the Standing Committee on Pro Bono and Public Service. During my term as Chair, I have had the opportunity to see the Committee work together and with others on a wide range of important projects and initiatives. For their commitment to pro bono, their energy, vision and excellent work, I want to thank all of those with whom I have served.

The Pro Bono Committee has used a variety of strategies to promote and expand the delivery of pro bono legal services. We have tried to respond to the dramatic changes taking place in the legal services delivery system. The Committee also has worked to ensure that pro bono is seen and utilized as a critical component of meeting the civil legal needs of the poor.

By working with judges, law schools, government attorneys, corporate counsel, bar associations, legal services and pro bono programs, and many others, the Pro Bono Committee has attempted to build a strong network of key stakeholders who will maximize support for pro bono. These are important efforts and will continue under the leadership of Rob

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Provost David Hall Addresses Equal Justice Conference

Editor's note: Provost David Hall of Northeastern University in Boston, Massachusetts was the closing speaker for the recent Equal Justice Conference. His inspirational remarks follow.

It is truly an honor to serve as the closing keynote speaker for this first Equal Justice Conference. As dean and as provost of a major university I get quite a number of speaking invitations. But this was one that I wanted to do for personal and selfish reasons.

First, I am deeply committed, as a lawyer and a professor of law, to the ideal of equal justice. There is no challenge facing this profession more critical than ensuring that we provide equal access to the justice system. I knew this conference would aid us in this quest.

Second, I served for over three years on the ABA Standing Committee on Pro Bono and Public Service. When I joined, one idea that we explored was the possibility of a joint Pro Bono Committee/National Legal Aid and Defender Association conference. I watched that idea grow and blossom into something real and meaningful. So I was excited about contributing some of my ideas to this historic and groundbreaking event.

As I stated earlier, keeping the doors of justice open and equal to all is an ideal that I cherish and promote. The people in this room are the best examples of that ideal, and I deeply respect the way that each of you nurtures it on a daily basis.

Over the years of attending the ABA Pro Bono Conference, I gained an even deeper respect for your work and as a result your role in the legal profession. I am not here, however, to tell you that pro bono and legal services work is important; you already know that.

I am here to tell you that it is indispensable to the life of this profession and society. I am here to tell you that it is the saving grace of the legal profession. It is the well from which this profession must drink if it is to save itself from a parched existence. Thus, I want to speak briefly about "the saving grace of the legal profession."

Grace is a concept that lawyers tend not to invoke very often, because it carries with it strong spiritual and religious connotations that make some people uneasy. In any event, Black's Law Dictionary defines grace as "a favor or indulgence as distinguished from a right." It suggests that, through acts of grace, a person receives something to which she/he is not entitled.

Though some traditionalists would like to view pro bono and legal services in civil matters as grace that we bestow upon the public and for which the public has no right to receive, I would like to turn that definition on its head. For if we truly and deeply understood the social function of our public service commitment and our pro bono obligations, then we would understand that they are not gifts that we bestow upon others; they contain unintended blessings and consequences that ultimately will save this profession from itself.

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Hall

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Saving grace is a spiritual concept that implies that there are blessings and consequences that we do not earn, but which nevertheless can rescue us from a fate that we do deserve. It says that despite the shortcomings of a person or system, there will be some process or force that will intervene on our behalf and save us from ourselves. If we are creative and courageous enough to analyze legal services, pro bono and equal justice work from this perspective, then I believe we all would have an even deeper appreciation for the work that so many of you in this room do each day.

The challenge for this historic conference is to reconceptualize the role of legal services delivery within the legal profession. I submit to you that it is dangerous and destructive to continue to view legal services and pro bono work as acts of charity. Not because charity is a bad thing, but because as [people working in the legal profession,] we are under a moral, legal and professional command to do these things.

The new step that I am trying to add is the notion that not only is it not charity, but it is the best cure for what ails us as a profession. We must position and articulate what we do here as the saving grace for the challenges of the 21st century.

The compelling element in the concept of saving grace is actions that we think we are doing for others turn out to benefit us more than we imagine and certainly more than we intend. It is the unintended and unplanned-for effects of public service and pro bono that make them the saving grace.

I think metaphors and images

are powerful tools that allow us to grasp and understand concepts that otherwise are somewhat elusive. When I think about the legal profession and some of the challenges that it faces, I sometimes get the image of a desert.

A desert comes to mind not because there are not wonderful and meaningful things that lawyers do each day. I think of a desert because this profession, as presently structured, does not appear capable of sustaining the life of all of its members or bringing forth the new ideas that feed the deep need of this society. It is a desert because we are often deserted by the very society that we serve. Lawyer jokes reflect more than just this society's need to laugh. They are a reflection of this society's deep ambivalence concerning this profession's worth.

We are on a desert because so many lawyers have lost their way. Some came into the profession for noble reasons, but they get trapped in the hot sands of prestige, power and money. They wander in circles trying to accumulate more sand, but they never find an oasis that gives their lives and work meaning and fulfillment.

In every desert, however, there is a well. I deeply believe that pro bono, legal services and equal justice are the wellsprings of hope for this profession. If more lawyers drink from this deep well, which was dug and drilled without human hands, then not only will they quench their thirst, but they will find a reservoir of ideas and energy that will transform this profession and this society.

One of the most tumultuous winds that we have encountered in the desert has been the profession's growing concern with profit and the bottom line. Certainly the legal profession should be financially rewarding and those

who participate in it should be able to take care of themselves and their families. This need in some organizations, however, has been transformed into an obsession with profit, bonuses and institutional perks. This obsession unchecked can only lead to negative competitive behavior that often forces people and organizations to compromise their values and walk on the edge of the professional ethics line.

Many cross over daily because the lure of profit makes it very tempting to do so. Those firms that have seriously committed themselves to pro bono and public service are inserting countervailing values into their institution, which tempers and cuts down on the focus and obsession with the bottom line, which, as a result, becomes more broadly defined. It becomes a bottom line that contains human accomplishments as well as monetary achievements. Though it was not adopted for that purpose, pro bono is saving the firm from eating itself alive.

As we launch into the 21st century, we must understand, at the deepest level, the role that these values play in our individual and collective survival. I believe that there is a direct relationship between the esteem in which a profession is held and the amount of good in which the society believes the members of that profession are engaged.

The esteem of this profession will not rise because we master legal technological innovations. It will not rise because we put in place cost containment strategies, although that certainly would help. It will not rise because we engage in sophisticated marketing and advertising strategies. I believe that the esteem and respect this profession enjoys will rise when

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Hall

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the public sees it as caring for others as much as it does for itself. It will rise when we are viewed as angels of justice and not just agents of law.

There are many recent studies indicating that numerous lawyers are dissatisfied with the practice of law and are feeling unfulfilled in their professional lives. Many factors have contributed to this phenomenon, and various solutions have been offered.

It is clear to me that it is difficult for many lawyers to find meaning in their daily routines. They are frequently engaged in activities that seem to benefit only themselves and their clients. In many instances, lawyers neither identify with nor find personal satisfaction in serving these clients.

Pro bono service is one important mechanism through which lawyers can reconnect with their original calling or discover that they did not have a calling in the first place. When we serve people who cannot return the favor in monetary ways, then we are opening up parts of ourselves that are easily kept closed, and we also make deposits in the moral well of this society that often runs dry.

But the real saving grace is greater than many of us imagined. Buried deep within the cloud of this society's retreat from helping the poor is a silver lining. Many of us have come to accept the harsh reality that government cannot and will not solve the critical problems that face so many people in this society. We also know that community based organizations do not have the resources or expertise to, on their own, bring about a great transformation in society.

Pro bono and legal services work is the best cure for what ails the legal profession.

But if we can connect their deep commitment and insights with the expertise that dedicated lawyers and other professionals have, then we can create a vision and structure of social transformation. This transformation occurs not when we give charity to communities in need, but when we see it as a moral obligation that will ultimately benefit us as much as it benefits others.

This well called legal services and pro bono is one of the major pathways to equal justice. For justice cannot mean only that people have access to the courthouse. It means that their lives can be radically and permanently changed. If all we do through our pro bono and legal services work is keep a mother from being evicted, then we have not dug deep enough into the well.

We must use our skills, along with the skills of others, to create not only housing but ownership; to create not only the jobs, but the possibility of owning stock in community based enterprises that truly serve those communities. Certainly we cannot do this by ourselves, but we can lead the way for businesses and other professionals to tap into this well. If we can be creative with our moral commands and if we can demonstrate the benefits to the profession and to individuals within the profession, then others surely will follow.

We must not be viewed as those who only help to divide up the pie. We must be part of the process that makes the pie larger, bakes it, and even writes the recipe for

future social bakers.

In conclusion, this conference and this effort must no longer be a small part of the ABA's programmatic thrust. This conference must usher in a movement that re-defines what it means to be a lawyer.

Collectively, we must develop a blueprint that the profession will be convinced to follow, not because they are charitable, but because they understand how essential this movement is to this profession's survival and growth. This movement must ring from every courthouse in America, from every law office and every law school.

When we do so, this conference will not be a place where only those who are already committed to the ideals come. It will be a destination of choice for any serious lawyer and legal professional who wants to be a part of the future direction of this profession. This movement must not exist in words and workshops alone. It must embrace a spirit that emanates from those who profess and live by these ideals.

This conference, wherever we meet, will become the holy ground through which lawyers are transformed, inspired and renewed. It will become the Jerusalem, the Mecca for converts and the converted. But they will not be converted to legal dogma and rules that stifle creativity. They will be drawn by a genuine and intellectually compelling manifesto for the legal profession.

Those of you gathered here today, those of you who were the founders of this idea, must understand how essential, precious and morally compelling the work you do is to the future of this profession. You are the keepers of the well that ultimately will transform the desert into a beautiful oasis of justice and love.

From the Chair...

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Weiner, the Committee's new Chair.

In the context of all of the other valuable work of the Committee, there is one task I have had the honor of performing which reminds us of what this work is all about. On August 9, 1999, at the ABA Annual Meeting, I will be presenting the Committee's annual ABA Pro Bono Publico Awards. The individuals and institutions who receive these awards are shining examples of how much difference lawyers can make for someone in need. Regardless of the practice setting, each year the Pro Bono Publico Awards are presented to heroes—people and institutions who make an amazing difference for individuals in need and the communities in which they practice.

The following are this year's recipients.

Peter S. Greenberg and **Christina Rainville** (partners at Schnader, Harrison, Segal & Lew is in Philadelphia, Pennsylvania) donated more than 3,000 pro bono hours to represent a woman who is serving a life sentence for a highly publicized murder that she maintains she did not commit. During their work on behalf of Lisa Lambert, Greenberg and Rainville came under public criticism, including hate mail and death threats, as they worked to free their client.

U.S. District Judge Stewart Dalzell, who believed her claim that police framed her, freed Lambert in April 1997. She is now back in prison after the Third U.S. Circuit Court of Appeals ruled that Lambert never raised some of her key claims in state court. Dalzell is facing a storm of protest based on his decision, which included barring the state from retrying Lambert.

"This case involved courage, adverse consequences to their regular practice, and a display of skill and commitment that is surely one of the most memorable I have encountered in my experience at the bar," said ABA Past President Jerome J. Shestack in nominating the pair.

William S. Harwood (partner in the Portland, Maine, firm of Verrill & Dana) ensured that those needing legal service in Maine receive it. Harwood, whose practice concentrates on utility law matters, donated hundreds of hours to the Volunteer Lawyer's Project (VLP) of the Maine Bar Foundation and the Pine Tree Legal Assistance, Inc. on contested custody matters.

Long involved with VLP projects, Harwood continued to work to increase VLP funding even after he assumed the presidency of the Maine Bar Foundation. In his capacity as bar foundation president, Harwood was instrumental in the development of Maine's Interest on Lawyers' Trust Accounts project, which provides more than \$600,000 annually for legal services to impoverished clients.

When Maine's Justice Action Group, comprised of judicial leaders and the presidents of state bar organizations, formed the Pro Bono Task Force to stimulate pro bono efforts in Maine, Harwood was asked to serve as co-chair. He brought together a working group of managing partners from the state's largest law firms to work on resources available to low-income individuals with family law problems. With Harwood's leadership, several of the participating firms created the Frank M. Coffin Family Law Fellowship, which was funded through donations to hire two lawyers to handle family law

referrals from the VLP. Currently, Harwood is seeking funding for a third and possibly fourth position.

The law firm of Hunton & Williams (Richmond, Virginia) conducts pro bono programs from several offices. Florida Rural Legal Services (FRLS), in nominating the firm, said the firm's offices donated more than 5,800 hours "to invest the considerable time and effort that it took to adapt to the very different and challenging world of working with migrant farm workers," FRLS said. "Doing this successfully is as much a matter of flexibility as it is one of finances, and the attorneys on this case ultimately were able to bring all of these resources to the table."

For the past three years, Hunton & Williams has met the ABA Law Firm Challenge goal of committing at least three percent of the firm's gross billable hours to pro bono clients. It has provided pro bono services in several geographic regions. Among its continuing projects is one in Richmond, VA, where the firm supports legal services through a pro bono fellowship and its neighborhood pro bono office in Church Hill. The Atlanta office supports the Southside Legal Center. And, in Norfolk, VA, the firm's lawyers assist the Chesapeake Commonwealth's attorney in prosecuting misdemeanor appeals from district court.

The corporate law department of Merck & Co. (based in Whitehouse Station, New Jersey) established pro bono partnerships with legal service offices in each of its New Jersey legal departments. Merck's lawyers are handling divorce, bankruptcy, guardianship, child custody, tenancy and domestic violence cases for impoverished clients. Approximately one half of the company's 105 lawyers

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Special Award to be Presented to Deborah Rhode

In February, the ABA Board of Governors approved a Standing Committee on Pro Bono and Public Service request to present a special award to Deborah Rhode, Immediate Past President of the Association of American Law Schools. It recognizes her commitment to pro bono during her presidency. She made pro bono the priority for her term by directing the attention of AALS and its members on the critical role pro bono plays in law schools. She wrote and spoke about the need for law schools to focus on their pro bono commitment at every available opportunity.

Rhode began her term by appointing a Pro Bono Commission to study the current state of pro bono and public service activities in law schools and to develop

recommendations for AALS to further the expansion of law school pro bono activities. She subsequently obtained a grant from the Open Society Institute to provide the necessary funding to support the comprehensive implementation and completion of this effort.

The Commission developed a report entitled *"Learning to Serve: The Findings and Proposals of the AALS Commission on Pro Bono and Public Service Opportunities"* which sets forth the central conclusion that law schools need to do more to build broader cultures of commitment to pro bono. As a result of the Commission's work, two significant developments have arisen. First, AALS will create a new



section on public service to serve as a forum for exchanging information and ideas. Secondly, AALS has created two new staff positions that will be funded by a second large grant from the Open Society Institute for the next year and

possibly for the next two years.

The new staff members will launch the new section and function as a resource for law schools that are creating or expanding pro bono programs. In addition, the new staff members will develop a national clearinghouse of information about law school pro bono activities. They will develop printed materials and a web site about

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From the Chair...

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participate in the pro bono efforts.

Organized with a "small law firm" concept, Merck concentrates its efforts in teams and in partnership with Legal Services of New Jersey, which does the initial client intake interview. Legal services also provided training for Merck lawyers, who were accustomed to handling patent and intellectual law cases but are unfamiliar with family and consumer law issues. The Merck lawyers have taken their own pro bono commitment a step farther and have challenged other New Jersey corporations with legal departments to begin similar efforts. Merck lawyers have provided seminars for other New Jersey firms on setting up pro bono programs.

The Law Firm of Jenkins & Mulligan (San Francisco), through

its partners, Thomas A. Jenkins, and Daniel J. Mulligan, performed extensive pro bono work on behalf of the poor and the elderly in the San Francisco area. The work focused on economic and consumer issues such as bankruptcy, foreclosure and fraudulent loan practices.

Jenkins and Mulligan have lead several seminars for consumers and consumer advocates, including a three and a half hour training program for more than 135 volunteer lawyers on home equity loan scams. They also have helped Legal Aid for the Elderly in San Francisco and Alameda counties by developing outreach programs to elderly consumers in an effort to prevent mortgage and home improvement fraud. Both lawyers have aggressively pursued legal action against unscrupulous contractors in the San Francisco area, and they are working to

develop state and national legislation to curb such practices.

In addition to the above-mentioned awardees, the Pro Bono Committee received permission this year to present a special award to **Deborah Rhode**, Immediate Past President of the Association of American Law Schools. (See above.)

The recipients of the Pro Bono Publico Award have stories to tell about how important their pro bono work has been for them as lawyers, as members of a profession that is often criticized for misplaced priorities. They are role models for other lawyers, and for law students, who are looking for ways to find meaning and satisfaction in their professional lives. Please join us at the 1999 Pro Bono Publico Awards Luncheon in Atlanta at noon on Monday, August 9, 1999, at the OMNI Hotel, CNN Center, International Ballroom.

Over 800 Attend First Ever Equal Justice Conference

"I gained many new ideas to take back to my local bar association."

"There were a great deal of suggestions for programming efforts that have proven to be successful."

"Excellent! Extremely helpful to interface with other providers and exchange information on what works and what doesn't."

The largest gathering ever of civil legal services advocates and supporters took place May 6-8, 1999 at the Westin Innisbrook Resort in Palm Harbor, Florida. The first ever Equal Justice Conference, a collaborative effort of the ABA's Standing Committee on Pro Bono and Public Service and the National Legal Aid and Defender Association, was attended by over 800 individuals, representing a broad cross-section of the legal profession.

The conference was designed to provide an opportunity to examine client-based delivery innovations and to strengthen the working

relationships among the key players in the civil justice system. Attendees included legal services and pro bono program staff, court administrators, legal services funders, law school deans and law school staff. Also attending were private lawyers, legal services and pro bono program board members, judges, corporate counsel, government attorneys, and bar association leaders.

Participants were treated to outstanding inspirational and informative keynote addresses from: Angela Blackwell of PolicyLink in Oakland, California; Harold Hodgkinson of the Institute for Policy Studies in Washington, D.C.; ABA President Elect William Paul; and Provost David Hall of Northeastern University in Boston, Massachusetts. In addition, over 90 workshops were offered, covering substantive, administrative and innovative delivery issues.

Special affinity group sessions were held pre-conference for pro bono program managers, legal services program staff and court administrators. These sessions offered significant opportunities to focus on specific issues of importance to those holding similar positions. The conference programming provided the opportunity for these groups, and others, to integrate their ideas, consider new partnerships and explore new delivery strategies.

The ABA Pro Bono Committee and NLADA extend special thanks to the following for the significant financial and in-kind support that they provided for the conference: AARP, Latham & Watkins and the Legal Services Corporation. In addition, thank you to the Florida Host Committee for their outstanding efforts and support.

Mark your calendars now for the 2000 Equal Justice Conference—April 6-8, 2000 in Houston, Texas.

ABA Pro Bono Committee Issues "White Paper" on Pro Bono Reporting

The ABA Standing Committee on Pro Bono and Public Service recently released a report providing information to bar associations and others considering the adoption of either a mandatory or voluntary pro bono reporting rule. The report examines the strengths and weaknesses of each approach, highlights various models and reviews the challenges

inherent in proposing a pro bono reporting system. Attachments include a table reviewing the status of pro bono reporting in the 50 states and the District of Columbia. To request a copy of the report, contact Jenny McMahon, Assistant Committee Counsel, at 312/988-5748, e-mail: mcmahonj@staff.abanet.org

Rhode

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model programs and policies. In addition, they will work with other groups involved in promoting pro bono programs.

Thus, Ms. Rhode's efforts will have a long-lasting and important impact on law school pro bono initiatives. Thanks to Ms. Rhode, more law students will be offered the opportunity to learn about the importance of pro bono publico service before they begin the practice of law. The special award will be presented to Ms. Rhode at the Pro Bono Publico Awards Assembly Luncheon on August 9, 1999 at the ABA Annual Meeting.

From the Chair...



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

On May 18, 1999, Denis Murphy, Sheree Swetin and I met in Baltimore with the Maryland State Bar to discuss a variety of topics involving LRIS. In addition, on June 17-18, the members and staff of this Standing Committee convened at Dana Point, California to participate in the State of California LRIS Workshop. Both meetings not only included updates on a variety of LRIS issues, but they also gave us the opportunity to acquaint an LRIS audience with the activities and services of the Standing Committee.

Among those services and activities is the publication of *PR Tools, Tips & Timesavers*, a marketing guide, which has received



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Toledo Bar Association LRS Receives the 1999 Cindy A. Raisch Award

by James B. McLindon

Prior to her death in 1994, Cindy A. Raisch was both an innovator and a leader in the lawyer referral service movement. Throughout her career, she held several positions in which she influenced the evolution of lawyer referral:

- Director of the Los Angeles County Bar Association Lawyer Referral Service;
- Member and Chair of the California State Bar Standing Committee on Lawyer Referral Services;
- Member and Chair of the American Bar Association Standing Committee on Lawyer Referral and Information Service;
- Executive Director of the New York City Bar Association; and
- Associate Dean of the Pepperdine Law School.

In each capacity, Cindy preached two lawyer referral concepts. First, the operation of a lawyer referral service must be viewed as the operation of a business, the business of lawyer referral. To paraphrase Cindy, the service that fails to recognize that it is a business is doomed either to chronic dependence on bar association subsidies or failure.

The second concept flows from the first: as a business, lawyer referral should first and foremost serve its customers, the callers, and not its panel members.

These two tenets, along with the dedicated work of many people, led in 1994, to the adoption of the ABA Model Rules for Operation of a Lawyer Referral and Information Service. Variations on these model rules are now in effect in California, Michigan, Ohio, Texas, and Florida. We owe this achievement to Cindy Raisch.

In 1996 the American Bar Association established the Cindy A. Raisch Award. This award, which the ABA Standing Committee on Lawyer Referral and Information Service bestows annually, recognizes an individual lawyer referral service that has enhanced the second of Ms. Raisch's concepts, the public service aspect of lawyer referral.

Past award recipients are the Travis County (Texas) Bar Association Lawyer Referral Service in 1997 and the King County (Washington) Bar Association Lawyer Referral Service in 1998.

This year the ABA Standing Committee presented the award in February to the Toledo (Ohio) Bar Association Lawyer Referral Service. The Award recognized Toledo's outstanding modest means program, the operation of its service in compliance with the ABA Model Rules, and the superior nature of the service.

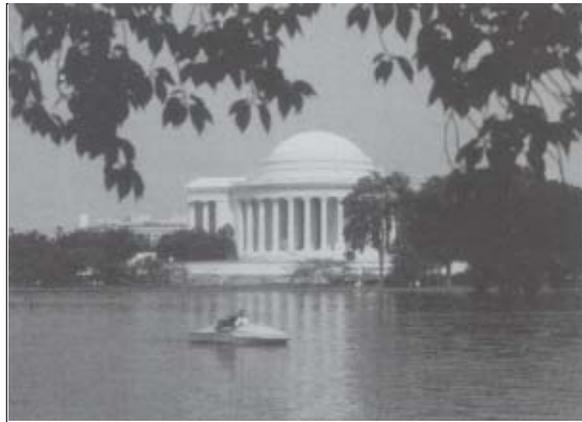
Under the direction of LRIS Chair, Howard C. Whitcomb, III and LRIS Administrator, Joyce A. Marciniak, the service implemented a modest

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1999 National LRIS Workshop in DC Area

The 1999 National Lawyer Referral Workshop will be held October 13-16 in Alexandria, VA at the Hilton Alexandria at Mark Center, a short ride to downtown Washington, DC. This year's Workshop will feature a special Leadership Development Track that will include extensive programming on business plan development, working with your board/committee, advanced marketing techniques and developing telephone staff. Henry Ernstthal, a nationally recognized expert in association management, will facilitate these sessions, and will present an opening plenary on future trends in the legal profession and bar management.

The Workshop will also feature programming designed for new program directors, emphasizing the nuts and bolts of program operations and how to develop a financially successful service. A third program track will feature



programs for bar leaders, with sessions on staffing, rules for suspension and removal of panel members, and innovative ideas in the field.

The Keynote speaker at the 1999 workshop will be William K. Suter, Clerk of the U.S. Supreme Court. Mr. Suter will regale the audience with tales of the inner workings of the highest court in the land, and he will explain how the justices and the court reach opinions on some of the most significant issues affecting our society.

While the Workshop will offer three days of intensive programming on lawyer referral issues, attendees will have numerous opportunities to network with other lawyer referral program directors and bar members. The contacts and relationships developed at this conference will provide support, assistance and resources as questions arise throughout the year.

Washington, DC is the historical and legal center of our country, with historic monuments, battlefield and world-class museums. Pack your bags, bring your families, and join us for a fun-filled, educational opportunity to enhance your lawyer referral program and enjoy the company of your colleagues in the field.

Workshop brochures will be mailed in July. For further information, or to add your name to the mailing list contact Colleen Glascott at 312/988-5760, e-mail: glascotc@staff.abanet.org

From the Chair...

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rave reviews. Rave reviews also are in order for the Standing Committee's Program of Assistance and Review (PAR), which provides on-site assistance to lawyer referral programs interested in enhancing their operations. Under the program, a team of national experts works with the lawyer referral program to improve management and operational functions.

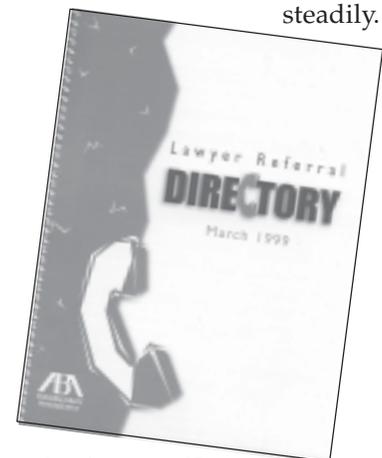
Additional LRIS services include:

- The National Lawyer Referral

Workshop. This annual event provides education and training to lawyer referral directors and bar leaders on program operations, and stimulates discussions on current issues and developments impacting state and local services.

- The *Directory of Lawyer Referral Services*. The Standing Committee publishes this state-by-state listing of lawyer referral programs and directors annually. An abbreviated version of the directory is maintained on the Internet, which in its first year received approximately 8,000

hits per month. The number of visits continues to increase steadily.



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Raisch Award

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means panel to serve Toledo's large population with limited financial means who had difficulty obtaining a lawyer in the existing legal community. The modest means panel also promoted a positive image of both the bar association and the legal profession in Toledo.

Attorney participation in the program is entirely voluntary. Panel members agree to provide referral clients with an initial one-half hour consultation for \$30. In addition, each panel member agrees, if the client retains him or her, to perform legal work at a rate of \$75 dollars per hour. In order to receive this rate, the client is required to provide an initial retainer of \$375.00. Because of the reduced hourly rate, the lawyer referral service waives the percentage referral fee that it is owed on the first \$200 of income that the panel member receives.

In addition to the new modest means panel, the Toledo Bar

Lawyer Referral Service was the first LRIS in the United States approved to use the ABA LRIS logo and the ABA LRIS slogan, "The Right Call for the Right Lawyer." Use of the logo and slogan are restricted to those services that operate in compliance with the ABA Model Rules for Operation of a Referral Service.

Like many valuable LRISs across the country, the Toledo Bar's operated for years at a deficit, surviving only through the generous subsidy of its sponsoring bar association. Beginning in 1990 it took to heart the two-pronged philosophy of Cindy A. Raisch, and the days of bar association subsidy are now only a distant memory. Today, the Toledo LRS is one of the Bar's largest revenue producing programs.

In keeping with the "information" aspect of lawyer referral, the Toledo Bar LRS implemented an "Ask the Attorney" program nine years ago. Under this program, many bar members volunteer two to four hours a year answering call-in questions on a regularly

scheduled show at a local television station. This popular program not only helps the legal consumers who call or listen, it enhances the image and reputation of the Toledo Bar as an organization that cares about the legal consumer, not just the lawyer.

In addition, the Toledo Bar LRS is worker friendly, having established a job-sharing program for its LRS employees, which allows the job-share individuals to operate as a team. Continuity is maintained through the use of daily activity and time-tracking logs maintained by the two job partners. Flex time for employees and job-sharing can go a long way towards avoiding job burn out in what we all recognize is a stressful environment.

The Toledo Bar LRS represents some of the best attributes of a lawyer referral service operating as a business and as a public service. It is a worthy recipient of the Cindy A. Raisch Award.

James B. McLindon is a member of the ABA Standing Committee on Lawyer Referral and Public Service.

From the Chair...

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- **Web Site and Listserv.** The Standing Committee maintains a web site (www.abanet.org/referral) that includes public information about how to find a lawyer, and a directory of programs in all 50 states. The program portion of the site provides information on the services that the ABA offers to lawyer referral programs, and about the ABA-approved standards. The Standing Committee also sponsors a

listserv for those interested in public service lawyer referral operations. This is a free service that provides a valuable conduit for communication among program managers. Join by contacting us at jnosbisch@staff.abanet.org

- **Dialogue.** The *Dialogue* magazine devotes a section to information and advice on program operation issues and national developments in the field of lawyer referral. The ABA Division for Legal Services publishes the magazine quarterly.
- **An LRIS Clearinghouse of**

Forms and Information. The Standing Committee maintains this clearinghouse, which contains materials relating to the operation and development of lawyer referral programs. It responds to ethics and policy questions from state and local lawyer referral directors, and it offers access to national speakers for programs on lawyer referral issues.

- **The National LRIS Marketing Guide and Awareness Campaign.** This project promotes the recognition of public service

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The Survey Results Are In the Mail

As of this writing, we are putting the final touches on the results of the first national survey of LRIS programs in ten years. The resulting publication is being mailed to all programs that participated in the survey, an impressive return of 66 percent of public service lawyer referral programs.

The publication includes:

- The “Frequency Distribution” section displays the responses for all survey questions covering program demographics, panel management, program operations, relationship to other bar and community programs, the Internet, general and subject matter/experience panels, automation, funding, staffing, and marketing.
- The “Who is Doing What” section is a listing by program name of each response that provides contact information for all aspects of program management. For example, managers can identify their colleagues at comparable size panels, determine who has subject matter panels, and compare funding information such as initial consultation fee charges.
- The “Program Profiles” section focuses on key aspects of selected program operations to provide an at-a-glance perspective. Included in this section are a general program profile detailing features such as panel size and number of staff, an Internet capabilities profile, automation information for programs with a computerized referral process, and a marketing resources profile.
- The “Beauty is in the Details”

section provides details such as programs with varying types of subject matter panels, various percentage fee schedules, and methods for measuring the success of LRIS promotional materials.

What the Numbers Tell Us

The programs participating in the survey appear to be a representative sampling of the country with the majority (63 percent) serving a mixed urban and rural setting. The enterprise of the public service lawyer referral and information service is predominantly the business of bar associations, with 88 percent of programs reporting bar association sponsorship and the majority (86 percent) still remaining the province of a single bar association. A significant percentage of LRISs (34 percent) are operated by bar associations with membership of 1,000 or less, with another smaller clustering (5%) of programs operated by

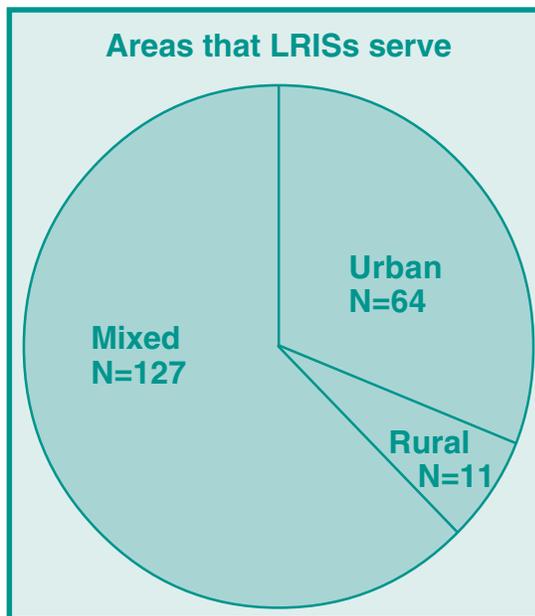
major metropolitan and state bar associations.

Panel membership distribution remained virtually constant from the study conducted 10 years ago. As in that sample, almost one-third (35 percent in the current study, 32 percent in the 1990 study) of programs operate a panel of 100 or fewer participants. The clustering of large programs operating with panels of 1,000 or more members remains at less than 5 percent (2 percent in the current study, 3 percent in the 1990 study).

The measures associated with insuring panel membership quality control continue a slight upward trend. Virtually all programs now provide operating rules to new panel members (93 percent in the current study, 88 percent in the 1990 study). Associated procedures such as establishing a written procedure for the suspension or removal of attorneys (63 percent in the current study, 54 percent in the 1990 study) and investigating client complaints (74 percent in the current study, 67 percent in the 1990 study) are now firmly in place. The percentage of programs with an LRIS Committee, 86 percent, has remained at a virtual standstill in the last 10 years. Interestingly, the percentage of programs that assess attorney satisfaction with panel membership has not yet broken the 50 percent mark.

An annual participation or registration fee has become the norm for the overwhelming majority of

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Survey

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programs (93 percent in current study, 81 percent in the 1990 study). As would be expected, a shift upward has occurred in these charges. Currently, 35 percent of programs charge an annual participation fee of \$100 or more, as compared to 15 percent of programs in the 1990 study. Interestingly, the middle ground charge of \$50 - \$99 has remained at a fairly constant percentage (39 percent in the current study, 37 percent in the 1990 study). On the other hand, the major shift has occurred with a significant reduction appearing for those programs that charge \$25 - \$49 (12 percent in the current study, 25 percent in the 1990 study).

In addition, the intervening years have produced a slight increase in the percentage of programs charging a separate, additional fee for each area of law joined with an increase to 26 percent in the current survey from 20 percent in the 1990 study.

The survey reports an almost imperceptible increase in the volume of annual phone inquiries in the past ten years. A cautionary approach should be taken before placing an emphasis on this measure. First, the 1990 study included what was likely a disproportionate sampling of larger LRIS programs.

Second, the number of LRISs operating with an automatic pre-screening informational or Tel-law message has increased substantially in the last decade. Anecdotal information shows that these devices greatly reduce the number of "inquiries" that the LRIS personnel handle without impacting referrals to attorneys.

A significant percentage of programs, 64 percent, report the full-time equivalent of less than one staff person. This further supports the conclusion that the 1990 study was a disproportionate sampling of larger LRIS programs, where only 28 percent of the programs reported staffing at this same level. The LRIS field is also accruing a wealth of experience with the average tenure for an LRIS Director now at 7 years, and almost 30 percent of directors have more than 9 years experience at managing a lawyer referral operation.

This longevity also may account for a diminished ability of the LRIS director to focus exclusively on LRIS operations. Almost 75 percent of directors report having other duties in addition to the LRIS program. This is in contrast to the 1990 study where 56 percent of directors reported multiple assignments.

Overall, 60 percent of LRIS calls are being referred to a lawyer associated with an LRIS program, either through the local program (53 percent), or through a lawyer referral in another area (7 percent). Greater than one-quarter of the calls (28 percent) are channeled to an appropriate alternative mechanism for resolution of the individual's problem.

Eleven percent of the callers are directed to a non-legal entity, such as the Social Security office, and another 17 percent are referred to another legal resource, such as a pro bono program. Although not all survey participants provided information, more than half of the respondents reported a greater than 50 percent likelihood that a client would meet with the attorney for the first consultation. The number of programs making the initial appointment for the client with the attorney has

dropped almost 15 percent in a decade (30 percent in the current study, 44 percent in the 1990 study). It is interesting to note that in this era of consumer-friendliness, less than one-half (48 percent) of the programs report systematic follow up with clients to determine satisfaction with the service. Further analysis will examine which program management characteristics are most closely associated with client follow-through at the first consultation.

Almost 80 percent of programs charge an initial consultation or administrative fee to the client, although only 17 percent report that this fee is never waived. In 46 percent of the cases the initial fee will be waived in contingent fee matters or for other types of cases such as Worker's Compensation. The average fee charged to the client is \$26, with the single largest percentage of programs (28 percent) charging in the \$25-\$29 range, and the next largest percentage charging \$30 or more. Almost 50 percent of the programs (46 percent) report that this initial fee is remitted back to the LRIS.

A trend toward implementation of percentage fee programs is now evident. The number of programs charging a percentage fee has increased dramatically in the last 10 years, moving from 41 percent (N=40) in the 1990 study to almost 60 percent (N=117) in the current study. Almost 25 percent of those with percentage fee programs now have more than 5 years experience with its operation. The average percentage fee charged is 12 percent, with 37 percent of programs reporting that they charge a percentage fee in the range of 10-14 percent. Almost one-fifth (17 percent) of the programs report varying the percentage fee

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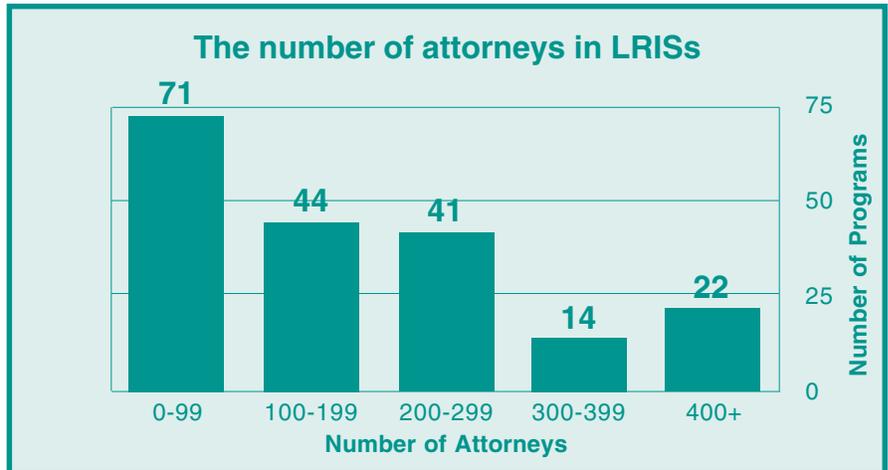
Survey

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depending on the amount of the award or the type of case.

LRIS marketing is slowly moving beyond placement of Yellow Page ads, although Yellow Pages remains the most universally used device (90 percent), and the most highly rated (4.18 on a 5 point satisfaction scale). The five most highly rated mechanisms are: Yellow Pages (4.18), Phone-In-Lawyer Advice Program (4.03), newspaper legal advice column (3.81), posters/flyers at a federal court (3.79), and LRIS informational brochures (3.78).

The survey asked whether LRIS revenues exceeded expenses in the most recently completed fiscal year. This is a decidedly weak measure of "success" because of any number of reasons including a measurement of only one point in time and



the variations in how accounting is handled for LRIS programs. Despite the survey authors concerns about reliance on any one number, we also think it is important to report that approximately one-third (32 percent) of programs indicated that in the past year their revenues exceeded expenses.

These facts and much more will be reported in the "Just the

Facts About LRIS" publication that is being released in August 1999. Also slated for release is an executive summary that will focus on providing key summary information for LRIS program managers, bar association directors and LRIS Committee chairs. Thank you again to all who participated in the LRIS National Survey.

From the Chair...

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lawyer referral and information services operating under ABA-recognized standards as a

preferred method for middle-income consumers to obtain a lawyer. Lawyer referral programs enhance the image of lawyers as accessible and qualified, and they provide opportunities for

solo and small firm practitioners to develop a client base through local referral programs.

Other projects are in the pipeline so stay tuned. Most importantly, let us know how we can better serve the committed LRIS staff through the country and the lawyers who participate in LRIS.

Fall is the time of transition in committee appointments at the ABA, and our Standing Committee has to say farewell to an extremely valuable member. Allen Charne, Director of the Association of the Bar of City of New York LRIS operations, is a nationally recognized leader and innovator. His persistence, thoughtfulness and spirit will be sorely missed at upcoming meetings. Our thanks for the many services that he rendered.

*You can visit the ABA's
Division for Legal Services
web site at*

<http://www.abanet.org/legal services>

Give your LRIS a Competitive Edge

Marketing research shows that an identifiable logo and/or slogan improves a company's profile in the community. For years, LRISs had expressed a need for a nationally promulgated symbol that would immediately identify a public service lawyer referral program.

In conjunction with the ABA House of Delegates approved standards for operating a public service lawyer referral program, the ABA Standing Committee on Lawyer Referral and Information Services introduced its logo and slogan five years ago. The logo and slogan, "The Right Call for the Right Lawyer," was developed as a result of the committee's work with a marketing consultant.

The ABA logo and slogan provides a Good Housekeeping-like seal of approval that gives a competitive advantage to an LRIS. Such a seal of approval is an automatic identifier to the public that an LRIS has met certain standards and has been certified by a neutral, national organization.

The Standing Committee drafted the standards, with input from LRISs around the country, to assure that lawyer referral programs operate in the public interest. The standards require programs to have several public service components, such as malpractice insurance and client satisfaction surveys. The regulations also address panel membership, the establishment of subject matter panels and panel member and client fees.

There is an annual fee of \$50 to apply for logo and slogan certification for an LRIS with 50 or more panel members. At its June 1999 meeting, the Standing Committee decided to waive the annual fee for LRISs with 49 or less panel members.

State of California-certified LRISs already are likely to be qualified for the logo/slogan, because they have met the California certification standards, which are similar to the ABA Standards.

DO YOU HAVE YOUR SEAL OF APPROVAL?

Call Sheree Swetin at 312/988-5755 or contact her at sswetin@staff.abanet.org if you have any questions regarding the LRIS certification process.



LAWYER REFERRAL

**THE RIGHT CALL
FOR THE
RIGHT LAWYER**

Uniform Interstate Family Support Act Long Arm Statute Interpreted

by Major Janet Fenton

Editor's note: this article originally appeared in the February 1999 issue of the Army Lawyer, an Army JAG School monthly publication. It is reprinted here with permission.

Among the major changes to child support enforcement under the Uniform Interstate Family Support Act¹ (UIFSA), are the broad long-arm jurisdiction provisions.² A court must have *in personam* jurisdiction over the obligor before it can order a support obligation.³ If a state can meet one of the long-arm provisions under the UIFSA, it gains personal jurisdiction over a non-resident obligor and alleviates many of the cumbersome aspects of enforcing support interstate.

An interesting aspect of the UIFSA's long-arm provision is that it allows a state to assume personal jurisdiction based on the residence of the child in the state "as a result of the acts or directives of the non-resident obligor."⁴ Only two cases have interpreted this particular long-arm provision. Both cases agree that this provision would be sufficient to establish jurisdiction and meet the Constitutional requirements of due process. The question becomes, what conduct

is going to fall within the language of "acts or directives?"

In *Windsor v. Windsor*,⁵ the Massachusetts Court of Appeals refused to find jurisdiction under this provision of the UIFSA. James Windsor and Beverly Windsor married at Otis Air Force Base in 1959.⁶ The couple lived in several military locations, eventually ending up in Florida in 1975. Mrs. Windsor left Florida in June 1977, returning to Massachusetts

The trial court found jurisdiction based on the UIFSA provision that Mrs. Windsor and the child lived in Massachusetts due to the "acts and directives" of Mr. Windsor.¹⁰ On appeal, the court reversed the trial court's finding because the record did not allege sufficient facts to establish acts or directives by Mr. Windsor.¹¹ Specifically, the record did not set out any information that Mrs. Windsor and her children fled"

Florida for Massachusetts based on cruel treatment or the directives of Mr. Windsor.¹²

In contrast, the Court of Appeals of Virginia affirmed a case based on the same long-arm jurisdiction provision in *Franklin v. Virginia*.¹³ Mr. and Mrs. Franklin married in 1981 and had two children. Mr. Franklin took a job with John Snow, Inc., a Boston-based company

with a field office in Arlington, Virginia. Mr. Franklin's job sent the family to Africa, where they lived from 1991 to 1994.¹⁴ Before leaving Africa, the family resided for three brief months in Arlington, Virginia. While in Africa, the marriage deteriorated and, in January 1994, Mr. Franklin ordered his wife and children out of their home.¹⁵ His

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PHOTO BY LEGAL SERVICES OF NORTH CAROLINA

where she delivered their fourth child in September 1977.⁷ In 1995, she filed for divorce in Massachusetts based on cruel and abusive treatment by Mr. Windsor and requested child support for their youngest child.⁸ Mr. Windsor, who lived in Florida since 1975, filed a special appearance challenging the jurisdiction of Massachusetts to award child support.⁹

From the Chair...



by Leonard L. Loeb
Chair of the ABA Standing
Committee on Legal Assistance
for Military Personnel

It is with many mixed feelings that I write my last column as chair of the ABA's Standing Committee on Legal Assistance for Military Personnel.

First and foremost, I have a strong sense of pride in the work of this Committee and the traditions and outstanding people that it represents. Through the activities of the LAMP Committee, I have seen firsthand the dedication that is the hallmark of the legal service officers across all military branches as they provide services to military personnel and their dependents. On behalf of the ABA, I commend you all for your fine daily work.

The Committee makes its transition into the next century looking forward to the advances of technology that will assist all of us in the practice of law. In the next year we plan to launch a web site, "The Lamplighter," that will facilitate the process of making connections to the resources of all military branches. The site will be able to be used for doing legal research, seeking advice from colleagues, and communicating with clients around the world. This project is made possible by

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Office in the Spotlight . . . Judge Advocate General's School, US Army, Charlottesville, VA

by COL Bryan S. Spencer, Ret

This spring, the ABA Standing Committee on Legal Assistance for Military Personnel visited the Judge Advocate General's School, U.S. Army (TJAGSA), located on the grounds of the University of Virginia in Charlottesville.

While the Army has relied on judge advocates since 1775, it did not establish the first JAG school until 1942. Since then, the school has been housed in several temporary locations. For the better part of World War II, the school was located on the campus of the University of Michigan Law School in Ann Arbor. Although disbanded at the end of the war, the Army re-established the school at Fort Meyer, VA at the beginning of the Korean War.

In 1951, the school moved to the University of Virginia, which, in 1975, built a separate building exclusively for the school, exactly to the Army's specifications. The school, which underwent a large expansion in 1990, remains there today. The state-of-the-art facility is equipped with the latest in computer, satellite and video technology.

The JAG School trains Army and other service Judge Advocates, attorneys, and army legal clerks. It also manages National Guard and Reserve Judge Advocates. In addition, it develops the Army Judge Advocate modernization programs, and it is the site for the Center for Law and Military Operations, which, among its many responsibilities, addresses legal issues arising during all phases of military operations.

Needless to say, we did not conduct our normal one-day continuing legal education (CLE) program there. That would have been carrying coal to Newcastle. On the contrary, we were there to learn.

The Commandant, Colonel Gerard A. St. Amand, and Major Janet H. Fenton, Professor and Chief of the Legal Assistance Branch, for the Administrative and Civil Law Division, kindly invited us to visit the school. TJAGSA conducts two, one-week joint service legal assistance classes each year for legal assistance officers. The classes are offered in March and October. Interested attendees can apply through their service school scheduling procedures.

The class that we attended had 129 students: 37 from the Army, 34 from the Navy, 35 from the Air Force, 14 from the Marines and 9 from the Coast Guard. Among the attendees were Department Civilian Attorneys occupying legal assistance billets and National Guard and Reserve Judge Advocate/Legal Officers.

As you know, the ABA LAMP Committee visits four military installations each year. Typically during these trips, it conducts an eight-hour continuing legal assistance program and visits the installation's Judge Advocate and Legal Assistance offices. The Committee talks to the legal assistance officers and the Staff Judge Advocate, in an attempt to get a

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Spotlight

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sense of the installation's legal assistance program. The Committee then disseminates, to other offices, the good techniques and practices that it has observed.

For example, the Legal Assistance Office at Fort Sam Houston, Texas prepared pro se documents and counseled legal assistance clients on how to use them in almost 500 uncontested simple probate, consensual divorce (no children), adoption and name change cases. This office was one of the six ABA LAMP Committee Outstanding Legal Assistance Office winners this year. Similarly, the Legal Assistance Division of the Navy Legal Service Office at Jacksonville Naval Air Station, Florida has an outstanding wills and trusts service for its clients in the southeastern United States.

The purpose of our trip to Charlottesville was to observe the best training that the U.S. armed services have to offer to legal assistance officers and indirectly to legal assistance clients worldwide. In short, it was awesome! The Committee got to speak to the students and get a feel for their interest in the course materials and assignments. In addition, Standing Committee Chair, Leonard L. Loeb, explained to the students the purpose of the ABA LAMP Committee and why the American Bar Association funds it. He added that some of the students could expect to see the Committee in the next year or two as we visit their offices.

We found that the school uses its own instructors and instructors from other Judge Advocate schools for the legal assistance course. It also brings in expert civilian practitioners to provide practical input.

Some of the noted civilian practitioners were COL Mark E. Sullivan, USAR, of North Carolina, an expert in family law; CAPT Kevin P. Flood, USNR, of Florida, an expert in wills and trusts; and Stephen Scott of Virginia, an expert in bankruptcy. The course is composed of 12 core subjects. The students can select 15 elective subjects from the 30 offered.

Core subjects include: family law, child custody from a military practitioner's perspective, federal consumer protection, will drafting, the Uniform Child Custody Jurisdiction Act/Parental Kidnapping Prevention Act, trusts and estate planning, state consumer protection law, defense finance, accounting, service processing of legal actions, a separate legal assistance program seminar for each military service, use of the Federal Trade Commission Consumer Sentinel Database, and the Uniform Interstate Family Support Act.

Elective courses include: Army adverse administrative actions, Army Board for Correction of Military Records, Army OER and NCO-ER appeals, bankruptcy, basic consumer protection law, civilian family support enforcement mechanisms, DOD enforcement of family support obligations, elder law, government information practice (FOIA and Privacy Act laws), introduction to alternate dispute resolution, introduction to immigration and naturalization, landlord/tenant law overview, the Lautenburg Amendment, and legal assistance office administration.

Additional electives include: managing a preventive law program, preventing battlefield legal problems, professional responsibility, professional responsibility problem seminar, real estate listing agreements and sales contracts, service of process, soldier legal

readiness programs, Soldiers and Sailors Civil Relief Act update, survivor benefits and casualty assistance, tax aspects of the Soldiers & Sailors Civil Relief Act, trust drafting, Uniformed Services Employment and Reemployment Rights Act, and Uniformed Services Former Spouses Protection Act.

If those subjects do not cover 99.9 percent of the legal assistance cases, I am certain the school would be happy to create another program to cover whatever is missing.

And yes Virginia, the Army JAG School does have a "legal assistance officer," CPT William R. Martin, the Post Judge Advocate at the JAG School. He provides legal assistance as an additional duty. His client base includes about 1,500 retired and active duty families in the central/western Virginia area, including those from the National Ground Intelligence Center, recruiters, active duty students at the University of Virginia, and the staff, faculty and students at the JAG School. His legal assistance practice is typical of most military legal assistance offices—primarily wills, powers of attorney, consumer law, and a tax program.

Our visit to Charlottesville and the Army JAG School was very pleasant, as always. Not only do we owe thanks for our visit to MAJ Fenton, the project officer and the JAG School Legal Assistance advisor to the ABA LAMP Committee, but also to COL St.Amand, the Commandant, and all who helped make our visit a success.

In addition, we sadly had to bid farewell to MAJ Fenton, who is being transferred. We will also take this opportunity also to bid farewell to COL St.Amand who we just learned is retiring, and to COL Mike Chapman, the Academic Director/Assistant Commandant

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UIFSA

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company paid to return the family to Virginia.¹⁶ Through several years of support and custody hearings, Mr. Franklin maintained that Virginia did not have personal jurisdiction over him.¹⁷

Mr. Franklin argued that the UIFSA's long-arm provision's plain meaning only confers jurisdiction if an individual takes an affirmative act, exerts power or influence, or gives instructions, orders or commands to his spouse or children to reside in a particular geographical location.¹⁸ The court found that this reading of the UIFSA was far too restrictive. The court found that after several physical altercations, Mr. Franklin told his family to leave Africa. Mrs. Franklin reasonably returned to Virginia, the family's home immediately prior to their departure for Africa. In addition, Virginia was Mr.

Franklin's employer's field office that distributed his mail. Accordingly, the court found that the family resided in Virginia as a result of Mr. Franklin's acts.¹⁹

By their nature, jurisdiction questions revolving around the issue of "acts and directives" of the nonresident are fact specific. Marshalling the facts and articulating whether they establish "acts and directives" is a true test of advocacy skills. The facts in *Franklin* easily fit into a military setting where families find themselves far from traditional support groups when marriages get into trouble. The military may help pay travel expenses for the family especially if they are living overseas. The court was not specific about whether any one fact was more persuasive than the others. Under a totality of the circumstances approach, *Franklin* indicates that very little is required to satisfy the UIFSA's "acts and

directives" requirement.

The UIFSA significantly changes the "ground rules" to support awards. Consequently, legal assistance attorneys must understand its provisions. The long-arm provisions are particularly important because the old interstate support statutes do not contain such provisions. The long-arm provisions can enable a state that the client may never have set foot into exercise jurisdiction over support issues. Military families may find themselves in this situation in a variety of ways given mobility of our communities. Legal assistance attorneys need to consider all the options and facts before advising a client about the jurisdiction of a court to impose a support obligation.

Major Janet Fenton serves in the Administrative and Civil Law Division, the Judge Advocate General School, U.S. Army.

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From the Chair...

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the cooperation of all branches.

During the last year, we established the Outstanding Legal Assistance Student Award in each Basic Legal Assistance Class held at each of the Judge Advocate General Schools. We intend that this early recognition will signal the importance placed upon legal assistance in the military by the highest echelons of the military and the civilian bar. To further amplify the importance of legal assistance, the Committee continues its annual Distinguished Service Award to recognize exemplary service by individuals and groups. These awards embody the continuing culture of exceptional legal assistance available in the military.

The Committee also continues to offer CLE programs tailored to local needs at many of the bases that we visit. These CLE programs, along with visits to the legal assistance offices, are often windows into the all-too-routine difficulties of providing quality services to an extremely mobile population.

Leaving a Committee is akin to the experience of leaving one duty station to go to another in the military. There is much work that remains to be done. Despite the work that remains, one looks with fondness on what has been accomplished during one's own tour in hopes that it provides a foundation for further necessary change. I look forward to watching these continuing advances. I thank all of you who have made my tour such a valuable experience.

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who is being reassigned.

In fact, we probably can say that legal assistance clients throughout the military services join us in thanking the Army JAG School and the Legal Assistance staff and faculty for all their efforts. For those who are leaving, we offer you all the best for your new endeavors.

COL Bryan S. Spencer, Ret., is member of the ABA Standing Committee on Legal Assistance for Military Personnel.

Battle for Adequate Funding for the Legal Services Corporation Heats Up

by Julie Strandlie

On April 15, 1999, Congress adopted H.Con.Res. 68, a budget resolution for FY 2000 that directs increased federal funding to several priority areas and maintains the strict spending caps imposed by the Balanced Budget Act of 1997. The 1997 Act, P.L. 105-33, provides \$30 billion less in budget authority for FY 2000 than was available for FY 1999. Congressional staff predict that to accomplish goals outlined in H.Con.Res. 68 and to comply with the spending caps, domestic discretionary spending may have to be cut 15 percent. Since the Legal Services Corporation (LSC) falls in this category, a difficult battle again lies ahead.

While Congress did pass a budget resolution this year, progress on many of the appropriations bills, including the Commerce, Justice, State (CJS) bill which funds LSC, are behind even last year's pace due in large part to the wrangling over the budget caps. Like last year, the Senate did not hold hearings on LSC funding. On June 9, 1999, the Senate Appropriations Subcommittee on Commerce, Justice, State drafted its FY 2000 spending bill, which included a recommendation to fund LSC at the FY 1999 figure of \$300 million. On June 10, 1999, the Senate Appropriations Committee approved its CJS Subcommittee's recommendation and reported out the bill, S. 1217. Floor consideration of S. 1217 was originally scheduled for the week of June 28, prior to the July 4 recess. Consider-

ation on all appropriations bills, however, now has been delayed until after the Senate completes its consideration of a Patients' Bill of Rights, scheduled for July 12-15.

Although the House is a full month behind last year's progress on the CJS bill, the LSC, its programs and supporters have been busy waging another battle. Since the House Appropriations Subcommittee on Commerce, Justice State held its March 3, 1999 hearing, LSC's House opponents, led by Majority Leader Dick Armey (R-TX), have renewed their attack on LSC and have circulated several "Dear Colleague" letters attacking LSC's Washington management as well as several local programs.

Representatives William Delahunt (D-MA) and Jim Ramstad (R-MN) corrected the misinformation in their own bipartisan April 20, 1999 "Dear Colleague." On May 3, 1999, Rep. Armey and four other Members asked the Government Accounting Office (GAO) to audit LSC and several of its programs concerning compliance with LSC requirements for case statistic reporting. Preliminary results on audits of LSC's five largest programs showed some problems with case reporting and eligibility documentation. At the same time, questions have been raised about the validity of the criteria used by GAO to conduct the study. A final GAO report is expected before July 31, 1999.

Despite the attacks by a few House Members, bipartisan support for the program appears

strong. Congressional supporters predict, however, that the House Appropriations Subcommittee on Commerce, Justice, State, under pressure from House leadership, will for the fourth year in a row slash funding for LSC, and a floor amendment restoring funding will again be necessary. Last year, the House Appropriations Committee cut LSC's funding to \$141 million before a floor amendment restored funding to \$250 million.

It is crucial that LSC advocates throughout the country continue to contact their Congressional Delegations to voice their strong support for at least \$300 million in funding for the Legal Services Corporation. The House CJS Appropriations Subcommittee is scheduled to mark up its bill on July 22, with full committee consideration and floor debate to be completed before the House leaves for its summer recess on August 7. LSC supporters should contact their members of Congress now to alert them to the likelihood of an LSC floor amendment and to ask for their vote. For more information on the status of LSC funding, copies of ABA letters and testimony in support of LSC, how your Members voted on last year's LSC amendment (Mollohan/Fox) and Congressional addresses, phone and fax numbers, go to the ABA's Governmental Affairs Webpage at <http://www.abanet.org/legadv>

Julie Strandlie is the Director of the ABA Grassroots Operations/Legislative Counsel.

From the Chair...



by Doreen Dodson

Chair of the ABA Standing Committee on Legal Aid and Indigent Defendants

I am happy to announce the recipients of the 1999 American Bar Association/National Legal Aid and Defender Association Harrison Tweed Award. This award, named for a leader in the promotion of free legal services to the poor, recognizes the extraordinary achievements of state and local bar associations that develop or significantly expand projects or programs to increase access to civil legal services to poor persons or criminal defense services to indigents.

This year, the award will be presented to the Saginaw (Michigan) County Bar Association and to the Washington State Bar Association.

The Saginaw County Bar Association

The Saginaw County Bar Association (SCBA) is a 395-member bar. Despite its small size, its leadership and membership have demonstrated an extraordinary commitment to equal justice for all. The SCBA has developed a multifaceted program to broaden access to justice in the region.

The bar established a strong foundation for a range of access to justice activities. Working closely with the county's circuit and district

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Participants Advocate Increased Funding for Legal Services at ABA Day in DC

More than 150 bar leaders from state and local bar associations and ABA sections, committees and other entities descended on Washington, DC on May 11-12. Their purpose was to lobby Congress on behalf of the Legal Services Corporation, indigent defense funding, a pay raise for federal judges and other issues.

The third annual "ABA Day in Washington," which ABA President Philip S. Anderson convened, was cosponsored by the ABA Section Officers Conference and the National Conference of Bar Presidents.

Doreen Dodson, Chair of the ABA's Standing Committee on Legal Aid and Indigent Defendants, and John McKay, President of the Legal Services Corporation, were among the experts who briefed participants on the issues in preparation for their Capitol Hill visits. New York State Bar President Jim Moore, drawing on his experience as a bar president who supports funding for legal services for the poor, encouraged bar leaders to work actively with Congress and their state governments on this important issue.

Highlighting the event was a Capitol Hill reception honoring six members of Congress whose commitment to "Equal Justice for All" and stalwart support for the Legal Services Corporation and other bar concerns has been exceptional. Those recognized at the reception were

Representatives William Delahunt (D-Mass.), Deborah Pryce (R-OH), and Lincoln Diaz-Balart (R-FL.), and Senators Ernest F. Hollings (D-SC), Ted Stevens (R-AK) and Bob Graham (D-FL).

In his message to ABA Day participants, ABA President Anderson encouraged bar leader involvement in the association's grassroots lobbying efforts. He emphasized that "although the ABA Governmental Affairs Office works with Congress and the Executive Branch on a daily basis, effective contacts from constituents like you are an integral part of our lobbying efforts and the reason for our success."



From the Chair...

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courts, SCBA adopted a policy and resolution that encourages members to provide pro bono services. It also sets forth a number of agreed-upon procedures to ensure that pro bono matters receive expedited service when volunteer attorneys make court appearances.

Every year, the SCBA recognizes lawyers' pro bono efforts through an "Honor Roll" and an award. The monthly bar newsletter includes a number of articles on the legal needs of low-income persons. An active Pro Bono Committee continues to assess and refine bar efforts.

Bar members both provide direct pro bono representation to an impressive number of poor clients each year, and they contribute financially to bar access to justice projects and local legal services organizations. In addition, the bar sponsors a monthly, brief legal advice clinic, and it provides volunteer attorneys to operate the clinic. SCBA members also assist lawyers from Legal Services of Eastern Michigan in preparing and conducting training for pro bono lawyers.

The SCBA sponsors a variety of programs for outreach to the community and for community legal education. It operates regularly scheduled family law pro se clinics and small claims clinics. It has either contributed financially or bar members have participated in producing consumer oriented video training materials and a consumer legal guide to assist individuals and non-lawyer advocates in solving legal problems. An SCBA member was instrumental in conducting research and assisted in writing a now widely used manual on

grandparents' legal rights.

The range of activities and depth of commitment demonstrated by the SCBA—a voluntary organization of modest size—stand out as warranting special recognition. We are therefore honored to present to the Saginaw County Bar Association the 1999 Harrison Tweed Award.

The Washington State Bar Association

The Washington State Bar Association (WSBA) has, over the past several years, demonstrated significant leadership, in close partnership with Washington State legal services providers, in both planning and implementing an integrated, comprehensive statewide system for providing legal services for the poor.

Building on a long history of public service and commitment to access to justice, the bar has, over the past five years, joined with other key justice system agencies and organizations to develop an unparalleled range of programs designed to improve coordination between providers and services to clients.

The bar worked closely with the state supreme court to create the Washington Access to Justice (ATJ) Board in 1994. This unique entity, created by state supreme court order, has provided a springboard for significant progress toward the ideal of equal access for all. The bar has assumed all responsibility for supporting the work of the ATJ Board, providing it with experienced state bar staff and other in-kind support.

The ATJ Board, through its Equal Justice Coalition, has been an important advocate for state and federal funding to state legal services providers. The Coalition has led state bar leader efforts to

work with Washington's congressional delegation to build support for an effective and adequately funded Legal Services Corporation. It also has worked diligently to obtain state legislative support for the legal services program.

Throughout the past year, the WSBA has lead legislative advocacy efforts to increase funding provided by the state legislature for legal services. Both WSBA presidents who have served during this period, joined by the bar's Board of Governors, made the procurement of additional financial resources a top priority.

The ATJ Board led the development of a comprehensive Plan for Delivery of Civil Legal Services to Low Income People in Washington State. In developing the plan, the bar was instrumental in obtaining broad participation from stakeholders in the justice system, and it has worked tirelessly to fully implement the plan.

One of the plan's critical goals is to expand the use of technology as a tool to deliver legal services. The WSBA hired a full-time technology specialist to support access to justice efforts through technology. During the past year, the specialist has implemented an access to justice web site, assisted in procuring up to date hardware and case management software for all legal services providers, offered training and technical support, and obtained software to support assisted pro se efforts.

The ATJ Board, again through the support that the WSBA provided, sponsors an annual "Access to Justice Conference." This event has become the focal point for discussions among bar leaders, the judiciary, legal services providers and others about strategies and programs to insure equal justice

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Building an Image to Promote Civil Legal Assistance for the Poor

by *Bonnie Allen*

The Project for the Future of Equal Justice is launching a national image-building campaign to promote civil legal assistance for the poor. The Project is coordinating these efforts with a number of groups, including the ABA Division for Legal Services, the ABA Division of Media Relations and Public Affairs and the National Association of IOLTA Providers.

The Project is a joint initiative of the National Legal Aid and Defender Association and the Center for Law and Social Policy. Funded by the Open Society Institute and the Ford Foundation, the Project's mission is to expand and strengthen the national infrastructure that supports in every state the development of a comprehensive, integrated system to provide low-income

people with the information, assistance and advocacy they need to resolve their legal problems. The campaign is intended to create an environment that cultivates the public support and funding necessary to develop and sustain these systems in the states.

Facing growing demands for civil legal assistance for the poor and diminished and restricted funding from the Legal Services Corporation, provider organizations at the national, state and local levels are seeking new and expanded financial support from a variety of sources. These sources include national, regional and community foundations, individual donors, law firms, corporations, state legislatures, United Way organizations, and county

and city agencies. In addition, those working within and on behalf of the civil legal assistance community seek broader public support at the national, state and local levels. Increased public support is essential to ensure that policymakers prioritize civil legal assistance for the poor as a cornerstone of the American justice system.

In an effort to increase financial and public support, organizations that provide civil legal assistance for the poor, and supporters advocating on their behalf, need to develop an image that portrays their work in a compelling way. To that end, the Project for the Future of Equal Justice is undertaking an image-building campaign to

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From the Chair...

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for all in the state.

During the past year, the WSBA also has been responsible for new rules to foster greater membership participation in pro bono. At the bar's request, the Washington Supreme Court adopted an emeritus attorney rule, creating a limited license that permits retired lawyers who have moved to Washington from other jurisdictions to engage in pro bono practice. The bar also asked the Court to consider a rule that would award continuing legal education credits for pro bono service.

Taken as a whole, the WSBA's

efforts to expand access to justice are far more than the sum of their parts. Leadership and resources that the bar has provided have been crucial in the development and implementation of one of the most ambitious and comprehensive plans for improving a state legal services system. The bar has demonstrated a deep and unwavering institutional commitment to insuring access to justice for all. The ABA Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association are honored to present the Washington State Bar Association with the 1999 Harrison Tweed Award.

One of the most gratifying tasks

that the Standing Committee on Legal Aid and Indigent Defendants undertakes each year is reviewing Harrison Tweed Award nominations. Each year, many bar associations across the United States demonstrate remarkable dedication to improving the availability of legal services for the poor through a diverse array of programs and initiatives. It is difficult, but of course necessary, for the Committee to select but a few for each year's award. We applaud every bar association that has made a commitment to improving access to justice, and we look forward to working with bar leaders from around the nation in these endeavors.

Image Building

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achieve three objectives:

- To educate targeted audiences about the public benefit and importance of civil legal assistance to the poor,
- To increase the visibility of organizations that provide civil legal assistance to the poor among the targeted audiences, and
- To overcome negative stereotypes about organizations that provide civil legal assistance and the clients that they serve.

The impetus for the campaign comes from a variety of sources. In the summer of 1998, Project staff convened discussions at the ABA annual meeting to solicit input regarding how the Project could most effectively focus its resource development work. The Project held a similar session at the Fundraising Project Conference sponsored by the Management Information Exchange. Both groups strongly recommended that the Project launch an image-building campaign as a key component of a national resource development strategy.

Several months later, the Project convened its own Resource Development Advisory Council. This broad-based group consists of private bar leaders, corporate counsel, IOLTA directors, legal services project directors and development directors, the President of the Council on Foundations, and representatives from national non-profit organizations, including Catholic Charities USA and the Center for Community Change. The Advisory Council agreed with the recommendation of the ABA group and the Fundraising Project leadership,

and it ranked an image-building campaign as the Project's number one priority in the resource development area.

The Project is approaching the campaign in a collaborative manner by seeking input from a wide range of constituents and partners, including the ABA, the Legal Services Corporation, the Brennan Center for Justice, state bar groups, IOLTA leaders, and executive directors and development directors working in local and state legal services programs. As it moves forward with the campaign, the Project is communicating with its constituents and partners at national conferences, state and regional meetings and through publications.

The Campaign Process

The campaign is a multi-staged process. The Project has hired a communications research firm to conduct Phase I, which includes a review of existing public opinion data about Americans' attitudes toward legal assistance for the poor. The consultant is conducting a data base search of the Roper Center for Public Opinion Research, and reviewing prior opinion research conducted by the ABA, the Legal Services Corporation and the American Civil Liberties Union. The consultant also is reviewing messages and public opinion data developed in several states. The Project has solicited state materials from IOLTA directors, state bar executives and Access to Justice Coordinators. Finally, the consultant is interviewing approximately twenty-five key individuals working within the legal services community to assess the community's current self-image.

Phase II involves extensive research and message development. This research will include

focus groups, a national poll, individual interviews with key audiences and additional focus groups to test draft messages. Based on the research and message testing, the consultant will develop a message strategy for improving the public image of civil legal assistance for the poor. This strategy will form the foundation for a communications plan to implement the message to funding communities and targeted audiences in the general public.

Phase III involves designing the communications plan to implement the message strategy. It also will include campaign rollout through the national and regional media, advertising or other means, and developing materials for educating and influencing target audiences at the grass roots level, including brochures, videos, talking points and press kits. Finally, this phase will include communications training sessions for constituents regarding how to utilize the campaign materials to increase funding and public support for civil legal assistance for the poor.

To date, the response to the image-building campaign by constituents of the civil legal assistance community has been overwhelmingly positive. The Project will provide updates on the campaign as it proceeds through the three phases, and it will continue to solicit your input and support. If you have questions, comments or ideas regarding the campaign, please contact the campaign coordinator at the following address:

Bonnie Allen, Resource Development Specialist, Project for the Future of Equal Justice, NLADA
1625 K Street NW, Suite 800,
Washington, D.C. 20006, 202/452-0620 x 221, (fax) 202/872-1031,
e-mail: b.allen@nlada.org

New Donation Received by SCLAID Technology Exchange Project

Thanks to a generous donation of 75 megahertz Pentium computers from the Atlanta law firm of King & Spalding, the Technology Exchange Project has been able to help many more legal services programs upgrade their computer systems. The King & Spalding donation ultimately will include approximately 350 computer CPUs. To date, 200 have been received and distributed, and the balance should be received over the next few months. In total, the Technology Exchange Project has distributed over 650 computers to 83 legal

services programs throughout the country over the past 16 months.

The Project is co-sponsored by SCLAID, the ABA Section of Litigation and the ABA Section of Business Law. It seeks used, serviceable computer equipment from law firms and other legal institutions and places that equipment with legal services programs that need upgraded computers. The Project has been enhanced by a generous donation from Corel Corporation of 400 sets of WordPerfect software, which were distributed with the computers

to those programs requesting it.

To help defray the expense of packing and shipping computers, the Technology Exchange Project charges recipients \$50 for a full computer or \$25 for a CPU. The Open Society Institute has provided funding to underwrite any additional shipping expenses, and the administration of the project. Programs interested in applying for computers or law firms interested in donating should contact Meredith McBurney at 303/329-0891 or by e-mail at MM8091@aol.com

State Planning: Focus on Washington State

Washington was one of the first states to develop a statewide Access to Justice Plan, beginning with efforts by the State Bar and legal services providers in 1994-1995. Its plan has included a number of strategies to fully integrate the bar into the provider community, including regular articles in bar publications and an annual access to justice conference.

"A Vision: Equal Justice for All. How Do We Get There?" is the title of the column prepared by M. Wayne Blair, President of the State Bar of Washington, for the May 1999 edition of the Washington State Bar News. It highlights the state's Access to Justice Network.

He attributes the progress to date to the leadership of visionaries in the Access to Justice Network.

"Building the Bridge to Justice" was the theme of the fourth annual Washington State Access to Justice

Conference attended by more than 350 members of the Washington Access to Justice Network, June 25-27, 1999 in Wenatchee, WA. During the plenary session, participants learned how to construct the bridge by fitting together the various pieces of the Washington legal system and learning how to better assist clients as they navigate through it.

Hon. Judith M. Billings, a member of the Utah Court of Appeals and current Chair of the ABA Standing Committee on Pro Bono and Public Service attended and spoke about the special responsibility of the judiciary to become involved in and supportive of access to justice efforts in every state. Members of the Washington State Judiciary, including the Chief Justice of the State Supreme Court were in attendance at the conference and also were

active participants. John McKay, President of the Legal Service Corporation and former Chair of the Washington State Equal Justice Coalition provided the keynote speech on Saturday evening by describing the many initiatives of the ATJ state plan that have been exported to other states working to build their own bridges to justice.

The ABA and NLADA provide a resource for all those working to expand and improve state systems for providing legal services to the poor through SPAN, the State Planning Assistance Network. SPAN is the national clearinghouse for state planning efforts. It serves to provide states with the tools to help each state create and actualize a vision of equal justice. For more information on SPAN, please contact Guy Lescault, SPAN Coordinator, at g.lescault@nlada.org

UIFSA

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¹9U.L.A. 229 (1993) (amended 1996). In 1998 all states adopted the UIFSA. Each state has its own citation to their UIFSA depending into which state code the legislature passed the act. All references in this article are to the sections of the uniform act.

²UIFSA 201 2 U.L.A. 229 (amended 1996).

³Windsor v Windsor. 700 N.E.2d 838 (Mass. App. Ct. 1998) (citing Vanderbilt v Vanderbilt. 354 E.S. 416 (1957). Kulko v Superior Court of California. 436 U.S. 84 (1978)).

⁴UNif. Interstate Family Support Act 201(9U.L.A. 229 (1993) (amended 1996).

⁵700 N.E.2d 838 (Mass. App. Ct. 1998)

⁶Id. at 841

⁷Id.

⁸Id. at 839-40.

⁹Id.

¹⁰Id.

¹¹Id. at 842.

¹²Id. at 842-43.

¹³497 S.E.2d 881 (Va. Ct. App. 1998). Virginia's Department of Social Services, Division of Child Support Enforcement is the party in the case because Franklin received public assistance for herself and her children. In addition, she requested that this agency establish and enforce support. This agency was established under section IV-D of the Social Securities Act. These agencies, known as [V-D agencies, are available to help clients in cases of child support regardless of where the family receives public assistance.

¹⁴Id. at 883

¹⁵Id.

¹⁶Id.

¹⁷Id. at 844

¹⁸Id at 885

¹⁹Id at 886

Calendar

ABA

August 5-11—Annual Meeting in Atlanta, GA.

IOLTA

August 5-6, 1999—Summer IOLTA Workshops in Atlanta, GA. Contact: Mickey Glascott 312/988-5750 (e-mail: mglascott@abanet.org).

LAMP

November 19-20, 1999—CLE Seminar at Fort Hood, TX. Contact: Colleen Glascott, 312/988-5763 (e-mail: glascotc@staff.abanet.org).

LRIS

October 13-16, 1999—ABA LRIS Workshop in Alexandria, VA. Contact: Lourdes Rodriguez: 312/988-5786 (e-mail: rodrigul@staff.abanet.org).

Pro Bono

April 6-8, 2000—Equal Justice Conference in Houston, TX. Contact: Bridget Howard, 312/988-5789 (e-mail: bhoward@staff.abanet.org).

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