

DIALOGUE

News and Perspectives from the ABA Division for Legal Services

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State Taxes and the Servicemembers Civil Relief Act (SCRA)

by Major Dana Chase

It is tax season once again and in addition to filing federal income taxes, servicemembers may need to file one or multiple state tax returns. While the federal government taxes individuals on "all income from whatever source derived" (Internal Revenue Code § 61), the nature and reach of states' authority to tax an individual's income and property vary. The Servicemembers Civil Relief Act (SCRA) generally protects servicemembers from having to pay taxes in states other than their chosen "state of domicile." But servicemembers should take care to maintain sufficient contacts with their chosen state of domicile or risk having to pay state income taxes elsewhere.

This article (i) briefly reviews state income tax types and concepts; (ii) summarizes state tax protections found in the SCRA; (iii) discusses the implications of *Carr v. Department of Revenue*, 2005 Or. Tax LEXIS 223 (Or. Tax 2005), a significant Oregon tax court decision on the question of what formal contacts a servicemember must maintain with a state, such as vehicle registration, to remain a domiciliary of that state for tax purposes; and (iv) addresses ways to deal with state *ad valorem* taxes on property such as personal vehicles.

Generally, states have three mechanisms to tax an individual's income. First, a state can tax all income from domiciliaries of that state. "Domiciliary" means that the individual taxpayer is physically present in that state and intends to permanently reside in that state. Indicators of domicile include, but are not limited to, owning real property in the state, registering to vote in the state, registering vehicles in the state, and having a driver's license issued by the state.

Second, a state can tax all income from statutory residents of the state. Statutory residency requirements vary from state-to-state. These state laws generally set forth a period of time that the individual has to spend in the state to give the state the authority to tax an individual's income. Finally, a state may tax nonresidents on all income earned within that state. This occurs when an individual is a statutory resident or domiciliary of one state, but may work across state lines in another state. The state in which that individual earns his or her income may tax that income.

Further, states may also tax an individual's real and personal property located within that state. These property taxes are called *ad valorem* taxes. Most often, *ad*

Line	Description	Amount
1	Total income	100.00
2	Exemptions	0.00
3	Adjusted gross income	100.00
4	Standard deduction	0.00
5	Charitable contributions	0.00
6	Other deductions	0.00
7	Adjusted taxable income	100.00
8	Taxable income	100.00
9	Income tax	0.00
10	Other taxes	0.00
11	Refundable credits	0.00
12	Nonrefundable credits	0.00
13	Tax to pay	0.00
14	Refund	0.00
15	Total refund	0.00
16	Tax to pay after refund	0.00



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Dialogue

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State Taxes

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valorem taxes on personal property are in the form of taxes on a motor vehicle registered in the state.

Servicemembers have protection from some of these state income and taxes under the SCRA, 50 U.S.C. App. § 501-596 (LEXIS 2006). Section 571 of the SCRA provides that a servicemember's military income is earned in the servicemember's state of domicile and a servicemember's personal property is deemed to be located in the servicemember's state of domicile despite where the personal property is physically located. Moreover, a servicemember's domicile or residence does not change solely by virtue of the fact that he or she is living in a given state pursuant to military orders. As a result, a servicemember's military income is protected from double taxation or taxation from multiple states.

Income from other than

military sources, however, can be taxed by the state of domicile and the state in which the income is earned. For example, if a servicemember earns income from a home-based business or part-time job outside of military duties, that income is subject to taxation from the state in which it is earned regardless of the servicemember's state of domicile.

Irrespective of their actual contacts with a state, servicemembers should not assume that their "choice" of state of domicile alone controls for state tax purposes. In *Carr v. Department of Revenue*, 2005 Or. Tax LEXIS 223 (Or. Tax 2005), the Oregon Tax Court determined that a servicemember was required to pay Oregon state income taxes because he did not have sufficient connections with his asserted state of domicile, Nevada. In *Carr*, Senior Chief Martin Carr and his wife were stationed in Portland, Oregon, and while there purchased a home and registered their vehicles in the state of Oregon.

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From the Editor...

Welcome to our new design

With the Fall 2007 issue of *Dialogue* (Vol. 11 No. 4) we introduced a new look. After more than 10 years of the familiar white, black and green color masthead and design, it was time for a change. The design is new, but *Dialogue* will continue to deliver the same information and perspectives as always. We hope that you will find the new design easy and enjoyable to read and encourage your feedback.

Paper or online?

In addition to the new look, you may notice that *Dialogue* feels different as well. We have changed the paper stock *Dialogue* is printed on in an effort minimize the impact of recent increases in paper costs. The Division for Legal Services plans to continue to publish *Dialogue* in print for the ease and convenience of our readers. However, each new issue of *Dialogue* (as well as archives back to 1997) is available online at www.abalegalservices.org/dialogue.

If you would prefer to read *Dialogue* online and stop receiving it in print, we'd like to know. In lieu of receiving a print copy, we will send you notification by email when a new issue is posted. Please go to www.abalegalservices.org/dialogue and complete the form.

Let us know what you think

Do you like the new design? Are there topics or issues you'd like to see more of in *Dialogue*? Please visit www.abalegalservices.org/dialogue to share your views.



From the Chair...

by General Earl E. Anderson, USMC (Ret.)

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

A nation without a fair and functional system of laws is a land without security or real hope for its people. The challenges facing U.S. forces in their current engagements in Iraq and Afghanistan bring home that all-too-harsh reality. The American Bar Association recognizes the close linkage between law and security within the nations of the world. To that end, the ABA has a like-minded ally in our nation's military, whose leaders are steady advocates of the view that instituting the rule of law locally is the best means of fortifying and stabilizing emerging nations.

Through the World Justice Project, initiated and led by ABA President Bill Neukom, the ABA has lent a strong voice to the cause of, and need for, local systems of justice in emerging and unstable countries. The Standing Committee on Legal Assistance for Military Personnel and its military colleagues were fortunate enough to hear about Mr. Neukom's expectations and hopes for the Project firsthand, during his appearance at the LAMP program in Seattle this past November. Allow me to share, in Mr. Neukom's own words from Seattle, his vision of a world where justice is possible for ordinary citizens, ensuring their security, and his recognition of the U.S. military's exemplary role in helping to shape the dialogue and forge plans for the World Justice Project.

Excerpt from Mr. Neukom's remarks:

[T]he ABA is the launching sponsor, but by no means the only sponsor of a new initiative, which is called the World Justice Project. And that project is based upon two simple premises, which I think will resonate with military lawyers. The first premise, the major premise, if you will, is that you can have communities of opportunity and equity. Opportunities in terms of a viable, sustainable economy where people on their merits can compete for and advance in the workforce and earn a living wage job or better or start a business or invest in a business. And equity in terms of a free and fair government. You cannot have communities of opportunity and equity unless you lay the foundation in each of those communities of the rule of law. And the reverse is provably true as well.

If you don't have the rule of law in your community, then you are so much more vulnerable to the horrors of the human condition, if you will. Those communities which are capricious and lawless are much more likely to be violent and to have terrorism and even genocide. They're much more likely to suffer from corruption. Private sector, public sector corruption. They're much more likely to see a large scale of abject poverty and all of the injustice and the pain that follows from that. They are much more likely to have poorer health. And they're much more likely to be more ignorant, to have less education. You can't do things that matter, you can't have communities of hope and of purpose, if you don't start with a foundation of justice.

And the minor premise that follows from the major premise, which inspires this new project, is just this, if we're going to advance the rule of law in this country, which is

imperfect in that regard, as well as in other countries, which are even more in need of it perhaps, the best way to do it is to organize a multi-disciplinary movement. It's not the rule of lawyers; justice is not just the business of judges and lawyers. Everyone in the community, across the broad community, is a stakeholder in simple justice.

And so what we are trying to do in the course of developing this project is to bring folks from a range of disciplines together at a round table and to ask them, "Does this concept of the rule of law make sense to you?" Does it matter to you in your work and your constituents? And if it does, will you collaborate and bring your perspectives and bring your resources? Will you design programs and will you execute programs that can advance the rule of law and make your community a more just place, and make it more stable, and therefore more peaceful and more promising for people to create a job and a life and a family.

And I have to say to you that we have been just so gratified to find

how this multi-disciplinary theme plays out. And the military was in the very forefront of this. We had our first multi-disciplinary meeting in Washington DC on February 28th [2007], as alluded to here earlier. We invited representatives from a dozen disciplines to come and to learn with us and to teach us about what they

thought about justice and the rule of law. Lawyers need to be humble and curious and hospitable with our colleagues from other disciplines if we're going to learn together. So we invited folks from, in no particular order, we invited religious leaders, we invited engineers and architects, we

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ABA President Bill Neukom
Photo Credit: Mark Harmel

From the Chair...

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invited educators from all levels of education. We invited the media, we invited... human rights leaders, we invited people from the environmental and conservation community. We invited labor leaders, to be sure we invited business leaders. We invited the military. And we had plenary sessions and breakout sessions. And I don't think I need to tell this room that the single group that seemed to me the most focused and the most sophisticated about the importance of the rule of law in communities for opportunity and equity were the military leaders. They had the best turnout, they had the most robust deliberations. They brought the best thinking back to the plenary sessions. And so the military gets it...

And I think the military for this country reflects a commitment to that basic value of justice. If you understand justice and you understand the theater that you're in, it seems to me you're going to be a much more effective peacekeeper and peacemaker in your work.

So the World Justice Project begins with a program of a multi-

disciplinary gathering. Let me quickly define what we mean by justice. It is just four universal principles. The first is a community whose government is limited and is accountable under a set of laws. This was just what some of us learned in 6th grade civics. In this country it's the rule of law. It's not the rule of people. It's not the rule of religion or money or family, it's the rule of law.

Can't be just any laws, however. So the second universal principle is that those laws have to meet certain tests. They've got to be clear laws so we can understand them. They've got to be publicized so we know them. They've got to be reasonably stable so we can bet on them and make investments around those reasonably stable laws. And they have to be fair and they have to protect certain basic human rights. And then you have a third principle, which is that concept of self-government, where the officials and agents are accountable under the law. That kind of a just set of laws. There has to be a process whereby the enactment of those laws, the making of the law and the administration of the law and the enforcement of the law is done in a system which is open and accessible and is robust. And it's got to be a system where people know

how the laws are made and how they're administered and how they're enforced. And it's got to be reasonably efficiently done. And it's got to be done in a fair manner.

And finally, that same process has to include, we think, a set of advocates and umpires who are as diverse as the communities they serve and who are competent and ethical and who are independent, so that lawyers are unafraid of representing unpleasant people and unpopular causes and judges are unafraid of deciding matters on the merits, without regard to pressure brought on them from the public or private sector. So we have the four programs in trying to advance that version of justice, if you will. [End of Mr. Neukom's remarks]

I cannot think of a more worthwhile or essential mission, in these times, than advancing the rule of law across a troubled and too often lawless world. Mr. Neukom's initiative warrants our thanks and support, as does his insight that our military values the rule of law as much as anyone, for the military knows that a local system of justice must be present and functional for a peacekeeping force to be effective.

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FREE LAMP CLE & CPE OPPORTUNITIES FOR LAWYERS AND PARALEGALS



The Standing Committee on Legal Assistance for Military Personnel typically conducts three free Continuing Legal Education programs each year -- in March, July and November -- to hone the legal assistance skills of military lawyers and paralegals, as well as civilians engaged in military legal assistance. LAMP works closely with its military liaisons to ensure that LAMP CLEs provide timely substantive support to legal assistance providers. LAMP CLEs are usually conducted at installations. To learn more and sign up for the next LAMP CLE, visit www.abalegalservices.org/lamp/ or email Niki Robinson at robinson@staff.abanet.org.

State Taxes

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Senior Chief Carr, however, did not register to vote in Oregon and did not have an Oregon driver's license. In fact, Senior Chief Carr asserted to the tax court that he was a domiciliary of Nevada, the state listed as his home of record.

It is common for a servicemember to maintain domiciliary status in their home-of-record state, despite being stationed in another state where the servicemember purchases a home or registers a vehicle. The servicemember, however, will bear the burden of showing that he or she has intent to return to the state of domicile.

In *Carr*, the tax court determined that Senior Chief Carr did not have sufficient connection to his asserted domicile of Nevada. The court noted that Senior Chief Carr did not own property in Nevada, did not have a Nevada driver's license, did not vote in Nevada, did not register his vehicles in Nevada and did not convince the tax court of his intent to return to Nevada. The tax court thus concluded that while not absolute, Senior Chief Carr actually had better indicators that Oregon was the Carr's state of domicile.

The impact of this decision on servicemembers and legal assistance attorneys advising servicemembers on state tax issues is that *merely asserting that a servicemember's home of record is his or her domicile does not make that state the servicemember's domicile* for the duration of a military career. The servicemember must ensure that he or she maintains as many contacts as possible with the chosen state of domicile. If a servicemember does not maintain sufficient contacts with the chosen state of domicile, he or she could inadvertently acquire a new state of domicile and subject himself or herself to taxation from that state of domicile.

Regardless of the servicemember's domiciliary status, a nonmilitary spouse can be taxed, on income and personal property, by multiple states. The nonmilitary spouse can be taxed by his or her state of domicile, the state in which he or she meets the statutory residency requirements and the state in which he or she earns income. For example, a nonmilitary spouse may be a domiciliary of state A, move with a military spouse to state B, and work in state C. All of those states may have the authority to tax the income and personal property of that nonmilitary spouse due to the taxing authority of states over their domiciliaries, statutory residents and those who earn income in that state.

Another issue facing servicemembers is the collection of *ad valorem* taxes on their personal property when they move to a new state under military orders. Many states charge residents *ad valorem* taxes on their real and personal property located in the state.

Most often the personal property taxes are charged on motor vehicles registered in the state. Under section 571 of the SCRA, servicemembers are protected from being charged the *ad valorem* tax on their motor vehicles located in the state because the personal property of the soldier is deemed to be in the state of domicile of the soldier and can only be taxed by the state of domicile. Unfortunately, these protections do not extend to a servicemember's nonmilitary spouse. As a result, many servicemembers are surprised to receive a tax bill from the state for the motor vehicle registered in the nonmilitary spouse's name. To prevent this from happening, servicemembers should inquire with the legal assistance office about whether the state has a personal property *ad valorem* tax prior to registering their vehicles.

Other servicemembers have

found themselves inadvertently liable to a state for *ad valorem* taxes on their motor vehicle due to particular state statutes. For example, some servicemembers in Columbia County, Georgia found themselves liable for *ad valorem* taxes on their vehicles due to a state statute that automatically registered the servicemember as a voter in the state when they applied for a Georgia driver's license. Consequently, the Columbia County taxing authority assumed that these servicemembers were legal residents of the state of Georgia and liable for all state taxes.

Because of these issues, the legal assistance office at Fort Gordon provides an information paper to servicemembers explaining how to avoid being inadvertently liable for Georgia *ad valorem* taxes. If a servicemember has already been taxed, legal staff will assist in appealing to the Columbia County taxing authority for improper collection of taxes. Part of the information provided by the legal assistance office is a reminder of the lesson learned in *Carr v. Department of Revenue*: The servicemember should maintain as many connections as possible to his or her state of domicile, such as maintaining the state of domicile driver's license and vehicle registration.

If any servicemembers have questions about the authority of a state to tax income and property, they should make an appointment with their local legal assistance office. Advice from that office could prevent the servicemember from being improperly taxed by the state or prevent the servicemember from inadvertently becoming a domiciliary of a state other than the state he or she intends to be the state of domicile.

Major Dana Chase, Judge Advocate is a Professor, Administrative & Civil Law Department, The Judge Advocate General's Legal Center and School, Charlottesville, Virginia.



From the Chair...

by M.
Catherine
Richardson

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

Advancing models that increase access to legal services is a critical function of the Delivery Committee. The Committee is always eager to explore the applications of technology and innovative methods that redefine legal services and expand affordable access. However, we need to remind ourselves that time-tested methods that may lack the appeal of Web 2.0, social networking and online collaboratives continue to provide services that merit revisiting from time to time.

For example, nonprofit, co-pay legal clinics provide a model that has been around for several decades. These clinics typically serve low and moderate income people who do not qualify for legal aid and are unable to obtain other pro bono services. Clients are charged on a sliding-fee scale, while the clinics supplement the fees through grants and a variety

of donations. They coordinate pro bono services and rely on modestly paid, yet highly dedicated, staff lawyers. As nonprofits, the clinics typically have a pipeline of clients from the courts and other sources that are not available to private practitioners. The results of long-standing clinics have been truly impressive.

The St. Andrews Legal Clinic began in 1979 with two lawyers in Portland, Oregon. The clinic now has 15 lawyers and about 100 volunteers in three offices providing family law services. Fees range from \$40 to \$150 per hour and provide 60 percent of the operating costs. Clients come from a variety of sources, including legal aid, the courts, other nonprofit organizations and practitioners. St. Andrews provides legal advice to 2,200 people and full representation to 600 clients per year.

The Chicago Legal Clinic, Inc. was founded on the south side of Chicago in 1981 in order to address the legal needs of workers who had lost jobs when the area steel mills reduced operations. The clinic was founded by two lawyers: the Most Rev. Thomas Paprocki, who was a parish priest at that time, and Edward Grossman, who was the clinic's sole staff lawyer. Today, Ed continues to direct the clinic as it operates 12 programs, including four full-time offices. It

has 32 staff and a volunteer panel of 225 lawyers. Last year the clinic served over 13,000 clients. It has provided representation to over 140,000 clients since it opened its doors. Like St. Andrews, the clinic charges a sliding fee scale, from \$60 to \$90 per hour, while serving those with incomes generally below 175 percent of the poverty level.

The Delivery Committee is exploring the current range of legal clinics, with an eye toward advancing these models by encouraging replication. There are clearly controversial dimensions to these programs. From one perspective, we ask whether there is justification for charging the poor when legal aid funding should meet those needs. From another perspective, we question whether such programs divert clients away from private practitioners. While these types of issues need to be aired, we do know there is a track record here, with hundreds of thousands of clients who have been served in the past three decades and a model for delivery that deserves a good look.

If you have an opinion about nonprofit, co-pay legal clinics, please share it by emailing the Committee's staff counsel, Will Hornsby, at whornsby@staff.abanet.org.

Delivery Committee to Hold Hearings on Technology

The Standing Committee on the Delivery of Legal Services is seeking input at a series of hearings on the use of Internet technology to provide legal services. In addition to current usage of technology, the Committee is examining sources of Internet-based legal services, the benefits and deterrents to consumers who use legal services online, emerging methods of providing online legal services and the current state of policies governing this usage.

Details are at www.abanet.org/legalservices/delivery/techhearings.html. To testify or submit materials, contact Janice Jones, at janicejones@staff.abanet.org.



From the Chair...

by Jonathan D. Asher

Chair of the ABA Commission on IOLTA

Even in light of the recent cuts in the Federal Funds Target Rate, many IOLTA programs have seen or are anticipating substantial increases in IOLTA income. This is due in large part to successful efforts in converting to mandatory IOLTA, adopting IOLTA interest rate comparability and negotiating with banks or using a combination of these revenue enhancement strategies to increase income.

Determining how best to allocate these increased funds is challenging, but an essential responsibility of each IOLTA program. There are certainly many ways in which the funds can be effectively used. While by no means an exhaustive list, some include: expansion and improvement of current services provided to clients; development of new initiatives for client service; development of programs addressing emerging and special client needs; improvement of program capacity and efficiency through technology and equipment upgrades; development of collaborative statewide or regional work; and development or enhancement of initiatives to recruit and retain program staff including loan repayment programs, training programs, leadership development programs and funding for salary increases. In addition, these increased funds provide an excellent opportunity for IOLTA programs to establish or increase their own reserves so that when the inevitable economic down turn for IOLTA occurs (in

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IOLTA Grantee Spotlight: Vermont's Have Justice—Will Travel

by Wynona I. Ward

History

In the 1950's, growing up in poverty on a rural back road in Vermont, family violence was an accepted way of life. When the neighbors heard screaming coming from our home, they turned their heads. When we heard screaming coming from the neighbor's home, we turned our heads. When my mother asked the minister for help, the minister reminded her that marriage was for better or worse, "until death do you part." The local doctor treated the "black and blues," and never questioned where they came from. If my mother had chosen to use the legal system, she would have been told, "a man's home is his castle," we do not interfere there. Little did they realize that this "castle" was a prison for my mother and her children. There was no justice.

Over forty years later, as a student at Vermont Law School, I sat in a courthouse and read over 200 affidavits written by women requesting protective orders. These women were from the same county, some from the same town, where I grew up and they were being hit, kicked, punched and strangled the same as my mother. "This can't still be happening!" I screamed. "Why isn't the law protecting these women and children? "Where is the justice?"

In the courtroom, it was necessary for these women to litigate for their safety and their children's safety against an experienced lawyer that the batterer, who usually controlled the purse strings, had hired. I saw that the women who were not returning to finalize their protective orders had no transportation to get there.

Regularly, during a hearing, a victim was forced to sit a few feet from the man who had beaten her and threatened her with a gun only a few days before. If a protective order was granted, the batterer would continue to use the legal system to abuse her and the children. If no order was granted, then surely the abuse would be worse the next time. Whether it was a custody trial, a child support hearing, or a motion for visitation, the woman battled alone against an experienced attorney. Again, I asked, "Where is the justice?" The nonprofit organization, Have Justice—Will Travel, Inc. (HJWT) was born to bring justice to rural battered women and their children.

Model

The HJWT model of providing free legal services, in-home consultations and transportation are all prevention strategies that work to stop the generational cycle of abuse. Few (less than 10%) of the women the attorneys work with return to, or go on to, abusive relationships.

HJWT attorneys provide free legal representation in the courtroom for women and children who are victims of domestic violence, sexual assault, stalking and child abuse. The in-office and on-the-road legal services provided by HJWT include initial client interviews, pretrial motions, filing for divorce or parentage, and establishing child support, custody, and visitation. HJWT also provides legal representation for protective orders, housing, landlord/tenant, wills, deeds, creditor, and other

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From the Chair...

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many states the down turn has already begun), funds will be available to sustain reasonable grant levels.

As is always true within the IOLTA community, there is no "one-size fits all." This is certainly true in determining how increased funds should be allocated or used. Much depends upon local needs and conditions. What is vital, however, is that each program be thoughtful, analytical and strategic in making these decisions.

Several IOLTA programs have engaged in planning processes to determine the best use of these increased funds. The Ohio Legal Assistance Foundation (OLAF), the administrator of IOLTA funds in the state, is one exciting and informative example. The ABA Commission on IOLTA had the opportunity to hear detailed information about the Ohio process from staff and trustees of the program when it held its Fall Meeting in Cleveland.

OLAF's planning initiative focused on identifying and addressing gaps and issues in the state's legal services delivery system. Its assessment process included interviews with 150 individuals associated with Ohio legal aid programs. As a result of this assessment, six major areas of need were identified: employment, health care, education, gaps in current service areas, underserved populations and geographic areas, and capacities. OLAF then convened six work groups, composed of more than 50 members from legal aid providers and other organizations, who worked to develop goals and strategies that responded to each of the areas of unmet need and underserved populations in the state that had been identified through the assessment process. The conclusions of these groups

IOLTA News and Notes

Comparability Update

Maryland and Louisiana have joined the growing list of states that have adopted IOLTA interest rate comparability. On December 3, 2007, the Maryland Court of Appeals approved comparability revisions to its IOLTA rule, and on January 3, 2008, the Louisiana Supreme Court similarly amended its rule. Each state's new provisions will take effect on April 1, 2008. As of that date, there will be 18 states with IOLTA interest rate comparability, which requires lawyers to place their IOLTA accounts only in a financial institution that pays those accounts the highest interest rate or dividend generally available at the institution to other customers when IOLTA accounts meet the same minimum balance or other qualifications.

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



New IOLTA Director in Delaware

Jacqueline Paradee Mette joined the Delaware Bar Foundation in September 2007, as its new executive director. Prior to her position with the Foundation, which administers IOLTA funds in the state, Ms. Mette was an Adjunct Professor at Widener University School of Law, where she ran the Family Violence Outreach Clinic and taught other courses. Previously, she has worked for Justice Randy J. Holland of the Delaware Supreme Court, then-Congressman (now Senator) Thomas R. Carper, the Delaware General Assembly, and the law firm of Ashby & Geddes. Ms. Mette is a graduate of Vassar College and Villanova University Law School.

will serve as the basis for special grants to be awarded by OLAF.

While the method used by OLAF may not be workable or may be too expansive for all IOLTA programs, it serves as an excellent example of a thoughtful and deliberate approach for determining how increased funds should be allocated to meet critical and presently unmet needs, at least in part, in one state. I know that other IOLTA programs are addressing this issue as well,

including those in Texas, Florida and South Carolina. The Summer IOLTA Workshops in New York should provide an excellent opportunity for the sharing of information and experiences regarding planning for the use of increased income, as well as many other timely topics. These are exciting times which require our best collective thought to respond as effectively as we can to the needs of our client communities.

Vermont's Justice

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civil legal issues. The attorneys accompany victims during criminal trials where it may be necessary for them to testify. This is especially important in cases where the victim is a child.

By sitting in women's kitchens, where they are at ease, HJWT attorneys talk with women as peers while assessing their legal issues and financial circumstance. They ascertain if the women understand generational abuse, the effect it is having on their children, and the services the family needs to address abuse issues. HJWT works closely with victim advocacy groups to provide safety planning and resource referrals.

HJWT maintains four offices in Vermont: Vershire, Brattleboro, Bennington, and Brownington. The two offices in Southern Vermont are funded by a grant from the US DOJ Violence Against Women Office. The Northeast Kingdom office was developed after an anonymous gift of property was received and is now supported by the Schultz-Blackwell Trust. Other operating costs are funded by private foundation grants and individual donations. An attorney and a paralegal/client service coordinator (CSC) staff each office. HJWT equips each attorney's vehicle with mobile equipment including cellular phones, laptop computers, printers and mobile files.

The CSC in each office is responsible for completing initial intakes, assisting attorneys with preparation of court pleadings, attending court hearings, scheduling appointments, opening and maintaining client files, and conducting legal research. The CSC assists clients in obtaining social services such as housing, transportation, food stamps, education and job training. Multi-service follow-up for clients continues until the woman has

"It quickly became apparent that we were turning away many more women than we were able to accept as full-service clients."

achieved financial and emotional independence from her abuser.

HJWT accepts referrals from victim advocacy groups, courts, prosecuting state's attorneys, homeless shelters, mental health organizations, doctors, nurses, law enforcement and private attorneys. One measure of the success of HJWT is that a number of referrals come from clients already served.

Legal Empowerment Assistance Program (LEAP)

As HJWT grew, it quickly became apparent that we were turning away many more women than we were able to accept as full-service clients. With IOLTA funding from the Vermont Bar Foundation (VBF), HJWT was able to institute the LEAP Program. The VBF's understanding of and dedication to addressing the legal needs of those Vermonters who are unable to hire an attorney has allowed for the program to steadily expand its reach. LEAP allows HJWT to offer long-term services on a consulting basis to those *pro se* litigants who benefit from ongoing contact with HJWT during their legal case, but for whom we cannot provide attorney services.

Due to the VBF's support of HJWT's efforts to develop a program to meet the needs of these disadvantaged Vermonters, we have steadily been able to increase the hands-on HJWT legal services provided for LEAP clients. HJWT has done this by offering assistance with more complex legal issues, such as divorce, at the initial stage of our response to the call-in need. In addition to

legal assistance, HJWT provides LEAP clients with access to the social services and referrals that they need to empower themselves emotionally and psychologically.

LEAP services also have a positive impact on the Vermont Family Court by complementing the *pro se* court training required by the courts. At one Vermont Bar Association conference recently, judges said they see a significant difference in how *pro se* litigants present their case in the courtroom when they have received legal advice from an attorney.

The continued funding from the VBF has given HJWT the opportunity to help call-in clients find strength, determination and resolve that leads to positive long-term changes in their lives and the lives of their children. The LEAP service HJWT provides is vital in allowing us to aid the hundreds of call-ins that we handle each year.

Spreading the Word

HJWT works in cooperation with community agencies throughout the state to develop education and prevention strategies directed toward domestic violence, dating violence, sexual assault, stalking and child abuse. Staff members often provide inspirational speeches, both in Vermont and nationally, in various forums including law schools, colleges, high schools, women's groups, paralegal associations, medical organizations, hospitals, rotary clubs and community organizations. HJWT also uses the local and national print, radio, and television media to get out the message that domestic violence is no longer an acceptable way of life and that the generational cycle of abuse must end.

Wynona I. Ward, Esquire, is the founder and executive director of *Have Justice—Will Travel*. For more information about the organization, visit its website at www.havejusticewilltravel.org.

The Influence of Donations on Pro Bono Placements

by Steven A. Nissen and Anthony H. Barash

Larger law firms tell us there is an increasing “pay-to-play” trend regarding certain pro bono programs’ referral lists and case referrals. This trend is evidenced by legal services organizations giving pro bono case referral priority to law firms that make donations, in advance, to the referring program.

This issue seems to be emerging in a few specific markets, particularly with respect to transactional matters. There is a perception that this most commonly occurs where there is a seller’s market, and “sellers” (i.e. programs that act as clearinghouses for the referral of pro bono cases) can use this fact to their fiscal benefit.

Law firms’ reactions to “pay-to-play” vary widely, from those who refuse to consider providing money in direct exchange for case placements, to those who acquiesce reluctantly or with reservations, to those who encourage the practice as reflective of a sophisticated law firm pro bono program.

The rationales for granting donors priority or exclusivity in case referrals include:

Effective Market

Competition. There is intense competition for certain types of cases, such as impact or other high profile cases, transactional matters and federal cases/appeals that have the possibility of Supreme Court review. Prioritizing the allocation of cases based on a firm’s financial commitment to the referring agency is as logical a basis for referrals as any other, as long as the law firm in question possesses the requisite expertise.

A Valuable Service. The referring agency provides a service

to law firms by identifying and packaging cases that meet the perceived needs of large law firm pro bono coordinators and lawyers. Accordingly, the referring agency, in order to sustain and expand its capacity to serve deserving clients, is entitled to “compensation” for the added value it provides to law firms. By leveraging its competence as a clearinghouse in exchange for guaranteed revenue, the referring agency also demonstrates sophistication and savvy with respect to its target market of support.

Efficient Ramp Up. From the providers’ perspective, building a broad network of financial support is time consuming and labor intensive. “Pay-to-play” provides an immediate cash flow to support activities that directly benefit clients, and provides a highly efficient way to capture new donors lacking long-term ties to an organization. Conversely, traditional fundraising is less efficient because the attendant administrative costs divert crucial resources that otherwise can be committed to providing service to clients.

Return on Investment.

Unconditional donor support for referring agencies is “old school.” In a competitive environment for firms’ limited philanthropic dollars, donors want more than traditional forms of recognition to initiate, sustain or increase their financial support of a referring organization. Donors apply a cost/benefit analysis to the allocation of their contributions of time and money, whether in the form of board membership, annual giving and event donations, or so-called membership dues. Jumping the queue for pro bono referrals

offers an objective benefit, readily quantifiable in terms of numbers of cases attractive to a given firm and its lawyers.

On the other side of the coin, concerns about according donors preference in case referrals include:

Robs the Soul from Pro Bono Work. Competitors for cases perceive themselves in an (unseemly) auction. In practice, money buys access. “Pay-to-play” does not easily reconcile with the ethical principle that attorneys do pro bono work without expectation of pecuniary reward or other financial return.

Compromising Charitable Giving Priorities.

In most, but not all, firms, philanthropic decisions do not fall within the authority of the pro bono coordinator, adding administrative, budgeting and other challenges, including firm cultural attitudes toward philanthropy and pro bono (which may differ significantly). Diversion of limited philanthropic funds to meet “pay-to-play” demands deprives other worthy organizations with more traditional models of needed support.

Unclear Rules of the Road.

In many, if not most, cases, “pay-to-play” practices are not transparent, and law firm coordinators are uncertain of the rules of the game and skeptical about systematic and fair treatment in the referral process.

Impact on Solo Practitioners and Smaller Firms.

Preferential treatment accorded to donors results in limiting pro bono opportunities for willing and capable individual and smaller firm volunteers who cannot

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From the Chair...

by Mark I. Schickman

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

The Word of the Year

The American Dialect Society has just selected its 2007 Word of the Year. The 100-year-old association of linguists, grammarians and historians chose *subprime* as 2007's Word of the Year. Runners-up included *waterboarding* and *facebook*. Society members commented that adding *sub* (meaning below) to *prime* (meaning best) doesn't mean much (less than the best?), but its impact on our nation this past year and going forward is profound.

While subprime loans were originally designed to offer those with "less-than-stellar" credit (lower-income persons generally) an opportunity to purchase a home, rich payouts to subprime market participants encouraged fraud, abusive practices, equity stripping and predatory lending. Improper lending and borrowing decisions have led to an adverse effect. Many families who have only just begun to know the security of homeownership may soon lose their most valuable asset. Immigrants hoping to build wealth through homeownership may come to view the purchase of a home as a financially wasteful exercise. The elderly, who spent years accumulating personal wealth in their homes as a means of financial security during retirement, may now find themselves with nothing at all.

For the pro bono community, the subprime mortgage crisis presents yet another hurdle

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Mentoring Experiment Enriches Pro Bono Efforts

by Sharon E. Goldsmith and Krista Scully

In an effort to expand civil legal services throughout the vast regions of Alaska, in 2004 the Alaska Bar Association instituted its first pro bono program under the direction of Krista Scully. In the course of developing the pro bono program, Ms. Scully contacted the ABA Center for Pro Bono for assistance. The Center offered Ms. Scully the opportunity to participate in the recently developed mentoring component of its Peer Consulting Project and introduced Ms. Scully to Sharon E. Goldsmith, long-time Executive Director of the Pro Bono Resource Center of Maryland.

Phases of the Mentoring Relationship

There were several phases to the development of the mentor/mentee partnership. Phase I involved learning as much as possible about the Alaska program, legal community and culture. Ms. Goldsmith felt this was necessary to offer useful advice and Ms. Scully provided much of that information and insight. Ms. Goldsmith also did her own research into the Alaskan bar and legal system. At the same time, Ms. Scully clarified and articulated the goals she had for the program and challenges she faced.

Phase II was an evaluative process for Ms. Goldsmith as she looked to see how the Alaska program compared to her own program, experience and culture. The next phase (III) involved developing a framework for offering advice and incorporating institutional wisdom into Alaska's program. The ultimate goal was not to simply replicate what Maryland had done but to use the Maryland experience to better inform the advice shared and adapt lessons to strengthen the Alaska program. In Phase IV, Ms. Scully reevaluated her program to determine what advice and ideas made sense to apply to her work.

Phase V, the site visit, produced a much more intimate understanding of the Alaskan community, its strengths and its challenges. It also afforded Ms. Scully the opportunity to use Ms. Goldsmith as a sounding board and to approach key actors with issues of concern and new project ideas.

Developing a Mentoring Relationship

The concept of mentoring is not new; however, pioneering a distance-delivery model was a new feat for both of us. We set about defining our relationship early on through some general principles. Here are some of our tips for creating a mentoring relationship:

Establish a Structure and Process – Establishing a structure and process from the outset is important. Given the distance and lack of familiarity, it was especially helpful to set up a system of regular communication. We decided that at least initially, regularly scheduled conference calls would work well to keep us on track. We recommend asking the following questions:

- Who will contact whom and how?
- How frequently should you talk? Do you need regularly scheduled meetings or should you operate on a more ad-hoc, as needed basis? We opted for monthly conversations, which worked well. We also limited the time to one hour and selected topics ahead of time for discussion. It seemed a bit formal at first but we found that it ensured we used the time effectively and maintained the momentum. The monthly intervals

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From the Chair...

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to overcome in our ongoing war against homelessness. Homelessness, including chronic urban homelessness, has a great number of root causes. Yet there are few solutions to homelessness that do not involve the pro bono community. Given how many volunteer lawyers have been active in trying to prevent or eliminate homelessness, one would think that we would have made a serious dent in the problem after all this time.

But the numbers tell a bleak story. The San Francisco Human Services Agency, for example, showed 6,248 homeless people in mid 2005. After placing 5,224 homeless people in more stable housing, it appeared that the problem was largely eliminated, but the City's homeless count at January 31 2007 was 6,377. The National Alliance to End Homelessness recently indicated that "on any given night, approximately 750,000 men, women and children are homeless in the [United States]." The Los Angeles Homeless Coalition estimates that 33% of the homeless population consists of families with children.

Worse yet, these statistics predate the subprime mortgage crisis. *The San Jose Mercury News* recently estimated one foreclosure filing for every 196 households in the nation . . . not including the approximately 450,000 families expected to lose their homes in foreclosure due to interest rates that will reset before March. The Center for Responsible Lending estimates as many as 2.2 million families in this country will lose their homes as a result of this new phenomenon. The crisis has created a new influx of homeless pro bono clients with complex legal needs in areas including finance, real estate, tax and consumer fraud. In addition to meeting the legal needs of their

traditional homeless pro bono clients, pro bono lawyers now dig in to assist a new wave of victims of the subprime mortgage crisis.

I'm proud to note the legal communities that have stepped up to the plate to address this vulnerable population. In Minnesota, Don't Borrow Trouble Minnesota (DBT) worked with the law firm of Faegre & Benson to develop a proprietary software program to spot predatory lending and equity stripping transactions. DBT and other organizations refer cases to the Legal Aid Society of Minneapolis, which then places eligible cases through Minnesota's Volunteer Lawyer Network. In Massachusetts, Attorney General Martha Coakley collaborated with bar associations, advocacy groups and legal services organizations to establish a facility for assisting homeowners facing foreclosure. A mortgage foreclosure hotline at the Legal Advocacy and Resource Center accepts inquiries, then places eligible cases with Boston Bar Association volunteers. In Maryland, solo practitioners and small firms accept predatory lending referrals from Civil Justice, Inc. The California offices of DLA Piper and Fenwick & West have successfully advocated on behalf of predatory lending victims. Most recently, Ohio Supreme Court Chief Justice Thomas J. Moyer called for lawyers in the state to provide free legal assistance to people on the brink of losing their homes and Ohio's legal services and pro bono communities have responded by working with stakeholders to develop a mortgage mediation program.

In order to help prepare pro bono programs and their volunteers in this area, the 2008 Equal Justice Conference will feature workshops on representing equity stripping victims and working with clients affected by the subprime crisis. Programming will also include a workshop on bankruptcy pro bono and handling claims against judgment-

proof clients. The Conference will take place May 6 through 9 in Minneapolis, and I encourage all members of the pro bono community to attend.

The subprime mortgage debacle is yet another proof of the adage that "when it comes to unfair monetary schemes, the mind of man knows no limits." As society has become more sophisticated, it seems that there are more and more pitfalls for the poor. I am proud that America's lawyers are generous and tireless on behalf of the downtrodden, but it seems that for every solution we find, a new challenge arises to those of limited means.

As is the case with many problems involving the poor, it will take a major act of civic and political will to truly take a major bite out of homelessness. Our poorest Americans cannot realize their legal rights without a pro bono lawyer to fight for them. I hope that popular will prevails and that some day *pro bono* becomes the word of the year.

Placement

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compete financially with larger firms, by focusing attention on "A-list" competitors who will pay a significant price for access to pro bono case inventory.

Failure to Build Loyal Supporters. "Pay-to-play" essentially turns pro bono clearinghouse organizations into commodities salespersons. Rather than building a loyal and sustaining donor base, the "commodity" model makes the referring organization (and its clients) vulnerable when the market inevitably moves more in

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Mentoring

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gave us sufficient time to consider other issues and digest what we had discussed without losing continuity. It also fostered a sense of accomplishment while allowing us to build a relationship of trust and familiarity.

- Who will be responsible for follow-up? It is assumed that the mentor and mentee will be responsive to one another; however, responsibility should be assigned for specific items. Email was the vehicle of choice for follow-up on ideas, resources and materials we needed to share. It helped to send each other reminders as well.
- How will you work through disagreements, if any? Differences of opinion are natural. Respecting

each other's perspectives and experience will allow those differences to be part of the learning experience and not taken personally. The goal is to provide as much helpful insight and guidance to further the mentee's goals as possible. If a mentor feels as if the mentee is going down the wrong path, the best course is to provide your best advice and move on (like with any client you may have). Likewise, if the advice of the mentor does not resonate with a mentee, you should feel comfortable making that decision and accepting the responsibility. There is rarely one right answer—particularly where politics and personalities come into play.

Set Expectations – As in any relationship, a clear understanding of expectations is required in order to work smoothly. It was important for us to have a conversation early on about our

expectations of how we would work together and what we hoped to gain. We strongly encourage a frank discussion about expectations and answering questions such as:

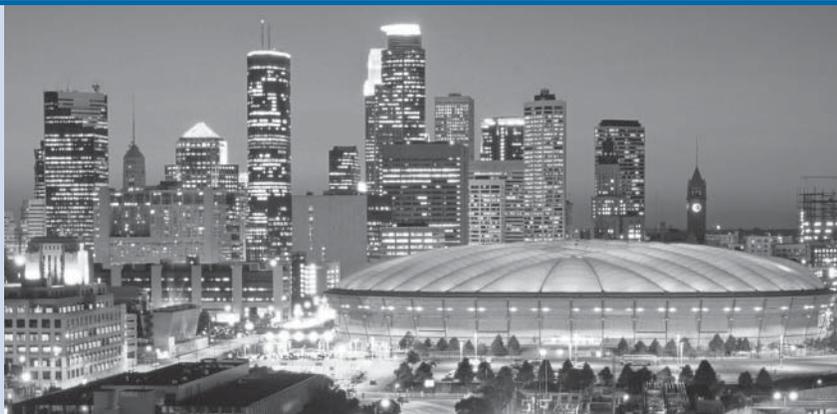
- What does the mentee want and/or need from the mentoring experience?
- What does the mentor anticipate their role to be in serving as a mentor?
- How do we mesh the two if they are different?

Expectations may require adjustments as the relationship develops. It is important to provide feedback on what is happening—what is helping and what is not. We would advise establishing a foundation of giving and receiving feedback. Acknowledging good advice or assistance is important positive reinforcement for the mentor just as congratulating

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2008 EQUAL JUSTICE CONFERENCE MAY 7 - 9 MINNEAPOLIS, MINNESOTA

**Pursuing
Justice—
Balancing
Challenges
and
Opportunities.**



Plan now to head north for the 2008 Equal Justice Conference.

The Equal Justice Conference brings together all components of the legal community to discuss equal justice issues as they relate to the delivery of legal services to the poor and low-income individuals in need of legal assistance. The emphasis of this Conference is on strengthening partnerships among the key players in the civil justice system. Through plenary sessions, workshops, networking opportunities and special programming, the Conference provides a wide range of learning and sharing experiences for all attendees.

Pro bono and legal services program staff, judges, corporate counsel, court administrators, private lawyers, paralegals, and many others attend this event.

In a departure from previous years, the 2008 conference will begin on a Wednesday and conclude on Friday at the Hilton Minneapolis. For more information, visit www.equaljusticeconference.org.

Mentoring

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the mentee on successful results supports their efforts.

Create Context – To be a good mentor, you need to have a solid understanding of your mentee’s program, goals, community dynamics and structure and culture. This consumed some of the discussion time but was important to provide the proper context. It helped Ms. Goldsmith assess her own experiences and advice as they related to Alaska.

Determine Substantive Topics – It is necessary to consider carefully what each person wants to gain from the relationship and what issues or concerns each feels should be discussed. We laid out topics ahead of time and scheduled specific ones for each phone meeting. We certainly strayed from the topics at times but tried to focus on what we had agreed to discuss. Some of the selected topics included:

- **Programmatic measurement.** How do you measure and evaluate good will? What is the value of marketing? What is “success”?
- **Training.** What kinds of training are helpful for both legal services providers and volunteers?
- **Volunteer trends.** What trends in volunteerism are constant, rather than temporary? Which trends need to be followed?
- **Politics.** Even in altruistic work, there are politics that often require extraordinary diplomacy skills. As state pro bono support directors, we faced similar issues around bar association and legal services’ politics.
- **Capacity building.** What are viable strategies to provide and support the capacity building of legal services providers and the program at the Alaska Bar Association?
- **Board leadership.** How

can interaction and leadership development among board members to support pro bono be enhanced?

Ensuring Confidentiality – Knowing you can be candid with your mentor or mentee is essential for a good rapport. The most sensitive issues typically involve individual personalities, politics and prejudices, so navigating through that quagmire with someone from outside the community who can keep confidences is critical. Be sure to establish that understanding and remain steadfast in keeping sensitive matters confidential. It will go a long way in creating trust and a comfort level for both parties.

Accomplishments of the Mentoring Relationship

The mentoring relationship and resultant consultation visit planted seeds for a number of new projects and approaches. In particular, it set the stage and gained support for:

- introduction of a video on pro bono service and opportunities to all new lawyers admitted to practice;
- consideration of a pro bono mediation project through the courts;
- further investigation into government pro bono policies;
- engagement of judges in a statewide training on pro bono needs and resources; and
- establishment of a framework and plan for outreach to local jurisdictions.

The experience for both mentor and mentee has been extremely valuable and rewarding. What began as a series of planned phone calls evolved into a true mentoring partnership with meetings at the Equal Justice Conference and ultimately, a site visit and several days of consultation in Alaska. The mentoring provided unique opportunities for sharing and addressing concerns and facilitated the incorporation of new ideas and processes into both programs.

Having an outside mentor visit also helped open doors. It afforded Ms. Scully and Ms. Goldsmith the opportunity to meet with local and state bar leaders, legal services staff and judges (including the Chief Justice), reinforcing what Ms. Scully had already accomplished and paving the way for new initiatives she wanted to pursue.

Conclusion

Based on our experience, we would highly recommend other legal services, pro bono managers and state support directors pursue a mentoring relationship. We were fortunate in that we were well matched and have developed a high degree of mutual respect and admiration for one another as colleagues. We also developed a personal friendship and know we can call upon one another whenever necessary.

The mentoring relationship has enriched the programs we direct and served well in terms of maintaining perspective and experimenting with new ideas and approaches. While we may not need the same level of communication and interaction, taking part in the relationship enables us to think differently about what we do and how we can enhance our efforts. We are deeply indebted to the ABA Center for Pro Bono for affording us the opportunity to work together.

Sharon E. Goldsmith is the founding Director of the Pro Bono Resource Center of Maryland, the state pro bono support program established in 1990. She is a former member of the Executive Committee of NAPBPro and has presented at numerous Equal Justice Conferences.

Krista Scully is the Pro Bono Director at the Alaska Bar Association. A long-time Alaska resident and life-long volunteer, Krista serves on many boards, teaches fly fishing for Casting For Recovery, is one of Alaska’s Top 40 Under 40 professionals and recipient of the 2006 NABPro Pro Bono Professional Award.

Pro Bono News

California Legislators Propose Pro Bono Amendment to State Bar Act

California lawmakers have proposed an amendment to the State Bar Act (SB 686) to include a section on pro bono legal services. The amendment states that lawyers are expected to make pro bono service contributions and that an attorney who is unable to contribute services may instead “fulfill his or her individual pro bono ethical commitment, in part, by providing financial support to

organizations providing free legal services to persons of limited means.” It further notes that pro bono service may be measured collectively in some circumstances, such as aggregate work done by or financial contributions made by law firms.

Pennsylvania Bar Association Approves Resolution to Promote Pro Bono

In June 2007, the Pennsylvania Bar Association approved a resolution stating that each Pennsylvania

attorney should follow the local/county or state bar association pro bono goal/rule, where the attorney’s practice is conducted. The resolution further states that if the attorney’s association does not have a pro bono goal/rule, the attorney should annually: 1) take a new pro bono case or continue work on an ongoing pro bono case; 2) provide significant direct legal service on behalf of those who cannot afford representation (using the ABA Model Rule 6.1

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Placement

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favor of the “buyers,” who may have not established an allegiance to support a given organization.

Failure to Build a Broad Base. Just as the pro bono market can shift, so can the political winds. The provider in a “pay-to-play” environment has an administrative incentive to generate sizable commitments from a narrow base of large firms. The failure to build a broad base of support and program awareness, in favor of creating a well funded narrower base, may result in a failure of political support just when it is most needed.

Quantity Over Quality. Programs funded on a “pay-to-play” basis naturally will focus on getting quantity out the door to feed their “investors.” Such programs could easily lose focus on quality control and excellence of service delivery systems in favor of stoking delivery of cases to drive their members’ financial commitment. Bad screening judgments will create a deep negative ripple among

volunteers, which in the long run will be disastrous for pro bono commitment.

Hitting the Wall. Conversely, at some point, the provider programs will hit a wall in terms of cases it can process for its member firms. The number of cases in the pipeline will flatten out, while the numbers of firms who are not members of the “club” will grow. That growing number of “outsider” firms may become permanent lost opportunities for the provider program.

Second Class Pro Bono Clients. Another variant of the case placement challenge is that firms paying a premium will expect to receive “cream of the crop” cases from providers, pushing everyday matters for ordinary clients to the back of the preference line. The result may be that “garden variety” cases, where representation may be absolutely vital to the clients involved, will be given short shrift by law firms paying a financial premium to receive what are perceived to be premium matters, thereby creating a “second class” of pro bono clients.

Buying a Board Seat. Paying for a Board seat to obtain

the inside track for juicier cases exposes the Board member to at least a perception of a conflict of interest.

This overview leads us to ask:

- As a matter of good policy and practice, should pro bono programs and law firms encourage, discourage or do nothing about “pay-to-play”?
- Can “pay-to-play” programs effectively coexist with more traditionally funded service providers, or does the existence of “pay-to-play” undermine such other programs?
- Who can and should facilitate a dialogue about “pay-to-play” among law firm coordinators and pro bono programs?

We look forward to hearing your suggestions and comments.

Steven A. Nissen, a partner of Manatt, Phelps & Phillips, LLP, Los Angeles, is a member of the ABA Standing Committee on Pro Bono and Public Service and the former Executive Director of Public Counsel, the largest pro bono law firm in the nation.

Anthony H. Barash, Director of the ABA Center for Pro Bono, is a former President of the Board of Public Counsel.

Pro Bono News

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aspirational standard of 50 hours as guidance); and 3) make a significant financial contribution to a nonprofit organization that provides legal services to persons of limited means. For more information, contact David. Trevaskis@pabar.org.

ABA House of Delegates Adopts New Interpretation of Law School Pro Bono Accreditation Standard

At the recent 2007 ABA Annual Meeting, the ABA House of Delegates adopted new Interpretation 302-10 to provide guidance for determining compliance with the requirements of Law School Accreditation Standard 302(b)(2). That standard requires all ABA approved law schools to offer "substantial opportunities for . . . student participation in pro bono activities." New Interpretation 302-10 provides, in part, that "pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however, volunteer programs that involve meaningful services that are not law-related also may be included within the law school's overall program." For more information, visit the ABA Section of Legal Education at <http://www.abanet.org/legaled/>.

Minnesota State Bar Association Amends its Government Attorney Model Pro Bono Policy

The Minnesota State Bar Association recently adopted an amendment to its Model Pro Bono Policy and Procedures for Government Attorneys. The new model policy is based on the principle that pro bono work is possible for every public lawyer and every public law office. Some

of the recommendations of the policy include: 1) the promotion of pro bono activities in which government attorneys can participate; 2) the appointment of pro bono coordinators; 3) the implementation of flexible schedules when feasible; and 4) some use of office resources.

Mississippi Adopts Pro Bono Practice Rule

On October 15, 2007, the Supreme Court of Mississippi adopted an Amendment to Rule 46 of the Mississippi Rules of Appellate Procedure to include a provision for Pro Bono Publicus Attorneys. A Pro Bono Publicus Attorney is: (a) an inactive member of the Mississippi Bar who is not otherwise engaged in the practice of law; or (b) an attorney licensed in a state other than Mississippi who will provide free legal services under the supervision of a qualified legal services provider and neither asks for nor receives personal compensation of any kind for the legal services rendered. A qualified legal services provider is a not-for-profit legal aid organization that is approved by the Mississippi Bar. The purpose of Rule 46(f) is to permit and encourage attorneys who do not engage in the active practice of law in Mississippi to provide legal representation to persons who cannot afford private legal services. For more information, see <http://www.mssc.state.ms.us/Images/Opinions/143112.pdf>

Hawaii Adopts Mandatory Pro Bono Reporting

The Supreme Court of Hawaii amended Rule 17(d), effective December 1, 2007, to require annual mandatory reporting of pro bono service hours by members of the Hawaii State Bar. Individuals admitted to practice in Hawaii who do not engage in any practice except pro bono are eligible for discounted bar dues, and those who are over 70 years old are not required to pay any bar dues. Hawaii

becomes the sixth state to mandate the reporting of pro bono hours, joining Florida, Illinois, Maryland, Mississippi and Nevada. See <http://www.hsba.org/barnews.aspx>

South Dakota Adopts Emeritus Attorney Pro Bono Rule

On January 1, 2008, South Dakota became the 26th state with an emeritus attorney pro bono rule in effect. Lawyers or judges who are or have been active members of the State Bar of South Dakota and are, or will be, retiring are eligible to register for emeritus status. Emeritus status lawyers may represent, on a pro bono basis, only clients referred to the lawyer by pro bono programs approved by the State Bar of South Dakota.

For more information on South Dakota's new rule, contact Tom Barnett, Executive Director, State Bar of South Dakota, at (605) 224-7554.

Missouri Adopts Rule Encouraging Lawyers to Provide Pro Bono Service Following a Major Disaster

The Supreme Court of Missouri adopted Rule 4-6.6, effective January 1, 2008, entitled "Provision of Legal Services Following Determination of Major Disaster." The Rule permits out-of-state lawyers to provide pro bono legal assistance to help disaster victims in Missouri. The rule is modeled on the recently adopted ABA Model Court Rule, which was endorsed by a resolution of the Conference of Chief Justices urging "[t]he highest court of each state that has not already done so to consider adopting a rule setting forth an orderly manner for the provision of legal services following determination of major disaster, and further the Conference commends the ABA Model Court Rule on this subject as the foundation upon which to create such a rule." For more information, see <http://www.mobar.org/data/esq07/oct19/corrected-order.pdf>.

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From the Chair...

by Ron Abernethy

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

While the Los Angeles County Bar Association Lawyer Referral and Information Service celebrates serving the public and member lawyers for 70 years, other bar associations, including those questioning the usefulness of a lawyer referral program, may be rethinking the value of such a service

As many astute observers have noted, LRIS programs represent the public face of their sponsoring bar associations. Ever since its inception those many decades ago, no other bar association program generates more contact from the public. For bar associations, both large and small, this inescapable fact is worthy of the bar leadership's attention.

The widow needing probate assistance, the young couple seeking legal help with estate planning, the battered wife seeking a marital dissolution and the person injured in an industrial accident—all turn to lawyer referral when they need to make the right call for the right lawyer. Why? Because legal consumers, both savvy and inexperienced, know that bar association lawyer referral services are dedicated to seeing that the lawyers they recommend are both qualified and interested in handling the legal matters referred to them.

Additionally, lawyer referral plays a large role in fulfilling broad-based bar association commitments to the provision of legal services. The income generated by many lawyer referral programs helps support the pro

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Make More Successful Referrals Through Conference Call Technology

by Janet Diaz and Ken Matejka

Getting clients to follow through on a referral to an LRIS panel attorney can be a hit-or-miss proposition. Most programs report a high percentage of clients who never contact panel attorneys, cancel appointments or simply never show up for their consultations. This can be costly to LRIS programs in wasted resources and disappointing to panel members hoping to build their practices.

One way to increase the number of successful referrals is by using a warm connect. That is, the LRIS intake counselor facilitates a three-way call with the LRIS panel attorney and the potential client during the caller's initial contact with the LRIS program. By immediately connecting the caller with the attorney and introducing them to each other, LRIS staff can make successful referrals quickly and effectively.

The advances in telephone technology have made the three-way call easier than ever. Furthermore, the technology is becoming more affordable for LRIS programs. Described below are three approaches to a direct telephone connection between the client and an attorney that an LRIS may consider.

Call Transfer Disconnect

A straight-forward approach to the direct connection of the client to the panel attorney is a telephone service known as Call Transfer Disconnect (CTD), which has been used by the Houston Lawyer Referral Service (HLRS) for many years. CTD has increased the speed with which the HLRS can put a potential client in touch with the referred attorney.

CTD permits an LRIS intake counselor to transfer a caller directly to a panel attorney, announce the referral, remain on the line as long as necessary and then disconnect from the call, leaving the potential client and attorney still communicating. If you are concerned that CTD will drastically increase the time spent on a call, think again. HLRS reports that it can take as little as 12 seconds to complete the transfer.

It is very likely that your local telephone company can provide you with this technology. Most service providers offer CTD as an "add-on" to your current service. The cost is minimal, usually between \$3 and \$7 per line, per month. If you have a T1 line, this feature can usually be included for no additional fee. However, your handset must have a "flash key" or "conference key" to facilitate the transfer. Be sure to notify your line provider that the call MUST be able to drop from your office line while the client and attorney remain speaking. This will allow your staff to handle more incoming calls.

There is very little downside to acquiring CTD. However, two issues need to be addressed. First, determine the number of telephone lines you have and will need. When your office receives a call, it ties up one line. When you transfer the caller to the attorney, it requires a second line. If you do not have at least twice the number of telephone lines as intake counselors, you will need more lines.

Second, establish a policy. For example, do you want to require that all clients be transferred or do you want to offer call transfer as an option? If you provide more than one referral at a time, how do you determine the order of transfer?

Key to the success of this feature is to communicate the process to panel members and their staff. There is little advantage to having a

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bono and modest means activities for which many bar associations are so justifiably proud.

The information component of lawyer referral is also significant. Thousands of callers are directed to the service providers they need, both legal and nonlegal.

All of these activities maintain the positive public face of the sponsoring bar association and enhance the reputation of the legal profession.

Moreover, lawyer referral represents a substantial benefit for those individual members of the bar who choose to participate.

While some large law firms participate in lawyer referral for both altruistic and monetary reasons, a substantial number of the lawyers participating in lawyer referral are solo practitioners or from small firms. For these lawyers, clients obtained through lawyer referral often represent a significant percentage of their practice.

The advertising power of a lawyer referral service and the reputation of the sponsoring bar association provide solo and small firm practitioners with cost effective access to clients. LRIS programs offer young lawyers an opportunity to develop a practice and establish a client-base when word of mouth and lawyer-to-

lawyer referrals may be limited.

I was introduced to lawyer referral some 30 years ago as both a bar leader and a panel member. Over the ensuing years, I have come to appreciate even more the overall benefits that flow to a bar association through lawyer referral. When bar leaders find themselves reviewing lawyer referral at budget time, it would do them well to step away from the ledger sheet and recognize the various constituencies, most importantly the bar itself, that benefit directly from lawyer referral. When they do, they will find themselves recognizing the incredible foresight of long gone bar leaders who established lawyer referral.

Call Technology

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call transfer feature if a panel member's front line staff does not know how to handle the call.

TeleVantage

The TeleVantage telephone system integrates your organization's telephone system with your desktop computer in a Microsoft Outlook-type interface. All of the tasks you would normally do on a telephone keypad are performed using a keyboard and mouse. The features of this product are too numerous to fully describe in this article. To put it in perspective, the TeleVantage User's Guide comes in seven volumes.

In addition to easily allowing you to conference clients together with panel attorneys using basic Windows "drag-and-drop" features, TeleVantage also makes it easy to distribute calls among staff. You can type notes into the system that are permanently attached to a certain telephone number and the built-in instant messaging feature allows your staff to communicate

via text during phone calls.

Monitoring or recording of incoming calls is effortless and staff training is enhanced through TeleVantage's "whisper" feature. This allows a supervisor to coach an intake counselor privately through the phone while the counselor is speaking with a client.

Camilo Concha, Director of the Attorney Search Network, has been using TeleVantage for several years. He uses the software to conference together clients with panel attorneys. Concha reports that about 80% of clients want to be connected to attorneys' offices in this fashion.

According to Concha, the interface is intuitive. "If you're familiar with Outlook, you won't have much trouble using TeleVantage from the start," Concha states.

How much does TeleVantage cost? While it is much less expensive than a comparable system would have cost ten years ago, TeleVantage still requires a significant commitment of funds. A mid-sized bar association could expect to spend approximately \$20,000 for the system, with an additional

\$5,000 to \$7,000 in annual licensing fees for about 50 phones.

Fonality

Like TeleVantage, Fonality is a full-featured telephone system with many of the same features as TeleVantage for less money. However, using an outside line to conference a client with a panel attorney is not as seamless in Fonality, as additional steps are required. It is a very flexible system supporting most types of phones, including analog. Fonality integrates with Outlook, so it will tell you if an incoming call matches someone already in your Outlook Contacts folder. Additionally, this is an "open source" product, meaning that the source code is available and the customer has the right to use it. Therefore, an LRIS using Fonality can hire an IT company to modify the program to fit the specific needs of the service.

Fonality's main selling point is its price. Fonality may be purchased for about two thirds the price of TeleVantage, and you buy it outright. There are no annual licensing fees, although a

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Cindy Raisch Award Acceptance Speech Hits All the Right Notes

The 2007 National Lawyer Referral Workshop in New Orleans had many wonderful moments. However, few could match the speech delivered by James Temmer, Executive Director of the Milwaukee Bar Association, when he accepted the Cindy Raisch Award on

behalf of his organization's LRIS. Temmer's words struck a chord with audience members, who responded with an enthusiastic standing ovation.

Mr. Temmer has graciously agreed to share his comments, reproduced below, for the readers of *Dialogue*:



LRIS Director Britt Bellinger (center) holds the 2007 Cindy Raisch Award, presented to the Milwaukee Bar Association LRIS for superior efforts in restructuring and improving its program. LRIS Associate Director Andrew Clinnin (left) and Milwaukee Bar Association Executive Director James Temmer (right) share in the honor.

The Milwaukee Bar will celebrate our 150th anniversary in 2008 and I cannot think of a better way to kick off our celebration then accepting this award. Our sesquicentennial theme is "Improving Access to Justice for 150 Years" and our LRIS is a key component to doing just that. Whenever we need volunteers for our Lawyer Hotline, Speakers Bureau, Modest Means Panel or most other causes, our LRIS panel attorneys are the first to step up to the plate. We are creating a Justice Center for pro se and pro bono needs in our county courthouse and I guarantee you that our panel members will be volunteers. They are some of our most engaged, community-minded members. The only thing that could make our panel more successful would be if we could find someone to take all of the alien abduction cases we cannot currently refer.

Other MBA programs generate more revenue for the bar, such as membership, or have higher levels

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Call Technology

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support contract is available for an additional cost.

Which Solution is Right for Your Program?

Call Transfer Disconnect is a fairly low-cost feature that allows the HLRS to put a client in touch with the attorney's office immediately. Naturally, this decreased the number of no-shows and cancellations. Most important, HLRS found that CTD increased the number of retained cases. CTD also made panel members happy because it gives them immediate access to potential clients.

Michele Morley, Director of the San Fernando Valley Bar Association, looked at both TeleVantage and Fonality. Her program chose TeleVantage because she wanted TeleVantage's seamless call transfer functionality. She reports that the User's Guide is daunting, but that they were able to get the system up and running in a day using the product's Quick Start Guide. She cautions that the San Fernando Valley Bar Association needed to increase the RAM on some of their computers so that TeleVantage could run smoothly side-by-side with their referral software.

And if you want to own outright a great PBX-type system—phones and servers included—with a lot

of impressive features and that you can tinker with under the hood, Fonality may be your product.

To learn more, talk to your telephone company representative about Call Transfer Disconnect, or go to www.televantageonline.com or www.fonality.com.

Janet Diaz, CAE is executive director of Houston Lawyer Referral Service, Inc.

Ken Matejka is a partner in Legal PPC, a search engine optimization company, and a member of the ABA Standing Committee on Lawyer Referral and Information Service.

The views expressed in this article are those of the authors and are not necessarily those of the American Bar Association.

Los Angeles County Bar Association LRIS Celebrates Milestone

In the movie Chinatown, set in Los Angeles in 1937, Evelyn Mulwray (Faye Dunaway) and Jake Gittes (Jack Nicholson) exchanged the following lines:

Mulwray: I see you like publicity, Mr. Gittes. Well, you're going to get it.

Gittes: Now wait a minute, Mrs. Mulwray. I think there's been some misunderstanding here. There's no point in getting tough with me. I'm just trying—

Mulwray: I don't get tough with anyone, Mr. Gittes. My lawyer does.

Mrs. Mulwray was in luck. If she needed a lawyer to "get tough" with Jake Gittes, help was just a phone call away. That's because in 1937, the Los Angeles Bar Association premiered the Experienced Lawyers List, the forerunner of the association's LRIS, to provide callers with names of lawyers according to practice area.

The Experienced Lawyers List was formed in response to the large number of calls the association was receiving from individuals seeking legal help.

"The bar leaders who came up with the idea of an Experienced Lawyers List were true pioneers," said ABA LRIS Standing Committee Chair Ron Abernethy.

Many of the concepts developed by the founders of the Experienced Lawyers List are still used by LRIS programs today. From the beginning, panel members paid a registration fee and received referrals according to a rotation system.

"Most important, the founders of the program put public service first—asking lawyers to list according to type of practice, setting a minimum of five years in practice to be placed on the list and requiring attorneys to limit their fee for the first half hour consultation to three dollars," Abernethy noted.

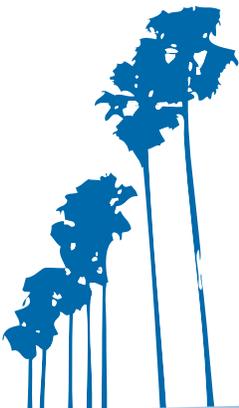
By 1940, the Experienced Lawyers List became the Lawyers Reference Service. The Los Angeles Bar Association soon became the Los Angeles County Bar Association. Over the years, the region grew exponentially and LRIS responded to that growth by expanding in size and in the array of services provided to the community.

Seventy years after its founding,

the Service employs six highly trained, multi-lingual intake counselors who assist callers with their problems and refer them to qualified panel attorneys listing in over 160 areas of the law.

Under the leadership of Directing Attorney Patricia Holt, the Los Angeles County Bar Association LRIS is thriving. "During 2006 alone, the LRIS provided assistance to more than 100,000 individuals and businesses and LRIS referrals generated many millions of dollars in legal fees for panel attorneys," Holt said. "The numbers speak for themselves and attest to the importance of LRIS to both our members and our community generally."

Congratulations to the Los Angeles County Bar Association LRIS and its staff on providing seventy years of outstanding service to the legal profession and to the people of the Los Angeles area.



SAVE THE DATE

2008 NATIONAL LAWYER REFERRAL WORKSHOP

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From the Chair

by Deborah G. Hankinson

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

A number of members completed their service on the Standing Committee on Legal Aid and Indigent Defendants (SCLAID) this past year. We are extremely grateful for the contributions of time and expertise made by outgoing members Norman Lefstein, Martin Montes, Beverly Quail and Thomas Smegal. There is insufficient space in this column to recount even a small measure of the work they performed on behalf of the committee; let me merely say that without their efforts we would not have made such significant strides toward broadening access to civil and criminal justice. At the same time, new SCLAID members bring an impressive resume of leadership and accomplishment in relevant fields: Adele Bernhard (NY); George Cauthen (SC), Les Jin (DC), Hon. Earl Johnson, ret. (CA) and Robert A. Stein (DC).

The ABA worked diligently this past year, in partnership with other interested groups and hundreds of bar leaders to increase the federal appropriation for the Legal Services Corporation (LSC). We were extremely disappointed that, despite votes in both the Senate and the House to give a much-needed and very significant funding increase to the LSC, a budget agreement with the White House resulted in only a small funding gain. Planning is already underway to renew advocacy efforts for the coming budget cycle. Bar and legal aid leaders are urged to attend "ABA Day in Washington" on April 15-17; this event will bring together

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State Access to Justice Update

by Bob Echols and Meredith McBurney

Consultants, ABA Resource Center for Access to Justice Initiatives

2008 National Meeting of State Access to Justice Chairs

The 2008 National Meeting of State Access to Justice Chairs will be held in Minneapolis in conjunction with the 2008 Equal Justice Conference on Friday, May 9. Invitations to the event were sent in mid-February to the Chairs of State Access to Justice Commissions and similar entities, or state bar committees with a broad charge of promoting access to justice for low-income people. In states with no formal Access to Justice structure, invitations were sent to bar and bench leaders whose volunteer roles are most closely related to the Access to Justice mission.

The 2007 meeting, which was held at the facilities of the Colorado Bar Association in Denver on March 24, broke all previous attendance records. It brought together over 130 leaders from 42 states and the District of Columbia.

Additional information about the 2008 meeting, including a preliminary agenda and logistical information, is available at www.ATJsupport.org.

Regional Hearings Convened by State Access to Justice Commissions

Colorado. A series of ten hearings around the state convened by the Colorado Access to Justice Commission and local Access to Justice Committees culminated on November 14 in a final hearing at the Supreme Court in Denver. Hearing panelists included state legislators, Supreme Court and Court of Appeals judges, district and county court judges, representatives of the U.S. Congressional delegation, and representatives of the Governor's Office. Witnesses included judges, legal aid providers, clients, self-represented litigants,

attorneys and social service providers. The Commission has prepared a report based on its findings to the Legislature, Colorado Supreme Court, Governor's Office and Colorado Bar Association Board of Governors.

Mississippi. By Supreme Court order, the Mississippi Access to Justice Commission is holding a series of hearings around the state, one in each U.S. Congressional district, on the problems faced by people pursuing legal remedies through the civil justice system. Mississippi Supreme Court Justice Jess H. Dickinson, the Court's liaison to the legal services community and a member of the Commission, said the purposes of the hearings are to document the extent of the problem as well as to educate public officials, the general public, and the media.

South Carolina. The new South Carolina Access to Justice Commission, chaired by Chief Justice Jean Hofer Toal, has scheduled a series of seven regional hearings at county courthouses around the state, culminating with a final hearing at the Supreme Court in October. The first hearing will take place in Charleston on March 13, 2008. The hearings are intended to guide the Commission in fulfilling its charge of assessing the unmet civil legal needs of low-income South Carolinians and making recommendations for funding and other resources necessary to close the gap.

State Access to Justice Reports

Hawaii. *Achieving Access to Justice for Hawaii's People*, a report released in November by the state's Access to Justice Hui, found that almost 80 percent of the legal needs of low and moderate-income residents of Hawaii are

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Justice Update

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going unmet. The report includes ten recommendations to increase access by 2010, including increased funding for legal aid, expanded support for self-represented litigants, establishment of a right to counsel where basic human needs are at stake, promotion of a culture that values the provision of pro bono services, and creation of an Access to Justice Commission. In an address to the State Bar Association, Chief Justice Ronald Moon commended the Access to Justice Hui, which includes representatives of the Hawaii Judiciary, State Bar Association, Justice Foundation, legal aid providers and the University of Hawaii. He also stated that the Supreme Court and Judiciary as a whole had begun exploring the report's recommendations and urged the Bar Association and law firms to do so as well. The proposed creation of an Access to Justice Commission was pending before the Supreme Court when this article went to press.

Massachusetts. The Massachusetts Access to Justice Commission, chaired by former Chief Justice Herbert Wilkins, has issued a report to the Supreme Judicial Court titled *Barriers to Access to Justice in Massachusetts*, based on a series of hearings held by the Commission around the state earlier in the year. Recommendations included the

following: the Legislature and Supreme Judicial Court should take steps to have counsel available to low-income people in critical circumstances, such as court hearings in eviction cases; trained non-lawyers should be permitted to appear in court in such cases as evictions and domestic violence hearings; courthouse assistance should be provided in all family and probate courts and courts hearing eviction cases; uniform, user-friendly statewide forms should be developed and made available on the internet; a position of coordinator of Access to Justice activities in the trial courts should be created and the jurisdiction of Housing Court should be extended state-wide and its best practices should be duplicated in all courts hearing evictions.

Maine. Maine's Justice Action Group has issued *Justice for All*, a report setting out the recommendations resulting from its broad-based long-term planning process. Priority strategies were identified as: increased state appropriation for legal aid; implementation of mandatory IOLTA with interest rate comparability (*adopted September 2007*); creation of a Division of Self-Represented Litigant Services within the Judicial branch, overseeing a Courthouse Assistance Program; creation of a Legal Aid Technology Resources Center; and a study of a civil right to counsel in adversarial proceedings where basic human needs are at stake. The report

also identified ten strategies that require little or no new funding.

Maryland. The Maryland Judiciary Working Group on Self-Representation has issued a report on *Clearing a Path to Justice* and recommendations on how to make the courts more accessible to self-represented litigants. The recommendations included: development of web-based document assembly for court forms; development of a clear policy for court staff distinguishing between legal advice and information; modification of judicial ethics provisions to clarify those types of interaction with the self-represented that are permissible and suggested for judges in the courtroom; development of a Judicare-type system to supplement existing legal services providers; appointment of a Bench-Bar committee to explore ways to support limited scope representation; and the creation of an Access to Justice Commission.

2007 State Legislative Funding Successes

State legislative funding for civil legal services to the poor increased significantly during the 2007 legislative session. The combined increase across the nation was \$20,000,000, or more than 10 percent, bringing total state funding nationally to \$213,000,000. One state, Wisconsin, obtained its first state legislative funding, reducing the number of states without any such funding to just five.

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leaders and advocates from across the nation to lobby on behalf of important issues, including funding for the Legal Services Corporation. More information is available at <http://www.abanet.org/poladv/abaday08>.

SCLAID is proud to continue its efforts this year in support of state access to justice commissions and similar entities. Our Resource Center for Access to Justice Initiatives continues to provide technical assistance in support of ATJ systems; we were proud to lend assistance as states including Hawaii, Mississippi, South Carolina and Wisconsin took major steps

forward in that arena. We have also provided information and support as legal aid fundraising advocates across the nation have achieved gains in funding; overall, we estimate that resources for civil legal aid grew by about 12% last year.

SCLAID also continues to pursue improvements in state

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From the Chair...

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indigent defense systems. In early February, the Committee sponsored the Fourth Annual

Summit on Indigent Defense Improvement, bringing together nearly 100 bar and indigent defense leaders to develop strategies for addressing systemic problems of under-funding and excessive caseloads.

We look forward to working with leaders of the organized bar, and in the civil legal aid and indigent defense communities, to expand access to justice for all during 2008.

LRIS

Raisch Award

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of member participation, such as CLE, but nothing we do has a larger impact on our community than LRIS. Everyday, hundreds of people contact us looking for help. Some need and can afford private attorneys, some need to be directed to various social service agencies or free legal clinics and some just need to vent. We cannot give every caller the help they want but they are all treated with respect and dignity.

One of the first things I did when I became the MBA's Executive Director was to learn and work the LRIS phones. I know how difficult it can be. I also recognize that my few days are nothing compared to the dedication you all show answering the phones day after day, week after week and month after month. It can be a thankless task, getting yelled at by irate callers, attorneys—and sometimes bar staff—without ever hearing words of encouragement or gratitude. Let me begin to correct that error. Thank you. Thank you for your daily efforts to help your bars, members and

communities. Thank you for your dedication and assistance to people you will probably never meet. Thank you for listening to people who don't know where to turn. And even if you can't help them find a lawyer to take their alien abduction case, you can talk to them for a few moments and make them feel that they are not alone.

Please enjoy the rest of your stay here in New Orleans and partake in some of the activities that make this city famous because once you return to your office next week, the phones will be ringing."

Pro Bono

Pro Bono News

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OSBA Forms Pro Bono Committee Task Force to Establish Local Committees

The Ohio State Bar Association has formed a 31-member Pro Bono Committee Task Force that will establish a statewide network of locally based committees to promote and facilitate pro bono opportunities for attorneys. The task force, comprised of lawyers, judges and members of the legal aid community, will work to create a pro bono committee in each of Ohio's judicial appellate districts. For more information, see <http://www.ohioabar.org/pubs/insideosba/?articleid=1025>.

The Washington State Bar Association Proposes Amendments to State Supreme Court Concerning Practice of Law After a Major Disaster

The Washington State Bar Association has submitted a proposed Admission to Practice Rule concerning the Provision of Legal Services Following Determination of Major Disaster to the Washington Supreme Court.

They have also submitted a proposed amendment to the Rules of Professional Conduct 5.5 on the practice of law after a major disaster. If the Supreme Court agrees to consider adoption of this rule, it is expected to be published for comment in January with the comment period to end April 30. If the Court adopts the rule it will be republished in June and take effect September 1, 2008.

Program News From the Field

Georgia: Judy Davenport, Pro Bono Coordinator for the Georgia Legal Services Program (GLSP), retired after 37 years of service.

New York: Gloria Herron Arthur joined the New York State Bar Association where she serves as the Director of Pro Bono Affairs.

Washington: Pam Feinstein has resigned as Executive Director of the Eastside Legal Assistance Program.

National Equal Justice Library Opening Ceremonies

The National Equal Justice Library (NEJL) will host an event on Tuesday, March 25, 2008 to commemorate its relocation to the Georgetown University Law Library, highlight the work and role of the NEJL, and formally accept the papers of Gary Bellow, a public defender, legal services lawyer, and Harvard professor whose four decades of creativity and leadership showed generations of lawyers how to make a difference in the lives of the poor. The event will be at the Gewirz Center on the campus of Georgetown University Law Center, 150 "F" Street N.W., Washington, D.C. 20001.

The event will include a symposium from 1:30 – 4:30 pm exploring the right to counsel (criminal and civil), and the civil legal aid response to Katrina. This will be followed by a panel from 4:30 – 6pm commemorating the history preserved at the Library. Panelists will introduce the NEJL at Georgetown, officially accept the papers of Gary Bellow, and present NEJL awards to three scholars for outstanding works about civil legal aid or indigent criminal defense. A reception from 6 – 8pm will conclude the festivities.

American Bar Association
Division for Legal Services
321 N. Clark Street
Chicago, IL 60610-4714

Harrison Tweed Award

The ABA Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association invite nominations for the 2008 Harrison Tweed Award. Named for an outstanding leader in the promotion of free legal services to the poor, this award was created in 1956 to recognize the extraordinary achievements of state and local bar associations that develop or significantly expand projects or programs to increase access to civil legal services to poor persons or criminal defense services to indigents.

The Harrison Tweed Award will be presented in August at the 2008 ABA Annual Meeting in New York in recognition of work accomplished during the year beginning April 1, 2007. Projects that began prior to that date will be considered if substantial services have been provided between April 1, 2007 and March 31, 2008. Nominations must be received April 1, 2008.

For more information about the award please call Tamaara Piquion at 312/988-5767 or visit www.abalegalservices.org/tweed.html.

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