

DIALOGUE

News and Perspectives from the ABA Division for Legal Services

WINTER 2009
VOL. 13, NO. 1

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Federal Foreclosure Relief: A Mixed Bag for Servicemembers

by Lieutenant Jessica Lynn Pyle, JAGC, U.S. Navy

The possibility of foreclosure haunts many families that are struggling to make ends meet in these difficult financial times. Military families are not immune to the stresses of foreclosure, and the process can be even worse when family members are separated by great distances over the length of a deployment. At the root of the foreclosure crisis currently swallowing many Americans lies the wide availability of subprime loans that expanded homeownership without assuring the sustainability of the loans. The rise of the subprime mortgage industry was alluring to military families who watched their colleagues sell homes after spending three or four years at a duty station and sometimes make hundreds of thousands of dollars in profits. But now, after assuming large loans, many families who have invested in homes that have lost value will be forced to move to new assignments, often in locations where they are making substantially less money due to differing rates in the Basic Allowance for Housing. Military members, like many Americans, are now struggling to meet their obligations.



Recent federal actions aimed at foreclosure relief offer a mixed bag for servicemember-homeowners with troubled mortgage loans. Importantly, even some provisions specifically aimed at affording servicemembers mortgage aid cannot achieve that end, because primary residence requirements and other restrictions will render the homeowners ineligible. On the other hand, Congress has extended the foreclosure relief period available to returning servicemembers under the Servicemembers Civil Relief Act, and the six-percent credit interest cap available under the SCRA now applies to members' mortgage loans, through the end of 2010, provided the obligation was incurred pre-service. On balance, reservist- or guard-homeowners may be better positioned to benefit from the new laws offering mortgage relief than regular active-duty force members.

As the problems with the housing market snowballed over the past year, Congress moved to keep borrowers in their homes. The foreclosure relief offered by the government, however, has largely failed to account for the uniquely transitory lifestyle of those in the military. For example, program requirements focusing on primary residency will exclude many of the nation's servicemembers from participating in the HOPE for Homeowners program passed as part of the Housing and Economic Recovery Act (HERA), which was designed to keep homeowners in their property. Additionally, recent changes to

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Dialogue

Published by the American Bar Association
DIVISION FOR LEGAL SERVICES

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

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©2009 American Bar Association ISSN 1092-2164

Foreclosures

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the Servicemembers Civil Relief Act (SCRA) continue to focus primarily on the reserve and guard community. As a result of the requirements contained in recent foreclosure relief efforts, and the realities of the military lifestyle, many military members will find it difficult to take advantage of the full range of federal relief available to other distressed American homeowners.

Military families trapped with a home they can neither sell nor afford to keep due to military necessity are more likely to be ineligible for the HOPE for Homeowners program than civilian homeowners. One of the basic requirements for participation in the federal program is that the property refinanced by the federal government must be the primary residence of the borrower. For a transitory population such as the military, legal residency is often difficult to determine, as the state that holds legal jurisdiction may be different from the state in which the servicemember pays taxes, holds a license and votes, and that state may be different from the one in which that servicemember resides. In addition, when duty calls, the family must move regardless of their personal economic conditions.

Additionally, HOPE for Homeowners may miss the most sympathetic segment of the military: those living away from their families who have a primary residence away from their family's home. As the military continues to fulfill its obligations overseas, the rhythm of deployments expands the number of families that are separated for long periods of time. If the military member is the mortgage holder and has been away from the family home for months or years at a time, the family may not find relief under

this new federal statute.

Those military members who do qualify for relief under HOPE for Homeowners will find themselves subject to somewhat onerous profit-sharing provisions. Many critics have lambasted the equity-sharing scheme in the legislation that allows the government to recover at least 50% of any equity and appreciation in the home regardless of the length of ownership. For a family seeking to build long-term wealth and plant substantial roots in a community, the new loan may have too many strings attached.

On the other hand, for families that are merely looking to alleviate the effects of a foreclosure or short sale on their credit report and their future, HOPE for Homeowners may provide a way to eliminate a debt that does not reflect the market value of the asset, to reduce payments, and to make the sales price of a home more attractive to potential buyers. Avoiding foreclosure or a bad debt can be priceless to a member of the military who must maintain a security clearance to keep his or her job. While few military families will ever see the HOPE for Homeowners program as the "best" option, for many in the military it can alleviate the long-term affects of an unaffordable loan.

Another program under the federal statute targets first-time homebuyers. As an incentive to enter the market, a new homebuyer can receive a \$7,500 interest-free loan from the government that must be repaid through tax filings over 15 years. The interest savings in this case can be substantial. While the term "first time" homebuyer is interpreted loosely under the statute to allow anyone who has not owned property in the past three years to participate, it will exclude the class of military homebuyers who purchase a new home each time they change duty stations. While

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From the Chair...

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

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

The New Year was ushered in on the twin notions of hope and change. We all have heard the old adage that hope is not a strategy. And most thoughtful commentators have already opined that without significant change that results in measurable improvements, hope will inevitably fade. As we bade farewell to one Commander-in-Chief and welcomed another, however, one thing has not changed—the steadfast commitment of the LAMP Committee, individually and collectively, along with our partners, liaisons and friends, to achieve the goal of entitlement to effective legal assistance for the men and women who serve our country with professionalism, courage and dedication and at great personal sacrifice.

One of the most effective means of ensuring *that* the committee's mission is met is to continue to provide timely, high quality, up-to-date, *live* continuing legal education to every provider of legal assistance, civilian and military. As anyone who has attended a CLE session by video tape or remote teleconferencing can attest, the importance of live CLE cannot be overstated. LAMP CLE is typically held at military installations, thereby minimizing cost, maximizing resources, and negating potential criticism that live CLE is outmoded or wasteful.

Live, in-person programming

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SCRA Changes in 2008: Not Perfect, but Moving in the Right Direction

by Lieutenant Colonel Jeff Sexton, JAGLCS, U.S. Army

Not since 2004 has Congress been so active in amending the Servicemembers Civil Relief Act (SCRA). In 2008, Congress set its SCRA sights on two areas that are likely to catch the attention of the typical soldier, sailor, airman or marine: cell phone contracts and mortgages. Although Congress made other changes to the SCRA (as briefly discussed later in this article), cell phone contracts and mortgages will undoubtedly stand out as the SCRA headlines for 2008.

New Cell Phone Contract Termination/Suspension Provision

The Veterans' Benefits Improvement Act of 2008 became law in October 2008 and created a brand new SCRA protection (50 U.S.C. app. § 535a) that requires cell phone companies to terminate or suspend cell phone contracts under certain situations. Servicemembers have asked for this provision for a number of years. While the provision is a welcome addition to the SCRA, it contains some confusing language that renders the protection incomplete in some situations.

First, the new language provides that a servicemember may request termination or suspension of a cell phone contract if he deploys outside the continental United States for 90 days or more. The provision applies to all cell phone contracts entered into before commencement of the deployment. Oddly, the provision does not require the cell phone company to terminate the contract, but rather gives the company the option to either terminate or suspend the contract at that point. Next, the amendment provides that a servicemember may request termination or suspension of a cell phone contract if the servicemember has a permanent change of duty station (PCS) within the United States. As with the deployment situation, the provision applies to all cell phone contracts entered into before commencement of the PCS. In this situation, unlike the overseas deployment provision, the cell phone company is required to terminate the contract if requested. What is perplexing about this provision is that it only addresses PCS moves within the United States, and is silent regarding PCS moves to foreign countries. For example, a servicemember reassigned from Fort Hood, Texas to Germany or Korea would not be authorized to request termination or suspension of his cell phone contract because the reassignment is not a PCS move within the United States and is not a deployment. Is this an oversight by Congress? Did they intend for the terms "deploy" and "deployment" in the first provision (the deployment situation) to include PCS moves, but fail to make that clear?

A final important point about the cell phone amendment is that the provision requires the servicemember to demonstrate that his military service materially affects his ability to either satisfy the contract or utilize the service. This requirement is surprising given that other termination provisions in the SCRA, such as the residential and automobile lease termination provisions (50 U.S.C. app. § 535), do not require a showing of material effect. Needless to say, a servicemember whose PCS is within the United States and desires to terminate his cell phone contract will likely have greater difficulty establishing material effect than a servicemember who deploys to Iraq or Afghanistan.

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From the Chair...

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has many essential benefits. It provides a superior learning experience by encouraging dialogue—the sharing of ideas, experiences and perspectives—that is optimized when expert instructors, judge advocates and civilian practitioners are all in the same room, and when they continue to network during program breaks. The setting enhances an already unique opportunity for judge advocates from different services to compare client problems and possible solutions with each other and with civilian practitioners. This shared learning and collaboration often fosters enduring professional relationships that continue to benefit clients far beyond the CLE formal sessions. LAMP programs also offer an important learning experience for legalmen and paralegals who attend their own classes. The advantages of such interaction just cannot be captured by remote learning, no matter how sophisticated the technology.

Often overlooked is the fact that LAMP CLE is a major asset to the base legal assistance program. Staff Judge

Advocates and Commanding Officers consistently voice their appreciation for having LAMP on board, and note that the CLE program is a positive experience for their young officers. At our last session hosted by the Navy in Coronado, Captain Jim Ryan, Commanding Officer of the Naval Legal Service Office Southwest, addressed the gathering and enthusiastically endorsed the work of LAMP and its outreach CLE program. Always noted and appreciated is the tremendous opportunity for all local military attorneys to satisfy at least a portion of their own CLE requirement without having to incur travel time or costs.

Of course, the benefits are not at all one-sided. Visits to the various military bases and the LAMP CLE initiative provide a great networking opportunity for committee members and liaisons. The formal and informal interactions among and between military legal assistance attorneys, civilian lawyers, committee members and service liaisons are indispensable to the task and create a direct means of understanding the issues presented by our service members and their families. This understanding, in turn, informs the LAMP Committee in adjusting its CLE programming to the evolution

and changing needs of the legal assistance mission.

Many thanks are due LAMP Committee member, retired Coast Guard Captain Pete Seidler for his continuous and untiring efforts in developing topical curricula on issues such as veterans benefits and consumer law and in pursuing course development on emerging legal assistance responsibilities related to Wounded Warrior support and disability evaluation programs. Each conflict brings new challenges and the global war on terror is no exception. The LAMP Committee fully recognizes that the delivery of effective, efficient legal assistance is only as good as the relevance of the training provided and the professional competence of legal assistance lawyers who provide their services.

Let me speak for each member of the LAMP Committee when I say that we are indeed grateful for the fine work of our judge advocates and legalmen who perform the vitally important legal assistance function without fanfare and often with little recognition. Although many rotate quickly through their legal assistance duties, their dedication, professionalism, and effectiveness are worthy of our public praise.

SCRA Changes

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Expanded Mortgage Protections

Extension of the Mortgage Foreclosure Protection Period. Signed into law in July 2008, the Housing and Economic Recovery Act of 2008 (HERA) amended the SCRA's mortgage foreclosure protection provision (50 U.S.C. app. § 533(c)), a renowned protection providing that if a servicemember breaches

an obligation secured by a mortgage or trust deed, a sale, foreclosure or repossession action is not valid unless there is a court order or waiver from the servicemember. The protection, which applies only to obligations entered into before entry on active duty (making it applicable to few career active duty servicemembers), has traditionally covered the period of active duty service and a period extending 90 days after active duty. The change under the HERA is that the 90-day period

has been extended to nine months.¹

Extension of the Mortgage Protection Stay Period. The HERA brought a similar change to the mortgage protection's stay provision (50 U.S.C. app. § 533(b)). The mortgage stay provision is available to servicemembers in any action by the mortgagee to enforce a mortgage obligation that was filed during active duty or within 90 days after active duty. It requires the court, upon the request of the

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SCRA Changes

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servicemember, to either stay the proceedings or adjust the obligation in situations where the servicemember's ability to comply with the obligation is materially affected by active duty service. Identical to the change to the mortgage foreclosure

provision, the change to the stay provision under HERA is that the 90-day period has been extended to nine months. A word of caution is in order, however. The HERA's extension of the protection periods will expire on December 31, 2010, absent action by Congress to make them permanent.

The changes to the SCRA's mortgage provisions are

significant. To avoid the SCRA's reach, a mortgagee must now wait to file an action an additional six months after the servicemember has left active duty. Given the impact of the mortgage crisis on mobilized servicemembers, the additional time period will undoubtedly assist countless servicemembers, especially the reserve and guard, in their

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Foreclosure

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the spirit of the legislation excludes homebuyers that move frequently or own multiple properties, the credit could encourage transient populations to continue to participate in the housing market despite uncertain economic conditions. Allowing specific groups of homebuyers interested in changing homes regularly to benefit from the credit may improve the odds of the program helping the market.

Other programs in the HERA are targeted at the military and may provide relief to some groups. The military reserve and guard population may receive the greatest benefit from the HERA programs. The SCRA was primarily designed to alleviate the burdens placed on military members who are unduly, and often without warning, called to active duty and as a result are unable to meet their financial and legal obligations.¹ For example, the act temporarily extends mortgage protections under the SCRA, which apply to home loans acquired prior to active duty service. As a result, lenders are prohibited from filing for foreclosure for nine months without a court order against members returning from abroad who have a mortgage obligation (which originated prior to their period of military service) on real or personal property. Members

previously had only a 90-day protection period and a 90-day stay of proceedings period. Also, through December 31, 2010, the six percent (6%) interest rate cap under the SCRA now applies to mortgages incurred by the member, or the member jointly with a dependent. Again, the interest rate cap applies to debts incurred before the member entered active duty or within 90 days of entering an active duty status. Unfortunately, due to the young age at which most members join the military, the most ominous debts typically are acquired after the period where service begins, which will exclude many from finding relief under the legislation.

One change that is likely to affect many military members positively is a recent addition to the Joint Federal Travel Regulations. The new statute entitles members of the Armed Forces who relocate from leased or rental housing due to foreclosure to be reimbursed for transportation of household goods. The vast majority of military members rent their property, and the new entitlement will avoid the financial burden of moving when a military tenant is evicted because of a foreclosure action against the homeowner.

No single piece of federal legislation will solve the foreclosure crisis. Financial institutions, loans service, the

government, and even every day borrowers must work together to find effective solutions. Military members and their families are often a hard segment of the population to assist due to the lifestyle requirements imposed by the needs of the military. While many sections of the HERA attempted to reach out to the military community, the requirements for the most substantial relief in the statute will exclude many in this group. The Federal Housing Authority directs homeowners who are interested in more information on the HOPE for Homeowners program to contact their existing lender or a new lender to discuss the program and eligibility requirements. The lenders will then begin the process of negotiating the new loan and repaying the old. For those who qualify, federal foreclosure relief could be an important step towards alleviating, though not eliminating, the effects of a foreclosure on their future economic security and employment opportunities.

Lieutenant Jessica Lynn Pyle, Judge Advocate General's Corps, U. S. Navy, is an attorney at Naval Legal Service Office Southwest, San Diego, California.

Endnote

¹ Please see the article by LTC Jeff Sexton in this issue for a more thorough discussion of recent changes to the SCRA.

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attempts to resolve mortgage disputes prior to foreclosure action. On the other hand, the benefit to career active duty servicemembers is negligible. Unless they purchased their homes prior to entering active duty, career active duty servicemembers gain nothing from the new mortgage amendments. Is this an area ripe for change in future legislation? Will Congress extend the mortgage protections to mortgage obligations incurred during active duty service? Who knows, but stay tuned.

Expansion of the Six Percent Interest Cap Time Period for Mortgages. The HERA also made a major change to the SCRA's well-known 6% interest rate provision (50 U.S.C. app. § 527). The SCRA authorizes servicemembers to reduce to 6% the interest rate on debts incurred prior to active duty service, with the benefit lasting for the duration of active duty service. The change is that interest rates on mortgages may be reduced to 6% not only during active duty, but also for one year after active duty service. Note that this new provision applies only to mortgage obligations, and not to other obligations.

The provision is of obvious benefit to reserve and guard servicemembers who mobilize for longer tours, such as a year or more. What is not so obvious is the provision's application to reserve and guard servicemembers serving shorter active duty periods. Like other non-mortgage debts, the provision applies to mortgage obligations entered into before the servicemember enters active duty. The definition of "active duty" under the statute includes the traditional two-week annual training (AT) event and active duty for training (ADT) tours (generally a few months or less). Because the 6% mortgage provision applies to

any mortgage obligation entered into, prior to entry on active duty, it is conceivable that some reserve and guard members will invoke the 6% rule upon entering the short AT or ADT tour, with the intent of retaining the 6% interest rate for one year after being released from AT or ADT. Is that what Congress had in mind when passing the HERA? Probably not. Regardless, the new provision makes no distinction between types or durations of active duty tours.

Creditors will no doubt argue that for AT or short ADT tours, the servicemember's ability to comply with the original higher interest rate is not materially affected by his military service. But this is where the 6% rule gets tricky. Unlike other SCRA provisions that require the servicemember to show that his military service materially affects his ability to comply with an obligation, the 6% rule places the burden on the creditor to demonstrate in court that the servicemember's military service does not materially impact his ability to comply. How this will play out in real life is anyone's guess. Will servicemembers actually invoke the 6% mortgage rule for AT/ ADT periods? Will mortgage creditors refuse to grant relief in those situations?

Other SCRA Changes in 2008

Criminal Penalties for Violation of the 6% Interest Cap Protection. Also in the Veterans' Benefits Improvement Act of 2008 is an amendment making violations of the 6% interest cap limitation (50 U.S.C. app. § 527) a criminal offense, with penalties including fines and imprisonment. This now gives servicemembers and legal assistance attorneys additional ammunition when negotiating with uncooperative creditors who balk at compliance. At least six other provisions in the SCRA already contain language with punitive provisions, such as the mortgage foreclosure, lease termination and eviction protections.

New Child Custody Language

in the Stay and Default Judgment Provisions. Passed in January 2008, the National Defense Authorization Act (NDAA) of 2008 added language to the SCRA's general stay provision (50 U.S.C. app. § 522) and default judgment provision (50 U.S.C. app. § 521), stating that the definition of "civil actions and proceedings" under those provisions includes "any child custody proceedings." This change is Congress's attempt to address the burgeoning child custody controversies encountered by servicemembers (whether reserve, guard or career active duty) who mobilize away from home and are suddenly faced with a motion filed by the other parent requesting a permanent change in custody. Although the new language does not institute an absolute ban on permanent change of custody orders during a deployment (as some commentators have called for), it sends a clear message to the courts that a servicemember's interests in child custody proceedings cannot be ignored.

Taken as a whole, the changes in 2008 to the SCRA are welcome additions to a growing list of federal civil protections provided to servicemembers. Although some of the changes contain language that may create confusion in interpretation and application, there is no doubt that Congress is striving to address the legal and financial struggles of servicemembers. Servicemembers should be encouraged to contact their local legal assistance office to discuss aspects of the changes that may apply to them.

Lieutenant Colonel Jeff Sexton, Judge Advocate, U.S. Army, is a Professor and Vice Chair in the Administrative & Civil Law Department, The Judge Advocate General's Legal Center and School, Charlottesville, Virginia.

Endnote

- ¹ For more discussion of mortgage protection under HERA, see the article in this issue by LT Jessica Pyle.



From the Chair...

by Jonathan D. Asher

Chair of the ABA Commission on IOLTA

This fall, many in the IOLTA community were focused on an interim Federal Deposit Insurance Corporation (FDIC) rule, which had the potential to greatly reduce IOLTA revenues. The interim rule created the Temporary Liquidity Guarantee Program (TLGP), providing unlimited insurance on non-interest bearing accounts until December 31, 2009. As it was originally written, the rule did not include IOLTA accounts within the unlimited insurance provision, known as the transaction account guarantee component. As a result, IOLTA accounts were provided with the same insurance coverage as interest-bearing accounts, up to \$250,000 for each depositor, or in the case of IOLTA accounts, for each client.

The TLGP threatened to create a possible conflict for many lawyers: place client funds into an IOLTA account, as mandated by state Supreme Court rule or legislation in many states, or move client funds to fully insured non-interest bearing accounts, fulfilling the fiduciary duty to protect client funds. To the extent that lawyers pursued the latter course of action, millions of dollars in funding for the provision of free legal services to the poor would have been lost.

The American Bar Association, the National Association of IOLTA Programs and individual members of the IOLTA community, along with many others, provided comments to

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IOLTA's Role in Supporting Technology in Legal Services Delivery Systems

by Jeffrey Fortkamp

IOLTA, in partnership with legal aid programs, the Legal Services Corporation, court systems, bar associations, private law firms, and corporations, has had a significant impact on the use of technology in the delivery of legal services. More specifically, many IOLTA programs have made a significant financial investment in technology within their legal aid systems.

Many IOLTA programs have provided funding to grantees to develop or implement various technologies, notably, statewide websites and uniform statewide case management systems.¹ IOLTA programs have also supported a broad array of additional technologies for legal services delivery systems, such as video and online conferencing tools, document banks, computer hardware and software, training, communications and telephone systems, statewide hotline and intake systems, legal research tools, voice-over-internet-protocol (VoIP) systems, and document assembly tools.² In addition to providing grants for system-wide technologies, most IOLTA programs also fund staff and technology for individual organizations through basic operating grants. IOLTA has unquestionably improved access to justice in countless ways through these investments in technology.

As we experience a downturn in IOLTA revenues, we may not see the major dollar investments in technology of the recent past. However, even with less revenue, IOLTA programs can provide critical support for the effective use of technology in legal services. This article will provide low-cost examples of how four very different programs provided innovative IOLTA support for technology in the delivery of legal services.

Promoting Grantee Collaboration and Partnerships

Montana Justice Foundation (MJF), Montana's IOLTA program, has promoted an efficient use of limited resources by encouraging the collaborative use of technology by grantees. Recently, one of MJF's smaller grantees submitted a grant proposal for funds to develop templates for use with the HotDocs® document assembly software³ to improve its services to victims of domestic violence. Rather than simply funding or declining to fund the grant request, MJF directed the grantee to Montana Legal Services Association (MLSA), Montana's major statewide legal services provider and its only LSC funded entity, to determine whether tools already developed by MLSA would meet the grantee's needs.

MLSA was already using HotDocs® and had posted domestic violence templates to the National Public Automated Documents Online Project ("NPADO Project") national document assembly server.⁴ At MJF's recommendation, the grantee submitted a new grant request for the necessary equipment to access the templates already developed by MLSA. Encouraging partnerships and collaborations among grantees and other stakeholders is an effective way to improve services to clients, reduce costs and eliminate unnecessary duplication of efforts. Montana has successfully applied this principle to the use of technology.

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From the Chair...

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the FDIC, urging it to include unlimited insurance for IOLTA accounts in the transaction account guarantee component of TLGP. On November 21, 2008, the FDIC Board adopted a final rule providing for unlimited insurance on IOLTA accounts held in participating financial institutions through December 31, 2009. More details on the TLGP can be found in the IOLTA News and Notes section on page 12.

Although this is very good news, the economy itself continues to take its toll on IOLTA revenues as interest rates fall. Programs that experienced an all-time revenue high just a year ago are now anticipating reducing grants or dipping into reserves. Meanwhile, demand for legal services has increased,

particularly from those hardest hit by the housing crisis.

This economic climate presents us with many challenges, but also presents opportunities to think and plan strategically while rates and deposits are down. For example, a number of states are exploring strategic grant making in an effort to ensure that limited funds have the greatest impact; others are pursuing conversion to mandatory IOLTA or interest rate comparability rules. Perhaps the current housing crisis will move additional states to consider the urgency of additional legal services funding and implement mandatory IOLTA participation requirements. Certainly, the current economic climate suggests that we turn our attentions to stabilizing IOLTA funding through strategic reserve policies and finding alternatives where large reserves are not possible.

The Winter 2009 IOLTA Workshops in Boston on February 12 and 13, held in conjunction with the ABA Midyear Meeting, will provide several opportunities to learn more about how to make the best of these difficult times. Two sessions will focus on the grantee evaluation process, one on how to perform evaluations and the other on how to use the information captured in the evaluation process. Another session titled, "Gear Up While Rates Are Down", will offer several ideas on what programs can do now to prepare for the economic recovery. As always, the Commission, and in particular, the Joint Technical Assistance Committee of the Commission on IOLTA and NAIP are also available to provide input and assistance on these and other IOLTA-related issues. For more information regarding the TLGP, go to www.fdic.gov.

Technology

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Encouraging Collaboration Among Legal Services IT Staff

The Ohio Legal Assistance Foundation (OLAF), Ohio's IOLTA Program, has worked to promote greater dialogue and sharing among the IT staff of its eight grantees. As might be expected, each IT staffer has strengths and weaknesses—some do better with machines, others with software and programming, and others with network systems. Collectively, this group has an incredible amount of knowledge and capacity to support individual programs and the entire delivery system. So, over a year ago, OLAF established the Technology Advisory Group (TAG) to assist the Foundation in developing a statewide technology plan and to create a forum for IT and legal aid staff from across the delivery system,

where they can discuss and share technology-related information.

TAG uses a combination of in-person and conference call meetings, email discussion lists, and several websites to exchange information, create a spirit of camaraderie among IT staff and allow for peer-to-peer technical assistance and troubleshooting. This is really no different than what an IOLTA program does when supporting collaboration within a legal services delivery system on substantive law issues; OLAF now has an effective parallel structure for the use and development of technology.

Utilizing Large Firm Resources

When IOLTA programs approach law firms, their purpose is often to discuss strategies to increase IOLTA revenue, to encourage board participation, or to seek pro bono involvement in legal services delivery. The Texas Access to Justice Foundation (TAJF), Texas' IOLTA program,

has also been discussing technology with large firms. TAJF has partnered with the Texas Access to Justice Commission to make great strides in the use of technology in the state's legal services delivery system. The Commission's chair, James Sales, recruited Chief Information Officers (CIOs) from large firms across the state to survey and create a plan to address grantee needs. Surveys were designed to elicit concrete, detailed information, such as the ratio of laptops, desktops and printers to the number and type of staff at a program. This information was then analyzed by the CIOs in collaboration with legal services technology staff and TAJF staff serving on the Technology Committee of the Commission.

Based on its analysis, the group developed a statewide plan for addressing deficits and improving the standard

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of technology in the delivery system. Under the plan, TAJF and the Commission provided training for all grantees on the effective selection of a case management system, used large firm training staff to conduct free trainings on Word and Excel for legal practice, established minimum hardware standards for each office and brought all providers up to those standards through a \$700,000 investment in hardware in 2008.

In addition, the Commission initiated a pilot project in which a major firm in the state provides Help Desk services to approximately six small grantees lacking IT staff. This partnership with the private sector is certainly a win-win: legal aid programs across the state have access to new, state-of-the-art technology and support with which to better serve clients, and CIOs from large firms make a meaningful, lasting contribution to the provision of legal services for poor Texans.

Establishing Technology Standards for Grantees

Legal Services Corporation of Virginia (LSCV), Virginia's IOLTA program, has developed comprehensive standards for the use of technology in the Virginia legal services system which it keeps up-to-date by soliciting information on grantees' use of technology through its grant application. The application requires that each grantee program provide detailed and comprehensive information on hardware, software, phone systems, case management systems and training it provides. LSCV's standards were first developed by a statewide Technology Planning Committee, which was coordinated by LSCV, and predate by 10 years the LSC report on technology titled,

*"Technologies That Should Be in Place in a Legal Aid Office Today."*⁵

LSCV has been uniquely situated to provide statewide guidance and support on the use of technology in the legal services delivery system. It was originally created by the state legislature as a backup center charged with setting up legal services programs in unserved areas and providing legal services programs in the state with technical assistance, guidance and oversight. It received, and continues to receive, state funding to pursue these goals. In addition, the missions of LSCV's grantees are quite similar, giving LSCV the opportunity to focus on the common needs and concerns of legal services programs, including those related to technology.

The example of LSCV is unique in many ways, but still applicable to programs in other states. Maintaining up-to-date technology standards and implementing efficient ways of surveying grantees for information on their use of technology are vital components in supporting the use of technology in legal services. The use of grant applications to survey the state of technology in the field is an excellent example of how IOLTA programs can regularly track technological challenges and opportunities in a statewide delivery system.

Conclusion

Because technology is ever evolving, today's trends or "must haves" for a legal services delivery system may quickly become antiquated. However, what will remain constant is the need for IOLTA programs to support existing technology, the development of new technologies, and the implementation of technology-related strategies to improve the quality of legal services. In the mission to promote access to justice, it is incumbent upon IOLTA programs and

their grantees to consider technology when engaging in strategic planning and the implementation of projects and initiatives.

Jeffrey Fortkamp is an attorney and the Associate Director with the Ohio Legal Assistance Foundation where he works on a variety of revenue enhancement, technology, communications and other research projects.

Endnotes

- ¹ See "Ensuring the Long-Term Viability of the Statewide Website Component of the Access to Justice System: the Final Report of the Website Sustainability Project," June 2005. This report was prepared for the National Association of IOLTA Programs under a grant from the Legal Services Corporation to the New Center for Legal Advocacy.
- ² This is not an exhaustive list of technologies funded by IOLTA programs. Rather, this list represents a summary of responses to an informal survey of IOLTA programs' investment in technology conducted in October 2008. For a treatment of these technologies and their uses in the delivery of legal services, please see the links and resources at Legal Services National Technology Assistance Project at www.lsnatp.org.
- ³ HotDocs® is a product of LexisNexis®. HotDocs® is widely used in the legal profession and within the legal services community by pro se users, advocates, and pro bono volunteers to quickly generate completed forms. For more information visit www.lsnatp.org
- ⁴ The National Public Automated Documents Online Project ("NPADO Project") national document assembly server is a free website to help people prepare legal documents using existing HotDocs® templates. To learn more about this project visit www.npado.org.
- ⁵ LSC intends to use the report when reviewing the technology plans that grantees will be required to submit along with their 2010 grant applications and renewals. The LSC report can be found on the LSC website at <http://www.lsc.gov/pdfs/technologybaselinereport.pdf>.

IOLTA Grantee Spotlight: Multi-Lingual Radio Programming for Legal Education and Outreach in Hawaii

by Leona Jona and Gary Singh

Hawaii is truly a “melting pot” of many ethnic and language groups. It is one of few states in which non-Hispanic whites do not form a majority of the population and it has the largest percentage of Asian-American residents. Legal service providers throughout the nation are aware of the difficulties encountered in providing legal assistance and information to those with limited English proficiency (LEP); it has been the experience of the Ethnic Education Foundation of Hawaii (EEFH) that many language and cultural barriers to accessing legal services can be overcome through educational outreach. The EEFH has developed a very successful program to provide both live and pre-recorded legal information for LEP listeners and listeners with a primary language other than English through radio broadcasts in many languages. The purpose of this article is to provide some basic information on this unique project in the hopes that other states might implement similar projects.

The Ethnic Education Foundation of Hawaii

The EEFH was established in 1993 to serve Hawaii’s ethnic and immigrant minorities in their own languages, a critical mission in a state where more than a quarter of Hawaii’s households speak a language other than English in their homes.¹ Almost 19% of ethnic and immigrant minorities in Hawaii cannot speak English well or cannot speak English at all.² Lack of American education, poor English skills, and cultural differences make it difficult for many of Hawaii’s residents to understand their legal rights and responsibilities in a complex industrialized society. The primary goal of the EEFH is to provide equal access to those who cannot access English language media.

The EEFH provides legal education and outreach to LEP Hawaiians through the radio broadcast media. The primary radio station through which the EEFH provides outreach is KNDI 1270 AM which has provided

24-hour, non-directional broadcasting since 1960. Its 5,000 watts of power covers all of the Hawaiian Islands. In addition to the numerous educational programs that the EEFH broadcasts on KNDI 1270, the EEFH has expanded its scope to include broadcasts on KREA 1540 AM (Korean language station) and KZOO 1210 AM (Japanese language station). It has been the experience of the EEFH that once KNDI 1270 had established its legal information programs, it was not difficult to encourage other foreign language stations to offer similar programming.

Through broadcasts on these three radio stations, the EEFH reaches thirteen different ethnic groups in sixteen different dialects: Filipino (Tagalog, Ilocano, and Visayan), Hispanic, Samoan, Tongan, Chinese (Cantonese and Mandarin), Okinawan, Japanese, Korean, Vietnamese, Laotian, Marshallese, Chuukese, and Pohnpeian. Radio has proven to be an effective method of providing information in a variety of languages. The listening audience is loyal and devoted because radio is the only medium through which many LEP populations can get news, music and programming in their primary languages.

Common Broadcast Subjects

Three radio stations carry special broadcasts created by the EEFH on an established broadcast schedule. These EEFH programs provide information on immigration, preventative healthcare, housing, and legal assistance. Programs also raise awareness of problems such as

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Photo Courtesy of: KNDI 1270 Radio

Multi-Lingual Radio

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drug addiction, spouse/child abuse, traffic laws, and criminal law issues. Consumer issues are often featured, including bankruptcy and consumer credit counseling, issues with reverse mortgages, and identity theft and fraud. Each program targets a specific language population and provides information on how the law and practices related to the specific topic discussed may be different in Hawaii than in the target audience's country or culture of origin.

Legal Programming

Each year, forty-two segments of thirty minutes in length are broadcast either live or pre-recorded. Three thirty-minute programs are targeted to each language group annually. The EEFH uses a brief survey instrument that enables each group to select which subjects it would like covered. Volunteer attorneys who are experts in the selected subject fields provide the legal information in an interview format and a non-attorney language expert in one of the sixteen dialects interprets the information for the target audience. If it is a live broadcast, audience members are encouraged to call in questions and participate in an interpreted exchange with the attorney. Volunteer attorneys receive instructions in basic protocols developed by the EEFH for participation in these programs, including not soliciting the audience for legal work. Over the years, the EEFH has developed a loyal and dedicated group of attorneys and other experts who are willing to donate time to the project.

Public Service Announcements

The EEFH partners with the Hawaii Justice Foundation, the Domestic Violence Action Center, the Child and Family Services of the State of Hawaii,

the Department of Health, and Hawaii's immigrant legal services providers to deliver messages and information to sixteen specific language groups about upcoming community programs or meetings, in addition to substantive programming. These public service announcements have proven to be an effective means of reaching certain language groups.

Target Populations, Legal Experts, and Interpreters

Providing media access to the tremendously diverse language groups across Hawaii presents specific challenges, including locating radio stations willing to broadcast in languages other than English, identifying qualified interpreters for legal broadcasts, and disseminating information about the multi-lingual broadcasts to LEP communities.

EEFH anticipated these challenges by enlisting a board of directors with representatives from many immigrant groups. The board has allowed the EEFH to develop and maintain contacts with many LEP communities. Immigration attorneys help the EEFH to determine the common legal issues faced by LEP and immigrant populations, as well as to determine when there may be cultural barriers to effective communication of legal information. Through local contacts, colleges, and universities the EEFH is able to identify interpreters with the required language proficiencies. The EEFH has found that most major immigrant groups have a formal or informal association or church that can assist with the development and production of the legal broadcasts.

Operating Costs

The Hawaii Justice Foundation (HJF) administers IOLTA funds for Hawaii. The HJF provides the primary funding for the EEFH legal education broadcasts described here. The EEFH is a

volunteer organization with a board of thirteen prominent community members who work with the three project coordinators (one from each participating radio station) and clerical staff. KNNDI Radio provides in-kind contributions of office space, broadcast tapes and supplies, telephone service, and grant writing to the EEFH. The EEFH's primary out-of-pocket costs for this project are production fees of \$50 for each program, which is the fee paid to the ethnic program host for each broadcast, and \$175 paid to each radio station in broadcasting costs for the airing of each program. The total grant requested by the EEFH from the HJF for 2009 was \$9,895.28; the total estimated 2009 expenses for the entire project are \$13,455.49.

Conclusion

There can be no doubt that serving diverse language groups presents significant challenges to legal service providers. The experience in Hawaii has been that radio broadcasts are an extremely effective and cost-efficient means of providing legal information in many languages. Anyone interested in receiving further information on Hawaii's program may reach the EEFH at the contact information listed below.

Leona Jona (kndiradio@hawaii.rr.com) is the President/General Manager of KNNDI Radio and is the Project Director of the Ethnic Education Foundation of Hawaii.

Gary Singh (gary@garysinghlaw.com) is an immigration attorney in Hawaii and is the Chairperson of the Ethnic Education Foundation of Hawaii.

Endnotes

- ¹ Census 2000 data indicates that 26.6% of people over the age of 5 in Hawaii speak a language other than English at home.
- ² The State of Hawaii Data Book 2000, page 61. This report is available online at <http://state.hi.us/dbedt>.

IOLTA News and Notes

New FDIC Rule Provides IOLTA Accounts Unlimited Insurance at Participating Banks

On October 14, 2008, the FDIC announced the Temporary Liquidity Guarantee Program (TLGP). The purpose of the TLGP, as stated by the FDIC, is to “strengthen confidence and encourage liquidity in the banking system by guaranteeing newly issued senior unsecured debt of banks, thrifts, and certain holding companies, and by providing full coverage of **non-interest bearing deposit transaction accounts**, regardless of dollar amount.”

As it was originally drafted, the interim rule which created the TLGP, had the effect of making client funds in excess of \$250,000 held in IOLTA accounts ineligible for unlimited insurance unless moved from the IOLTA account to non interest-bearing deposit transaction accounts. This had great potential to severely reduce IOLTA income.

Fortunately, the American Bar Association, the National

Association of IOLTA Programs and individual members of the IOLTA community organized quickly to provide the FDIC with comments on the negative impacts of the transaction account guarantee component of the TLGP, and the nature of IOLTA accounts. The FDIC received hundreds of comments from other key organizations including the National Conference of Bar Counsel and the National Conference of Bar Presidents, as well as members of Congress and individual bar leaders. Fifty IOLTA program chairpersons signed a letter urging unlimited insurance on IOLTA accounts.

On November 21, 2008, the FDIC adopted a final rule in which the category of non-interest bearing transaction accounts **includes** IOLTA and functionally equivalent accounts, and provides for unlimited insurance for such accounts held in participating financial institutions through December 31, 2009. ABA President H. Thomas Wells commended this

move, saying that the FDIC had remained “[c]onsistent with its mission to ensure stability in the banking community, [while acting] to protect client funds and assure continued funding for programs that provide legal aid to poor people when economic uncertainties make the need for legal guidance most critical.”

Banks were automatically enrolled in the program until December 5. By that date, those that did not want to be enrolled were to “opt-out” of the transaction account guarantee component of the TLGP. The FDIC will maintain a list of financial institutions that have opted out through its website. In addition, banks are required to post notice of their participation or non-participation in the transaction account guarantee component of TLGP in their lobbies and, if they engage in internet banking, on their websites by December 19, 2008. For more information regarding the TLGP, go to www.fdic.gov.

Pro Bono

Pro Bono Policy News

California Creates New Pro Bono Practice Program

The California Pro Bono Practice program has been developed to allow attorneys who are not currently practicing law to become active State Bar members for the sole purpose of doing pro bono work. The work must be performed with a qualified legal service provider or a certified lawyer referral service. The Bar waives the active status

membership fee for participants, who still must meet MCLE requirements. For more information about eligibility, see http://calbar.ca.gov/calbar/pdfs/comcom/PB-Practice-Prog_Form.pdf.

Minnesota Provides CLE Credit for Pro Bono

Effective July 8, 2008, an attorney may claim one hour of CLE credit for every six hours of pro bono legal representation

that the lawyer provides to a pro bono client in a legal matter. The matter must have been referred to the attorney by an approved legal services provider or by a Minnesota Judicial Branch program. A maximum of six hours of CLE credit for pro bono legal representation may be claimed during a reporting period by an attorney. For more information about the rule, see <http://www.mbcle.state.mn.us/MBCLE/pages/probono.asp>.

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From the Chair...

by Mark I.
Schickman

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

The current economic volatility is clearly demonstrating the interdependence of the nations of the globe. Just as the daily echo of the global markets is tied inexorably to Wall Street, our American world of public service and pro bono law is also a part of a global movement, as I learned on a recent trip to China.

I was invited to China by Dr. Mohammed Mattar, Executive Director of the Protection Project of the Johns Hopkins University School of Advanced International Studies, whose major work is in the field of human trafficking. Among the Project's focuses is enhancing the "rule of law" to protect vulnerable populations. Dr. Mattar and his able staff held a conference at the Nanjing Campus of Johns Hopkins' Center for Chinese and American Studies entitled "*Volunteerism: Innovative Practices and Pathways for Future Engagements.*" The conference included university professors from China and the United States, staff of China NGO's involved in legal and clinical services and volunteerism, luminaries in China's world of volunteerism, legal scholars from the Middle East who would like to start pro bono clinics in China and student volunteers.

Clearly, the law in China is different enough from American law to create unique legal challenges. For example, without the scope of litigation tools available to lawyers

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Mobilizing Legal Assistance in a Time of Economic Disaster

by Allyn O'Connor, Assistant Staff Counsel, ABA Center for Pro Bono

The foreclosure crisis gripping this country is often compared to a natural disaster such as a Category 5 hurricane. During a natural disaster, one will frequently see first responders and other emergency personnel mobilized in a well-choreographed process. The mortgage foreclosure crisis is no different. The pro bono communities in several states have begun to treat the crisis as a disaster, albeit an economic one, and are mobilizing assistance for homeowners in distress.

PRO BONO COMMUNITY RESPONSE

Florida

In Florida, for instance, the Florida Bar (the "Bar"), with funding from the Florida Bar Foundation was instrumental in helping form the statewide foreclosure legal assistance effort known as Florida Attorneys Saving Homes. The effort began earlier this year when State of Florida Chief Financial Officer Alex Sink noted the need for homeowners to have a lawyer to navigate the mortgage renegotiation process and approached the Bar for assistance. In partnership with Florida Legal Services (FLS), the Bar was operating a toll-free mortgage foreclosure hotline by the end of June.

Florida Legal Services appealed to the Bar for volunteers from the Real Property, Probate and Trust Law Section ("RPPTL"). Efforts subsequently were expanded to draw in volunteers from the Bar's Business Law Section and Young Lawyers Division.

Focusing on owner-occupied residences, organizers decided to direct assistance efforts on homeowners who might be late or in default on mortgage payments, but are not yet involved in the formal foreclosure process. Because many homeowners have household incomes that make them ineligible for federally funded legal assistance, a homeowner is eligible for assistance from Florida Attorneys Saving Homes if he or she is one of the working poor, or a borrower who may be unable to afford an attorney based on income and expenses.

The primary objective of the Florida Attorneys Saving Homes program is a successful mortgage renegotiation, enabling the homeowner to remain in his or her home. Not all of the program volunteers have experience renegotiating mortgages, so organizers have developed web-based training sessions covering bankruptcy, truth-in-lending laws, hardship letters, appraisals and short sales.

Ohio

In Ohio, foreclosure legal assistance efforts began with the issuance of the Final Report of the Ohio Foreclosure Prevention Task Force in September 2007. The Task Force made many recommendations including: 1) encouraging mediation to prevent or resolve foreclosures, 2) supporting the provision of incentives to encourage lawyers to provide pro bono representation of homeowners in foreclosure cases, and 3) financially supporting volunteer lawyer programs. Stakeholders quickly formed the Ohio Foreclosure Legal Assistance Group ("FLAG-Ohio") to implement the recommendations. FLAG-Ohio members include the Ohio State Bar Association, the Ohio Legal Assistance Foundation ("OLAF") and legal and pro bono programs, as well as Ohio courts, agencies and elected officials.

The comprehensive program, now known as Save the Dream:

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From the Chair...

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working on spousal abuse or sexual harassment in the workplace, legal advocates for those victims must rely more heavily on publicity and legislative change than would their American counterparts. But, despite those differences in the law, the local client advocates at the conference displayed the same commitment to justice, drive to create equal access for their constituents and thoughtful depth that is at the core of America's legal services community.

The American university experience was analyzed by Tulane's Clinical Professor Tania Tetlow and by Avis Sanders of American University's Washington College of Law. I presented on the work of the ABA and its American partners (including law schools, law firms, legal service programs, and the Courts), and the ABA's work in China was presented compellingly by the ABA's Country Director for China, Hyeon-Ju Rho, who serves in Beijing as part of the ABA's Rule of Law Initiative (ROLI). The work of the ABA's ROLI office was lauded by the full range of lawyers I met in China, and it is heavily involved in the development and growth of pro bono and public interest work there.

In addition to the sharing of ideas among the conferees who lived in and traveled to China, one of the positive outcomes of the conference was the commitment of the Protection Project to take part in the (Inter)National Pro Bono

Celebration, which will occur during the week of October 25-31, 2009. Additionally, groundwork was laid at the conference for the creation of pro bono clinics in Egypt and Iran.

Within hours of the closing of the conference, ROLI's Beijing office arranged a series of meetings with individuals in a public interest law seminar at Peking University and with pro bono lawyers at three of China's major law firms. The latter meeting was hosted at the combined "Beijing Legal Aid Office for Migrant Workers/ Beijing Children's Legal Aid and Research Center," whose Director, Lihua Tong, also chairs two committees of the All China Law Association (the Children's Protection Committee, and the Legal Aid and Public Interest Law Committee).

The meetings focused on nuts-and-bolts, and created great possibilities for cooperation among the local Beijing players, as well as an enhanced partnership between the ABA and China regarding its pro bono efforts. The law firm pro bono directors (all part-time, in addition to their billable duties) have the same questions and needs as their American counterparts—but with none of the technical resources that we take for granted.

China is a study in contrasts. It is a nation which reported over 770 million volunteers in a 2001 United Nations survey, and has reported an increase in volunteerism since then, but has barely over 100 full-time, paid public interest attorneys in its entire population of 1.4 billion people. A hundred-fold increase in that number would still not match the paid legal services

staff in the United States, whose population is 25% that of China.

There are enormous opportunities in China to increase pro bono and public interest law. Spend an hour with the students at Professor Dan Guttman's Public Interest Law Seminar at Peking University, and their desire to use law for the public good is palpable—while the need for that service in China seems limitless. Look at the vast numbers of volunteer hours available for pro bono, and imagine a basic infrastructure for recruiting, retaining, rewarding and directing that resource. In light of this potential, it is apparent that the good that can be done is enormous.

The Standing Committee on Pro Bono and Public Service and our Center for Pro Bono, have a strong history of international pro bono support. Committee member Suzanne Turner and the Committee staff have provided great support for European pro bono efforts, including help developing pro bono conclaves in London and Prague. The international rule of law is a key tenet within the ABA, and our committee is happy to play its role to help promote this initiative.

I am pleased that our committee and ROLI are working closely with the newly found, extremely talented and committed partners in China. America has had a large impact on China, as witnessed by the McDonalds, Starbucks, and KFC's which dot the urban cityscape. It can only be of value if we can export our commitment, culture and resources to support pro bono and public interest law as well.

Pro Bono Policy

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Arizona and Washington adopt Katrina Model Court Rules
Effective September 1, 2008, the

Supreme Court of Washington adopted a major disaster rule and on September 8, 2008, the Supreme Court of Arizona adopted a major disaster rule (effective January 1, 2009).

Under the new rules, non-resident attorneys working under qualified legal services providers can provide free, out-of-court services if the Supreme Court

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Economic Disaster

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- provides information and resources to homeowners experiencing or expecting to experience foreclosure,
- provides Ohio courts with a model mediation program to encourage the settlement of cases through negotiation between the borrower and lender rather than the filing a foreclosure case, and
- recruits volunteer lawyers to work with distressed homeowners.

Volunteer lawyers may be asked to provide full case representation, limited legal representation (i.e., negotiation, settlement, mediation), or case development assistance (e.g., assist with client interviews, review documents, identify defenses).

New York

Early in 2008, the Federal Reserve Bank of New York and the City Bar Justice Center of the Association of the Bar of the City of New York ("City Bar") joined forces to form the Lawyers' Foreclosure Intervention Network ("LFIN"). Like Florida Attorneys Saving Homes, LFIN's primary goal is to help distressed homeowners modify their mortgage loans to continue to service the debt and stay in their homes.

Lynn Kelly, Executive Director of the City Bar Justice Center, indicates they began recruiting LFIN volunteers in early 2008. She notes they have been particularly successful recruiting solo and small firm practitioners, as well as lawyers with pre-law school business experience. Large law firm associates have also been able to participate due to the issuance of limited conflict waivers by large financial institutions that may also be firm clients.

With a recruiting effort underway, the City Bar Justice Center completed the LFIN model by establishing an

intake and screening process and hiring an experienced program director. The City Bar Justice Center leveraged its existing hotline, open Monday through Friday from 9:00 a.m. to 1:00 p.m. Hotline personnel now gather information from distressed homeowners calling for assistance. Details about the caller and his or her circumstances are forwarded to City Bar Justice Center staff for in-depth screening and volunteer referral. Kelly indicates that most cases come in through the hotline but increasingly, cases have been referred through area courts and agencies.

Although LFIN's goal is to help distressed homeowners renegotiate their mortgage loans, Kelly concedes that volunteers ultimately may act as counselors or litigators or may even represent homeowners in bankruptcy.

And like the organizers of Florida's assistance effort, Kelly emphasizes the great need for education and outreach in order to reach homeowners before the foreclosure process begins.

Maryland

At the behest of the State of Maryland and the Court of Appeals of Maryland, the Pro Bono Resource Center of Maryland, Inc. ("PBRC") partnered with several others, including Governor Martin O'Malley and state agencies, Civil Justice Inc., the Maryland State Bar Association, several nonprofit organizations, pro bono and legal services programs, and housing counseling agencies. Together, they established the Foreclosure Prevention Pro Bono Project (the "Project"). The Project has made foreclosure prevention and homeowner loss mitigation its primary goals.

Lawyers may volunteer to provide any of these services:

- Direct representation, in which a volunteer accepts a loss mitigation or foreclosure defense case directly from a

pro bono referral program;

- Brief advice and counsel, in which a volunteer provides free brief advice and counsel to homeowners at foreclosure solutions workshops open to the public; or
- Of counsel, where the volunteer serves as pro bono counsel to a non-profit housing counseling agency.

PBRC helped develop extensive training materials and organize training sessions for volunteers. Trainings have been offered free to any lawyer agreeing to accept a pro bono case or render fifteen hours of pro bono service to the Project. Volunteers have already counseled more than 300 homeowners at various workshops and have accepted 65 cases from those workshops for representation.

North Carolina

The State of North Carolina has been particularly aggressive about taking action to stanch the flow of foreclosures. The General Assembly passed and Governor Michael F. Easley signed emergency legislation creating the North Carolina Foreclosure Prevention Project. Among other things, the Project requires subprime mortgage loan servicers to provide notice to the North Carolina Commissioner of Banks' office (the "Commissioner") before foreclosing. The legislation also empowered the Commissioner's office to delay foreclosure filings and to facilitate workouts between the homeowner and the mortgage holder.

In connection with the new legislation, the Commissioner's office is undertaking a review of these loans to determine if there has been any violation of lending or consumer protection laws (a "Red Flag Review"). Lawyers, law students and paralegals have been recruited for the effort, and the North Carolina Bar Association Foundation and the Bar's Real

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Economic Disaster

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Property Section have partnered to help train volunteers. Training covers not only the Red Flag Review, but also mortgage renegotiation and traditional mortgage defenses.

JUDICIAL INVOLVEMENT

The bench has been actively involved in the foreclosure relief effort, both by recruiting volunteers and by implementing changes to the foreclosure process. State Supreme Court chief justices in Maryland and Ohio sent requests to volunteer to each member of the bar in those states. Courts have also been active in adopting new or changing existing court rules to provide homeowners with alternatives to litigating foreclosure. The Court of Common Pleas of Philadelphia County instituted a residential mortgage foreclosure diversion pilot program (“Diversion Program”) earlier this year. The Diversion Program creates an opportunity for a distressed homeowner to work with the plaintiff in a mandatory, court-supervised conciliation conference. Further, the plaintiff is required to timely explain in writing to a homeowner his or her rights under the Diversion Program and must identify owner-occupied cases to the court.

Following the recommendations of the Ohio Foreclosure Prevention Task force, Ohio courts and other foreclosure stakeholders developed a model foreclosure mediation program (“Mediation Program”) which encourages courts and stakeholders to consider mediation as an effective way of resolving foreclosure actions. The Mediation Program provides background and materials that cover relevant rules and statutes, as well as mediation procedures. Model forms and formal training are also available under the

Tips for Creating a Successful Mortgage Foreclosure Legal Assistance Project

- **Leverage off of a state or local mortgage foreclosure task force.** These task forces often suggest changes to the foreclosure process or recommend improved access to low-cost or free legal assistance.
- **Determine area needs.** Review area delinquency and foreclosure statistics to determine how many involve owner-occupied homes, rather than property bought by an investor on speculation.
- **Work with legal services and other partners.** Their experience and existing intake, case placement, and other infrastructures may be the key to your project’s success.
- **Determine the services your project will provide.** Services can include legal counseling services, foreclosure prevention/ mortgage renegotiation services, or full mortgage foreclosure representation.
- **Tap into funding sources earmarked for mortgage foreclosure assistance.** Dedicated funding is available at the federal, and increasingly, at the state level, as well as from private organizations.
- **Involve the real property section of your state and local bars.** These lawyers are already trained and are valuable mentors and volunteers.
- **Recruit from solo, general practice, small firm and young lawyers sections of your state and local bars.**

Mediation Program.

In New York, the State Unified Court System developed a foreclosure conference program (“Conference Program”). The Conference Program called for the amendment of local court rules to require plaintiffs to provide a clear, brief notice to homeowners to advise them of their opportunity to request a court conference and provide information about assistance that may be available. The Conference Program also required that homeowners requesting a court conference be entitled to meet with plaintiffs to explore out-of-court settlements or other arrangements that may enable them to keep their homes. Before the State Unified Court System finalized a pilot

version of the Conference Program, however, the New York State Assembly stepped in to amend existing real property laws and to draft new civil procedure laws that would have the same effect. A bill proposing these changes was passed by the Assembly and signed into law by New York State Governor David Paterson, and the changes took effect in September.

Conclusion

The foreclosure crisis will be with us for some time to come. Early foreclosure legal assistance efforts, however, prove that the legal community is up to the challenge of providing pro bono assistance to thousands of homeowners in danger of losing their homes.

2009 Annual Equal Justice Conference



For more information please visit:
www.equaljusticeconference.org

National Call to Service

ABA President Tommy Wells, Pro Bono Committee Chair Mark Schickman and the leaders of a number of other ABA entities are reaching out to every American lawyer to make each day of the year a day of service, urging them to volunteer their professional time and expertise to a local pro bono or legal services program. Their messages are being sent to coincide with President Obama's national call to service in which he asks us all to commit ourselves to making a difference in our communities. Lawyers interested in volunteering should visit www.volunteerforprobono.org. Bar leaders, pro bono program directors and others interested in how to take advantage of this recruitment opportunity should contact Cheryl Zalenski at 312-988-5770.

NATIONAL CELEBRATION OF PRO BONO



OCTOBER 25-31, 2009

Go to www.celebrateprobono.org
for more information.

Pro Bono Policy

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determines that an emergency warrants such services. The new rules also permit attorneys in

good standing practicing law in unaffected jurisdictions to provide pro bono legal services to residents of the affected state following determination of a disaster. For more information

about these rules, see http://www.abanet.org/cpr/clientpro/katrina_chart.pdf or contact Tony Barash, Director, ABA Center for Pro Bono, at (312)988-5773 or barasha@staff.abanet.org.



From the Chair...

by M. Catherine Richardson

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

The impact of our nation's current economic plight on the demand for and delivery of legal services remains to be seen. Intuitively, we would think the demand would increase for lawyers who address bankruptcy and debtor issues, foreclosure and eviction matters and family law concerns. However, even prior to recent developments in the economy we have seen a large latent marketplace of those who need but are not seeking the services of lawyers for personal civil matters, as well as an increase of self-represented litigants even at a time when the value of a lawyer's services is becoming greater. These circumstances call for lawyers who are providing these services to re-examine the standard models to the delivery of their services.

The Standing Committee on the Delivery of Legal Services is seeing the model for delivery change in at least four ways. First, we are seeing changes in a lawyer's outreach to clients. In the traditional model, prospective clients seek out a lawyer through a referral, prepaid service or advertisement and make an appointment for a consultation at the lawyer's office. We are now seeing

lawyers make house-calls and designing intake through coffee houses. For example, Massachusetts lawyer Jim Haroutunian arranges "will parties," where couples come together for a social evening and complete the paperwork for their estate plans. In Santa Monica, Jeff Hughes operates the Legal Grind coffeehouse, where people can meet with a lawyer, have a cup of coffee and discuss legal matters in a casual setting.

Second, lawyers are reaching out to those who are going pro se and providing segmented services on an unbundled basis. The lawyer and client may agree that the lawyer will only provide coaching or document preparation or negotiations, but will not represent the client from soup to nuts. More and more, states are restructuring their rules so that the permissible boundaries are clearly defined for lawyers who "unbundle" their services. The advantage for the lawyer is the ability to charge full fare for the time spent on the matter. The clients win by doing some of the work themselves and saving on their overall costs. While it is not appropriate in all matters, unbundling may be a valuable alternative in a shrinking economy.

Next, we are seeing certain functions outsourced. In particular, lawyers are using online technologies to create legal documents. While the Legal Services Corporation has been a leader in the funding of online document preparation for legal services to the poor, private companies, such as Direct Law, are now offering

technology-based document preparation services to lawyers who then cost-effectively enable their clients to complete their forms. In this model, the participating lawyers are always ultimately responsible for the proper completion of the forms, unlike stand-alone document preparation services that are often accused of the unauthorized practice of law when interacting directly with litigants.

Finally, we are seeing more niche-market law practices that revolve around clients' legal needs or demographics. For example, lawyers are practicing "biker law," "horse law," and "wine law." Often lawyers serving niche markets are providing legal services in areas where they are personally immersed. For example, the lawyer at bicyclelaw.com is a former Olympic cyclist who represents clients in a broad range of legal matters exclusively involving cyclists. Using the Internet, lawyers are able to expand their geographic range, accept referrals from other lawyers and develop a concentration that makes their services more efficient.

The Delivery Committee will continue to monitor these and other related developments as it continues to pursue its mission of increasing access to legal services for people with moderate incomes. If you are involved in alternatives to traditional delivery models, please let us know. Contact the Committee's staff counsel, Will Hornsby, at whornsby@staff.abanet.org or 312/988-5761.



From the Chair...

by Sheldon Warren

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

Anyone who has attended one of the ABA's annual LRIS Workshops knows that one of the best things the Workshop offers is the opportunity to network with the other attendees. While the plenary and breakout sessions all offer valuable information on how to successfully operate an LRIS program, it is the opportunity to establish relationships with individuals doing the same challenging job as you that is truly priceless. Being able to reach out to a more experienced LRIS director who has undoubtedly encountered the same problem with which you are dealing and can offer advice and counsel (and of course a sympathetic ear) is worth the cost of the Workshop all by itself.

I was prompted to muse on this vast LRIS network by an e-mail that arrived the other day from the LRIS LISTSERV mailing list maintained by the ABA's Standing Committee. What makes this tool so great is that, not only can one contact their peers to discuss problems, ask questions and share successes, but one can also post a question on the list service that will, in the span of mere minutes, draw responses from services across the country—large and small, rural and urban, local and statewide. Where else can one find a community so diverse yet so committed to a common goal: providing useful information and quality representation to the legal consumer? Those of

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Customer Care: Drawing Repeat Business through Careful Client Follow-Up

by Amy J. Seefeld

Lawyer Referral and Information Service (LRIS) programs like to stress that they are a public service. Customer care is a critical component of that service. Courteousness, effective listening and patience are hallmarks of a well-trained intake staff.

But what happens after the referral transaction is completed?

Emma received a notice to appear in Family Court for a custody hearing involving her son. She never had a legal problem before, but thought she would stand a better chance if she was represented. After coming across an ad for LRIS in her local Yellow Pages, Emma called for a referral. The intake person provided Emma with the name and telephone number of an attorney who handles custody hearings. Emma was instructed to contact the attorney to make an appointment. The next day, a confirmation letter is sent to Emma.

Does this seem familiar? Is that how you conclude your relationship with a caller to LRIS?

What will happen the next time Emma has a legal problem? Will she call LRIS? Will she even remember that LRIS exists?

Now consider this scenario: Emma had a medical problem and called her local physician referral service. She was referred to a local medical provider and made an appointment. The day after she visited the physician, Emma received a call from the medical provider's office to find out if she was satisfied and if she had any questions about her treatment. Shortly thereafter, Emma received another call—this time from the physician referral service to see if she was satisfied with the physician and with the physician referral service. A few weeks later, Emma received a letter from the physician referral service thanking her for using them and enclosing a refrigerator magnet displaying the phone number of the physician referral service.

The next time Emma has a medical problem, she is likely to remember the care and follow-up provided by the physician referral service. She simply has to check her refrigerator door for the number to call.

How does an LRIS program increase the probability that Emma will contact the service again when she has a new legal problem?

One answer, as demonstrated by the policies of the physician referral service, is customer care through thoughtful follow-up.

The legal marketplace is more competitive than ever. Customer expectations and options continue to increase. Client follow-up adds value to the referral transaction. Had the LRIS in the above example shown the level of concern for the client as the physician referral service showed for the patient, it would benefit from greater repeat business and increased revenue.

As a baseline, all LRIS programs should survey their clients a month or two after the referral is made. Indeed, Rule VII of the ABA Model Rules for the Operation of a Lawyer Referral Service provides: "A qualified service shall periodically survey client satisfaction with its operations and shall investigate and take appropriate action with respect to client complaints against panelists, the service, and its employees."

LRIS programs can do so much more in the area of client follow-up.

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From the Chair...

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you who are not already participating in the list service can do so by contacting the Committee's Staff Counsel, Jane Nosbisch, at jnosbisch@staff.abanet.org or 312/988-5754.

The particular e-mail that initiated my musing related to how to determine the standards to be used for subject matter (experience) panels. These subject matter panels, which utilize objective, verifiable experience as their criteria for receiving referrals in many types of cases where specialized expertise is needed are just one of the things that set ABA approved LRIS programs apart from online lawyer directories discussed in my last column. Of course, getting a sponsoring organization to agree to having its LRIS establish subject matter panels is only half the battle; actually determining what the experience criteria will be for those panels, and getting everyone to agree on criteria, is no less a challenge.

Experience criteria must be objective, for example "2 trials in 5 years", and not merely "substantial recent trial experience." The one thing that is consistent to all services nationwide is that their experience standards are

uniformly inconsistent. While one venue may get a lot of cases to trial and thus "2 trials in 5 years" is a reasonable standard, such a standard may be unrealistic in a venue where cases are rarely tried. In the latter venue, a service looking to establish appropriate trial experience for a particular subject matter panel would likely be well served to consult with the appropriate section within the local bar to determine what the reasonable criteria would be for that locale.

Experience has shown that it is also prudent, if not essential, for a LRIS to establish a mechanism whereby an attorney whose experience may not satisfy the "letter" of a particular experience standard, but does satisfy the "spirit" of the standard, is able to join a particular panel. Allowing an attorney to submit evidence of the experience they do have, which can then be evaluated by a service's panel standards or qualifications subcommittee, is in the interests of both the service, which may gain another valuable, experienced panel member, as well as the consumer, who will have access to the services of this individual.

Notwithstanding the above, I believe the situation is slightly different when it comes to the issue of trial experience, and whether a panel applicant should

be allowed to offer "experience of an equivalent nature", like arbitrations, in lieu of having actual experience trying a lawsuit to conclusion. If a matter is one where litigation is likely or even simply possible, trial may well be where the matter ends up, regardless of the best efforts of all counsel and the parties. I would suggest that trying a lawsuit is like riding a bicycle or waterskiing, that is, one has to do it in order to know how it is done. Again, while many services offer panel applicants, who have not completed the requisite number of trials, the opportunity to make the case that the trial experience they do have should qualify them for the panel. I would take strong issue with a service who completely waived the requirement that a panel applicant have at least **some** relevant trial experience before being admitted to a panel where they may well have to try a case.

Finally, and returning to where this column started so many disparate thoughts ago, it is not too early to make your plans to attend the 2009 ABA LRIS Workshop, which will be held in Baltimore from October 28 through 31. The Standing Committee is already working on the agenda and I can guarantee you that you will go home reenergized and ready to take your LRIS to new heights. I hope to see you there.

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Of course, when making a referral, the intake counselor should always ask permission of the client to make follow-up contact. In domestic relations and other matters, concern for client privacy and safety is paramount.

Further, it is important to keep in mind that ethics rules regarding contact with clients after the referral process is concluded vary from state to state.

In 1977, the U.S. Supreme Court in the case of *Bates v. State Bar of Arizona*, recognized attorney advertising as a form of commercial speech entitled to a degree of protection under the First Amendment. Since

then, the common perception has been that the *Bates* decision "opened the floodgates" of attorney advertising. That is not entirely true.

Within a year of the *Bates* decision, the Supreme Court began issuing opinions that set parameters for the forms of attorney advertising deemed worthy of protection as

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2008 National Lawyer Referral Workshop: Bigger and Better than Ever

by Charles J. Klitsch

Magic was in the air as over 100 LRIS directors, committee members, bar leaders and staff descended on Anaheim, California last October for the 2008 National Lawyer Referral Workshop. The Workshop featured dynamic guest speakers, informative break-out sessions and an opportunity to conquer Space Mountain during Twilight at Disneyland, just down the street from the conference hotel.

Pre-Workshop sessions began on Wednesday, October 15, 2008, with the most extensive LRIS Nuts and Bolts Training program ever held. Lead by veteran LRIS directors Carol Woods and Jeannie Rollo, this program taught newcomers to LRIS the basics of running a successful service. The all-day program featured presentations by call center specialist Karen Crawford on the essentials of front-line interviewing and by ABA lead webmaster Phillip Gross on website utilization by LRIS programs.

That evening, Workshop registrants had an opportunity to renew friendships at a welcoming reception. First time attendees were given special badges to make them easily identifiable so they could be welcomed into the LRIS community.

The full Workshop began Thursday morning. The Opening Plenary, "Getting Results: Using Your Personal Power," featured Shelli Chosak, Ph.D., an expert in the field of organizational consulting and psychotherapy. Ms. Chosak helped Workshop participants learn how to identify the components of

their own personal power. By gaining familiarity with these components and learning how use them, Chosak explained, Workshop participants can become more effective leaders, relate better to others and reduce conflict and stress.

Bolstered by a better understanding of themselves as leaders, attendees moved on to a series of one-hour breakout sessions. As in previous years, three courses were available in each time slot, offering attendees an opportunity to choose topics of interest to them that matched their level of expertise. Popular topics were repeated in later time slots, satisfying attendees who otherwise may have missed the opportunity to attend a session while at a competing course.

Session topics included the basics, such as "Developing Subject Matter Panels", "Advanced Call Center Skills" and "Constructing an LRIS Budget." In addition, there were programs aimed at enhancing the human relations skills of LRIS directors, such as "Succeeding as a Supervisor" and "Constructive Solutions for Improving Employee Performance."

In "Learning from the Marketplace: How to Adapt/Adopt/Customize," Al Charne, Ken Matejka and Marion Smithberger described how their LRIS programs reacted to and ultimately benefited from changes in the marketplace. The speakers touched upon such topics as the foreclosure crisis, disaster recovery and class actions.

Technology played a key role

at this year's Workshop. As he has in years past, Ken Matejka offered his expertise in this field. Matejka was formerly the LRIS Operations Manager for the Bar Association of San Francisco and is currently a managing partner of Legal PPC, a search engine advertising company dedicated to helping lawyers and legal organizations get more clients through Google advertising.

In "Getting Started with Pay-Per-Click Advertising," Matejka demystified the topic, giving attendees an understanding of the process Google uses to rank websites and the benefits of Google advertising. Matejka noted that Google has a 91% market share in searches on legal topics. He guided attendees through the step-by-step process of determining the chief selling points of an LRIS, creating useful landing pages, writing the ads and setting up the campaign. Matejka also stressed the importance of monitoring results and making adjustments to enhance the effectiveness of the campaign.

In another session, Matejka teamed up with ABA's Phillip Gross to teach practical approaches to enhance the visibility of LRIS websites. Attendees learned about search engine optimization and inexpensive marketing options to get their LRIS websites noticed.

In "Effective Web Management Strategies," Gross taught his audience how LRIS programs can develop more effective relationships with clients through enhancements on their websites. Gross also offered tips on how to

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commercial speech.

In *Ohralik v. Ohio State Bar Association* (1978), the Supreme Court distinguished between in-person solicitation and a newspaper ad, finding that the former was far more coercive. "Unlike a public advertisement, which simply provides information and leaves the recipient free to act upon it or not, in-person solicitation may exert pressure and often demands an immediate response, without providing an opportunity for comparison or reflection," the Court wrote.

More recently, the Supreme Court upheld a ban on direct solicitation of a potential client within thirty days of an accident. In *Florida Bar v. Went For It, Inc.* (1995), the Court noted privacy concerns of accident victims and their families. In a previous decision, the Supreme Court struck down another state's total ban on solicitation letters as an improper restriction on commercial speech. In the *Went For It* case, however, the Court found the thirty-day limit to be a more reasonable restriction. Shortly after the *Went For It* decision, many states rushed to enact time-based restrictions

similar to Florida's while others took no action.

LRIS directors should understand that there are limits on direct communication with potential clients and these limits can vary from state to state. Therefore, LRIS directors should *always* check with their state or bar association ethics counsel before embarking on any program of communication with referred clients beyond the referral confirmation letter, thank you note and follow-up survey, whether that survey is in the form of a letter or a telephone call.

Keeping within the context of the referral relationship, there are many steps an LRIS can take to cement the relationship between a client and the service.

As LRIS directors can attest, the return rate on survey forms is very low. Replacing at least some written surveying with follow-up telephone calls to clients can yield greater customer satisfaction, more information about the status of referrals and opportunities to make additional referrals.

For clients, the "personal touch" of a telephone call will be remembered longer than the folded piece of paper delivered in the mail amidst credit card solicitations, catalogs and bills.

For LRIS directors, higher

participation rates through telephone surveying will provide more information about the status of referred matters. LRIS will also be more likely to learn of unsuccessful referrals in time to offer a second referral to the client.

LRIS directors should not discount the value of simply saying "thank you" to the client for contacting the service. A well-written thank you letter signed by the director and reminding the client to contact LRIS again should a new legal need arise adds, once again, that "personal touch" clients are looking for when using a service.

Finally, thank you letters and client survey letters provide LRIS with the opportunity to distribute promotional materials. Adding a brochure about LRIS or a refrigerator magnet displaying the contact information for LRIS is a low cost means of reinforcing the message that contacting LRIS is "The Right Call for the Right Lawyer."

Never underestimate the value of good customer care. By following up with referred clients in a personal and meaningful manner, LRIS programs can grow a dedicated audience that will return again and again.

Amy J. Seefeld is senior staff counsel for public and legal services of the Philadelphia Bar Association.

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reduce costs and save time through proper website management.

At the conclusion of one of the technology break-out sessions, this author overheard one LRIS director tell two other directors that the technology sessions alone were worth the cost of attending the Workshop.

The other directors immediately agreed. Year after year, the LRIS Standing Committee and ABA staff put together a series of technology sessions that teach program directors how to reach more clients in a better way for less cost and with more favorable returns. There is no doubt that the return on investment makes annual attendance of the Workshop an essential LRIS budget item.

While we are on the topic of money, it should be noted that the collection of funds and their disbursement were both well covered at this year's Workshop. In "Policies and Practical Pointers: Getting the Percentage Fee Money that is Owed," Janet Diaz, Lisa Reep and Pat Ruppert described how to create an integrated program for maximizing collection of

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percentage fees. According to the presenters, effective fee collection depends upon three elements: a.) policy provisions that accurately reflect the local legal culture regarding fee sharing, permit audits and provide a mechanism for suspension or removal for non-compliance, b.) an active and effective oversight committee, and c.) multi-faceted procedures for tracking cases.

Workshop attendees also learned how to effectively spend LRIS money in "Marketing Decision-Making with Scarce Funds." For the first time at a Workshop, the ABA conducted an on-site comprehensive marketing survey. The results were tabulated and presented in a mini-plenary session. The attendees were divided into three groups according to size of marketing budget. Each group met with a facilitator in a roundtable session to discuss marketing concepts appropriate to each group and to share marketing ideas, successes and failures.

Beyond money issues, attendees had an opportunity to hear from two long-time authorities on LRIS ethics, Lish Whitson and ABA LRIS Standing Committee Chair Sheldon Warren. Whitson and Warren lead a lively, intellectual discussion in an area of law where the answers are not always so clear-cut.

Another spirited discussion took place at Craig Cannon and Tim Fennell's presentation, New Link between ABA Young Lawyers Division, FEMA and LRIS. Fennell is a member of the ABA Standing Committee on LRIS and Cannon is Director of the ABA's Disaster Legal Services Program, administered

through the Young Lawyers Division. Recently, ABA entered into a memorandum of understanding with FEMA specifically authorizing YLD to coordinate with state and local bar association LRIS programs whenever a major disaster declaration occurs and disaster legal services are required. Cannon described the relationship and the procedure for when a disaster is declared. Some LRIS directors, particularly those from California with experience in response to declared disasters, raised concerns about past practices. All agreed that this session opened positive channels of communication that will benefit LRIS programs and the public in the future.

The Closing Plenary on Saturday morning drew a standing ovation for presenter Felipe Korzenny, Ph.D., Director of the Center for Hispanic Marketing Communication at Florida State University. In his program, Korzenny detailed the differences between the Hispanic community and other racial and ethnic groups in how they receive information and communicate with others. Korzenny also pointed out significant variations among nationalities within the Hispanic community in how words are used and interpreted. Consequently, an English language brochure may need to be translated into various Spanish dialects, depending upon the nationality of the audience. Korzenny referred to this as "cultural translating."

Korzenny recommended that LRIS programs that translate brochures to Spanish should employ focus groups to review the finished product and ensure that the intended meaning is being conveyed.

Korzenny also talked about "low context" and "high context"

cultures. High context cultures have homogenous populations sharing a fairly uniform way of life. Consequently, few words need to be said to convey a message from one party to the other.

In contrast, the United States has a low context culture. The wide variety of backgrounds and experiences that our residents bring to the table mean that more has to be said to convey information from one person to another. Mr. Korzenny made the point that LRIS programs play the important role of being cultural interpreters of legal information, requiring that our call center specialists have enhanced listening and communication skills.

The Workshop was not all hard work. At Thursday's luncheon, the Cindy Raisch Award was presented to the Brooklyn Bar Association LRIS, recognizing superior achievement in revising an existing program. Brooklyn Bar Association Executive Director Avery Okin joined LRIS Director Roseann Hiebert in accepting the Award.

The highlight of Thursday evening was Twilight at Disneyland, an opportunity for attendees to let their hair down, go on a jungle cruise, visit with Alice in Wonderland and watch the Main Street parade and fireworks.

It's a small LRIS world, after all, and everyone in attendance at the Workshop is looking forward to the next opportunity to learn, share, laugh and make lasting friendships. Mark your calendar now for the 2009 National Lawyer Referral Workshop to be held October 28-31, 2009, at the Tremont Plaza Hotel in Baltimore, Maryland.

Charles Klitsch is director of public and legal service of the Philadelphia Bar Association.

Nominations Sought for 2009 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 2009 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 at the 2009 ABA Annual Meeting in Chicago in recognition of work accomplished during the year beginning April 1, 2008. Projects that began prior to that date will be considered if substantial services have been provided between April 1, 2008 and March 31, 2009. Nominations must be received by April 1, 2009.

A full description of the award, past recipients and nominating procedures are available at <http://www.abalegalservices.org/sclaid/harrisontweedinfo.html> or by contacting Tamaara Piquion at piquiont@staff.abanet.org or 312/988-5767.

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