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Funding News

✎ **U. S. Supreme Court Hears Oral Arguments in Washington State IOLTA Case** - On December 9, 2002, oral arguments were held before the U.S. Supreme Court in *Washington Legal Foundation v. Legal Foundation of Washington*, No. 01-1325. The case involves a challenge to the application of the IOLTA program to Limited Practice Officers - individuals licensed by the Supreme Court of Washington to practice law for the limited purpose of real estate closings. The petitioners sought review of an *en banc* decision issued by the United States Court of Appeals for the Ninth Circuit on November 14, 2001, finding in favor of the Legal Foundation of Washington (Washington IOLTA program) and rejecting claims that it violates the Fifth Amendment. Arguing before the Court in support of IOLTA were David Burman of Perkins Coie on behalf of the Washington IOLTA Program, and Walter Dellinger of O'Melveny & Myers, on behalf of the Justices of the Supreme Court of Washington. Charles Fried argued on behalf of the Washington Legal Foundation. A decision in the case is expected by no later than the end of June 2003. For more information, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at bgroudine@staff.abanet.org or 312/988-5771.

✎ **Pennsylvania Legislature Enacts Filing Fee Surcharge** - In late September, advocates for legal services in Pennsylvania met one of their long-term goals when the state legislature approved a filing fee surcharge bill. The \$10 surcharge is shared with the state supreme court, with the legal aid share starting at \$1 and increasing ultimately to \$2. The portion allocated to legal services increases over a four year period; legal aid programs will receive an estimated \$3.8 million in year 1, \$5.7 million in years 2 and 3, and \$7.6 million in years 4 and 5. This significant accomplishment in a difficult budget year was the result of years of hard work. A Pennsylvania Bar Association Task Force, established in 1998 and composed of representatives from the bar, legislature, governor's office, judiciary and legal services community, played a key role in the success of this effort. For more information, contact Sam Milkes, Executive Director, Pennsylvania Legal Services, at smilkes@PALEGALSERVICES.ORG or 717/236-9486, ext. 208.

✎ **Illinois Supreme Court Increases Attorney Registration Fee to Help Fund Legal Services** - Legal aid programs in Illinois will receive approximately \$2.4 million annually beginning in 2003 through an increase in the fee that lawyers must pay to practice law in Illinois. (Illinois has a voluntary state bar association, so the fee to practice law is paid to the Illinois Supreme Court as an attorney registration fee.) The Lawyers Trust Fund, the Illinois IOLTA program, submitted a report to the Court in early 2002, detailing the anticipated loss of IOLTA revenue due to declining interest rates, and describing how that decline would impact its grantees. The Court decided to increase the registration fee to offset this loss. For more information, contact Ruth Ann Schmitt, Executive Director, Lawyers Trust Fund of Illinois, raschmitt9@aol.com or 312/499-4754.

Pro Bono Developments

✎ **Law Department of the City of New York Launches Pro Bono and Bar Association Program** - The Law Department of the City of New York has established a Pro Bono and Bar Association Program, which is designed to encourage assistant corporation counsel to volunteer their time in pro bono service and participate in bar association activities. The program has distributed a

comprehensive list of pro bono projects in New York City and has formed a Pro Bono Advisory Panel to consult with attorneys on available opportunities. There is no requirement that Law Department attorneys participate in pro bono work, and there are recognized limitations on their ability to provide certain types of legal representation. At the same time, the Law Department hopes that by making pro bono service more accessible to its lawyers, it can continue to foster an atmosphere of public service and professional pride. For additional information, contact Linda Howard, at LHoward@law.nyc.gov or 212-788-1100.

📌 **California Commission on Access to Justice Publishes Five-Year Status Report** - Marking the fifth anniversary of California's Commission on Access to Justice, a five-year status report titled "The Path to Equal Justice" has recently been published. The report covers a wide range of topics, including the efforts that have been made by the judiciary, legislature and bar to increase pro bono activity. On the judicial front, the Judicial Council issued a resolution that outlined specific ways judges can encourage pro bono, and the Chief Justice joined the Chief Judge of the local federal district court to help obtain commitments from 19 large law firms to use best efforts to meet targeted pro bono goals. In addition, the Ninth U.S. Circuit Court Judicial Conference adopted a resolution calling on each district to implement an action plan to increase pro bono representation. The State Bar has been active too, by implementing a six-point Pro Bono Plan to reinvigorate pro bono involvement by the bar through increased training, awards recognition and the publication of a resolution. As to legislative activity, a state law was passed that became effective in 2001 requiring law firms entering into contracts with the State of California to make good faith efforts to fulfill pro bono obligations. The full report is available online at <http://www.calbar.ca.gov>. For more information, contact Mary Viviano, Director, Legal Services, State Bar of California, at mary.viviano@calbar.ca.gov or 415/538-2251.



WASHINGTON UPDATE

Neither the House CJS Subcommittee nor the full Appropriations Committee took any action on the CJS appropriations bill during the 107th Congress. On September 9, 2002, Congress passed H.J. Res 111, the first of many expected continuing resolutions ("CRs"), which will fund the government until FY 2003 appropriations bills are enacted. Before adjourning, a lame-duck Congress passed a final CR to provide funding until January 11, 2003. While funding has remained at the FY 2002 level pending approval of an FY 2003 appropriations bill, the Legal Services Corporation has already adjusted the amounts of its grants to reflect the changes in the poverty population per the results of the 2000 Census.

The 108th Congress convenes on January 4, 2003, and one of its first tasks will be to enact an omnibus FY 2003 appropriations bill. Although the President has insisted that overall funding already approved by the Senate be cut by \$10 billion, LSC supporters continue to advocate for the "Harkin" amendment (also known as the "Hold Harmless" amendment). This amendment would increase LSC funding by \$19 million, the amount necessary to eliminate grant reductions to states whose poverty populations, according to the 2000 Census, have declined. For more information, contact Julie Strandlie, Director, ABA Grassroots Operations/Legislative Counsel at jstrandlie@staff.abanet.org or 202/662-1764.

For more information about specific items, call the contact person listed for that item. To contribute items to future issues of *LEGAL SERVICES NOW*, or for general information about this bulletin, contact Bev Groudine at 312/988-5771, fax 312/988-5483 or e-mail bgroudine@staff.abanet.org.