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## Funding News

✎ **New State Funding in New Mexico** - On April 4, 2001, the Governor of New Mexico signed legislation increasing filing fees, providing the first state funding for legal services. The governor had vetoed bills containing direct appropriations for legal services on two occasions, but indicated at a meeting with bar leaders that he might sign legal services funding legislation if it were in the form of a filing fee. As a result, legal services leaders moved forward with that approach. It is estimated that the filing fee will produce \$1.4 million annually for New Mexico's legal services programs. For more information on the New Mexico filing fee, contact Sarah Singleton, Montgomery & Andrews, Santa Fe, NM, at [ssingleton@montand.com](mailto:ssingleton@montand.com) or 505/986-2648. To report state legislative activity, contact Meredith McBurney, Project Director, ABA Project to Expand Resources for Legal Services, at [mm8091@aol.com](mailto:mm8091@aol.com) or 303/329-8091.

✎ **Oregon Legislature Approves Pro Hac Vice Fee for Legal Services** - The Oregon legislature has passed a bill authorizing the Oregon Supreme Court to set a fee for pro hac vice appearances, with the fees collected going to the Oregon State Bar for legal aid. It is estimated that the fee will raise \$50,000 to \$200,000 per year. Legal services advocates also are seeking a substantial state appropriation. They promoted the pro hac vice proposal first because it was easy for legislators to support, and it provided an opportunity to educate legislators about the need for more legal services funding. The overall legislative effort is led by a broad-based coalition that includes the Campaign for Equal Justice, the bar association, the judiciary, legal services providers and others. For more information, contact Karen Garst, Executive Director, Oregon State Bar, at [kgarst@osbar.org](mailto:kgarst@osbar.org) or 503/620-0222, ext. 312.

✎ **IOLTA Litigation Update** - On May 9, 2001, the Ninth Circuit Court of Appeals granted the Washington State IOLTA program's petition for rehearing *en banc* of the decision rendered on January 10, 2001 in the case of *Washington Legal Foundation v Legal Foundation of Washington*. That decision held that the interest generated from IOLTA accounts is client property that has been taken by the judicially created IOLTA program, and remanded the case to the district court to determine the amount of just compensation, if any, due plaintiffs. Oral arguments were held before the *en banc* court on June 21, 2001. The court gave no indication as to when a decision would be rendered. In the Texas IOLTA case, a decision has not yet been issued by the Fifth Circuit Court of Appeals, which heard oral arguments on February 6, 2001. That case is on appeal from a district court ruling in *Washington Legal Foundation v Texas Equal Access to Justice Foundation*, which held that the Texas IOLTA program does not violate the First or Fifth Amendments. For more information about either case, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at [bgroudine@staff.abanet.org](mailto:bgroudine@staff.abanet.org) or 312/988-5771.

## Pro Bono Developments

✎ **New York Adopts Guidelines Implementing CLE Credit for Pro Bono Legal Services** - In June 2001, the Administrative Board of the Courts for the State of New York published the specific guidelines implementing the rules and regulations permitting attorneys to earn continuing legal education credits by performing pro bono legal services. The guidelines provide that a maximum of

six credits hours per reporting cycle can be earned in this manner, with every six "hours" of pro bono work equaling one credit hour. (An hour of pro bono work is defined as 50 minutes.) The guidelines also include definitions of terms used in the rules; describe the eligibility and approval process to become an approved pro bono CLE provider; and set forth the recordkeeping requirements for attorneys and approved pro bono CLE providers to receive pro bono CLE credit. To view the guidelines, go to <http://www.courts.state.ny.us/probonocred.html>. For more information, contact Diane Burman, Director, Department of Pro Bono Affairs, New York State Bar Association, at 518/487-5640.

📌 **Sneak Preview of Florida Pro Bono Report Reveals Improvements** - Within the next two months, the Standing Committee on Pro Bono Legal Service of the Florida Bar Association will issue a report to the Florida Supreme Court, the Florida Bar Association and the Florida Bar Foundation on the pro bono activities of Florida's attorneys last year. A preview of that report reveals distinct improvements in participation and monetary contributions over the previous year. Florida remains the only state to require attorneys to report their pro bono activities each year. The reporting response rate was 88% in 2000, up from 87% in 1999. To obtain more information, contact Kent Spuhler, Director, Florida Legal Services Inc., at [kent@floridalegal.org](mailto:kent@floridalegal.org) or 850/385-7900.



**WASHINGTON UPDATE**

On June 27, 2001, the House Appropriations Subcommittee on Commerce, Justice, State completed its markup of the FY2002 spending bill. The Subcommittee funded the Legal Services Corporation at \$330 million, the same amount as LSC received in the FY2001 CJS appropriations bill. This amount is actually an increase in real dollars for LSC because the \$330 million appropriation from last year was reduced by a .22 percent across the board government wide cut. This marks the first time in five years that a House floor amendment will not be necessary to restore funding originally cut by this Subcommittee.

The Senate Appropriations CJS Subcommittee is not expected to draft its bill until the end of July. Senator Ernest Hollings (D-SC) is the new chair of the Subcommittee following the change in Senate leadership. We are hopeful that the Senate Subcommittee will fund LSC for at least \$330 million, if not more. For more information, contact Julie Strandlie, Director, ABA Grassroots Operations at [jstrandlie@staff.abanet.org](mailto: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](mailto:bgroudine@staff.abanet.org).