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## Funding News

➤ **Legal Services Advocates Move Forward on the Legislative Front** - Campaigns to obtain or increase funding from state legislatures are now in full swing in many states. In addition to the efforts in the six states mentioned in the last issue of *Legal Services Now* (Arizona, Arkansas, California, Massachusetts, New Mexico and Washington), supporters in Georgia, Hawaii, Minnesota and Oregon report that they are also actively working to increase their state funding for civil legal services this year. For more information on developing a legislative campaign, or to report activity in your state, contact Meredith McBurney, Project Director, ABA Project to Expand Resources, at [mm8091@aol.com](mailto:mm8091@aol.com) or 303/329-8091.

➤ **Ninth Circuit Issues Decision in Washington State IOLTA Case** - On January 10, 2001, the United States Court of Appeals for the Ninth Circuit issued its ruling in *Washington Legal Foundation v. Legal Foundation of Washington*. The Court reversed the district court, holding that the interest generated from IOLTA accounts is client property that has been taken by the judicially created IOLTA program. The three-judge panel (Judges Kleinfeld, Trott and Silverman) did not find the Washington IOLTA program to be unconstitutional or enjoin the program from operating. Rather, it remanded the case to the district court to determine the amount of just compensation, if any, due plaintiffs. On January 31, 2001, the Washington State IOLTA program filed a petition for rehearing en banc, and on February 14, 2001, the appellants were ordered to file a response to that petition by March 5, 2001. For more information, contact Bev Groudine, Counsel ABA Commission on IOLTA, at [bgroudine@staff.abanet.org](mailto:bgroudine@staff.abanet.org) or 312/988-5771; for a link to the decision, visit the Commission's website at [www.abanet.org/legalservices/iolta.html](http://www.abanet.org/legalservices/iolta.html)

➤ **Fifth Circuit Hears Oral Arguments in Texas IOLTA Litigation** - On February 6, 2001, a three judge panel of the United States Court of Appeals for the Fifth Circuit heard oral arguments in the case of *Washington Legal Foundation v. Texas Equal Access to Justice Foundation*. The panel consisted of Judges Rhesa Barksdale, Jaques Weiner, Jr. and Emilio Garza. Robert Long of Covington & Burling argued on behalf of the Texas IOLTA program and Charles Fried of Cambridge, Massachusetts argued on behalf of the Washington Legal Foundation. The Court gave no indication as to when a ruling would be issued. This case is on appeal from a district court decision dismissing the case and holding that the Texas IOLTA program does not violate the First or Fifth Amendments. For further information, contact Bev Groudine at 312/988-5771.

## Pro Bono Developments

➤ **Harvard Law School Adopts Mandatory Pro Bono Requirement** - Harvard Law School faculty recently adopted a proposal requiring all students to perform a minimum of 40 hours of uncompensated public interest legal work prior to graduation. To satisfy the requirement, students may work, pro bono or for academic credit, in a variety of settings, including non-profit organizations, government offices, public interest law firms and with lawyers representing low income persons. The proposal also encourages Harvard faculty to perform a similar amount of pro bono activity to that required for students. For additional information, contact Professor Andrew L. Kaufman, Harvard Law School, at [kaufman@law.harvard.edu](mailto:kaufman@law.harvard.edu) or 617/495-4616.

## Other News of Note

📌 **United States Supreme Court Strikes Down LSC Restriction** - On February 28, 2001, the U.S. Supreme Court issued its decision in *Legal Services Corporation v. Velazquez*. In a 5-4 ruling, the Court found unconstitutional a 1996 federal law that bars lawyers funded by the Legal Services Corporation (LSC) from challenging existing law when representing individual clients in welfare cases. The Court's decision affirms a ruling by the U.S. Court of Appeals for the Second Circuit. Plaintiffs were represented by Burt Neuborne, Legal Director, the Brennan Center for Justice. For more information, contact Terry Brooks, Counsel, ABA Standing Committee on Legal Aid and Indigent Defendants, at [tjbrooks@staff.abanet.org](mailto:tjbrooks@staff.abanet.org) or 312/988-5747.

## Hot On the Web

📌 **A Chart of Significant Fundraising Activities for Legal Services - 2000 Edition** - This updated version of the Chart provides a state by state breakdown of the amounts and sources of funds raised for civil legal services during the most recent one year period available. For selected funding initiatives, there is additional information provided about how the funds were raised, and people are listed to contact for more details. The Chart was compiled by the Project to Expand Resources for Legal Services (PERLS) from information provided by legal services and pro bono programs, bar associations, IOLTA programs and bar foundations around the country. To view a copy, visit [http://www.abanet.org/legalservices/sclaid\\_chart.html](http://www.abanet.org/legalservices/sclaid_chart.html)

📌 **Directory of Pro Bono Programs** - This resource lists over 900 programs nationwide and is organized by state and county. Among other things, the listings include program contact information such as telephone number, address and websites, and types of cases handled. The Directory is part of the revised website hosted by the ABA Standing Committee on Pro Bono and Public Service and the Center, and it provides a wealth of information on pro bono news, current trends in pro bono policies and rules, program information and ideas, and much more. To visit the revised site, go to <http://www.abanet.org/legalservices/probono.html>



### WASHINGTON UPDATE

On December 21, 2000, President Clinton signed the appropriations bill for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies, H.R. 4942. This bill includes \$330 million for the Legal Services Corporation for FY 2001, a \$25 million increase over last year's funding level. That amount was reduced by .22 percent offset, so that the final total was \$329,274, 000, which still represents approximately an 8% increase in funding over FY2000.

President Bush recently submitted his FY2002 budget to Congress, which includes funding for LSC at its current level. Bar leaders will have an excellent opportunity to lobby their members of Congress for increased LSC funding at the fifth annual "ABA Day in Washington" scheduled for May 9-10, 2001. This event has annually drawn more than one hundred national, state and local bar officers. For more information contact Rosanna Taormina at [taorminr@staff.abanet.org](mailto:taorminr@staff.abanet.org) or 202/662-1774.

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).