



March 25, 2002 • Issue #35

Funding News

✦ **2002 Campaigns for State Funding for Legal Services Move Forward** - Despite the current economic slowdown, which makes it potentially more difficult to obtain public funding, legal services advocates in several states are working diligently to obtain or increase state funding. In Virginia, an increase in the filing fee add-on from \$2 to \$3 was obtained, increasing funds for legal services from \$1.7 million to approximately \$2.55 million. Florida's proposal for a first-time state appropriation has been approved by the legislature, with the amount of the appropriation yet to be decided. Advocates in Pennsylvania are working to increase state funding through proposals that include a new filing fee surcharge, an increase in the appropriation for legal services and funding for special purposes from excess TANF funds. And last but not least, efforts are underway in Nebraska to increase the state's long-standing filing fee surcharges. The ABA's Project to Expand Resources for Legal Services (PERLS) has assisted advocates in several of these states. For information about how PERLS can be helpful in your state or to report on legislative activity, contact Meredith McBurney, Project Director, at mm8091@aol.com or 303/329-8091.

✦ **Washington Legal Foundation Seeks Certiorari in Washington State IOLTA Case** - On March 7, 2002, the Washington Legal Foundation filed a petition for certiorari to the United States Supreme Court in the case of *Washington Legal Foundation v. Legal Foundation of Washington*. A brief in opposition is due from the respondents by April 8, 2002. The petitioners are seeking certiorari 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 Washington IOLTA program and rejecting claims that it violates the Fifth Amendment. For additional information, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at bgroudine@staff.abanet.org or 312/988-5771.

✦ **Parties Continue to Await Decision on Petition for Rehearing *En Banc* in Texas IOLTA Case** - On October 29, 2001, the Texas IOLTA program and the Justices of the Supreme Court of Texas filed a petition for rehearing *en banc* of a decision rendered by a three-judge panel of the United States Court of Appeals for the Fifth Circuit. That ruling, issued on October 15, 2001 in the case of *Washington Legal Foundation v. Texas Equal Access to Justice Foundation*, held that the Texas IOLTA program violates the Fifth Amendment. As of press time, the Court had not rendered a decision on the petition. The Texas IOLTA program continues to operate, and the American Bar Association remains convinced that ultimately, the constitutionality of this vital resource for the provision of legal services to the poor will be upheld. For more information, contact Bev Groudine, Counsel, ABA Commission on IOLTA, at bgroudine@staff.abanet.org or 312/988-5771.

Pro Bono Developments

✦ **New York Attorney General Issues Memorandum Encouraging Pro Bono Participation** - The Attorney General for the State of New York issued a Memorandum on January 7, 2002, encouraging employees to engage in pro bono and bar association activities. The Memorandum defines permissible pro bono services in which employees may engage, including legal services through a pro bono or legal services organization. The Memorandum also addresses issues such

as pro bono activity during working hours and use of office space and equipment. To view a copy of the Memorandum, go to <http://www.nysba.org/public/probono/Spitzer.pdf>. For additional information, contact Cheryl Zalenski, Assistant Staff Counsel, ABA Center for Pro Bono, at zalenskc@staff.abanet.org or 312/988-5770.

📌 **Maryland's Highest Court Approves Revisions to Pro Bono Rules** - The Maryland Court of Appeals has adopted in concept revisions to Rule 6.1 on pro bono service to more closely mirror the ABA Model Rule as well as a new rule requiring lawyers to report annually on their pro bono service. The court also approved establishing local pro bono committees for each county and a statewide Standing Committee to oversee the development of the committees and local plans. The court has not yet adopted the final language of the new rules. For more information, contact Sharon Goldsmith, Director, Pro Bono Resource Center of Maryland, Inc. at sgoldsmith@probonomd.org or 410/837-9379.

Hot On the Web

📌 **Senior Lawyers Organizing & Volunteering: A National Profile** - This publication includes information on topics such as organizing at the state and local level, developing pro bono projects, emeritus attorney rules, reductions or waivers of bar fees and dues, and much more. It is a joint effort of the ABA Senior Lawyers Division and the Center for Pro Bono. To view the publication, go to <http://www.abanet.org/legalservices/downloads/senlawfnl.pdf>



WASHINGTON UPDATE

For FY 03, the Bush Administration has requested \$329.3 million for the Legal Services Corporation (LSC), a figure that represents level funding from FY 02. The Administration's LSC budget request includes \$310 million for basic field programs; \$13.3 million for Management and Administration; \$2.6 million for Office of the Inspector General; and \$3.4 million for client self-help and information technology. At this time, no hearings are expected on the LSC budget in either the House or the Senate.

On February 28, 2002, the House Judiciary Committee's Subcommittee on Commercial and Administrative Law held an oversight hearing regarding LSC. Jonathan Ross, chair of the ABA's Standing Committee on Legal Aid and Indigent Defendants, testified on behalf of the ABA. Following the hearing, on March 12, 2002, Subcommittee Chairman Bob Barr (R-GA) asked the General Accounting Office (GAO) to verify that LSC has made the changes recommended by GAO in its 1999 report on LSC's Case Service Reporting (CSR) system. For more information go to the ABA Governmental Affairs Office website at <http://www.abanet.org/poladv/priorities/lsc.html> or contact Julie Strandlie, Director, ABA Grassroots Operations 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.