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## Funding News

➤ **Recap of the 2001 Legislative Session** - 2001 has been a year of both successes and challenges for legal services advocates working to maintain and increase state funding. In addition to the new filing fee in Nevada described below, there were major increases in funding in Minnesota and Tennessee. In New Mexico, a new filing fee surcharge passed, and there were incremental increases in state funding in Arizona, Colorado and Georgia. In addition, the Oregon Legislature authorized the Supreme Court to institute a *pro hac vice* fee, with the funds received earmarked for legal services. All but 10 states now receive some form of state funding for legal services. Challenges included reduced funding for legal services in a few states and major battles to retain legal services funding in others. For more information or assistance, contact Meredith McBurney, Director, ABA Project to Expand Resources for Legal Services, at [mm8091@aol.com](mailto:mm8091@aol.com) or 303/329-8091.

➤ **Increase in Filing Fees to Fund Legal Assistance in Nevada** - The Nevada Legislature recently passed a bill that permits counties to increase filing fees (\$5 for district and justice court complaints and answers, \$25 to reopen family law cases) to fund pro bono programs and legal services to abused or neglected children and victims of domestic violence. In Clark County (Las Vegas), the county commissioners already have approved the \$5 increases for district and justice courts, and it is estimated that these will generate \$550,000. The effort was a collaboration between legal services programs, the judiciary, the bar and other advocates. For more information, contact Barbara Buckley, Executive Director, Clark County Legal Services, at [bbuckley@clarkcountylegal.com](mailto:bbuckley@clarkcountylegal.com) or 702/386-1070, ext. 105.

➤ **Fifth Circuit Issues Decision in Texas IOLTA Case** - On October 15, 2001, the United States Court of Appeals for the Fifth Circuit reversed the January 2000 District Court decision in the case of *Washington Legal Foundation vs. Texas Equal Access to Justice Foundation*. A divided three-judge panel held that the Texas IOLTA program violated the Fifth Amendment of the United States Constitution. The majority found that, as administered in Texas, the IOLTA program amounted to a per se taking of client property and entitled the appellants to declaratory and injunctive relief. The Court remanded the case to the district court for the entry of an order consistent with this decision. One judge dissented, pointing out that the plaintiffs failed to prove that any just compensation was due. The Texas IOLTA program and Texas Supreme Court filed a petition for rehearing *en banc* on October 29, 2001, and the program continues to operate. 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](mailto:bgroudine@staff.abanet.org) or 312/988-5771.

## Pro Bono Developments

➤ **Bar Associations Step Up to the Plate Following the Tragedy of September 11th** - The New York State Bar Association (NYSBA), the Association of the Bar of the City of New York, the New York County Lawyers Association, FEMA and other bar associations and organizations collaborated to provide assistance to victims, their families and clients following the events of September 11, 2001. Activities included establishing hotlines, publishing Frequently Asked Questions,

providing referrals and developing trainings for volunteer attorneys. The NYSBA is serving as a central clearing-house for disaster assistance information, referring those impacted by the disaster, as well as volunteers, to groups that can help. Bar associations and legal services providers in other jurisdictions, including Washington D.C., Pennsylvania and New Jersey have engaged in similar efforts. The ABA Division for Legal Services has established a web site at [www.abalegalservices.org/disaster.html](http://www.abalegalservices.org/disaster.html) that directs victims and attorneys to resources in the various states. For more specific information regarding the New York State efforts, contact Diane Burman, Director, Department of Pro Bono Affairs, New York State Bar Association, at [dburman@nysba.org](mailto:dburman@nysba.org) or 518/487-5640, or visit [www.nysba.org/wtc/index.html](http://www.nysba.org/wtc/index.html)

➤ **New Hampshire Pro Bono Cases to Receive Scheduling Priority** - New Hampshire Superior Court Chief Justice Walter Murphy recently announced that attorneys representing clients through the New Hampshire Pro Bono Referral System will receive preference in scheduling and, as circumstances permit, will have their cases called first. Chief Justice Murphy's announcement expands to statewide a model program in effect for several months in the Merrimack County Superior Court. Under this system, all files containing a notice of indigency from the Pro Bono Referral System will be identified by the court clerks and will be factored into each court's daily scheduling. For more information, contact Virginia Martin, Director, New Hampshire Pro Bono Referral System, at [vmartin@nhbar.org](mailto:vmartin@nhbar.org) or 603-224-6942.

### Hot On the Web

➤ **How to Begin a Pro Bono Program in Your Bankruptcy Court: A Starter Kit for Lawyers and Judges, Second Edition, Volume 1 (1999)** - This publication assists lawyers, judges, bar associations and pro bono advocates create new bankruptcy pro bono projects in their jurisdiction. The Starter Kit provides information about the components of a bankruptcy pro bono program, descriptions of successful projects, helpful tips on operational issues and plenty of success stories. To view this resource, visit <http://www.abalegalservices.org/pbpubs.html>



WASHINGTON UPDATE

The U.S. Senate passed the FY 2002 Commerce, Justice, State appropriations bill on September 13, 2001, by a vote of 97-0. The \$ 41.5 billion bill (HR 2500) includes \$329,300,000 for the Legal Services Corporation and \$40,000,000 for civil legal assistance under the Violence Against Women Act (VAWA) program funded under Title I of the bill.

The September 11 terrorist attack has consumed Congressional attention and no appropriations bills were enacted before the start of the FY 2002 budget year, which commenced on October 1. At press time, the government, including LSC, was operating pursuant to the first of many expected Continuing Resolutions. Ultimately, House and Senate conferees are not expected to make any changes in provisions for LSC or VAWA as they are identical in both House and Senate versions of H.R. 2500. Nevertheless, the impact of recent national/international events on this and other funding matters remains uncertain.

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).