



September 9, 2009 • Issue #70

## Funding News

✎ **ABA House Of Delegates Supports Funding For Legal Aid And Pro Bono Organizations Serving Disaster Survivors** – During the 2009 ABA Annual Meeting, the House of Delegates unanimously adopted Recommendation 102B, which urges federal, state and local governments to address the legal needs of communities affected by major disasters by providing additional emergency funding for not-for-profit legal services providers, bar associations, and pro bono programs. To view the recommendation and report adopted by the House of Delegates, go to [http://www.abanet.org/leadership/2009/annual/daily\\_journal/One\\_Hundred\\_Two\\_B.doc](http://www.abanet.org/leadership/2009/annual/daily_journal/One_Hundred_Two_B.doc). For further information, contact Tony Barash, ABA Center for Pro Bono Director Emeritus, at [barasha@staff.abanet.org](mailto:barasha@staff.abanet.org) or 312/988-5773.

✎ **2009 State Legislative Funding Update** – Most states have completed their 2009 legislative sessions, and reports indicate mixed results for civil legal services. New or increased funding was reported in nine states, totaling \$23,593,000. Reductions or eliminations occurred in 12 states, totaling \$7,398,500, for a net increase of \$16,194,500. Two states - Connecticut and Texas - accounted for \$21,000,000 of the increase. Some of the increases will be short-term, aimed at helping programs compensate for significant reductions in IOLTA funding. The results are better than many had feared, given the bad economic condition of many state governments. This is a testimony to the strong, sophisticated campaigns mounted by bench, bar and legal services leaders in many states. For more information, contact Meredith McBurney, Resource Development Consultant, ABA Resource Center for Access to Justice Initiatives, at [meredithmcburney@msn.com](mailto:meredithmcburney@msn.com) or 303/329-8091.

✎ **Washington State Bar Association Makes Major Donation to Civil Legal Aid** – As is the case in many states now, Washington State's IOLTA funding has been greatly reduced while legal aid providers are struggling to cope with an increased need for services. The Washington State Bar Association has stepped in to help. The WSBA Board of Governors has approved a one-time donation of \$1.5 million to the Legal Foundation of Washington, for distribution to legal aid providers throughout the state. For more information, contact Joan Fairbanks, Justice Program Manager, Washington State Bar Association and Access to Justice Board, at [joanf@wsba.org](mailto:joanf@wsba.org) or 206-727-8282.

## Pro Bono News

✎ **ABA Resolution Urges House Counsel to Waive Issue Conflicts to Enable Pro Bono Lawyers to Serve Low-Income Debtors** – At the 2009 ABA Annual Meeting, the ABA House of Delegates adopted Recommendation 102A, which urges corporate counsel to facilitate the provision of pro bono legal services by outside counsel to persons of limited means in need of assistance with consumer credit, home mortgage and bankruptcy, by waiving positional conflicts of interest. To review the full recommendation and report as adopted by the House of Delegates, go to [http://www.abanet.org/leadership/2009/annual/daily\\_journal/One\\_Hundred\\_Two\\_A.doc](http://www.abanet.org/leadership/2009/annual/daily_journal/One_Hundred_Two_A.doc). For more information, contact Allyn O'Connor, ABA Business Law Pro Bono Project Staff Attorney, at [oconnora@staff.abanet.org](mailto:oconnora@staff.abanet.org) or 312/988-6398.

✎ **Hawaii Adopts Model Policy for Government Attorneys Performing Pro Bono Work and Continuing Education Rules for Pro Bono Service** – The Hawaii Supreme Court adopted Rule 22 of the Rules of the Supreme Court, which establishes Mandatory Continuing Professional Education requirements and Voluntary Continuing Legal Education credits effective January 1, 2010. Access to Justice is one of the subjects that will qualify for the required three hours of mandatory education, and pro bono service in the amount of three hours will satisfy up to three hours of the recommended nine

hours of voluntary education credits. In addition, the Hawaii Access to Justice Commission adopted a Model Policy for Government Attorneys Performing Pro Bono Work. This model policy addresses the scope of permissible services, procedures for approval of participation, conflicts, and the use of agency resources. To view the CLE rules, go to <http://www.state.hi.us/jud/ctrules/rsch17am&22adopt.pdf>. For more information regarding the model policy or the CLE rule, contact Associate Justice Simeon R. Acoba, Jr., Hawaii Supreme Court, at [Simeon.R.Acoba@courts.state.hi.us](mailto:Simeon.R.Acoba@courts.state.hi.us).

➤ **U.S. Bankruptcy Court for the District of Maryland Amends Rules** – Effective July 1, 2009, the United States Bankruptcy Court for the District of Maryland amended its local rules to accommodate its Low Bono and Deferred Payment Chapter 13 Attorney List (“LBDP List”), a publication of attorneys willing to accept low- or deferred-fee Chapter 13 cases from individuals with financial need. The changes make it clear that such fee arrangements are permissible. The LBDP List and its companion, the Low Bono Chapter 7 Attorney List, are intended to address the needs of debtors who do not qualify for free legal assistance under existing legal services or pro bono programs and are part of the court’s efforts to address debtor needs prior to bankruptcy, as well as unrepresented bankruptcy filers. For more information about the rule change or the Low Bono Lists, contact Jessica Vollmer, Pro Bono Coordinator, U.S. Bankruptcy Court for the District of Maryland, at [Jessica\\_Vollmer@mdb.uscourts.gov](mailto:Jessica_Vollmer@mdb.uscourts.gov) or 410/962-3813.



### Washington Update

Earlier this summer, the House of Representatives passed H.R. 2847, the Commerce, Justice, Science appropriations bill. It includes a \$50 million increase for the Legal Services Corporation, providing \$440 million for FY 2010. The bill also lifts the restriction on receipt of statutorily-authorized attorneys’ fees.

The Senate Appropriations Committee reported out its version of H.R. 2847, providing only \$400 million in funding, but lifting the restriction on use of non-LSC funds. The full Senate will consider the bill after Labor Day.

The Obama Administration had requested \$435 million and asked Congress to lift the restrictions on the use of non-LSC funds, receipt of attorneys’ fees and filing class actions. The ABA actively worked with both the House and Senate Appropriations Subcommittees, seeking to obtain at least \$435 million and lift each of the restrictions addressed in the bills.



Senator Harkin’s bill to reauthorize LSC (S. 718), continues to gain co-sponsors. The ABA is working with House members to assist in developing a companion measure in that chamber.

For more information, contact Julie M. Strandlie, Director, Grassroots Operations/Legislative Counsel, 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).