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Funding News

➤ **IOLTA Income and Grants Decline in 2011** – Data collected from 50 of the 52 jurisdictions operating IOLTA programs has revealed that in 2011, national IOLTA income declined by close to 2% from its 2010 level and 75% from its high water mark of \$371 million in 2007. IOLTA grants for legal services declined by 14% nationally between 2010 and 2011 to \$106.1 million. This figure represents a 54% decline from 2008, the year grants to legal services totaled an all-time high of close to \$231 million. The decline in IOLTA income is due in large part to the historically low interest rates and to smaller principal balances held in IOLTA accounts. And while grants have declined, they have not declined as severely as income because many IOLTA programs have dipped into their reserves to augment their grant amounts. Despite this grim news, IOLTA programs are using various strategies to try to increase their income including: seeking IOLTA rule or legislative changes to mandatory IOLTA and IOLTA rate comparability, if those strategies are not currently in place; and establishing bank honor roll programs, whereby financial institutions paying a higher rate on IOLTA accounts are provided with recognition. Many IOLTA programs are also working with advocates in their jurisdictions to seek additional funding for legal services through a variety of other sources including state appropriations, filing fee increases, cy pres awards, pro hoc vice rules and bar dues add-ons. For more information contact Bev Groudine, Staff Counsel, ABA Commission on IOLTA, at Bev.Groudine@americanbar.org or 312/988-5771.

Pro Bono Developments

➤ **Conference of Chief Justices Adopts Resolution Supporting Pro Bono By In-House Counsel** - In July 2012, the Conference of Chief Justices adopted a resolution supporting practice rules enabling in-house counsel to provide pro bono legal services. The resolution encourages, among other support, amending practice rules to allow in-house counsel not licensed in the state who are permitted to work for their employer to also provide pro bono legal services subject to the local rules of professional conduct. A small number of states, including Illinois, Pennsylvania and Virginia, currently have such rules; emeritus rules in other states may also be applicable to corporate counsel. For additional information contact Robert Baldwin, Executive Vice President and General Counsel, National Center for State Courts, at rbaldwin@ncsc.org or 757/259-1880.

➤ **Massachusetts Establishes Pilot Pro Bono Program for Senior Lawyers** - On September 27, 2012, the Massachusetts Access to Justice Commission initiated a pilot project designed for senior lawyers to partner with non-profit and legal services organizations. The Access to Justice Fellows program will engage these lawyers with opportunities to provide critical legal assistance to underserved populations in Massachusetts. The Fellows, drawing on their years of legal experience, will work on a range of issues including community development, immigration, homelessness, civil rights, and environmental justice. The Access to Justice Commission is hopeful that this pilot will be an important first step toward institutionalizing an expanded program to encourage transitioning and retired lawyers and judges to apply their expertise for the public good, for people of limited means, and for non-profits that are dedicated to helping them. For more information contact Susan Finegan, Member, Massachusetts ATJ Commission, at SMFinegan@mintz.com or 617/348-3005.

➤ **New York Increases CLE Hours Available Through Pro Bono** - The rule providing CLE credit for pro bono service by New York lawyers has been revised to reflect changes in pro bono credit limits and

calculation, and to include guidelines for the award of pro bono CLE credit for participation in the Attorney Emeritus program. Revisions include an increase in the maximum number of hours (from six hours to ten hours) that can be earned every two years by providing pro bono services to low-income New Yorkers. To learn more contact Elise Geltzer, Counsel to the New York State CLE Board, at EGELTZER@courts.state.ny.us or 212/428 2795.

📌 **Virginia Launches Statewide Online Case-Management System for Pro Bono Attorneys** – Capitol One lawyers and technology professionals teamed up with Virginia attorneys and legal aid organizations to create Justice Server, an online case-management system that will facilitate remote access to client files by pro bono attorneys. The program provides security precautions to protect the referring organizations and the volunteer attorney's clients. It also allows attorneys to access cases easily in both local and remote areas. These features should lead to an increase in volunteer attorney participation and streamline the referral process. For more information contact Alexandra S. Fannon, Director of Programs and Development, Greater Richmond Bar Association, at afannon@grbf.org or 804/240-7822.

📌 **2012 National Pro Bono Celebration is on the Horizon** - The National Pro Bono Celebration is October 21 – 27, 2012. This year, short videos are being collected of public interest advocates telling stories of justice that significantly impacted the lives of their clients as well as their own. These videos will be available for viewing in an online "video quilt." To see the videos already submitted, post your celebration activities, or get ideas for a video or activity, visit www.celebrateprobono.org. For additional information on the Celebration, contact Sharon Browning, Consultant to the ABA Standing Committee on Pro Bono and Public Service, at celebrateprobono@americanbar.org.



WASHINGTON UPDATE

Washington Update

As expected, Congress has recessed until after the November elections without passing a FY 2013 budget. Instead, it passed a Continuing Resolution that is in effect until March 27, 2013, to keep the government functioning. The CR maintains the Legal Services Corporation funding at its current level of \$348 million. In May, the U.S. House of Representatives approved its Commerce, Justice, Science and Related Agencies (CJS) appropriations bill that provides \$328 million for LSC in FY2013. Previously on April 19, 2012, the Senate Appropriations Committee approved the Commerce, Justice Science, and Related Agencies (CJS) funding bill, which includes \$402 million for the LSC. The full Senate has not yet voted on the appropriations bill. Once the Senate acts on the budget, Congress will need to reconcile any differences between the House and Senate appropriation bills. For additional information, contact Ann Carmichael, Legislative Counsel, ABA Governmental Affairs Office, at Ann.Carmichael@americanbar.org or 202/662-1767.

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 email Bev.Groudine@americanbar.org.