



## Washington State Increases Legal Aid Funding by \$1.9 M

The Washington State legislature has increased funding for civil legal aid in its 2004 supplemental budget by \$1.9 million over the amount allocated in the previous year, bringing total state funding for FY 2004 to \$6.8 million. The increase will help to maintain the current service capacity of legal aid programs in the state.

The appropriation comes from state general funds and was not accompanied by any increase in filing fees. In 2003, the Supreme Court's Civil Equal Justice Funding Task Force has recommended an emergency \$90 increase in the superior court filing fee, which would have raised \$3.9 million for legal services. That proposal did not pass the legislature in the 2003 session.

The appropriation victory was the result of a substantial increase in bipartisan support for civil legal aid funding, generated in part by the state's first-ever Civil Legal Needs Study, published in October 2003. The increase in support can also be related to a decision to transfer fiscal agency responsibilities for state civil legal aid funding, carried out to date by the non-LSC funded Columbia Legal Services, to the LSC-funded Northwest Justice Project.

Legislators on both sides of the aisle, as well as Governor Gary Locke and Chief Justice Gerry Alexander, made strong statements of support for the increase.

**Atlanta 2004**

**Equal Justice Conference**

**April 15-17, 2004**

[www.equaljusticeconference.org](http://www.equaljusticeconference.org)

**National Meeting of State Access to Justice Chairs**

**April 16, 2004**

[www.ATJsupport.org](http://www.ATJsupport.org)

## Report Shows Growth of State Access to Justice Commissions

Reports from around the country reveal an accelerating trend toward creation of state Access to Justice Commissions or the equivalent—formal state-level bodies dedicated to expanding and improving civil legal assistance in the state, often created by state Supreme Court rule, composed of appointed representatives of the bar, the judiciary, providers and other key constituencies.

In 1999, only five states had active entities of this type. Today, the nationwide total has risen to 16, including new bodies created in 2003 in Alabama, Arkansas and Vermont.

That number is likely to grow by at least half a dozen by the end of 2004. States where a proposal to create a commission or similar body is pending or under consideration include Georgia, Massachusetts, Minnesota, New Mexico, New York, Oklahoma, Utah, and West Virginia, as well as the District of Columbia.

This data comes from the newly updated (April 2004) edition of *Access to Justice Partnerships, State by State*, a report prepared by the SPAN Access to Justice Support Project. The report is available online at [www.ATJsupport.org](http://www.ATJsupport.org).

The report also shows that a number of states have highly effective Access to Justice efforts based on a different model, such as a bar committee. A strength of the commission model, as identified in the SPAN working paper *Twelve Lessons from Successful State Access to Justice Efforts* (included in the report and also available separately at [www.ATJsupport.org](http://www.ATJsupport.org)), is that it can institutionalize the leadership and support of the state's Supreme Court, which can be critically important for success. In addition, "formal structures that are accountable to more than one partner can be more secure than informal structures or structures accountable to only one partner."

For additional information about the 2004 SPAN Report, see *Resources*, p. 2.

## Washington IOLTA Case Ends

On February 3, the plaintiffs in the Washington State IOLTA challenge, *Brown v. Legal Foundation of Washington*, stipulated to a dismissal with prejudice of their challenge to the constitutionality of the Washington IOLTA program.

The U.S. Supreme Court had remanded the case for consideration of First Amendment claims to the U.S. District Court for the Western District of Washington, following its March 2003 decision finding no violation of the Fifth Amendment. District Court Judge John C. Coughenour signed the order of dismissal upon the stipulation of all involved parties.

This action follows a similar dismissal with prejudice last November in the 5th Circuit Court of Appeals of the 10-year litigation aimed at dismantling the Texas IOLTA program.

Although several state-level challenges are still ongoing, these two dismissals bring to an end the many years of federal litigation instigated by the Washington Legal Foundation to bring down the national IOLTA program on constitutional grounds. The future of this critical resource for ensuring equal justice now rests firmly on solid ground.

## New Business Law Pro Bono Projects in Two States

The Minnesota State Bar Association Board of Governors recently authorized the formation of a new business law pro bono program, tentatively labeled the Minnesota Business Law Volunteer Assistance Program, and appropriated \$15,000 in seed money.

In addition, the Washington State Bar Association's Business Law Section contributed \$10,000 to support the start-up of Washington Attorneys Assisting Community Organizations. Both new projects are designed to match volunteer business lawyers with opportunities to assist nonprofit organizations serving persons of limited means that cannot otherwise afford legal representation. Business law pro bono work is one of the fastest growing areas of volunteer service among lawyers today, with approximately forty other business law pro bono programs nationwide providing support for transactional pro bono work.

The Equal Justice Conference in Atlanta will feature a series of sessions dedicated to business law programs on Friday, April 16.

# RESOURCES

New at [www.ATJsupport.org](http://www.ATJsupport.org)

### *Access to Justice Partnerships, State by State.*

The latest update (April 2004) of the report covering Access to Justice structures and initiatives in the 50 states and D.C. is available online in several different formats:

- Full report in PDF format
- Summary: overview of structures and initiatives
- Individual state entries.

In addition, the updated report will be distributed in hard copy at the 2004 National Meeting of State Access to Justice Chairs in Atlanta.

### *Access to Justice Commission Creation Documents:*

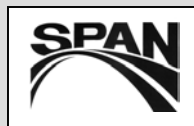
orders creating commissions, by-laws, and proposals for new commissions, typically describing mission, scope of activities, and structure.

*State Legal Needs Studies:* recent studies from Connecticut, Massachusetts, Tennessee and Washington, with supporting materials where available.

### Other New Resources

*Innovative Fundraising Ideas for Legal Services (2004 Edition)* prepared by the Project to Expand Resources for Legal Services (PERLS), available online in early April at [www.abalegalservices.org](http://www.abalegalservices.org).

*Statewide Technology Planning in Legal Services: Turns Out It Is Rocket Science.* This manual, created to help states with technology planning, features advice from the field, resources and links, components of a technology plan and general planning tips. Available at [www.lstech.org](http://www.lstech.org).



## Access to Justice Support Project

The SPAN Access to Justice Support Project is a joint initiative of the ABA Standing Committee on Legal Aid and Indigent Defendants (SCLAID) and the National Legal Aid and Defender Association (NLADA), created in 1997 as the State Planning Assistance Network. Contact us at [span@nlada.org](mailto:span@nlada.org). Bookmark our Web site [www.ATJsupport.org](http://www.ATJsupport.org).



## California

### *Pro Se Action Plan*

The Judicial Council's 20-member Task Force on Self-Represented Litigants, created at the urging of the State Bar and the Access to Justice Commission, presented its *Statewide Action Plan for Serving Self-Represented Litigants* in February.

The plan approved by the Judicial Council includes recommendations to the Judicial Council, the State Bar and other institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented litigants.

Recommendations include creation of an attorney-supervised, staffed self-help center at every court, provision of technological and other support for those centers on a statewide basis, and training for judicial officers on working with self-represented litigants.

## Florida

### *Specialty License Plate Proposal*

Encouraged by the Florida State Bar Association, state legislators have introduced a bipartisan bill to create a specialty license plate promoting justice for children, with the profits from sales helping to fund children's legal services programs statewide.

If the bill passes, the Bar would work to encourage at least 15,000 people to buy the specialty plate. The plate's tentative design shows children sitting on the scales of justice with the slogan "Kids Deserve Justice."

The current president of the Florida Bar has identified increasing pro bono services for children as a top priority of his presidency. The Bar's "For the Children" initiative has already led to increased pro bono and donations.

## Louisiana

### *Revised Rule 6.1 on Pro Bono*

Effective March 1, 2004, the Louisiana State Bar Association's House of Delegates has adopted a revised Rule 6.1 setting an aspirational standard of 50 hours of pro bono work per year, based on the ABA Model Rule.

## Maryland

### *Data from First Year of Pro Bono Reporting*

The Maryland Administrative Office of the Courts has released a report, [Current Status of Pro Bono Service Among Maryland Lawyers, Year 2002](#), prepared in compliance with Rule 16-903, which requires all lawyers authorized to practice law in the state to file an annual report reflecting the amount and type of pro bono services they provided during the prior calendar year.

The report indicates that approximately 50 percent of Maryland lawyers provided some sort of pro bono service during the year. It includes an analysis of pro bono service by geographic location, recipients of pro bono service, pro bono participation by practice area, and volunteer time dedicated to improving law and the legal system.

## Missouri

### *LSC Abandons Reconfiguration Plan*

In March, LSC decided not to pursue a plan to reorganize its four grantees in Missouri into a single statewide entity. Instead, it will continue to fund the four independent programs that serve every county in the state. The plan to consolidate the programs had been proposed by the Statewide Legal Services Commission in November 2002.

## Montana

### *Model Unbundling and Pro Bono Rules*

In February 2004, the Montana Supreme Court adopted comprehensive new Rules of Professional Conduct, which include the ABA model rule allowing limited representation and strengthen the provision calling for lawyers to provide at least 50 hours of pro bono service annually.

**Are you reading a hard copy of the  
SPAN Access to Justice Update?**

**Read it online at: [www.ATJsupport.org](http://www.ATJsupport.org).  
Or contact [span@nlada.org](mailto:span@nlada.org) to get it via e-mail.**

## Nevada

### *Standardized Forms*

In January 2004, the Supreme Court Council on Pro Se Assistance together with the Supreme Court and the District Court Commissions on Law Libraries proposed standardized forms for use in joint petition divorce cases. The new forms are intended to serve the interests of pro se litigants. The Commissions and Council have petitioned the Nevada Supreme Court to approve the submitted forms for use in the district courts.

### *Proposed Rule on Pro Se Advice*

In addition, a proposed new Nevada Supreme Court Rule 44 has been approved by the Council on Pro Se Assistance and the Library Commission and is being considered in oral argument this month. The proposed rule delineates the specific tasks that librarians and court clerks can take to provide access to pro se forms, instructions, court procedures and legal referral for self-represented litigants. Until now, strict rules and historical policies created practical barriers to their involvement. The Court has indicated that it will support the initiative and sponsor court personnel training.

## New Hampshire

### *Pro Se Task Force Report*

The New Hampshire Supreme Court Task Force on Self-Represented Litigants issued its report in January 2004, recommending a series of reforms, the first of which that more resources be devoted to civil legal services.

Others include revision of ethical rules to permit limited representation, creation of case managers in every major court to evaluate cases for possible referral and meet with pro se litigants before trial, creation of an online self-help center and a “computer in every courthouse” project, designation of a statewide coordinator to oversee court alternative dispute resolution systems, simplification of court rules and procedures, and written protocols for judges and court staff for managing pro se litigation.

## New York

### *Court to Host Legal Aid Open Houses*

As part of a year-long campaign to increase the awareness of civil legal services in New York, Deputy Chief Administrative Judge for Justice Initiatives Juanita Bing Newton, will host a series of nine open houses across state focused on the delivery of civil legal services to low-income people.

The purpose of the campaign is to promote public understanding of the need for stable, permanent funding for civil legal services.

The Office of Justice Initiatives decided to address this need after learning at the Equal Justice Conference that the public does not have a real sense of the work that legal aid lawyers do, and that many people believe that a right to counsel in civil cases exists and are shocked to discover that it does not. In addition to the open houses, the office is planning a comprehensive survey of legal aid in the state.

## Tennessee

### *Legal Needs Study*

In March, the Tennessee Alliance for Legal Services released a Civil Legal Needs Analysis, conducted by the University of Tennessee College of Social Work, Office of Research and Public Service. The analysis was highlighted at a press conference in the Tennessee General Assembly Legislative Library. The questionnaire, full report, and executive summary are available at [www.tals.org](http://www.tals.org). Supplemental surveys to document regional differences are scheduled for completion later in 2004.

## Wisconsin

### *Statewide Pro Bono Initiative*

The Legal Assistance Committee of the State Bar of Wisconsin has developed a plan for a coordinated, statewide pro bono initiative to revitalize and reorganize pro bono efforts in Wisconsin under the auspices of the judiciary.

The plan calls for the creation of pro bono committees in each of the ten state circuit court districts, responsible for assessing and addressing pro bono needs at the local level. Each will include a circuit court judge, pro bono attorneys, and representatives from local and minority bar associations, legal services programs and the community at large.

A state-level Pro Bono Commission will include the State Bar pro bono coordinator; the chair of the Legal Assistance Committee; law school administrators and students; attorneys who provide pro bono services; and representatives of the judiciary, local and specialty bar associations; and pro bono and legal services organizations.

The State Bar Board of Governors has approved the initial phase of the plan and has provided funding for its implementation in four pilot project areas.