

SPAN Update

Access to Justice Support Project • Summer 2004

Oklahoma Converts to Mandatory IOLTA

By order of the Oklahoma Supreme Court, the state's previously voluntary IOLTA program was converted to mandatory status effective July 1, 2004. The move is expected to boost IOLTA revenues significantly, allowing the Oklahoma Bar Foundation to increase its financial support of civil legal assistance and other law-related programs.

The change was strongly supported by the Oklahoma Bar Association. With the addition of Oklahoma, there are now 28 IOLTA programs that are mandatory, 22 that are opt-out, and only two that remain voluntary.

Same Project, New Name

Access to Justice Support Project

Beginning next month, the familiar acronym "SPAN," which this project has used since its creation in 1997, will be retired. SPAN stands for "State Planning Assistance Network," which no longer accurately represents the project's mission of supporting state entities that bring together the courts, the bar, legal aid providers, and other stakeholders to expand access to civil justice. After failing to find another catchy acronym, we have opted for a name that straightforwardly describes what we do: the Access to Justice Support Project.

The Access to Justice Support Project is a joint project of the ABA's Standing Committee on Legal Aid and Indigent Defendants (SCLAID) and the National Legal Aid & Defender Association (NLADA).

Legislative Funding Victories in New Jersey and Maryland

New Jersey will increase state funding for civil legal assistance by \$4.4 million in 2005 to offset major reductions in IOLTA income in the past two years. The increase will allow Legal Services of New Jersey, which distributes state funding to local programs, to maintain its current budget of \$12 million and avoid reducing the current level of services in the state.

The increase was enacted by the state legislature and signed by the governor, with strong support for the New Jersey State Bar Association.

In Maryland, a new law has authorized an increase in court filing fees surcharges that will generate an additional \$5 million a year for the state's legal services organizations. Before the increase, court filing fees generated \$2.2 million a year. The increase was strongly supported by Chief Justice Robert Bell and other justice community leaders, in response to a reduction in IOLTA revenues.

Ohio Chief Justice Appoints Access to Justice Task Force

Chief Justice Thomas J. Moyer of the Ohio Supreme Court has appointed a 24-member task force to recommend how the state can improve access to the justice system. The Supreme Court Task Force on Pro Se and Indigent Litigants is composed of judges, lawyers, county commissioners, and representatives from legal aid groups, as well as a person who represented herself as a pro se litigant in a domestic relations matter.

The committee will study the general experience of pro se litigants, pro bono representation, and how to provide more adequate funding to organizations that assist indigent clients, such as legal aid and public defender's offices.

Innovations

Oregon ATJ Leaders to “LAF-OFF” for Legal Aid

Legal and business community leaders in Oregon will use humor to raise funds and awareness of civil legal assistance. The first annual LAF-OFF Comedy Competition will take place on September 10, featuring ten Oregon attorneys in a head-to-head stand-up comedy competition, judged by a panel of real judges.

The goal of the event is to raise money to fund a legal aid attorney for one year. LAF-OFF will also serve as the kick-off for the annual fundraising drive by the Campaign for Equal Justice, whose goal is to raise \$850,000 for legal aid in 2004.

"LAF-OFF is a lighthearted way to kick off the campaign and energize the legal community. Having lawyers compete with other lawyers to be funny, and hopefully succeeding, is a whole new idea. It appeals to everyone we've talked to," said Linda Clingan, executive director of the Campaign for Equal Justice. "Our goal is to use this event to increase support for legal aid and get all those that work in law firms -- associates, partners, administrators and paralegals -- to join with the vendor community to make this happen. It's the type of event that, if successful, will have people lining up next year to compete."

New Mexico Supreme Court Creates ATJ Commission

In May, in response to a recommendation by the Civil Legal Services and Program Committee of the State Bar of New Mexico, the Supreme Court of New Mexico created the New Mexico Commission on Access to Justice. The Commission is charged with expanding and improving civil legal assistance in the state through expansion of resources, increased public awareness, increased pro bono, and other strategies including training and technology.

The Commission is composed of 18 members representative of the bar, the judiciary, and legal aid providers. It is co-chaired by Chief Justice Petra Jimenez Maes and longtime Access to Justice leader Sarah Singleton.

Visit the Access to Justice Resource Library
online at
www.ATJsupport.org

Texas Supreme Court to Hold Hearing on Access to Justice

The Texas Supreme Court will hold a hearing September 8 on the status of civil legal services to the poor in Texas. The Court's first hearing on this topic in 2000 resulted in the creation of the Texas Access to Justice Commission.

In conjunction with this year's hearing, the Court received a report from the Commission on the status of civil legal services to the poor in Texas. The report describes major progress since the creation of the Commission.

Since 2000, Texas has moved from 45th to 42nd in per capita funding for civil legal aid, at the same time as the number of people living in poverty in the state has increased from 3.2 million to 3.7 million.

Significant new sources of funding for legal aid have been developed since 2001. Programs now receive \$2.5 million per year to provide legal aid to victims of crime, including domestic violence. A new fee for out-of-state lawyers who practice in Texas has generated more than \$300,000 in its first year.

Since 2001, Texas attorneys have contributed more than \$3.3 million in voluntary Access to Justice contributions along with their bar dues. A mandatory fee of \$65 imposed by the legislature in 2003 is expected to generate about \$1.75 million annually for civil legal aid and an equal amount for indigent defense.

In 2002, the Commission instituted a student loan repayment program for lawyers working in nonprofit organizations providing direct legal representation to the poor. The program is now funded by the State Bar and administered by the Bar Foundation.

The Supreme Court, at the request of the Commission, has created a task force charged with developing a pro se domestic violence protective order kit. The task force expects to begin distribution by October.

The Commission is currently developing a five-year strategic plan on resource development, based upon a report prepared by a consultant hired by the Commission and the State Bar. Among the recommendations adopted by the Commission are the creation of a legal aid endowment fund, the development of a strategy to increase corporate support for legal aid, and the development of a *cy pres* strategy.

The Commission's full report is available at www.supreme.courts.tx.us and in the Access to Justice Support Project Document Library.

Washington State Task Force Calls for \$18 Million in New Legal Aid Funding

The Washington State Supreme Court's Task Force on Civil Equal Justice Funding has called for an additional \$18,250,000 in annual state funding for civil legal aid. The recommendation is included in the Task Force's final report, entitled "Quantifying the Additional Revenue Needed to Address the Unmet Civil Legal Needs of Poor and Vulnerable People in Washington State."

The Task Force calculated that the resources currently available to address civil legal needs of low-income people equal \$19,000,000. Basing its assessment on a recently issued state civil legal needs study, which determined that more than 75 percent of low-income people in the state needing civil legal help could not obtain any assistance, the Task Force found that an additional \$28,256,000 overall is necessary to address the civil legal needs faced by 140,000 low-income households in the state each year. The Task Force declared that the state has a "fundamental responsibility" to solve the problem and that its appropriate share is \$18,250,000.

The report concluded that general funds rather than court filing fee surcharges or other dedicated funds should be the primary source of increased state funding for equal justice services. It also recommended that all state funds for civil legal aid be appropriated as part of the judicial budget and administered by a separate office of the judicial branch.

The Task Force was appointed by Chief Justice Gerry Alexander in 2001, charged with undertaking a comprehensive study of civil legal needs of low-income people and developing recommendations for long-term and sustained funding for legal assistance. It was chaired by Justice Charles W. Johnson and included representatives of the judiciary, the executive branch, the legislature, legal aid programs, prosecutors and other equal justice stakeholders.

The report is available online at www.courts.wa.gov/newsinfo and posted in the Access to Justice Support Project Document Library.

Excerpts from Congressman John Lewis' riveting speech at the 2004 Equal Justice Conference in Atlanta are available on-line in *Dialogue*, the newsletter of the ABA Division of Legal Services, at www.abalegalservices.org.



Arkansas

ATJ Commission Members Appointed

Members of the newly created Arkansas Commission on Access to Justice have been appointed by the state Supreme Court, Arkansas Bar Association, and Governor Mike Huckabee. Members include a Supreme Court justice, law school dean, trial court judges, bar leaders, legal services staff, a Chamber of Commerce representative, and legislators. The first meeting of the Commission has been set for October.

Delaware

Bar President Calls Legal Aid Funding Top Priority

The Delaware State Bar Association's new president, Robert Young, has identified responding to the legal aid funding crisis as the top priority for his term of office. Delaware's legal services providers are facing a funding deficit of about \$1 million. Last year, the Bar Association established a committee that helped the Combined Campaign for Justice raise \$585,000, which represented a 38 percent increase in giving from the prior year.

Maine

Combined Private Bar Campaign More Than Triples Previous Levels

The Campaign for Justice, a combined private bar fundraising campaign benefiting Maine's six legal aid providers, has already received commitments from some 900 attorneys and judges totaling over \$240,000 to benefit the state's civil legal aid programs. The campaign was conceived in May 2003 at a Resource Development Retreat convened by the Justice Action Group. It replaced six separate fundraising programs that collectively raised about \$65,000 last year. The campaign is based upon personal lawyer-to-lawyer solicitations.

Florida

Specialty License Plates Benefit Legal Aid

Florida is offering "Kids Deserve Justice" specialty license plates to the public to increase legal services to children. The Florida Bar Foundation will distribute the funds to legal aid programs in Florida for the provision of legal services to children in need. The "Kids Deserve Justice" license plates will be available in the fall of 2004.

Mississippi

Pro Hac Vice Fee Yields \$130,000 So Far

The Mississippi Supreme Court has presented the state's two civil legal programs with a total of \$130,000 so far this year from fees charged to out-of-state lawyers to appear before Mississippi courts. The fee was instituted in 2003.

Missouri

Bar Establishes Loan Repayment Assistance Program

The Missouri Bar has established a loan repayment assistance fund that seeks to make it possible for more lawyers to pursue public service careers. The Bar is asking attorneys and their law firms to make contributions to the Missouri Bar Foundation, which will disperse the funds to help defray the costs of law-school loans for qualifying public-interest lawyers. The law firm of Armstrong Teasdale donated the first \$10,000 to launch the fund.

Montana

Bar President-Elect Highlights Access to Justice

In his column in *Montana Lawyer* magazine, Montana State Bar President-Elect Keith Maristuen focuses on Access to Justice issues. He reports that the Bar's trustees have revised the long-range plan for 2004-2005 to call for steps to increase pro bono participation, increase donations to the Montana Justice Foundation, and increase the number and capacity of local pro bono programs. He also reports on the development of a new pro bono program in a remote area of eastern Montana, created in response to the loss of a local legal aid office.

New York

State Bar Association Creates Special Committee on Legal Aid Funding

The New York State Bar Association has created the Special Committee on Funding for Civil Legal Services to explore new and innovative funding sources for civil legal services. One option the committee will consider is trying to secure *cy pres* funds (unclaimed settlement funds from class action lawsuits) for civil legal services programs. The special committee will be co-chaired by C. Bruce Lawrence, past president of the State Bar Association, and Barbara Finkelstein, executive director of Legal Services of Hudson Valley.

Deep South ATJ Leaders Meet, Set Goals and Strategies

Over 20 Access to Justice leaders from Alabama, Arkansas, and Mississippi participated in the Deep South Regional Access to Justice Meeting, held at the Mississippi Bar Center in Jackson on August 20-21. The group included judges, bar leaders, and legal aid and bar staff.

The meeting was organized by the participants in the Deep South Regional Group that has been getting together annually as part at the National Meeting of State Access to Justice Chairs. The August meeting was designed to maintain momentum and provide an opportunity for more extended discussion and technical assistance.

Mississippi Chief Justice Jim Smith opened the meeting. Deborah Hankinson, a member of the ABA Standing Committee on Legal Aid and Indigent Defendants and former Texas Supreme Court Justice and Vice-Chair of the Texas Access to Justice Commission, provided insights based on the Texas experience. Consultants from the Access to Justice Support Project, the ABA Project to Expand Resources for Legal Services (PERLS) and the ABA Center for Pro Bono also participated.

Through a series of plenary sessions and break-out discussion groups, each state delegation identified goals and concrete next steps to further equal justice in the state. The Mississippi group focused on the need for a more formal structure to lead and coordinate a range of initiatives, including private fundraising, increasing IOLTA yields, and increasing pro bono services. The Arkansas group developed plans and set goals for getting the state's new Access to Justice Commission moving. The Alabama delegation focused on options for developing a statewide plan to increase the engagement of private attorneys in delivering civil legal aid.

Save the Date!
2005 Equal Justice Conference
May 5-7, 2005
Austin, Texas

www.equaljusticeconference.org