

IN MEMORIAM**W.O. Bivens Jr.**

Bluefield

April 1924–September 2003

Thomas B. Cantieri

Portsmouth

December 1932–November 2003

Richard Alan Cohn

Arlington

October 1948–November 2003

Robert B. Hood Jr.

Falls Church

August 1927–September 2003

J. Randolph Larrick

Winchester

July 1920–October 2003

Davidson Church Miller

Arlington

March 1914–July 2003

Nina Kilian Peace

Ashland

August 1950–February 2004

Leslie M. Mullins

Norton

April 1917–January 2004

Thomas Kyran Purcell

Jacksonville, Florida

January 1947–February 2004

Roy Morton Tolleson Jr.

Charlottesville

August 1918–February 2004

Richmond's Housing Law Program Turns Fifteen: Hundreds of Lawyers Have Served Thousands of Clients

The Richmond Bar Association's Housing Law Program will celebrate its fifteenth year in 2004, making it, supporters say, one of the longest-running pro bono projects in the United States.

The program, which operates through the Legal Aid Justice Center, pairs indigent people facing housing disputes with trained volunteer lawyers, who see the case through to the end, including appeals if necessary.

The program—founded by Richmond lawyer Thomas G. Slater Jr., and Anne B. Holton, now a Richmond Juvenile and Domestic Relations judge—has become one of the Richmond Bar's flagship programs, said Tara Louise Casey, who chairs the RBA's Pro Bono Services Committee. It receives considerable support, in terms of volunteer lawyers and financial contributions, from Richmond's biggest law firms.

Up to one thousand lawyers have volunteered through the Housing Law Program over the years, serving as many as five thousand clients, said Marcellinus L.M.B. Slag, a Legal Aid Justice Center attorney who oversees the program. The program has contributed to the development of housing law, with one case going as high as the Supreme Court, he said.

Appeals are made possible through a Tenant Appeal Bond Fund, managed through the Greater Richmond Bar Foundation. A person who wants to appeal an eviction to Circuit Court must post a bond of up to six months' rent, Slag said. If the client's attorney, working with Slag, deems that the case has merit, the fund posts that bond—up to \$750—for the client, who then pays the money back in lieu of monthly rent payments.

The fund is particularly helpful to people who live in subsidized public housing, who are at highest risk of becoming

homeless, Slag said. "We have had many cases where, because of that fund, we could appeal."

The volunteer lawyers are given continuing legal education classes that cover landlord-tenant law, federal regulations governing public housing and Section 8 subsidized private housing, and state procedure. The training prepares them for cases that involve failure to pay rent, lease violations, evictions and the avalanche of judgments, attorneys' fees and late fees that drive people into homelessness, Slag said.

The cases don't always involve going to court, Casey said. "Oftentimes, the attorney really just acts as an advocate for the tenant," and can negotiate a settlement with the landlord.

The program won the Richmond Bar Association a Harrison Tweed Award from the American Bar Association in 1991.

Administering the program can be tricky. Potential conflicts are always an issue, with many of the landlords and the Housing Development Authority represented by the firms that supply the volunteers. Slag said the program is trying to recruit more small-firm lawyers and corporate counsel, to expand the pool. Thirty to fifty lawyers work for the program at any one time.

In addition to the service the project provides for the poor, "It's very good . . . for the attorneys themselves and for Legal Aid. The contact between the private bar and Legal Aid enhances both sides incredibly," he said.

More information on the program can be obtained by calling Slag at (804) 643-1086.

—Dawn Chase

Join a Practice Section

For more information and a registration form visit the bar's Web site at www.vsb.org/sections/.

Powell Pro Bono Award Winners Named

Two recipients will share the 2004 Lewis F. Powell Jr., Pro Bono Award.

One, the Fairfax Bar Pro Bono Program, offers an extensive network of legal services to the poor of Northern Virginia. The other, Richmond attorney Stephen A. Northup, has contributed many hours of personal pro bono time and helped his law firm, Troutman Sanders LLP, organize ways to encourage and commend its attorneys for their volunteer work.

The awards, which are made by the Virginia State Bar's Special Committee on Access to Legal Services, will be presented at the Fourteenth Annual Pro Bono Conference, on May 13, 2004, at the University of Richmond School of Law.

The Fairfax program was nominated by Fairfax Circuit Judge Jane Marum Roush and John A.C. Keith, a program volunteer and former VSB president.

In Roush's nomination letter, she outlined the scope of Fairfax's commitment to meeting the legal needs of the poor. Among others, its programs include:

- **A Neighborhood Outreach Program**, which brings basic civil legal services to people where they live: homeless shelters, family resource centers, community centers, a transitional housing program and a nonprofit human service agency. Number of clients served: 349 last fiscal year, at 13 locations.
- **Consumer, Housing and Employment Panels**, which supplement Legal Services of Northern Virginia to help more clients than LSNV could by itself. Clients served: 124 last fiscal year.
- **Continuing Legal Education Classes**, taught by volunteer lawyers and judges to prepare lawyers to serve these programs.
- **A Family Legal Assistance Project**, which steps in to assist those with no

other recourse, especially in contested matters. Volunteers are experienced family law practitioners willing to take on complex issues on behalf of people who would be forced to litigate pro se. Clients served: 34-plus, last fiscal year.

- **A Nonprofit Legal Support Program**, which started by offering informal assistance, and since August 2002, with the help of the Young Lawyers Division of The Virginia Bar Association, matches the skills of transactional attorneys with corporate needs of nonprofits in Northern Virginia. The program employs a part-time administrator. Matches made so far: 20.
- **Wills on Wheels**, through which a group of volunteer attorneys descends on sites serving seniors, and helps clients with end-of-life planning documents. Many of the volunteers are alumni of the September 11th Disaster Relief Project. Clients served so far: 38, at six sites, including all of Fairfax's low-income senior housing.

A full-time director of pro bono activities and a part-time pro bono assistant, supplemented by volunteers, staff these programs.

Northup, nominated by his law firm, has "tirelessly and effectively campaigned to increase Troutman Sanders' delivery of pro bono services by chairing the firm's Pro Bono Committee," according to the nomination letter. "In the past two years, Steve has orchestrated a dramatic change in the firm's dedication to pro bono services."

He convinced the firm to modify its accounting system so it could track attorneys' pro bono hours and he successfully lobbied firm management to hire its first pro bono coordinator. The firm now posts an intranet menu of volunteer opportunities, which lawyers can scan to find pro-

jects that interest them. It also publishes an annual *Pro Bono Report* that gives credit to lawyers for their work.

At Northup's urging, Troutman Sanders reemphasized a policy that encourages its attorneys to donate at least 50 hours to pro bono work. Lawyers who meet that goal are honored at a reception. Pro bono contributions now are a factor in determining compensation.

Meanwhile, in his personal volunteer work, Northup focused, in part, on habeas cases, in state and federal courts.

His best-known case involves a sixty-four-year-old woman sentenced to twenty-two years in prison for a murder. Northup personally devoted many hundreds of hours to the appeal, and enlisted six other Troutman Sanders lawyers to donate time amounting to more than one hundred thousand dollars in services. The verdict was set aside after a federal district judge determined the client had not received fair trial, and the prosecution dropped the case.

He also has served on the boards of Housing Opportunities Made Equal—for whom he "undertakes the monumental task of reviewing all potential fair-housing lawsuits proposed by HOME staff," according to the nomination letter—and Virginians for Alternatives to the Death Penalty.

—Dawn Chase

Free and Low-cost Pro Bono Training



Visit the Pro Bono page on the VSB Web site for free and low-cost pro bono trainings and volunteer opportunities:

www.vsb.org/probono/

Kennedy to Receive Oliver Hill Law Student Pro Bono Award

Mark S. Kennedy, a Washington and Lee University law student, has won the Oliver White Hill Student Pro Bono Award.

The Hill Award is bestowed by the Virginia State Bar Special Committee on Access to Legal Services, and recognizes extraordinary achievements of outstanding students in the pro bono arena. It will be presented at the Fourteenth Annual Pro Bono Conference, on May 13, 2004, at the University of Richmond School of Law.

During Kennedy's first summer in law school, he worked for the D.C. Prisoners' Legal Services Project. While there, he met with inmates to discuss medical issues, concerns about constitutionality of their incarceration and remedy procedures, according to the nomination letter from Elizabeth K. Peck, director of career services at Washington and Lee.

For that effort, Kennedy worked 344 hours and received a five-hundred-dollar stipend

from the project. "He advocated on behalf of prisoners in letters to prison administrators. He also contributed to PLSP's mission by drafting an extensive memorandum on the constitutionality of the District of Columbia's child custody statute," the nomination letter states.

Subsequently, Kennedy worked for a stipend for a public interest firm in New York City. At Washington and Lee he volunteered for many projects, including serving as the university's National Lawyers Guild chapter president, raising money for AIDS awareness and working with recycling efforts. He also organized a new campus initiative, "Men of Action," to raise awareness about violence against women.

"We at W&L could not be more proud of Mark's efforts," Peck wrote. "Only when I pressed did he really let me know just how much work he has done. In a crowded room he is not the first person

you spot; he's the guy who is quietly getting the work done while others talk.

"To honor someone who seeks to do good because it is the right thing to do, rather than because he may be later recognized, seems, to me, the best use of your award."

66th Annual Meeting

Virginia Legal Aid Award Luncheon

**Friday, June 18
12:30 P.M.**

**Cavalier Oceanfront Hotel
Virginia Beach**

The Access to Legal Services Committee and Attorneys Liability Protection Society (ALPS) will sponsor a luncheon at the VSB Annual Meeting that will include informative discussions, the annual Legal Aid Award and much more. *Fee: \$10 per ticket. Space limited.*

Annual Meeting program brochures with registration forms will be mailed and available online at www.vsb.org by mid-April.

VBA Launches Community Service Initiative

The Virginia Bar Association, a statewide voluntary bar association, has developed a Community Service Program to identify volunteer opportunities and promote involvement in pro bono publico legal service and community service. It will recognize attorneys for contributions that reach or exceed 50 hours annually. The program is open to all Virginia lawyers, not just VBA members.

The program joins a number of others sponsored by bar groups to offer lawyers opportunities to contribute their skills.

The initiative, launched in January, is led by Senior Justice Harry L. Carrico of Richmond; Alfred M. Randolph, Jr., of Norfolk; and a council of lawyers from across the state.

For more information and enrollment in the program call (804) 644-0041, or visit the VBA Web site at www.vba.org/comserprog.htm.

The VSB Special Committee on Access to Legal Services
Invites you to the
14TH ANNUAL
VSB PRO BONO CONFERENCE
Thursday, May 13, 2004
at The University of Richmond School of Law

held in conjunction with
The Annual Juvenile Law & Education Seminar*
Friday, May 14, 2004

Co-sponsored by the
Virginia Public Defender Commission, the University of Richmond School of Law, and
the Mid-Atlantic Juvenile Defender Center

(*Registrations are separate for the Thursday and Friday events;
detailed brochures and forms are online for both at www.vsb.org/probono)

THURSDAY, MAY 13—VSB PRO BONO CONFERENCE (PBC)

- 1:00–2:30 P.M.** General Session (Ethics): Interact with presenters while you preview drafts of rules and a new report on **Unbundled Legal Services**. Moderated by Robert J. Stoney, Chair, VSB Access Committee with Barbara J. Balogh, Assistant Ethics Counsel, et al.
- 2:30–3:00 P.M.** Follow-up Questions and a Networking Coffee Break
- 3:00–5:30 P.M.** **PBC BREAKOUT SESSIONS** (choose one)
- A. Child Custody Nuts & Bolts**, with Glenn C. Lewis, Esq.
Join this interactive session to help fine-tune a curriculum for possible statewide application. GAL Credit pending.
 - B. Legal Assistance for Military Personnel**. Hear about legal assistance programs for National Guard and Reserve members and help VSB document current and emerging gaps in services for this special population.
- 7:30–9:00 P.M.** **PRO BONO AWARD CEREMONY & RECEPTION MODERATED BY VSB PRESIDENT JEANNIE P. DAHNK AND HONORING:** Stephen A. Northup, Esq. (Troutman Sanders—Richmond) and the Volunteer Attorneys of the Fairfax Bar Pro Bono Program—with the Lewis F. Powell, Jr., Pro Bono Award, and Mark S. Kennedy (Washington & Lee University)—with the Oliver W. Hill Law Student Pro Bono Award.

*Call VSB at (804)775-0548 for information about special accommodations.
Multiple GAL and MCLE Credits are Pending Approval.

Community Tax Law Project Assists Victims of Tax-Related Identity Theft

by Elaine M. Javonovich

As incidents of identity theft continue to grow across the nation, the Community Tax Law Project (CTLTP) has experienced an increase in the number of taxpayers seeking assistance with tax-related issues stemming from identity theft. CTLTP is a statewide tax clinic established in 1992 to provide low-income Virginians with pro bono legal representation in federal, state and local tax disputes.

The tax repercussions of identity theft typically become apparent after the return is filed and the Internal Revenue Service contacts the taxpayer because of unreported income.

One such case handled by CTLTP involved a young taxpayer with the equivalent of a high school education who lost his wallet. During 2001, the taxpayer worked for two different employers and filed his federal income tax return correctly. After he filed his 2001 federal income tax return, the IRS notified the taxpayer that he was responsible for additional income taxes because two other employers had also reported earnings under his Social Security number for the same taxable year. The taxpayer filed a petition with the U.S. Tax Court and contacted the Community Tax Law Project for assistance. CTLTP agreed to represent him before the U.S. Tax Court. They assisted him in gathering the necessary records from his other employers that ver-

ified he could not have possibly worked the additional jobs reported under his Social Security number. The Tax Court matter was resolved successfully, with the IRS conceding the case in full.

In addition to assisting individuals with tax-related identity theft, CTLTP accepts cases for Virginia's indigent and working poor at all stages of tax controversy, including examinations, appeals, refund claims, litigation in the U.S. Tax Court and tax collections cases, including Collection Due Process Hearings and offers-in-compromise. Special initiatives include educational outreach and representation of participants in welfare-to-work programs and taxpayers who speak English as a second language. CTLTP also assists victims of domestic abuse in matters involving the collection of joint tax debts. Taxpayers with income at or below 250 percent of the federal poverty level (currently \$46,000 for a family of four) are eligible for CTLTP's services.

A pro bono panel of volunteer attorneys and accountants forms the heart and soul of CTLTP's program. Without the help of these volunteers, CTLTP would not have been able to provide assistance to the approximately four hundred taxpayers who contacted the project in 2003. CTLTP has a wide range of resources available to its volunteers, including back-up technical



Community Tax Law Project Executive Director Elaine M. Javonovich and CTLTP staff attorney Flora T. Hezel.

support from CTLTP staff attorneys and board members, training materials and mentoring. CTLTP also provides malpractice insurance coverage to all members of its pro bono panel.

To learn more about this nationally recognized program, or to volunteer to become a member of CTLTP's pro bono team, please contact the CTLTP at (804) 358-5855 or e-mail ej@ctlp.org.

Elaine Javonovich was appointed executive director of the Community Tax Law Project in December 2003. She began working for CTLTP as the pro bono coordinator in July 1999.

LEGAL SERVICES CORPORATION Notice of Availability of Competitive Grant Funds for Calendar Year 2005

The Legal Services Corporation (LSC) announces the availability of competitive grant funds to provide civil legal services to eligible clients during calendar year 2005. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. A listing of those service areas for each state, and the estimated grant amounts are included in Appendix-A of the Request for Proposals (RFP). The RFP and other information pertaining to the LSC grants competition will be available at www.ain.lsc.gov April 23, 2004. **Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process. Please refer to www.ain.lsc.gov for filing dates and submission requirements. The NIC is available from the RFP.** Please e-mail competition inquiries to Competition@lsc.gov.