

**SPECIAL COMMITTEE ON ACCESS TO LEGAL SERVICES**

*Glenn C. Lewis, Chair*

**General Assembly and Other Funding for Civil Legal Services**

A number of committee members, including the chair, worked, as individuals, with the Legal Services Corporation of Virginia (LSCV) and others to encourage passage of a budget amendment to raise civil case filing fees \$1 per case. The implemented user fee will help fund civil legal services in Virginia through monies appropriated to the Virginia State Bar for LSCV grantees. This is expected to result in increased funding in the neighborhood of \$800,000 per year over the biennium—a sum that, given the seven percent hike in Virginia’s poverty population recorded by the 2000 census, should help barely maintain service levels. Members of the committee have been working at the local and regional levels on successful fund-raising campaigns for legal services, with some of the initial efforts, especially in Richmond, Charlottesville and Northern Virginia producing notable results.

**2000 Census Data: Implications for Virginia**

The civil legal services programs in Virginia and, for the most part, nationally, were involved in a merger and reconfiguration process over the past several years. These developments were promoted by the national Legal Services Corporation (LSC) across the country as it tied federal funding of local programs to intensified state planning and reconfiguration efforts. In the Commonwealth, the process was also supported by the LSCV. Virginia now has six federally-funded “restricted” programs and seven less restricted programs that receive funding from the state and a variety of other sources, including in-kind assistance from a religious order, as well as private foundations. Of the 13, all are licensed by the Virginia State Bar and, consequently, subject to VSB oversight and annual reporting requirements. Year 2000 census indicates geographic shifts in poverty population concentrations. Increases have been documented for Northern Virginia, the New River Valley and the northern reaches of the Shenandoah Valley. Population decreases have been documented for Southwest Virginia and for Hampton Roads, Southside and the Roanoke Valley. Long-range adjustments in the targeted distribution of federal funds will be made to accommodate these population shifts.

**Pro Se Initiative**

Members of the committee, including the chair, were active participants in the Task Force to Study the Needs of Pro Se Litigants, a broad-based group sponsored by the Supreme Court of Virginia. The task force will release a report this fall and will consider incrementally implementing recommendations as funds become available. The Richmond Bar Association Pro Bono Committee is coordinating the preparation of model brochures for pro se litigants on both sides of certain disputes. For example, in the area of landlord-tenant law, the handouts are being drafted by an inclusive committee of volunteer authors—those with ties to the low-income client community, as well as those with ties to landlords and other commercial interests.

The effort has been designed to dovetail with the work of the Court’s study group. And, it is certainly consistent with language encouraging public service collaborations between the court and bar associations as found in the council’s 1999 Resolution to Enhance Pro Bono Publico.

The Richmond Bar Association published its biannual pro bono newsletter, the *Metro Richmond Pro Bono Advocate*. It also revised the charter of its foundation to broaden its mission to encompass the interests of bar associations in the metro region. The foundation, now known as the Greater Richmond Bar Foundation, received an Award of Merit from the VSB’s Conference of Local Bar Associations in June for its Nonprofit Pro Bono Clearinghouse, a project to assist 501(c)(3)s.

I am pleased to report that this type of locally-generated lateral outreach to address unmet regional needs is occurring in other parts of the Commonwealth, including Northern Virginia.

**Limited Practice Certificates for Public Interest and Military Lawyers**

The committee reviewed the recent proposal from the Military Law Section, as adopted by the council, that would allow a trial court and tribunal limited practice exception for civilian and military lawyers aiding low-income individuals. It also conditions exceptional membership on the attorneys, licensed in other states, retaining their original active and good-standing status while stationed at base legal assistance offices in Virginia.

The committee is also aware that a number of additional special interests are likely to renew previous requests (corporate in-house counsel) or seek special consideration from the council under other limited practice exceptions (senior lawyers, etc.) in the near future. In June, the council rejected a proposed rule to permit MDPs. That rule, if it

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had been adopted by the council and approved by the Court, would have aided nonprofit (non-legal aid) interdisciplinary legal services providers, by helping to legitimize their standing. Developments in several directions, including “unbundled” legal services, pro se, community education, and exceptional practice will be closely followed by the committee.

### **Regulations Governing Licensed Legal Aid Societies—Unfinished Business**

To monitor developments in the area of expanded legal services, the committee will review the legal aid licensing statute and companion regulations. The committee is researching issues and may recommend to the council changes to the law. These would more closely resemble the range of legal services as well as better protect the public's interests.

### **Pro Bono Conference and 2002 Awards**

The Pro Bono Conference was held in Williamsburg at The College of William & Mary Marshall-Wythe School of Law. More than 130 attorneys and paralegals attended. During the conference's award ceremony, Donald T. Floyd and Réco A. Thomas received, respectively, the Lewis F. Powell, Jr., Pro Bono Award and the newly inaugurated Oliver W. Hill Law Student Pro Bono Award. At the legal aid award luncheon, held during the bar's annual meeting in June, David D. Beidler, an 18-year veteran staff attorney was honored for his extraordinary trail and dispute resolution work on behalf of individuals with disabilities.

