

SPECIAL COMMITTEE ON ACCESS TO LEGAL SERVICES

Robert J. Stoney, chair

This is my last annual report as chair of this committee. I will miss the dedication, energy and iron will of the Access to Justice Committee. The members and staff of this committee are the most dedicated, committed and effective group with whom it has been my pleasure to serve.

On behalf of the committee, I am pleased to share the following developments:

Special Subcommittee on Discrete Task Representation (Unbundled Legal Services for *Pro Se* Litigants)

The committee thanks the VSB Standing Committee on Legal Ethics and its staff—notably James M. McCauley—for edits to and final approval of the Access Committee's proposed amendments to three rules covering unbundled legal services: Supreme Court Rule 1:5, and Rules 1.2 and 4.2 of the Rules of Professional Conduct. The amendments were unanimously endorsed by the Virginia State Bar Council and referred to the Supreme Court of Virginia. The Court deferred action on the request for adoption, pending analysis by its own Commission on Virginia Courts in the Twenty-First Century: To Benefit All, To Exclude None (the "Futures Commission"). After reviewing all material, the commission concurred that "[t]he unbundling of legal services should be permitted" (Recommendation 2.30, pp. 48-49, re Vision 1), pursuant to its published *Preliminary Recommendations*.

The committee is optimistic that the Court will approve a concept of discrete task representation similar to the recommendations approved by the VSB Council.

Awards

Last year, inspired by retired Judge Dale H. Harris and with the assent and support of the VSB Council and Virginia Chief Justice Leroy R. Hassell Sr., the VSB instituted a pilot project at the judicial circuit level to honor appointed counsel for their service to the Virginia justice system. The committee reviewed nominations and worked with local bars and members of the judiciary to see that the inaugural awards were presented in local formal ceremonies in three circuits—the fourth, twenty-fourth and thirtieth. Attorneys commended for their in-court pro bono and public service work were Michelle J.L. Atkins of Norfolk, John Randolph "Randy" Nelson of Lynchburg, and Melanie L. Jorgensen of Jonesville. The committee anticipates that five or six awards will be presented during the next year of the pilot phase.

The committee was again awed and humbled by the number of well-deserving nominees for its annual Lewis F. Powell Jr. Pro Bono Award, many of whom have devoted decades of service to the community and bar to improve access to the courts and justice with no expectation of recognition. The committee was pleased to recognize one such bar member, David P. Baugh of Richmond, for his courageous and tireless work in civil rights and Bill of Rights advocacy.

Equally humbling was the committee's attempt to single out one legal aid lawyer to honor with the Virginia Legal Aid Award. Over the course of the last several years, the committee has been privileged to review an embarrassment of candidates, all of whom eschewed lucrative private practices to dedicate themselves to public service to the poor and disadvantaged. One extraordinary lawyer, Jill A. Hanken of Richmond, was chosen to receive this prestigious award in 2006.

Of the many incredible law students who have dedicated their law school experience to helping the disadvantaged, the committee was proud to award the Oliver W. Hill Law Student Pro Bono Award to University of Virginia law student Ryan T. Almstead.

Conference Planning

The 2006 Annual VSB Pro Bono & Access to Justice Conference was held April 26th in Charlottesville at the University of Virginia's Miller Center of Public Affairs. A continuing legal education program, "All-Hazards Preparedness Through the Prism of Public Interest Law," featured an ethics session on client record preservation and business continuity planning, as well as post-Katrina remarks on volunteer opportunities in the Gulf Coast region and a presentation by young lawyers engaged in VSB/Virginia Bar Association Disaster Legal Services in Virginia. The committee particularly appreciated the attendance at the conference of Thomas M. Diggs, assistant to the chair of the futures commission.

Funding Alternatives

The committee is very appreciative of support from the VSB Council and Committee on Budget & Finance for our recommendation that the VSB set aside \$50,000 as a line item in the bar's 2007 budget to help legal aid attorneys and Legal Services Corporation of Virginia (LSCV) grantees comply with bar dues, mandatory continuing legal education and other VSB reporting requirements. The proposal, developed as an alternative to a bar dues donation check-off, is pending final action by the Supreme Court of Virginia.

Proposed Revisions: Legal Aid Licensing Regulation and Court Emeritus Rule

The access committee's Subcommittee on Independent Service Providers, under the able leadership of Elizabeth J. Atkinson, met extensively over the past year to reach consensus on proposed amendments to the legal aid licensing regulation and to companion provisions in the Court's Emeritus Rule that deal with approved legal assistance organizations. The full committee was to review these recommendations for possible preliminary approval at its July 28, 2006, organizational meeting.

Legal Needs Oversight

The Virginia Law Foundation (VLF) and LSCV jointly funded a study, under a grant application submitted to VLF by the VSB and The Virginia Bar Association Foundation, on civil legal needs of low-income Virginians. The Subcommittee on Legal Needs Oversight named one of its members, Barbara A. Ziony, as a liaison to work with grantees of LSCV on adjustments to the legal needs assessment's landline telephone survey instrument. Data has been collected by the commercial vendor on the project, and an analysis of the results is expected before the end of the calendar year.

VSF Indigent Defense Task Force

The VSB Indigent Defense Task Force was established in 2004 to operate under the auspices of the bar's Access Committee. An update on its goals and activities may be found elsewhere in the *68th Annual Report*.

Legal Aid Board Appointments: Appreciation for Judicial and Local Bar Input

We thank members of the judiciary and local bar leaders who generously continue to consult on appointments to the boards of directors of licensed local legal aid societies.

