IN THE SUPREME COURT OF FLORIDA

CASE NO. _____

MATTER OF INCREASING THE AVAILABILITY OF LEGAL SERVICES FOR THE POOR AND PROVIDING GREATER ACCESS TO THE COURTS	))))) /

APPENDIX TO PETITION OF OVER 50 ACTIVE MEMBERS OF THE FLORIDA BAR TO AMEND THE RULES REGULATING THE FLORIDA BAR REGARDING MEMBERSHIP FEES

TAB	DESCRIPTION
1.	*2013 Mandatory Licensing Fee Schedule*, HAWAII BAR ASSOCIATION, *available at* http://hsba.org/resources/8/2013%20Renewal%20Registration/Mandatory%20Licensing%20Fee%20Schedule%20and%20Chart%202.pdf.
2.	Alemayehu Bishaw, *Poverty: 2000 to 2012, American Community Survey Briefs*, U.S. CENSUS BUREAU (September 2013), *available at* http://www.census.gov/prod/2013pubs/acsbr12-01.pdf.
3.	*Colorado Supreme Court authorizes transfer of surplus attorney registration funds to Colorado Legal Services*, COLORADO JUDICIAL BRANCH (May 11, 2012), *available at* http://www.courts.state.co.us/Media/Press_Docs/SC%20Atty%20Reg%20Funds%20to%20CLS%20FINAL.pdf.
4.	*Facing devastating cuts to legal aid, Foundation turns to lawyers*, THE FLORIDA BAR NEWS (March 1, 2012), *available at* https://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/cb53c80c8fabd49d85256b5900678f6c/7969f01c479af6cb852579aa004ba295!OpenDocument.
5.	FLORIDA REAL ESTATE STATISTICS AND FORECLOSURE TRENDS SUMMARY – REALTYTRAC REAL ESTATE, http://www.realtytrac.com/statsandtrends/foreclosuretrends/fl (last visited December 11, 2013).

TAB	DESCRIPTION
6.	*Foundation grantees brace for cuts*, THE FLORIDA BAR NEWS (April 30, 2013), *available at* https://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/cb53c80c8fabd49d85256b5900678f6c/2b6f54fef567076085257b550044d60b!OpenDocument.
7.	*Illinois Supreme Court Increases Registration Fees for Attorneys to Help Fund Legal Services for Poor,* SUPREME COURT OF ILLINOIS (June 5, 2012), *available at* http://www.iardc.org/pressreleases/pressrelease_2012_06_05.pdf.
8.	Kathleen Baydala Joyner, *State Bar Task Force Mulls Increase In Fees*, DAILY REPORT (Oct. 16, 2013), *available at* http://www.dailyreportonline.com/PubArticleDRO.jsp?id=1202623723380&State_Bar_Task_Force_Mulls_Increase_In_Fees#ixzz2lnrUlAam.
9.	Kim MacQueen, *Pro bono goes stagnant*, THE FLORIDA BAR NEWS (January 1, 2009), *available at* https://www.floridabar.org/DIVCOM/JN/JNNews01.nsf/8c9f13012b96736985256aa900624829/dc64c1e177b1e80d85257524006acaa0?OpenDocument.
10.	*Lack of Legal Aid Leaves Poor in Dire Straits*, DAYTONA BEACH NEWS JOURNAL (Sept. 19, 2012), *available at* http://www.news-journalonline.com/article/20120919/opinion/309189954.
11.	LEGAL SERVICES CORPORATION, REPORT OF THE PRO BONO TASK FORCE (Oct. 2012), *available at* http://www.lsc.gov/sites/default/files/LSC/lscgov4/PBTF_%20Report_FINAL.pdf.
12.	Nabanita Pal, *Cuts Threaten Civil Legal Aid*, BRENNAN CENTER FOR JUSTICE (April 22, 2011), *available at* http://www.brennancenter.org/analysis/cuts-threaten-civil-legal-aid.
13.	News Release, *Annual Registration Fee for Lawyers to Increase*, ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS (Apr. 2, 2009), *available at* http://www.pabar.org/public/probono/Annual%20Registration%20Fee%20for%20Lawyers%20toIncrease.pdf.

TAB	DESCRIPTION
14.	*"Now" campaign brings in $92,000*, THE FLORIDA BAR FOUNDATION (Summer 2012), *available at* http://www.flabarfndn.org/about/news-publications/newsletter/thanks-now.aspx.
15.	Order dated November 8, 2013, re: Rules 6.01 and 6.07, Supreme Court of Missouri (en banc), *available at* http://www.courts.mo.gov/sup/index.nsf/d45a7635d4bfdb8f8625662000632638/e6f6479177adbc3386257c1d005644fb?OpenDocument.
16.	Order Extending Increase in Lawyer Registration Fees, State of Minnesota Supreme Court, ADM10-8002 (formerly C9-81-1206) (March 2, 2011), *available at* http://www.mncourts.gov/Documents/0/Public/Clerks_Office/2011-03-02%20Lawyer%20Reg%20Amendments.pdf.
17.	*Reporting of Pro Bono Service*, AMERICAN BAR ASSOCIATION, http://apps.americanbar.org/legalservices/probono/reporting/pbreporting.html#Florida (last visited December 4, 2013).
18.	THE FLORIDA BAR FOUNDATION, 2011-12 ANNUAL REPORT, *available at* http://flabarfndn.org/about/news-publications/documents/2011-12-annual-report_002.pdf.
19.	THE FLORIDA BAR FOUNDATION, 2012-13 ANNUAL REPORT, *available at* http://flabarfndn.org/about/news-publications/annual-report/2013/documents/2012-13AR_004.pdf.
20.	THE FLORIDA BAR FOUNDATION, ANNUAL REPORT OF THE FLORIDA BAR FOUNDATION'S LEGAL ASSISTANCE FOR THE POOR GRANT PROGRAM 2012, *available at* http://www.flabarfndn.org/grant-programs/documents/2012FBFLAPOverview.pdf.
21.	*The Legal Profession – Attorney Registration: Registration FAQS, New York State Courts*, http://nycourts.gov/attorneys/registration/faqs.shtml#open (select link for registration requirements for attorneys) (last visited Dec. 6, 2013).

TAB	DESCRIPTION
22.	*Trial Lawyers and Family Law sections each give $75,000 to alleviate cuts to children's legal services programs*, THE FLORIDA BAR FOUNDATION (Spring 2012), *available at* http://www.flabarfndn.org/about/news-publications/newsletter/section-gifts.aspx.

TAB 1

2013 MANDATORY LICENSING FEE SCHEDULE

Member Status	Mandatory Fees Collected					Pro Hac Vice	
	HSBA	Processing	DB	LFCP	AAP	Admin Fee	TOTAL
Active (Private Practitioner/In House Counsel)							
1-4 years of practice (admitted 2010-2013)	$ 150.00	$ 10.00	$ 120.00	$ 15.00	$ 34.00		**$ 329.00**
5+ years of practice (admitted 2009 & earlier)*	$ 210.00	$ 10.00	$ 220.00	$ 30.00	$ 34.00		**$ 504.00**
Born during or before 1942	$ 150.00	$ 10.00	$ 220.00	$ 30.00	$ 34.00		**$ 444.00**
Government							
1-4 years of practice (admitted 2010-2013)	$ 150.00	$ 10.00	$ 120.00		$ 34.00		**$ 314.00**
5+ years of practice (admitted 2009 & earlier)*	$ 210.00	$ 10.00	$ 220.00		$ 34.00		**$ 474.00**
Born during or before 1942	$ 150.00	$ 10.00	$ 220.00		$ 34.00		**$ 414.00**
Judge							
Born after 1942	$ 200.00	$ 10.00			$ 34.00		**$ 244.00**
Born during or before 1942	$ 150.00	$ 10.00			$ 34.00		**$ 194.00**
Inactive (Voluntary/Pro-Bono)							
Born after 1942	$ 90.00	$ 10.00	$ 35.00		$ 18.00		**$ 153.00**
Born during or before 1942	$ -	$ -	$ -		$ -		**$ -**
Affiliate	$ 90.00	$ 10.00					**$ 100.00**
Foreign Law Consultant	$ 210.00	$ 10.00	$ 250.00		$ 34.00		**$ 504.00**
Pro Hac Vice		$ 10.00	$ 600.00			$ 150.00	**$ 760.00**

***** The year in which a member was **admitted to any bar** is counted as a full year. Thus all members **first admitted to any bar in 2009** will be in their **fifth year of practice** in 2013.

****INACTIVE** members **(born during or before 1942)** need not pay any fees but need to return completed forms.

GENERAL DESCRIPTION OF RELATED ENTITIES

DISCIPLINARY BOARD (DB): The Disciplinary Board, governed by RSCH Rule 2, is responsible for investigating and disciplining certain types of misconduct on the part of attorneys practicing law in this State. All active (except Judges) and inactive members must pay this fee.

LAWYERS' FUND FOR CLIENT PROTECTION (LFCP): The Lawyers' Fund For Client Protection, governed by RSCH Rule 10, provides a source of relief for clients who have lost money or other property as a result of the dishonest conduct of an attorney in the practice of law.

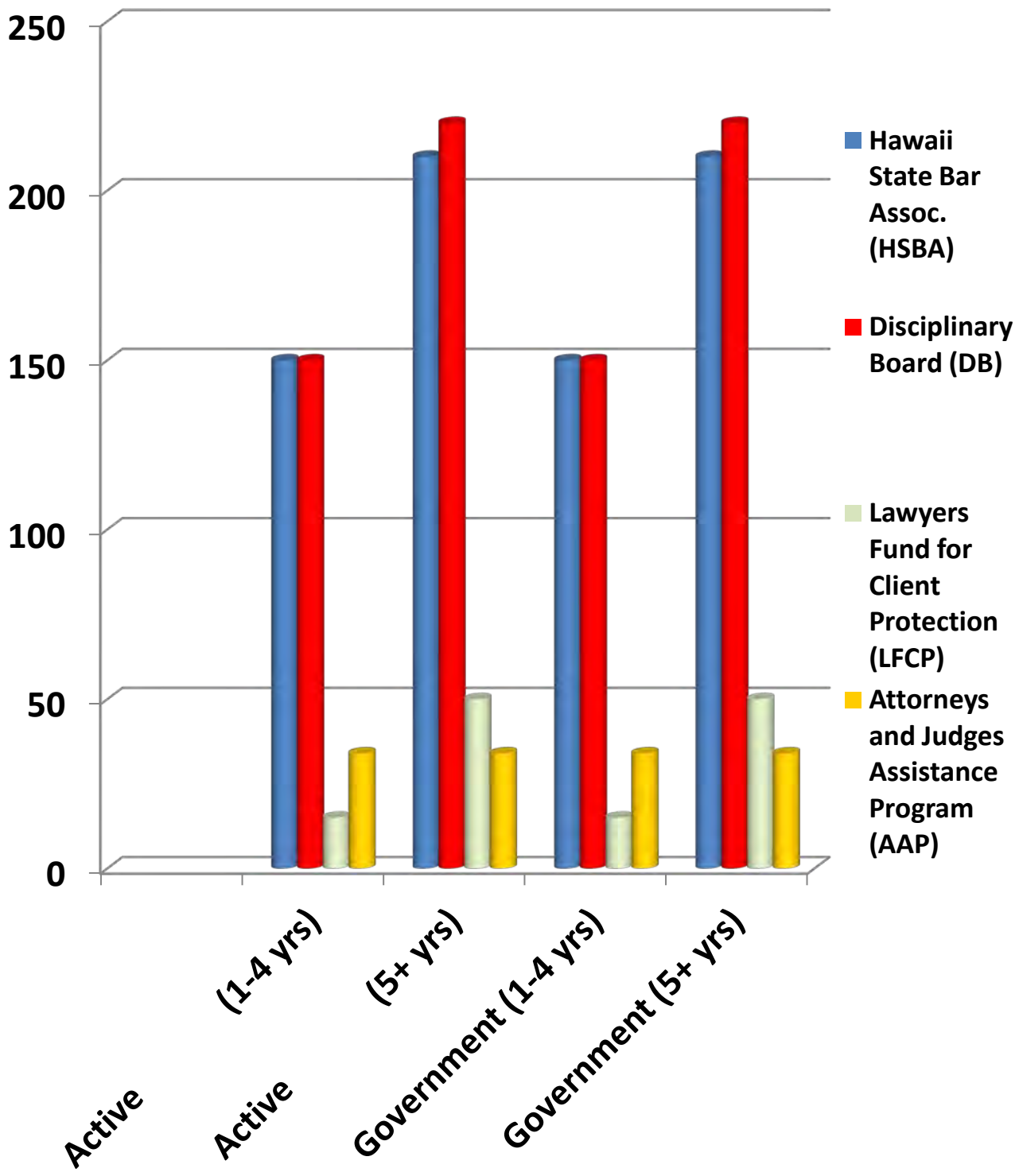
ATTORNEYS AND JUDGES ASSISTANCE PROGRAM (AAP): The Attorneys and Judges Assistance Program , governed by RSCH Rule 16, provides immediate and continuing assistance to Hawaii attorneys and judges who suffer from problems, disabilities or impairment due to substance abuse, physical or mental illness, stress or any other reason which affect their professional performance. All active and inactive members including judges and government members must pay this fee.

VOLUNTEER LEGAL SERVICES HAWAII (VLSH) VOLUNTARY CONTRIBUTION**:** Volunteer Legal Services Hawaii is a 501(c)3 entity founded by the HSBA to provide legal services to low-income individuals and worthy non-profits through pro bono volunteer attorneys. It serves as a clearinghouse in The "negative dues checkoff" is calculated as part of dues/fees to encourage support of this organization which provides much needed services to our community. The suggested amount is $75, you may give a greater or lesser amount or choose to make no contribution at all.

CIVIC EDUCATION PROGRAM VOLUNTARY CONTRIBUTION: The HSBA through its Civic Education Committee will provide support for public and private school and community activities and programs in civic education. The Hawaii Judiciary History Center and the HSBA through this Committee are planning teacher workshops focused on preparation of lessons in civic education for public and private school classrooms. As a result of cutbacks in the federal budget, the Judiciary History Center is no longer funded by the Center of Civics Education. Voluntary contributions of the members will directly fund these civic educaiton programs. A donation of $20 is suggested. You may give a greater or lesser amount or choose to make no contribution at all.

lsc/pms 11/20/12

2013 Mandatory Licensing Fee Schedule



TAB 2

Poverty: 2000 to 2012

American Community Survey Briefs

By Alemayehu Bishaw
Issued September 2013
ACSBR/12-01

INTRODUCTION

The poverty rate is an economic indicator that measures the percentage of people with income below the poverty threshold. Federal and state governments use these estimates in funding formulas to allocate funds to local communities. Local communities often use these estimates to identify the number of individuals or families eligible for various programs.

This report uses data from the 2000 to 2012 American Community Surveys (ACS) to examine trends in poverty rates for the nation, states, and the District of Columbia.[1] The report also analyzes the distribution of people by income-to-poverty ratios for the nation, states, and the District of Columbia over this period. In addition, this report discusses the current poverty rates for metropolitan statistical areas with large populations.

HIGHLIGHTS

- For the first time since 2007–2008, the ACS poverty rate for the nation did not change between 2011 and 2012.[2]
- The number and percentage of people in poverty did not change in 43 states and the District of Columbia between 2011 and 2012.
- Nationally, between 2000 and 2012, the percentage of people in poverty increased from 12.2 percent to 15.9 percent, while the number of people in poverty increased from 33.3 million to 48.8 million.
- Both the number and percentage of people in poverty increased in 44 states between 2000 and 2012.
- The percentage of people in the United States with income below 50 percent of the poverty thresholds grew from 5.0 percent in 2000 to 7.0 percent in 2012. Over this period, the percentage of people with income below 125 percent of the poverty thresholds grew from 16.5 percent to 20.8 percent.
- Among the largest 25 metropolitan areas, poverty rates in 2012 ranged from 8.4 percent to 19.0 percent.

The estimates contained in this report are based on the 2000 to 2012 ACS. Since 2005, the ACS has been conducted every month with income data collected for the 12 months preceding the interview. Since the survey is continuous, adjacent ACS years have some income reference months in common. Therefore, comparing the 2011 ACS with the 2012 ACS is not an exact comparison of the economic conditions in 2011 with those in 2012 and comparisons should be interpreted with care.[3] For more information on the ACS sample design and other topics, visit <www.census.gov/acs/www>.

[1] The data for 2000 were obtained from the Census 2000 Supplementary Survey (C2SS), which was the demonstration stage of the ACS. The C2SS was designed to provide accurate estimates for housing units and the population for the 50 states and the District of Columbia based on a sample of approximately 890,000 housing units. This sample did not include people in group quarters. In this report, the C2SS is referred as the 2000 ACS. For more information on the accuracy of the data see <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/accuracy00_C2SS.pdf>.

[2] Following the standard specified by the Office of Management and Budget (OMB) in Statistical Policy Directive 14, data from the Current Population Survey Annual Social and Economic Supplement (CPS ASEC) are used to estimate the official national poverty rate. For more information, see notes at the end of this report.

[3] For a discussion of this and related issues, see Hogan, Howard, "Measuring Population Change Using the American Community Survey," *Applied Demography in the 21st Century*, eds. Steven H. Murdock and David A. Swanson, Springer Netherlands, 2008.

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
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POVERTY 2011 TO 2012

Table 1 shows the number and percentage of people in poverty for the United States and Puerto Rico for 2011 and 2012. In 2012, about 48.8 million people or 15.9 percent of the U.S. population had income below their respective poverty level. After four consecutive years of increases, the number and the percentage of people with income below the poverty level did not change between 2011 and 2012.

During this period, poverty rates did not change for 45 states and the District of Columbia. In three states (California, Mississippi, and New Hampshire), both the number and the percentage of people in poverty increased. In New Jersey and Wyoming, the number of people in poverty increased. In Minnesota and Texas, the percentage of people in poverty declined.

Figure 1 displays the range of poverty rates across the 50 states, the District of Columbia, and Puerto Rico using the 2012 ACS and the Puerto Rico Community Survey. The estimated 2012 poverty rates ranged from a low of 10.0 percent for New Hampshire to a high of 24.2 percent for Mississippi.[4] Among the states, poverty rates were the lowest in New Hampshire (10.0 percent), Alaska (10.1 percent), Maryland (10.3 percent), Connecticut (10.7 percent), and New Jersey (10.8 percent), while the rate for Mississippi (24.2 percent) was the highest, followed by the rate for New Mexico (20.8 percent).

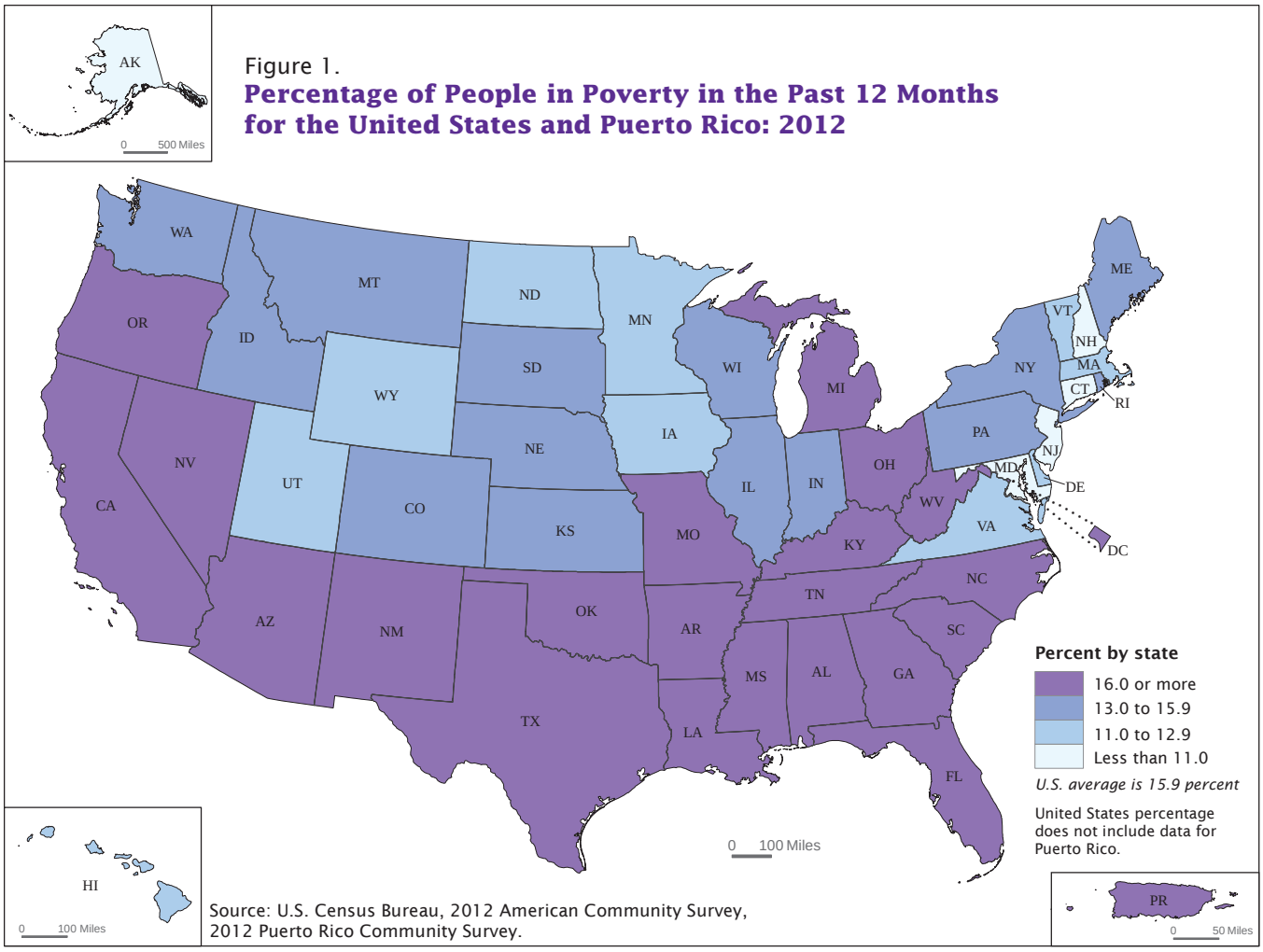
For Puerto Rico, the number of people with income below poverty level declined from 1.67 million in 2011 to 1.63 million in 2012. The change in the percentage of people in poverty was not statistically significant.

POVERTY 2000 TO 2012

According to the 2000 ACS, about 33.3 million people or 12.2 percent of the U.S. population had income below their respective poverty level. In 2012, the number of people in poverty increased to about 48.8 million people or 15.9 percent

[4] The poverty rates for New Hampshire, Alaska, Maryland, and Connecticut were not statistically different from each other. The poverty rates for New Hampshire, Alaska, Connecticut, and New Jersey were not statistically different from each other.

Figure 1.
Percentage of People in Poverty in the Past 12 Months for the United States and Puerto Rico: 2012



Source: U.S. Census Bureau, 2012 American Community Survey, 2012 Puerto Rico Community Survey.

Table 1.

Number and Percentage of People in Poverty in the Past 12 Months by State and Puerto Rico: 2011 and 2012

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/acs/www/Downloads/ACS/accuracy2012.pdf*)

Area	Below poverty in 2011				Below poverty in 2012				Change in poverty (2012 less 2011)			
	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)
United States	**48,452,035**	**234,166**	**15.9**	**0.1**	**48,760,123**	**231,580**	**15.9**	**0.1**	**308,088**	**329,337**	**0.0**	**0.1**
Alabama	892,483	23,804	19.0	0.5	892,564	20,244	19.0	0.4	81	31,249	–0.1	0.7
Alaska	73,905	5,839	10.5	0.8	72,400	5,190	10.1	0.7	–1,505	7,812	–0.3	1.1
Arizona	1,203,501	38,097	19.0	0.6	1,194,506	25,758	18.7	0.4	–8,995	45,987	–0.3	0.7
Arkansas	555,876	17,602	19.5	0.6	568,065	16,759	19.8	0.6	12,189	24,304	0.4	0.8
California	6,118,803	71,852	16.6	0.2	6,325,319	64,334	17.0	0.2	*206,516	96,444	*0.4	0.3
Colorado	674,195	21,621	13.5	0.4	694,842	20,406	13.7	0.4	20,647	29,729	0.2	0.6
Connecticut	377,856	17,034	10.9	0.5	372,390	14,270	10.7	0.4	–5,466	22,222	–0.2	0.6
Delaware	104,831	8,149	11.9	0.9	107,307	7,877	12.0	0.9	2,476	11,334	0.2	1.3
District of Columbia	109,363	8,006	18.7	1.4	108,732	7,746	18.2	1.3	–631	11,140	–0.5	1.9
Florida	3,173,456	53,070	17.0	0.3	3,238,581	49,032	17.1	0.3	65,125	72,253	0.1	0.4
Georgia	1,827,743	40,709	19.1	0.4	1,848,533	37,552	19.2	0.4	20,790	55,384	0.0	0.6
Hawaii	161,290	12,291	12.0	0.9	157,243	9,661	11.6	0.7	–4,047	15,633	–0.5	1.2
Idaho	255,027	13,229	16.5	0.9	248,494	13,813	15.9	0.9	–6,533	19,127	–0.6	1.2
Illinois	1,879,965	34,757	15.0	0.3	1,850,562	32,138	14.7	0.3	–29,403	47,338	–0.2	0.4
Indiana	1,011,017	27,152	16.0	0.4	990,325	21,187	15.6	0.3	–20,692	34,440	–0.4	0.5
Iowa	378,864	12,247	12.8	0.4	377,484	13,405	12.7	0.4	–1,380	18,157	–0.1	0.6
Kansas	383,467	13,367	13.8	0.5	391,734	12,565	14.0	0.4	8,267	18,345	0.2	0.7
Kentucky	811,277	24,336	19.1	0.6	823,197	22,937	19.4	0.5	11,920	33,442	0.2	0.8
Louisiana	908,375	21,304	20.4	0.5	891,981	23,215	19.9	0.5	–16,394	31,509	–0.5	0.7
Maine	182,448	8,462	14.1	0.7	189,786	9,666	14.7	0.7	7,338	12,846	0.5	1.0
Maryland	571,887	19,719	10.1	0.3	590,803	19,639	10.3	0.3	18,916	27,830	0.2	0.5
Massachusetts	738,514	23,459	11.6	0.4	762,645	18,273	11.9	0.3	24,131	29,736	0.3	0.5
Michigan	1,693,294	28,336	17.5	0.3	1,685,178	30,444	17.4	0.3	–8,116	41,590	–0.1	0.4
Minnesota	621,970	17,360	11.9	0.3	598,371	17,622	11.4	0.3	–23,599	24,737	*–0.5	0.5
Mississippi	650,524	20,706	22.6	0.7	698,252	22,688	24.2	0.8	*47,728	30,716	*1.6	1.1
Missouri	920,118	22,609	15.8	0.4	947,792	20,935	16.2	0.4	27,674	30,813	0.5	0.5
Montana	144,054	8,962	14.8	0.9	152,199	8,004	15.5	0.8	8,145	12,016	0.7	1.2
Nebraska	234,710	10,211	13.1	0.6	233,973	10,768	13.0	0.6	–737	14,839	–0.1	0.8
Nevada	426,741	20,552	15.9	0.8	446,840	19,216	16.4	0.7	20,099	28,136	0.5	1.0
New Hampshire	112,715	8,386	8.8	0.7	128,466	10,865	10.0	0.8	*15,751	13,725	*1.2	1.1
New Jersey	897,376	24,537	10.4	0.3	934,943	22,315	10.8	0.3	*37,567	33,167	0.4	0.4
New Mexico	439,914	17,336	21.5	0.8	426,245	13,843	20.8	0.7	–13,669	22,185	–0.7	1.1
New York	3,027,342	42,152	16.0	0.2	3,025,016	36,603	15.9	0.2	–2,326	55,826	–0.1	0.3
North Carolina	1,680,963	36,728	17.9	0.4	1,713,132	31,019	18.0	0.3	32,169	48,074	0.2	0.5
North Dakota	80,882	5,567	12.2	0.8	75,703	4,270	11.2	0.6	–5,179	7,016	–1.0	1.1
Ohio	1,845,800	35,067	16.4	0.3	1,824,628	28,992	16.3	0.3	–21,172	45,500	–0.2	0.4
Oklahoma	633,298	18,126	17.2	0.5	637,429	14,041	17.2	0.4	4,131	22,929	0.0	0.6
Oregon	662,283	20,527	17.5	0.5	658,359	22,218	17.2	0.6	–3,924	30,249	–0.2	0.8
Pennsylvania	1,695,996	36,138	13.8	0.3	1,693,285	30,788	13.7	0.2	–2,711	47,475	–0.1	0.4
Rhode Island	148,819	8,909	14.7	0.9	138,907	8,499	13.7	0.8	–9,912	12,312	–1.0	1.2
South Carolina	856,938	22,008	18.9	0.5	837,770	22,603	18.3	0.5	–19,168	31,548	–0.6	0.7
South Dakota	110,681	6,608	13.9	0.8	107,846	5,355	13.4	0.7	–2,835	8,506	–0.5	1.1
Tennessee	1,142,299	29,429	18.3	0.5	1,129,330	27,122	17.9	0.4	–12,969	40,021	–0.4	0.6
Texas	4,628,758	63,020	18.5	0.3	4,562,352	58,642	17.9	0.2	–66,406	86,084	*–0.5	0.3
Utah	374,859	19,403	13.5	0.7	360,017	18,926	12.8	0.7	–14,842	27,104	–0.7	1.0
Vermont	69,075	4,730	11.5	0.8	71,084	4,549	11.8	0.8	2,009	6,562	0.3	1.1
Virginia	905,914	25,152	11.5	0.3	931,805	22,863	11.7	0.3	25,891	33,991	0.2	0.4
Washington	929,258	23,388	13.9	0.4	915,278	30,419	13.5	0.4	–13,980	38,370	–0.4	0.6
West Virginia	334,885	13,958	18.6	0.8	320,055	13,000	17.8	0.7	–14,830	19,074	–0.8	1.1
Wisconsin	725,797	20,946	13.1	0.4	737,356	16,981	13.2	0.3	11,559	26,965	0.2	0.5
Wyoming	62,629	5,598	11.3	1.0	71,019	6,087	12.6	1.1	*8,390	8,270	1.4	1.5
Puerto Rico	1,673,610	27,123	45.6	0.7	1,632,533	27,010	44.9	0.7	*–41,077	38,277	–0.7	1.1

* Statistically different from zero at the 90 percent confidence level.

[1] Poverty status is determined for individuals in housing units and noninstitutional group quarters. The poverty universe excludes children under age 15 who are not related to the householder, people living in institutional group quarters, and people living in college dormitories or military barracks.

[2] Data are based on a sample and are subject to sampling variability. A margin of error is a measure of an estimate's variability. The larger the margin of error in relation to the size of the estimate, the less reliable the estimate. This number when added to or subtracted from the estimate forms the 90 percent confidence interval.

Note: Details may not sum to totals because of rounding. Changes in poverty were calculated with unrounded estimates.

Sources: U.S. Census Bureau, 2011 and 2012 American Community Surveys and 2011 and 2012 Puerto Rico Community Surveys.

How Poverty Is Measured

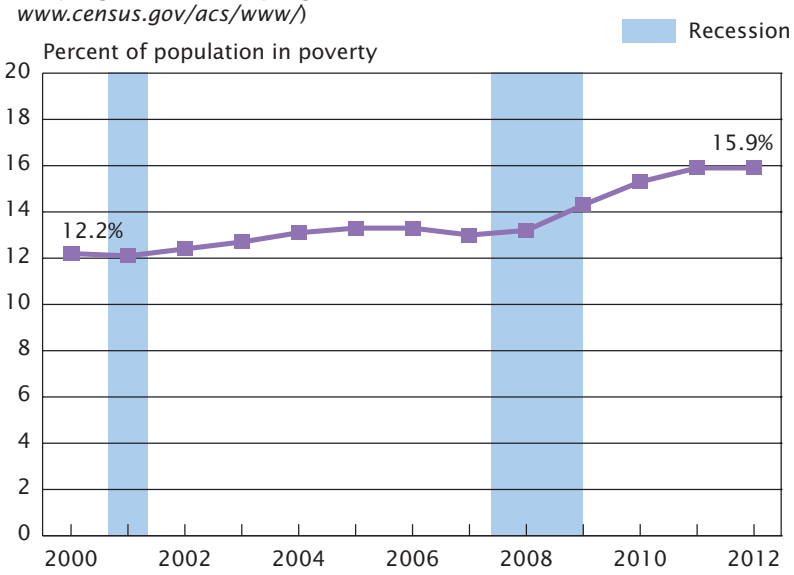
Poverty status is determined by comparing annual income to a set of dollar values called poverty thresholds that vary by family size, the number of related children, and the age of the householder. If a family's before-tax money income is less than the dollar value of the corresponding threshold, then that family and every individual in it are considered to be in poverty. For people not living in families, poverty status is determined by comparing the individual's income to a poverty threshold for one adult.

The poverty thresholds are updated annually to allow for changes in the cost of living using the Consumer Price Index (CPI-U). They do not vary geographically.

The ACS is a continuous survey, and people respond throughout the year. Since income is reported for the previous 12 months, the appropriate poverty threshold for each family is determined by multiplying the base-year poverty threshold (1982) by the average of monthly CPI values for the 12 months preceding the survey month.

For more information see "How Poverty is Calculated in the ACS" at <www.census.gov/hhes/www/poverty/methods/definitions .html>.

Figure 2.
Percentage of People in Poverty: 2000 to 2012
(Data based on sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/acs/www/*)



Source: U.S. Census Bureau, 2000 to 2012 American Community Survey.

of the U.S. population. As Figure 2 shows, the percentage of people in poverty increased between 2002 and 2005 and again between 2008 and 2011.

Table 2 shows the estimated number and percentage of people in poverty in 2000 and 2012 and the change between the periods for the nation, states, and the District of Columbia. Between 2000 and 2012, 44 states experienced an increase in both the number and the percentage of people in poverty. In three states (Louisiana, North Dakota, and West Virginia), there was no change in either the number or the percentage people in poverty. In three states (Alaska, Vermont, and Wyoming) and the District of Columbia, the number of people in poverty increased but the change in the percentage of people in poverty was not statistically significant.

According to the 2000 ACS, poverty rates ranged from a low of 5.3 percent in New Hampshire to a high of 20.0 percent in Louisiana.[5] Among the 50 states and the District of Columbia, 17 states had poverty rates lower than 11 percent, while only 4 states and the District of Columbia had poverty rates of 16 percent or higher.

Figure 3 shows the percentage point changes in poverty rates between 2000 and 2012 for the 50 states and the District of Columbia.[6] In six states and the District of Columbia, the changes in the poverty rates were not statistically significant.[7] In eight states, the changes in the poverty

[5] In the 2000 ACS, the poverty rates for Louisiana and West Virginia were not statistically different from each other.

[6] The sample for the 2000 Supplementary Survey did not include households from Puerto Rico.

[7] The changes in percentages of people in poverty for Alaska, District of Columbia, Louisiana, North Dakota, Vermont, West Virginia, and Wyoming were not statistically significant.

Table 2.

Number and Percentage of People in Poverty in the Past 12 Months by State: 2000 and 2012

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/acs/www/Downloads/ACS/accuracy2012.pdf*)

Area	Below poverty in 2000				Below poverty in 2012				Change in poverty (2012 less 2000)			
	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)
United States	**33,311,473**	**438,067**	**12.2**	**0.2**	**48,760,123**	**231,580**	**15.9**	**0.1**	***15,448,650**	**495,512**	***3.7**	**0.2**
Alabama	672,034	40,950	15.6	0.9	892,564	20,244	19.0	0.4	*220,530	45,681	*3.4	1.0
Alaska	54,831	5,186	9.1	0.9	72,400	5,190	10.1	0.7	*17,569	7,337	1.0	1.1
Arizona	779,680	47,814	15.6	1.0	1,194,506	25,758	18.7	0.4	*414,826	54,311	*3.0	1.0
Arkansas	439,300	27,989	17.0	1.1	568,065	16,759	19.8	0.6	*128,765	32,623	*2.9	1.2
California	4,519,876	164,649	13.7	0.5	6,325,319	64,334	17.0	0.2	*1,805,443	176,771	*3.2	0.5
Colorado	363,359	32,915	8.7	0.8	694,842	20,406	13.7	0.4	*331,483	38,727	*5.0	0.9
Connecticut	253,687	27,461	7.7	0.8	372,390	14,270	10.7	0.4	*118,703	30,947	*3.0	0.9
Delaware	70,136	7,660	9.3	1.0	107,307	7,877	12.0	0.9	*37,171	10,987	*2.8	1.4
District of Columbia	93,840	8,080	17.5	1.5	108,732	7,746	18.2	1.3	*14,892	11,193	0.7	2.0
Florida	1,986,652	77,222	12.8	0.5	3,238,581	49,032	17.1	0.3	*1,251,929	91,473	*4.3	0.6
Georgia	999,020	65,665	12.6	0.8	1,848,533	37,552	19.2	0.4	*849,513	75,644	*6.5	0.9
Hawaii	103,395	10,215	8.8	0.9	157,243	9,661	11.6	0.7	*53,848	14,060	*2.8	1.1
Idaho	143,538	16,973	11.4	1.3	248,494	13,813	15.9	0.9	*104,956	21,884	*4.4	1.6
Illinois	1,334,589	75,329	11.1	0.6	1,850,562	32,138	14.7	0.3	*515,973	81,898	*3.6	0.7
Indiana	591,836	55,968	10.1	1.0	990,325	21,187	15.6	0.3	*398,489	59,844	*5.5	1.0
Iowa	281,208	20,187	10.0	0.7	377,484	13,405	12.7	0.4	*96,276	24,232	*2.7	0.8
Kansas	247,443	19,668	9.5	0.8	391,734	12,565	14.0	0.4	*144,291	23,339	*4.4	0.9
Kentucky	639,514	46,978	16.4	1.2	823,197	22,937	19.4	0.5	*183,683	52,279	*3.0	1.3
Louisiana	862,215	44,329	20.0	1.0	891,981	23,215	19.9	0.5	29,766	50,040	–0.1	1.1
Maine	124,464	15,134	10.1	1.2	189,786	9,666	14.7	0.7	*65,322	17,957	*4.6	1.4
Maryland	476,890	39,115	9.3	0.8	590,803	19,639	10.3	0.3	*113,913	43,769	*1.0	0.8
Massachusetts	585,934	40,072	9.6	0.7	762,645	18,273	11.9	0.3	*176,711	44,041	*2.3	0.7
Michigan	975,044	52,233	10.1	0.5	1,685,178	30,444	17.4	0.3	*710,134	60,458	*7.3	0.6
Minnesota	328,096	28,679	6.9	0.6	598,371	17,622	11.4	0.3	*270,275	33,660	*4.5	0.7
Mississippi	498,395	27,007	18.2	1.0	698,252	22,688	24.2	0.8	*199,857	35,272	*5.9	1.3
Missouri	605,924	37,487	11.2	0.7	947,792	20,935	16.2	0.4	*341,868	42,936	*5.0	0.8
Montana	117,262	11,566	13.4	1.3	152,199	8,004	15.5	0.8	*34,937	14,066	*2.1	1.5
Nebraska	158,436	11,445	9.6	0.7	233,973	10,768	13.0	0.6	*75,537	15,714	*3.4	0.9
Nevada	193,685	23,757	9.9	1.2	446,840	19,216	16.4	0.7	*253,155	30,556	*6.5	1.4
New Hampshire	63,295	9,459	5.3	0.8	128,466	10,865	10.0	0.8	*65,171	14,405	*4.7	1.1
New Jersey	651,031	47,661	7.9	0.6	934,943	22,315	10.8	0.3	*283,912	52,627	*2.8	0.7
New Mexico	319,722	30,221	18.0	1.7	426,245	13,843	20.8	0.7	*106,523	33,240	*2.9	1.8
New York	2,391,054	86,816	13.1	0.5	3,025,016	36,603	15.9	0.2	*633,962	94,217	*2.8	0.5
North Carolina	1,017,654	48,953	13.1	0.6	1,713,132	31,019	18.0	0.3	*695,478	57,954	*4.9	0.7
North Dakota	71,465	10,747	11.6	1.7	75,703	4,270	11.2	0.6	4,238	11,564	–0.4	1.8
Ohio	1,215,503	85,303	11.1	0.8	1,824,628	28,992	16.3	0.3	*609,125	90,095	*5.2	0.8
Oklahoma	458,560	28,748	13.8	0.9	637,429	14,041	17.2	0.4	*178,869	31,993	*3.4	0.9
Oregon	439,298	46,417	13.2	1.4	658,359	22,218	17.2	0.6	*219,061	51,461	*4.0	1.5
Pennsylvania	1,239,857	67,330	10.5	0.6	1,693,285	30,788	13.7	0.2	*453,428	74,036	*3.2	0.6
Rhode Island	107,692	11,131	10.7	1.1	138,907	8,499	13.7	0.8	*31,215	14,005	*3.1	1.4
South Carolina	557,271	31,052	14.4	0.8	837,770	22,603	18.3	0.5	*280,499	38,408	*3.9	0.9
South Dakota	82,961	5,933	11.5	0.8	107,846	5,355	13.4	0.7	*24,885	7,993	*2.0	1.1
Tennessee	745,449	50,045	13.5	0.9	1,129,330	27,122	17.9	0.4	*383,881	56,922	*4.4	1.0
Texas	3,056,244	112,386	15.1	0.6	4,562,352	58,642	17.9	0.2	*1,506,108	126,766	*2.8	0.6
Utah	192,100	25,975	8.8	1.2	360,017	18,926	12.8	0.7	*167,917	32,139	*4.1	1.4
Vermont	62,876	6,687	10.7	1.1	71,084	4,549	11.8	0.8	*8,208	8,088	1.1	1.4
Virginia	629,513	49,983	9.2	0.7	931,805	22,863	11.7	0.3	*302,292	54,964	*2.5	0.8
Washington	666,848	63,792	11.6	1.1	915,278	30,419	13.5	0.4	*248,430	70,673	*1.9	1.2
West Virginia	326,822	22,518	18.6	1.3	320,055	13,000	17.8	0.7	–6,767	26,002	–0.8	1.5
Wisconsin	461,469	58,321	8.9	1.1	737,356	16,981	13.2	0.3	*275,887	60,743	*4.3	1.2
Wyoming	54,506	7,575	11.4	1.6	71,019	6,087	12.6	1.1	*16,513	9,717	1.2	1.9

* Statistically different from zero at the 90 percent confidence level.

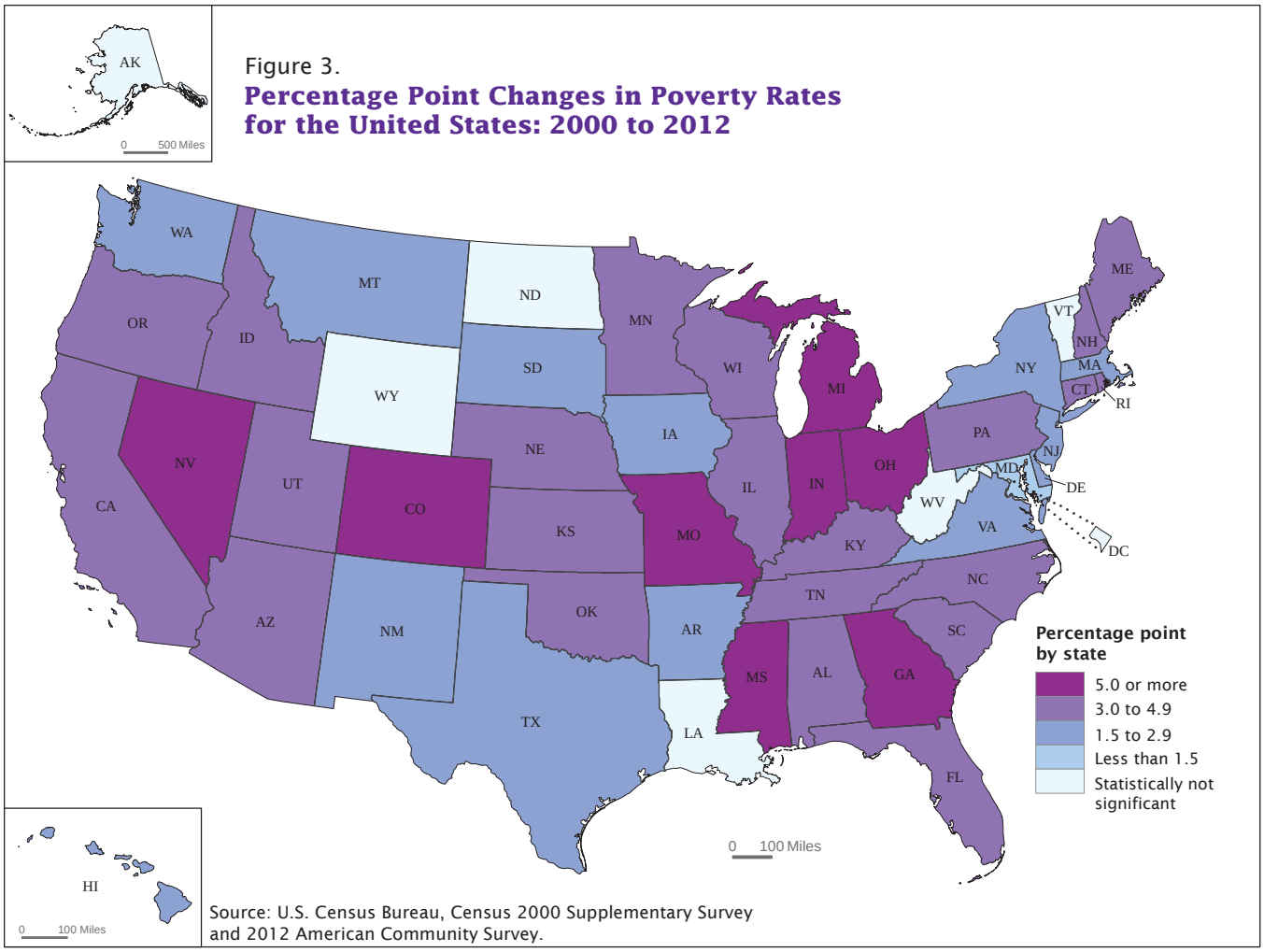
[1] Poverty status is determined for individuals in housing units and noninstitutional group quarters. The poverty universe excludes children under age 15 who are not related to the householder, people living in institutional group quarters, and people living in college dormitories or military barracks.

[2] Data are based on a sample and are subject to sampling variability. A margin of error is a measure of an estimate's variability. The larger the margin of error in relation to the size of the estimate, the less reliable the estimate. This number when added to or subtracted from the estimate forms the 90 percent confidence interval.

Note: Details may not sum to totals because of rounding. Changes in poverty were calculated with unrounded estimates.

Sources: U.S. Census Bureau, Census 2000 Supplementary Survey and 2012 American Community Survey.

Figure 3.
Percentage Point Changes in Poverty Rates for the United States: 2000 to 2012



Source: U.S. Census Bureau, Census 2000 Supplementary Survey and 2012 American Community Survey.

rates were 5 percentage points or greater.

DEPTH OF POVERTY

The poverty rate is an estimate of the proportion of people with family or personal income below their poverty threshold. The income-to-poverty ratio gauges how close a family's income is to their poverty threshold, measuring the depth of poverty for those with income below their threshold and the proximity to poverty for those with income above their threshold.

In this report, the income-to-poverty ratio is reported as a percentage. For example, an income-to-poverty ratio of 125 percent indicates a family or individual with income equal to 1.25 times their poverty threshold, while an income-to-poverty ratio of 50 percent identifies a family or individual with income equal to one-half of their poverty threshold. Families and individuals who are identified as in poverty have an income-to-poverty ratio of less than 100 percent.

Table 3 shows the number and percent distribution of people with income-to-poverty ratio below 50 percent of the poverty threshold in 2000 and 2012 for the nation, states, and the District of Columbia. In 2000, about 13.7 million people or 5.0 percent of the U.S. population had income below 50 percent of the poverty threshold, while in 2012 the number and proportion of people grew to 21.5 million and 7.0 percent, respectively.

In 2000, among all the states and the District of Columbia, the proportion of people with income below half of the poverty thresholds varied from 2.2 percent in New Hampshire to 9.4 percent in the District of Columbia.[8] In 2012,

[8] In 2000, the proportion of people with an income-to-poverty ratio below 50 percent in New Hampshire (2.2 percent) was not statistically different from the proportion in Minnesota (2.5 percent). The proportion of people with an income-to-poverty ratio below 50 percent in the District of Columbia (9.4 percent) was not statistically different from the proportion in Louisiana (8.3 percent).

Table 3.

Number and Percentage of People With Income-to-Poverty Ratio Below 50 Percent by State: 2000 and 2012

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/acs/www/Downloads/ACS/accuracy2012.pdf*)

Area	2000				2012				Change (2012 less 2000)			
	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)
United States	**13,730,120**	**276,540**	**5.0**	**0.1**	**21,535,923**	**146,133**	**7.0**	**0.0**	***7,805,803**	**312,776**	***2.0**	**0.1**
Alabama	264,511	26,396	6.1	0.6	399,317	14,070	8.5	0.3	*134,806	29,912	*2.4	0.7
Alaska	21,671	5,624	3.6	0.9	31,811	3,074	4.4	0.4	*10,140	6,409	0.9	1.0
Arizona	329,847	36,776	6.6	0.7	566,992	18,108	8.9	0.3	*237,145	40,992	*2.3	0.8
Arkansas	157,532	21,004	6.1	0.8	234,771	13,114	8.2	0.5	*77,239	24,762	*2.1	0.9
California	1,756,732	98,204	5.3	0.3	2,766,368	41,810	7.4	0.1	*1,009,636	106,734	*2.1	0.3
Colorado	159,273	19,767	3.8	0.5	309,929	14,474	6.1	0.3	*150,656	24,499	*2.3	0.6
Connecticut	118,220	19,547	3.6	0.6	172,223	10,672	4.9	0.3	*54,003	22,271	*1.3	0.7
Delaware	27,676	4,061	3.7	0.5	52,029	5,562	5.8	0.6	*24,353	6,887	*2.2	0.8
District of Columbia	50,475	7,523	9.4	1.4	62,040	6,255	10.4	1.0	*11,565	9,783	0.9	1.7
Florida	859,888	47,901	5.5	0.3	1,418,025	38,968	7.5	0.2	*558,137	61,749	*2.0	0.4
Georgia	423,732	36,544	5.3	0.5	851,775	27,255	8.8	0.3	*428,043	45,588	*3.5	0.5
Hawaii	45,548	7,773	3.9	0.7	78,683	7,184	5.8	0.5	*33,135	10,584	*1.9	0.8
Idaho	47,889	6,752	3.8	0.5	96,009	8,867	6.1	0.6	*48,120	11,145	*2.3	0.8
Illinois	557,066	51,137	4.6	0.4	820,554	21,637	6.5	0.2	*263,488	55,527	*1.9	0.5
Indiana	247,515	40,125	4.2	0.7	453,792	16,596	7.2	0.3	*206,277	43,421	*2.9	0.7
Iowa	101,203	10,068	3.6	0.4	159,392	8,872	5.4	0.3	*58,189	13,419	*1.8	0.5
Kansas	88,904	11,074	3.4	0.4	157,783	8,710	5.6	0.3	*68,879	14,089	*2.2	0.5
Kentucky	229,365	30,714	5.9	0.8	342,541	15,008	8.1	0.4	*113,176	34,184	*2.2	0.9
Louisiana	356,499	30,409	8.3	0.7	384,979	16,034	8.6	0.4	28,480	34,378	0.3	0.8
Maine	42,243	10,053	3.4	0.8	69,220	4,995	5.4	0.4	*26,977	11,226	*1.9	0.9
Maryland	200,963	24,121	3.9	0.5	280,402	12,939	4.9	0.2	*79,439	27,372	*1.0	0.5
Massachusetts	244,998	24,544	4.0	0.4	348,581	13,402	5.4	0.2	*103,583	27,965	*1.4	0.5
Michigan	408,217	34,536	4.2	0.4	768,553	20,326	8.0	0.2	*360,336	40,073	*3.7	0.4
Minnesota	119,887	18,862	2.5	0.4	258,077	11,520	4.9	0.2	*138,190	22,102	*2.4	0.5
Mississippi	193,442	20,350	7.1	0.7	295,541	14,890	10.2	0.5	*102,099	25,216	*3.1	0.9
Missouri	241,838	27,091	4.5	0.5	417,151	14,634	7.1	0.3	*175,313	30,791	*2.7	0.6
Montana	41,638	6,227	4.8	0.7	60,922	5,379	6.2	0.5	*19,284	8,228	*1.5	0.9
Nebraska	65,909	7,366	4.0	0.4	95,133	6,065	5.3	0.3	*29,224	9,542	*1.3	0.6
Nevada	84,452	12,842	4.3	0.7	193,694	12,541	7.1	0.5	*109,242	17,950	*2.8	0.8
New Hampshire	26,277	7,390	2.2	0.6	53,140	6,385	4.2	0.5	*26,863	9,766	*2.0	0.8
New Jersey	321,324	31,080	3.9	0.4	438,665	15,897	5.0	0.2	*117,341	34,910	*1.1	0.4
New Mexico	127,908	16,346	7.2	0.9	187,947	9,961	9.2	0.5	*60,039	19,142	*2.0	1.0
New York	1,126,005	54,255	6.1	0.3	1,349,996	26,564	7.1	0.1	*223,991	60,409	*0.9	0.3
North Carolina	400,862	34,518	5.2	0.4	754,629	23,217	7.9	0.2	*353,767	41,599	*2.8	0.5
North Dakota	28,465	5,048	4.6	0.8	35,318	3,604	5.2	0.5	*6,853	6,203	0.6	1.0
Ohio	505,400	38,759	4.6	0.4	855,552	21,795	7.6	0.2	*350,152	44,467	*3.0	0.4
Oklahoma	202,200	20,446	6.1	0.6	273,676	11,011	7.4	0.3	*71,476	23,222	*1.3	0.7
Oregon	179,966	19,618	5.4	0.6	301,235	15,409	7.9	0.4	*121,269	24,946	*2.5	0.7
Pennsylvania	482,978	38,450	4.1	0.3	745,353	24,337	6.0	0.2	*262,375	45,505	*1.9	0.4
Rhode Island	52,776	9,270	5.2	0.9	62,056	6,267	6.1	0.6	9,280	11,190	0.9	1.1
South Carolina	232,495	40,082	6.0	1.0	376,931	17,315	8.2	0.4	*144,436	43,663	*2.2	1.1
South Dakota	31,222	4,283	4.3	0.6	50,820	4,075	6.3	0.5	*19,598	5,912	*2.0	0.8
Tennessee	310,625	43,773	5.6	0.8	483,568	18,615	7.7	0.3	*172,943	47,566	*2.1	0.8
Texas	1,269,500	76,031	6.3	0.4	1,895,369	37,819	7.4	0.1	*625,869	84,917	*1.2	0.4
Utah	82,859	14,419	3.8	0.7	154,441	10,091	5.5	0.4	*71,582	17,599	*1.7	0.8
Vermont	24,747	4,799	4.2	0.8	32,128	3,461	5.3	0.6	*7,381	5,917	*1.1	1.0
Virginia	243,232	28,296	3.6	0.4	416,102	14,180	5.2	0.2	*172,870	31,650	*1.7	0.5
Washington	269,735	29,286	4.7	0.5	424,609	18,040	6.3	0.3	*154,874	34,396	*1.6	0.6
West Virginia	135,110	14,285	7.7	0.8	150,998	10,554	8.4	0.6	15,888	17,761	0.7	1.0
Wisconsin	169,848	27,543	3.3	0.5	317,756	12,142	5.7	0.2	*147,908	30,101	*2.4	0.6
Wyoming	19,453	3,404	4.1	0.7	29,347	4,056	5.2	0.7	*9,894	5,295	*1.2	1.0

* Statistically different from zero at the 90 percent confidence level.

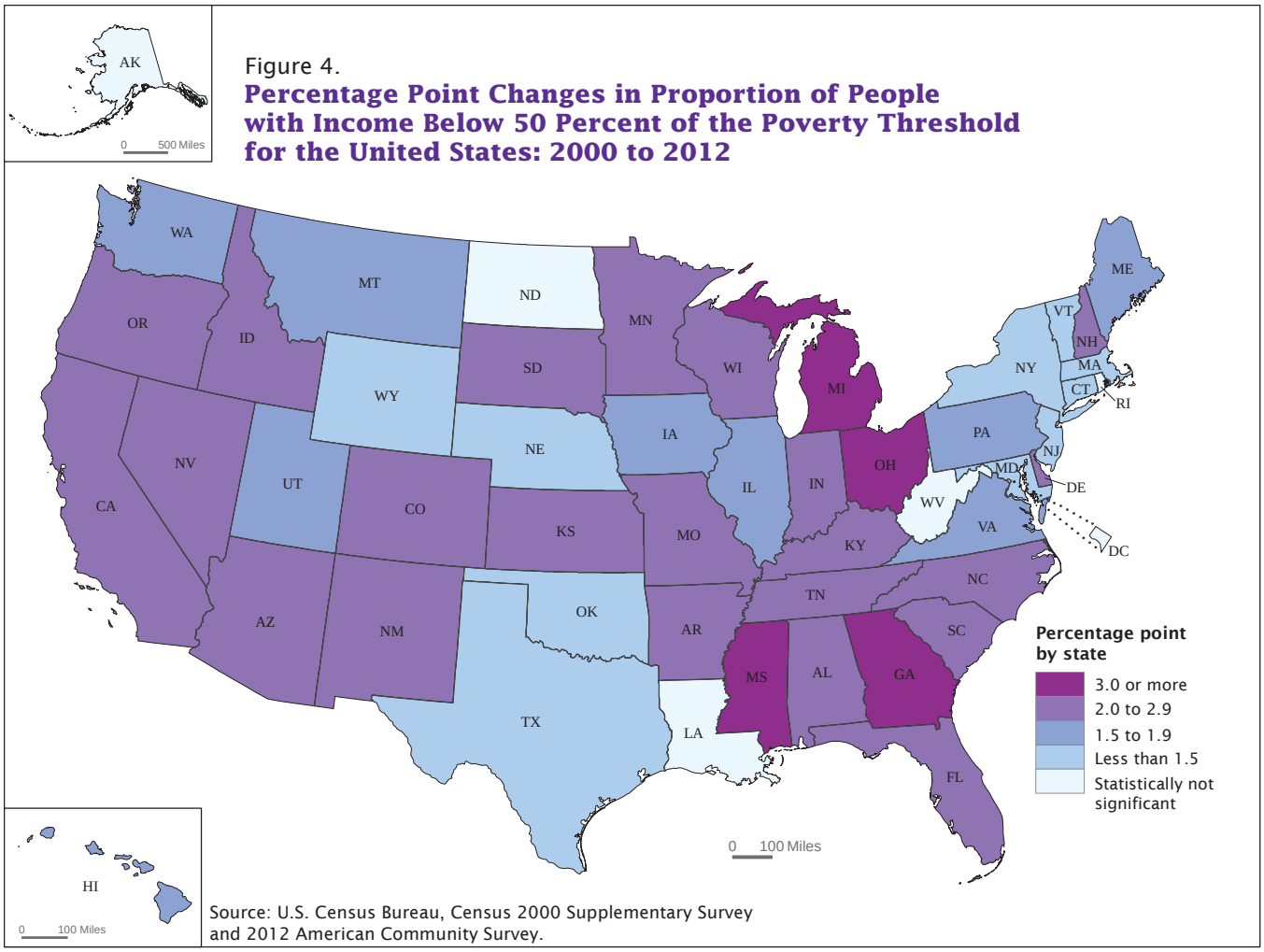
[1] Poverty status is determined for individuals in housing units and noninstitutional group quarters. The poverty universe excludes children under age 15 who are not related to the householder, people living in institutional group quarters, and people living in college dormitories or military barracks.

[2] Data are based on a sample and are subject to sampling variability. A margin of error is a measure of an estimate's variability. The larger the margin of error in relation to the size of the estimate, the less reliable the estimate. This number when added to or subtracted from the estimate forms the 90 percent confidence interval.

Note: Details may not sum to totals because of rounding. Changes in poverty were calculated with unrounded estimates.

Sources: U.S. Census Bureau, Census 2000 Supplementary Survey and 2012 American Community Survey.

Figure 4.
Percentage Point Changes in Proportion of People with Income Below 50 Percent of the Poverty Threshold for the United States: 2000 to 2012



Source: U.S. Census Bureau, Census 2000 Supplementary Survey and 2012 American Community Survey.

the proportion of people with this income level ranged from 4.2 percent in New Hampshire to 10.4 percent in the District of Columbia.[9]

Between 2000 and 2012, 45 states experienced an increase in both the number and the percent of people with income below 50 percent of their respective thresholds. In three states (Louisiana, Rhode Island, and West Virginia), there was no change in either estimate. In Alaska, North Dakota, and the District of Columbia, there was no change in the percent of people with an income-to-poverty ratio below 50 percent, but the number of people in this category increased.

Figure 4 shows the percentage point change in the proportion of people with an income-to-poverty ratio below 50 percent of their poverty threshold for the 50 states and the District of Columbia between 2000 and 2012. During this period, most states in the West, the Midwest, and the South experienced a change of between 2 and 3 percentage points. In 10 states, the change in proportion was less than 1.5 percentage points. In five states and the District of Columbia, the change was not statistically significant.

Table 4 displays the number and percentage of people with an income-to-poverty ratio below 125 percent of their poverty threshold in 2000 and 2012 for the nation, states, and the District of Columbia using 2000 and 2012 ACS data. This table shows both the number and the percentage of people with an income-to-poverty ratio below 125 percent of the poverty threshold increased from 45.1 million or 16.5 percent of the total U.S. population in 2000 to 63.6 million or 20.8 percent in 2012.

Among all states and the District of Columbia, in 2000, the proportion

[9] In 2012, the proportion of people with an income-to-poverty ratio below 50 percent in New Hampshire (4.2 percent) was not statistically different from the proportion in Alaska (4.4 percent). The proportion of people with an income-to-poverty ratio below 50 percent in the District of Columbia (10.4 percent) was not statistically different from the proportion in Mississippi (10.2 percent).

Table 4.

Number and Percentage of People With Income-to-Poverty Ratio Below 125 Percent by State: 2000 and 2012

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/acs/www/Downloads/ACS/accuracy2012.pdf*)

Area	2000				2012				Change (2012 less 2000)			
	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)
United States	**45,071,197**	**527,828**	**16.5**	**0.2**	**63,569,291**	**264,855**	**20.8**	**0.1**	***18,498,094**	**590,551**	***4.2**	**0.2**
Alabama	913,641	48,817	21.2	1.1	1,157,921	24,918	24.6	0.5	*244,280	54,809	*3.4	1.2
Alaska	73,034	6,147	12.1	1.0	105,456	7,322	14.7	1.0	*32,422	9,560	*2.6	1.5
Arizona	1,002,001	44,630	20.1	0.9	1,542,380	28,758	24.1	0.4	*540,379	53,093	*4.0	1.0
Arkansas	571,056	31,694	22.0	1.2	737,852	18,798	25.8	0.7	*166,796	36,849	*3.7	1.4
California	6,172,669	185,135	18.8	0.6	8,325,530	61,961	22.3	0.2	*2,152,861	195,229	*3.6	0.6
Colorado	519,278	42,290	12.4	1.0	900,677	21,725	17.8	0.4	*381,399	47,544	*5.4	1.1
Connecticut	345,311	27,967	10.5	0.8	483,849	16,625	13.9	0.5	*138,538	32,535	*3.4	1.0
Delaware	99,307	9,194	13.1	1.2	138,349	8,660	15.5	1.0	*39,042	12,630	*2.4	1.6
District of Columbia	114,772	8,457	21.4	1.6	133,652	7,480	22.3	1.2	*18,880	11,290	0.9	2.0
Florida	2,695,428	86,806	17.4	0.6	4,288,362	53,357	22.7	0.3	*1,592,934	101,893	*5.3	0.6
Georgia	1,358,608	81,247	17.2	1.0	2,375,151	39,074	24.6	0.4	*1,016,543	90,155	*7.5	1.1
Hawaii	146,496	12,419	12.5	1.1	204,395	9,902	15.1	0.7	*57,899	15,884	*2.6	1.3
Idaho	210,296	18,597	16.8	1.5	334,266	14,969	21.4	1.0	*123,970	23,873	*4.6	1.8
Illinois	1,767,390	94,959	14.7	0.8	2,390,885	33,707	19.0	0.3	*623,495	100,764	*4.3	0.8
Indiana	816,970	77,397	13.9	1.3	1,289,225	24,603	20.3	0.4	*472,255	81,214	*6.4	1.4
Iowa	387,933	23,907	13.8	0.8	492,600	14,100	16.6	0.5	*104,667	27,755	*2.8	1.0
Kansas	368,811	24,644	14.2	0.9	520,640	15,323	18.6	0.5	*151,829	29,019	*4.4	1.1
Kentucky	865,095	51,646	22.2	1.3	1,052,226	24,744	24.8	0.6	*187,131	57,268	*2.6	1.5
Louisiana	1,074,726	45,732	24.9	1.1	1,143,699	24,444	25.6	0.5	*68,973	51,855	0.7	1.2
Maine	184,469	17,350	14.9	1.4	253,595	10,751	19.6	0.8	*69,126	20,411	*4.7	1.6
Maryland	622,014	45,477	12.1	0.9	763,742	21,742	13.3	0.4	*141,728	50,407	*1.2	1.0
Massachusetts	783,265	43,454	12.8	0.7	974,277	20,088	15.2	0.3	*191,012	47,873	*2.4	0.8
Michigan	1,332,075	50,631	13.8	0.5	2,125,842	33,526	22.0	0.3	*793,767	60,724	*8.2	0.6
Minnesota	479,304	37,462	10.0	0.8	795,153	20,061	15.1	0.4	*315,849	42,495	*5.1	0.9
Mississippi	648,940	28,671	23.8	1.1	887,270	23,752	30.7	0.8	*238,330	37,232	*6.9	1.3
Missouri	853,086	42,817	15.8	0.8	1,230,334	22,163	21.1	0.4	*377,248	48,213	*5.3	0.9
Montana	171,960	12,194	19.7	1.4	204,658	8,924	20.9	0.9	*32,698	15,111	1.2	1.7
Nebraska	239,733	16,264	14.5	1.0	319,068	12,125	17.7	0.7	*79,335	20,286	*3.2	1.2
Nevada	287,969	24,648	14.7	1.3	595,988	19,695	21.9	0.7	*308,019	31,550	*7.2	1.5
New Hampshire	93,353	11,424	7.8	1.0	166,736	12,569	13.0	1.0	*73,383	16,985	*5.2	1.4
New Jersey	873,871	54,092	10.7	0.7	1,223,671	24,805	14.1	0.3	*349,800	59,508	*3.4	0.7
New Mexico	439,321	29,878	24.7	1.7	546,292	14,040	26.7	0.7	*106,971	33,012	*2.0	1.8
New York	3,130,104	91,649	17.1	0.5	3,863,439	44,908	20.3	0.2	*733,335	102,060	*3.2	0.6
North Carolina	1,355,157	69,331	17.5	0.9	2,265,242	36,271	23.8	0.4	*910,085	78,246	*6.4	1.0
North Dakota	101,903	12,061	16.6	1.9	100,472	5,112	14.9	0.8	–1,431	13,099	–1.7	2.1
Ohio	1,614,899	100,658	14.7	0.9	2,352,041	33,267	20.9	0.3	*737,142	106,013	*6.3	1.0
Oklahoma	660,101	42,597	19.9	1.3	846,440	15,641	22.9	0.4	*186,339	45,377	*3.0	1.4
Oregon	585,097	39,594	17.6	1.2	849,973	23,512	22.2	0.6	*264,876	46,049	*4.6	1.3
Pennsylvania	1,701,448	71,264	14.4	0.6	2,211,259	32,475	17.9	0.3	*509,811	78,315	*3.5	0.7
Rhode Island	141,934	11,619	14.1	1.2	183,177	9,638	18.1	1.0	*41,243	15,096	*4.0	1.5
South Carolina	722,891	38,666	18.7	1.0	1,096,689	23,975	23.9	0.5	*373,798	45,495	*5.2	1.1
South Dakota	114,776	5,596	15.9	0.8	144,350	6,605	17.9	0.8	*29,574	8,657	*2.1	1.1
Tennessee	1,020,418	48,720	18.5	0.9	1,464,920	30,363	23.3	0.5	*444,502	57,407	*4.8	1.0
Texas	4,146,683	124,948	20.5	0.6	5,999,147	58,953	23.6	0.2	*1,852,464	138,157	*3.0	0.7
Utah	267,071	29,162	12.2	1.3	496,647	19,236	17.7	0.7	*229,576	34,935	*5.5	1.5
Vermont	85,328	6,976	14.6	1.2	94,485	4,976	15.7	0.8	*9,157	8,569	1.1	1.5
Virginia	890,349	63,591	13.1	0.9	1,234,285	27,716	15.6	0.3	*343,936	69,369	*2.5	1.0
Washington	881,982	71,148	15.4	1.2	1,184,256	30,819	17.5	0.5	*302,274	77,536	*2.2	1.3
West Virginia	437,149	28,285	24.8	1.6	420,802	15,559	23.4	0.9	–16,347	32,282	–1.5	1.8
Wisconsin	620,131	70,920	12.0	1.4	968,174	18,169	17.4	0.3	*348,043	73,211	*5.4	1.4
Wyoming	81,594	7,804	17.1	1.6	89,752	6,138	16.0	1.1	8,158	9,929	–1.1	2.0

* Statistically different from zero at the 90 percent confidence level.

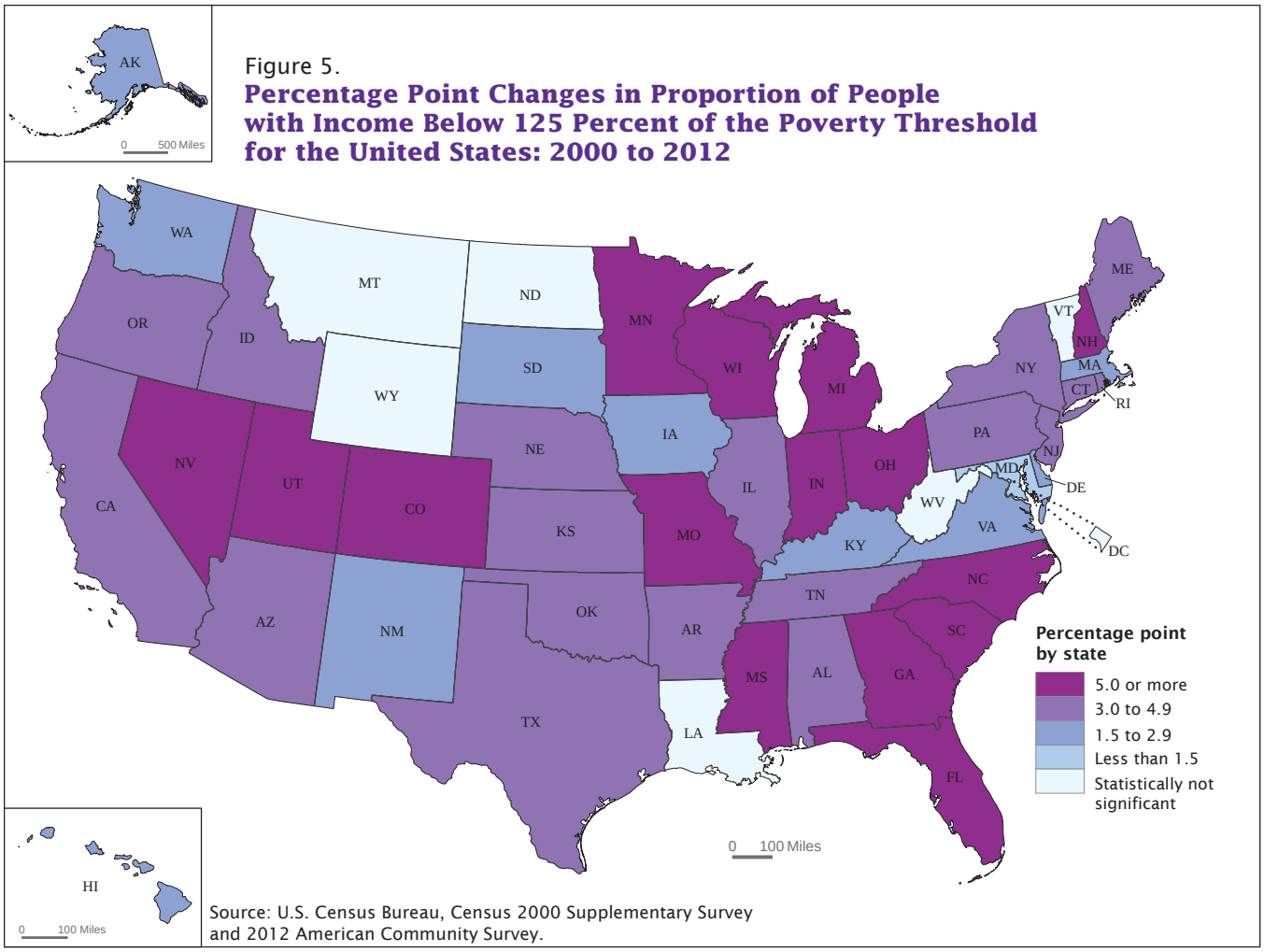
[1] Poverty status is determined for individuals in housing units and noninstitutional group quarters. The poverty universe excludes children under age 15 who are not related to the householder, people living in institutional group quarters, and people living in college dormitories or military barracks.

[2] Data are based on a sample and are subject to sampling variability. A margin of error is a measure of an estimate's variability. The larger the margin of error in relation to the size of the estimate, the less reliable the estimate. This number when added to or subtracted from the estimate forms the 90 percent confidence interval.

Note: Details may not sum to totals because of rounding. Changes in poverty were calculated with unrounded estimates.

Sources: U.S. Census Bureau, Census 2000 Supplementary Survey and 2012 American Community Survey.

Figure 5.
Percentage Point Changes in Proportion of People with Income Below 125 Percent of the Poverty Threshold for the United States: 2000 to 2012



Source: U.S. Census Bureau, Census 2000 Supplementary Survey and 2012 American Community Survey.

of people with an income-to-poverty ratio below 125 percent of their poverty threshold ranged from 7.8 percent in New Hampshire to 24.9 percent in Louisiana.[10] In 2012, these proportions varied from 13.0 percent in New Hampshire to 30.7 percent in Mississippi.[11]

Among the states and the District of Columbia, in 44 states both the number and proportions of people with an income-to-poverty ratio below 125 percent of their poverty threshold increased, while it remained unchanged in three states (North Dakota, West Virginia, and Wyoming) between 2000 and 2012. In three states (Louisiana, Montana, and Vermont) and the District of Columbia, the number of people with an income-to-poverty ratio below 125 percent of their poverty threshold increased, while the proportion remained unchanged.

Figure 5 shows the percentage point change in the proportion of people with an income-to-poverty ratio below 125 percent of their poverty threshold for the 50 states and the District of Columbia between 2000 and 2012. The figure shows most states in the South Atlantic division, the East South Central division, and the East North

[10] In 2000, the proportion of people with an income-to-poverty ratio below 125 percent of their poverty threshold in Louisiana (24.9 percent) was not statistically different from the proportion in West Virginia (24.8 percent), New Mexico (24.7 percent), and Mississippi (23.8 percent).

[11] In 2012, the proportion of people with an income-to-poverty ratio below 125 percent of their poverty threshold in New Hampshire (13.0 percent) was not statistically different from the proportion in Maryland (13.3 percent) and Connecticut (13.9 percent).

Central division had an increase of three percentage points or more. In six states and the District of Columbia, the change in the proportion of people with an income-to-poverty ratio below 125 percent was not statistically significant.

POVERTY IN METROPOLITAN AREAS

More than 80 percent of the U.S. population lives in the 366 metropolitan areas and about 40 percent of the total population reside in the largest 25 metropolitan areas. Using 2011 and 2012 ACS data, this report analyzes poverty rates for the largest 25 metropolitan areas.

Table 5 shows the number and percentage of people in poverty for the 25 largest metropolitan areas. In 2012, the poverty rate for these metropolitan areas varied widely, ranging from a low of 8.4 percent for Washington-Arlington-Alexandria, DC-VA-MD-WV Metro Area to a high of 19.0 percent for Riverside-San Bernardino-Ontario, CA Metro Area. Among the largest metropolitan areas, Boston-Cambridge-Quincy, MA-NH Metro Area, Minneapolis-St. Paul-Bloomington, MN-WI Metro Area, and Baltimore-Towson, MD Metro Area were metro areas with the lowest poverty rates.

Between 2011 and 2012, poverty rates for 19 of the 25 largest metropolitan areas did not exhibit statistically significant changes. In three metro areas, Los Angeles-Long Beach-Santa Ana, CA Metro Area, New York-Northern New Jersey-Long Island, NY-NJ-PA Metro Area, and Riverside-San Bernardino-Ontario, CA Metro Area, both the number and percentage of people in poverty increased during the same period. In Dallas-Fort Worth-Arlington, TX Metro Area, Houston-Sugar Land-Baytown, TX Metro Area, and Portland-Vancouver-Hillsboro, OR-WA Metro Area, the poverty rates declined but the change in the number of people in poverty was not statistically significant.

SOURCE AND ACCURACY

The data presented in this report are based on the ACS sample interviewed from January 2012 through December 2012 (2012 ACS), the ACS sample interviewed from January 2011 through December 2011 (2011 ACS), and the sample interviewed in 2000 from the Census 2000 Supplementary Survey (C2SS). The estimates based on these samples describe the actual average values of person, household, and housing unit characteristics over this period of collection. Sampling error is the uncertainty between an estimate based on a sample and the corresponding value that would be obtained if the estimate were based on the entire population (as from a census). Measures of sampling error are provided in the form of margins of error for all estimates included in this report. All comparative statements in this report have undergone statistical testing, and comparisons are significant at the 90 percent level unless otherwise noted. In addition to sampling error, nonsampling error may be introduced during any of the operations used to collect and process survey data such as editing, reviewing, or keying data from questionnaires. For more information on sampling and estimation methods, confidentiality protection, and sampling and nonsampling errors, please see the 2012 ACS Accuracy of the Data document located at <www.census.gov/acs/www/Downloads/data_documentation/Accuracy/ACS_Accuracy_of_Data_2012.pdf> and the 2000 Accuracy of the Data document located at <www.census.gov/acs/www/Downloads/data documentation/Accuracy/accuracy 00 C2SS.pdf>.

WHAT IS THE AMERICAN COMMUNITY SURVEY?

The American Community Survey (ACS) is a nationwide survey designed to provide communities with reliable and timely demographic, social, economic, and housing data for the nation, states, congressional districts, counties, places, and other localities every year. It has an annual sample size of about 3.5 million addresses across the United States and Puerto Rico and includes both housing units and group quarters (e.g., nursing facilities and prisons). The ACS is conducted in every county throughout the nation, and every municipio in Puerto Rico, where it is called the Puerto Rico Community Survey. Beginning in 2006, ACS data for 2005 were released for geographic areas with populations of 65,000 and greater.

The demonstration stage of the ACS, initially called the Census 2000 Supplementary Survey (C2SS) was conducted in 2000 in 1,239 counties with sample size of 866,000 housing units. The C2SS was designed to provide accurate estimates for the housing units and population for the 50 states and the District of Columbia.

For information on the ACS sample design and other topics, visit <www.census.gov/acs/www>.

Table 5.

Number and Percentage of People in Poverty in the Past 12 Months for Top 25 Metropolitan Statistical Area: 2011 and 2012

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/acs/www/Downloads/ACS/accuracy2012.pdf*)

Metropolitan statisitical area	Below poverty in 2011				Below poverty in 2012				Change in poverty (2012 less 2011)			
	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)	Number[1]	Margin of error[2] (±)	Percentage[1]	Margin of error[2] (±)
United States	**48,452,035**	**234,166**	**15.9**	**0.1**	**48,760,123**	**231,580**	**15.9**	**0.1**	**308,088**	**329,337**	**–0.0**	**0.1**
Atlanta-Sandy Springs-Marietta, GA Metro Area	886,390	31,037	16.8	0.6	887,901	29,846	16.6	0.6	1,511	43,059	–0.2	0.8
Baltimore-Towson, MD Metro Area	308,348	15,085	11.6	0.6	303,704	14,893	11.3	0.6	–4,644	21,198	–0.3	0.8
Boston-Cambridge-Quincy, MA-NH Metro Area	473,590	18,407	10.7	0.4	479,126	15,238	10.7	0.3	5,536	23,896	0.0	0.5
Chicago-Joliet-Naperville, IL-IN-WI Metro Area	1,374,328	36,521	14.7	0.4	1,362,635	30,184	14.5	0.3	–11,693	47,380	–0.2	0.5
Dallas-Fort Worth-Arlington, TX Metro Area	1,016,286	31,952	15.8	0.5	984,719	23,684	15.0	0.4	–31,567	39,773	*–0.8	0.6
Denver-Aurora-Broomfield, CO Metro Area	328,306	17,702	12.8	0.7	332,043	15,260	12.7	0.6	3,737	23,371	–0.1	0.9
Detroit-Warren-Livonia, MI Metro Area	764,172	23,768	18.0	0.6	740,712	20,248	17.4	0.5	–23,460	31,223	–0.6	0.7
Houston-Sugar Land-Baytown, TX Metro Area	1,044,540	31,794	17.4	0.5	1,005,192	32,475	16.4	0.5	–39,348	45,448	*–1.0	0.8
Los Angeles-Long Beach-Santa Ana, CA Metro Area	2,173,341	35,851	17.0	0.3	2,266,193	42,491	17.6	0.3	*92,852	55,595	*0.6	0.4
Miami-Fort Lauderdale-Pompano Beach, FL Metro Area	996,510	31,279	17.8	0.6	993,904	25,832	17.5	0.5	–2,606	40,567	–0.3	0.7
Minneapolis-St. Paul-Bloomington, MN-WI Metro Area	360,489	14,388	11.0	0.4	352,560	14,086	10.7	0.4	–7,929	20,135	–0.4	0.6
New York-Northern New Jersey-Long Island, NY-NJ-PA Metro Area	2,686,469	39,047	14.4	0.2	2,785,196	40,070	14.8	0.2	*98,727	55,949	*0.4	0.3
Orlando-Kissimmee-Sanford, FL Metro Area	340,506	20,485	16.0	1.0	369,925	18,528	16.9	0.8	*29,419	27,620	1.0	1.3
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD Metro Area	790,325	25,260	13.5	0.4	787,217	20,430	13.4	0.3	–3,108	32,488	–0.1	0.6
Phoenix-Mesa-Glendale, AZ Metro Area	726,424	27,645	17.4	0.7	741,322	19,794	17.4	0.5	14,898	34,001	0.1	0.8
Pittsburgh, PA Metro Area	291,237	13,771	12.6	0.6	279,386	12,179	12.1	0.5	–11,851	18,384	–0.5	0.8
Portland-Vancouver-Hillsboro, OR-WA Metro Area	334,511	15,594	15.0	0.7	316,515	12,596	14.0	0.6	–17,996	20,046	*–1.0	0.9
Riverside-San Bernardino-Ontario, CA Metro Area	759,340	31,643	18.0	0.8	813,251	22,351	19.0	0.5	*53,911	38,740	*1.1	0.9
San Antonio-New Braunfels, TX Metro Area	356,470	20,420	16.6	1.0	378,226	16,970	17.3	0.8	21,756	26,551	0.7	1.2
San Diego-Carlsbad-San Marcos, CA Metro Area	462,269	20,240	15.1	0.7	465,295	20,161	15.0	0.7	3,026	28,568	–0.1	0.9
San Francisco-Oakland-Fremont, CA Metro Area	513,843	22,168	11.9	0.5	522,229	18,993	11.9	0.4	8,386	29,192	0.0	0.7
Seattle-Tacoma-Bellevue, WA Metro Area	407,880	17,329	11.9	0.5	409,239	19,482	11.7	0.6	1,359	26,074	–0.1	0.7
St. Louis, MO-IL Metro Area	377,744	16,327	13.7	0.6	394,288	15,820	14.3	0.6	16,544	22,734	0.6	0.8
Tampa-St. Petersburg-Clearwater, FL Metro Area	454,026	21,879	16.3	0.8	458,689	17,744	16.4	0.6	4,663	28,170	0.0	1.0
Washington-Arlington-Alexandria, DC-VA-MD-WV Metro Area	462,358	21,374	8.3	0.4	477,661	17,577	8.4	0.3	15,303	27,673	0.1	0.5

* Statistically different from zero at the 90 percent confidence level.

[1] Poverty status is determined for individuals in housing units and noninstitutional group quarters. The poverty universe excludes children under age 15 who are not related to the householder, people living in institutional group quarters, and people living in college dormitories or military barracks.

[2] Data are based on a sample and are subject to sampling variability. A margin of error is a measure of an estimate's variability. The larger the margin of error in relation to the size of the estimate, the less reliable the estimate. This number when added to or subtracted from the estimate forms the 90 percent confidence interval.

Note: Details may not sum to totals because of rounding. Changes in poverty were calculated with unrounded estimates.

Source: U.S. Census Bureau, 2011 to 2012 American Community Survey.

Accuracy of data documents for the years 2001 to 2011 are located at <www.census.gov/acs/www/data_documentation/documentation_main/>.

NOTES

The Census Bureau also publishes poverty estimates based on the Current Population Survey's Annual Social and Economic Supplement (CPS ASEC). Following the standard specified by the Office of Management and Budget (OMB) in Statistical Policy Directive 14, data from the CPS ASEC are used to estimate the official national poverty rate, which can be found in the report *Income, Poverty, and Health Insurance Coverage in the United States: 2012*, available at <www.census.gov/prod/2013pubs/p60-245.pdf>.

For information on poverty estimates from the ACS and how they differ from those based on the CPS ASEC, see "Differences Between the Income and Poverty Estimates From the American Community Survey and the Annual Social and Economic Supplement to the Current Population Survey" at <www.census.gov/hhes/www/poverty/about/datasources/index.html>.

Appendix Table 1.

Percentage of People With Income Below Poverty Level in the Past 12 Months by State: 2000 to 2012

Area	2000		2001		2002		2003		2004		2005		2006		2007		2008		2009		2010		2011		2012	
	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)
United States	**12.2**	**0.2**	**12.1**	**0.2**	**12.4**	**0.2**	**12.7**	**0.1**	**13.1**	**0.2**	**13.3**	**0.1**	**13.3**	**0.1**	**13.0**	**0.1**	**13.2**	**0.1**	**14.3**	**0.1**	**15.3**	**0.1**	**15.9**	**0.1**	**15.9**	**0.1**
Alabama	15.6	0.9	16.5	0.6	16.6	0.9	17.1	0.7	16.1	0.8	17.0	0.5	16.6	0.5	16.9	0.5	15.7	0.5	17.5	0.5	19.0	0.5	19.0	0.5	19.0	0.4
Alaska	9.1	0.9	7.2	0.7	7.7	0.9	9.7	1.0	8.2	0.8	11.2	1.0	10.9	1.1	8.9	0.8	8.4	0.8	9.0	0.8	9.9	0.9	10.5	0.8	10.1	0.7
Arizona	15.6	1.0	13.7	0.8	14.2	0.9	15.4	0.7	14.2	1.1	14.2	0.5	14.2	0.4	14.2	0.5	14.7	0.4	16.5	0.4	17.4	0.5	19.0	0.6	18.7	0.4
Arkansas	17.0	1.1	15.4	0.9	15.3	1.0	16.0	0.8	17.9	1.3	17.2	0.6	17.3	0.6	17.9	0.6	17.3	0.7	18.8	0.6	18.8	0.6	19.5	0.6	19.8	0.6
California	13.7	0.5	12.8	0.4	13.0	0.4	13.4	0.4	13.3	0.4	13.3	0.2	13.1	0.2	12.4	0.2	13.3	0.2	14.2	0.2	15.8	0.2	16.6	0.2	17.0	0.2
Colorado	8.7	0.8	9.6	0.9	9.7	0.7	9.8	1.1	11.1	1.3	11.1	0.4	12.0	0.4	12.0	0.4	11.4	0.5	12.9	0.4	13.4	0.5	13.5	0.4	13.7	0.4
Connecticut	7.7	0.8	7.3	0.7	7.5	0.9	8.1	0.9	7.6	0.7	8.3	0.5	8.3	0.4	7.9	0.4	9.3	0.4	9.4	0.5	10.1	0.5	10.9	0.5	10.7	0.4
Delaware	9.3	1.0	9.8	1.1	8.2	1.0	8.7	1.1	9.9	0.9	10.4	0.8	11.1	1.1	10.5	0.9	10.0	0.8	10.8	1.1	11.8	0.9	11.9	0.9	12.0	0.9
District of Columbia	17.5	1.5	18.1	1.6	17.5	1.6	19.9	1.6	18.9	1.7	19.0	1.5	19.6	1.4	16.4	1.4	17.2	1.3	18.4	1.6	19.2	1.3	18.7	1.4	18.2	1.3
Florida	12.8	0.5	12.5	0.5	12.8	0.5	13.1	0.5	12.2	0.5	12.8	0.3	12.6	0.2	12.1	0.2	13.2	0.2	14.9	0.2	16.5	0.2	17.0	0.3	17.1	0.3
Georgia	12.6	0.8	11.7	0.7	12.7	0.7	13.4	0.7	14.8	0.7	14.4	0.4	14.7	0.3	14.3	0.3	14.7	0.3	16.5	0.4	17.9	0.4	19.1	0.4	19.2	0.4
Hawaii	8.8	0.9	10.4	2.3	10.1	1.7	10.9	1.2	10.6	2.3	9.8	0.8	9.3	0.7	8.0	0.5	9.1	0.7	10.4	0.7	10.7	0.7	12.0	0.9	11.6	0.7
Idaho	11.4	1.3	12.0	0.9	13.8	1.3	13.8	1.4	14.5	1.3	13.9	0.7	12.6	0.6	12.1	0.6	12.6	0.9	14.3	0.8	15.7	0.7	16.5	0.9	15.9	0.9
Illinois	11.1	0.6	11.2	0.8	11.6	0.6	11.3	0.6	11.9	0.7	12.0	0.3	12.3	0.3	11.9	0.3	12.2	0.2	13.3	0.3	13.8	0.3	15.0	0.3	14.7	0.3
Indiana	10.1	1.0	9.8	0.5	10.9	0.7	10.6	0.8	10.8	1.1	12.2	0.4	12.7	0.4	12.3	0.3	13.1	0.4	14.4	0.4	15.3	0.4	16.0	0.4	15.6	0.3
Iowa	10.0	0.7	9.7	0.9	11.2	1.1	10.1	0.9	9.9	0.6	10.9	0.4	11.0	0.4	11.0	0.5	11.5	0.5	11.8	0.4	12.6	0.5	12.8	0.4	12.7	0.4
Kansas	9.5	0.8	11.3	1.1	12.1	1.1	10.8	1.1	10.5	0.6	11.7	0.5	12.4	0.5	11.2	0.5	11.3	0.5	13.4	0.6	13.6	0.6	13.8	0.5	14.0	0.4
Kentucky	16.4	1.2	15.4	1.2	15.6	1.2	17.4	1.5	17.4	1.3	16.8	0.5	17.0	0.5	17.3	0.5	17.3	0.5	18.6	0.5	19.0	0.5	19.1	0.6	19.4	0.5
Louisiana	20.0	1.0	19.1	1.1	18.8	1.2	20.3	1.0	19.4	1.0	19.8	0.6	19.0	0.6	18.6	0.5	17.3	0.6	17.3	0.5	18.7	0.5	20.4	0.5	19.9	0.5
Maine	10.1	1.2	10.6	1.0	11.1	1.0	10.5	0.9	12.3	1.1	12.6	0.7	12.9	0.7	12.0	0.6	12.3	0.6	12.3	0.7	12.9	0.6	14.1	0.7	14.7	0.7
Maryland	9.3	0.8	8.1	0.7	8.1	0.7	8.2	0.8	8.8	0.7	8.2	0.5	7.8	0.3	8.3	0.4	8.1	0.3	9.1	0.3	9.9	0.4	10.1	0.3	10.3	0.3
Massachusetts	9.6	0.7	8.7	0.6	8.9	0.6	9.4	0.6	9.2	0.5	10.3	0.3	9.9	0.3	9.9	0.3	10.0	0.3	10.3	0.3	11.4	0.3	11.6	0.4	11.9	0.3
Michigan	10.1	0.5	10.6	0.5	11.0	0.6	11.4	0.6	12.3	0.7	13.2	0.3	13.5	0.3	14.0	0.3	14.4	0.3	16.2	0.3	16.8	0.3	17.5	0.3	17.4	0.3
Minnesota	6.9	0.6	7.8	0.6	8.5	0.7	7.8	0.5	8.3	0.8	9.2	0.3	9.8	0.3	9.5	0.3	9.6	0.3	11.0	0.3	11.6	0.3	11.9	0.3	11.4	0.3
Mississippi	18.2	1.0	18.6	1.1	19.9	1.0	19.9	1.0	21.6	1.1	21.3	0.6	21.1	0.8	20.6	0.7	21.2	0.9	21.9	0.6	22.4	0.8	22.6	0.7	24.2	0.8
Missouri	11.2	0.7	11.7	0.8	11.9	0.8	11.7	0.6	11.8	1.2	13.3	0.4	13.6	0.4	13.0	0.4	13.4	0.3	14.6	0.4	15.3	0.4	15.8	0.4	16.2	0.4
Montana	13.4	1.3	14.6	1.1	14.6	1.6	14.2	1.2	14.2	0.9	14.4	1.0	13.6	0.8	14.1	0.8	14.8	0.9	15.1	1.0	14.6	1.0	14.8	0.9	15.5	0.8
Nebraska	9.6	0.7	10.3	0.9	11.0	0.9	10.8	0.9	11.0	0.7	10.9	0.5	11.5	0.6	11.2	0.5	10.8	0.5	12.3	0.6	12.9	0.7	13.1	0.6	13.0	0.6
Nevada	9.9	1.2	9.7	1.0	11.8	1.2	11.5	1.1	12.6	1.5	11.1	0.7	10.3	0.5	10.7	0.7	11.3	0.6	12.4	0.7	14.9	0.8	15.9	0.8	16.4	0.7
New Hampshire	5.3	0.8	6.0	0.7	6.4	0.7	7.7	0.9	7.6	0.8	7.5	0.6	8.0	0.6	7.1	0.6	7.6	0.6	8.5	0.6	8.3	0.6	8.8	0.7	10.0	0.8
New Jersey	7.9	0.6	7.9	0.6	7.5	0.5	8.4	0.6	8.5	0.6	8.7	0.3	8.7	0.3	8.6	0.3	8.7	0.3	9.4	0.3	10.3	0.3	10.4	0.3	10.8	0.3
New Mexico	18.0	1.7	17.7	1.7	18.9	1.3	18.6	1.5	19.3	1.6	18.5	0.8	18.5	0.7	18.1	0.8	17.1	0.7	18.0	1.0	20.4	1.0	21.5	0.8	20.8	0.7
New York	13.1	0.5	13.4	0.5	13.1	0.6	13.5	0.5	14.2	0.5	13.8	0.3	14.2	0.2	13.7	0.2	13.6	0.2	14.2	0.2	14.9	0.2	16.0	0.2	15.9	0.2
North Carolina	13.1	0.6	14.1	0.9	14.2	1.1	14.0	0.7	15.2	1.2	15.1	0.4	14.7	0.3	14.3	0.3	14.6	0.4	16.3	0.3	17.5	0.3	17.9	0.4	18.0	0.3
North Dakota	11.6	1.7	12.1	1.5	12.5	1.7	11.7	1.2	12.1	1.7	11.2	0.8	11.4	0.8	12.1	0.9	12.0	0.9	11.7	0.8	13.0	0.9	12.2	0.8	11.2	0.6
Ohio	11.1	0.8	11.0	0.7	11.9	0.8	12.1	0.5	12.5	0.8	13.0	0.3	13.3	0.3	13.1	0.3	13.4	0.3	15.2	0.3	15.8	0.3	16.4	0.3	16.3	0.3
Oklahoma	13.8	0.9	15.5	1.3	15.0	1.3	16.1	1.2	15.3	1.3	16.5	0.5	17.0	0.5	15.9	0.5	15.9	0.5	16.2	0.5	16.9	0.4	17.2	0.5	17.2	0.4
Oregon	13.2	1.4	13.4	1.6	13.2	0.8	13.9	0.8	14.1	1.0	14.1	0.5	13.3	0.5	12.9	0.5	13.6	0.5	14.3	0.5	15.8	0.5	17.5	0.5	17.2	0.6
Pennsylvania	10.5	0.6	10.7	0.5	10.5	0.6	10.9	0.5	11.7	0.5	11.9	0.2	12.1	0.2	11.6	0.3	12.1	0.2	12.5	0.2	13.4	0.2	13.8	0.3	13.7	0.2
Rhode Island	10.7	1.1	12.0	1.1	10.7	1.0	11.3	1.1	12.8	1.0	12.3	1.0	11.1	0.8	12.0	0.9	11.7	0.8	11.5	0.8	14.0	0.9	14.7	0.9	13.7	0.8
South Carolina	14.4	0.8	13.4	1.2	14.2	0.8	14.1	1.0	15.7	1.3	15.6	0.5	15.7	0.5	15.0	0.5	15.7	0.5	17.1	0.5	18.2	0.5	18.9	0.5	18.3	0.5
South Dakota	11.5	0.8	11.6	1.2	11.4	2.0	11.1	1.3	11.0	1.5	13.6	1.0	13.6	0.9	13.1	0.8	12.5	0.9	14.2	1.0	14.4	1.0	13.9	0.8	13.4	0.7
Tennessee	13.5	0.9	14.3	0.9	14.5	1.0	13.8	0.7	14.5	1.1	15.5	0.5	16.2	0.4	15.9	0.5	15.5	0.4	17.1	0.4	17.7	0.5	18.3	0.5	17.9	0.4
Texas	15.1	0.6	15.0	0.5	15.6	0.4	16.3	0.6	16.6	0.5	17.6	0.3	16.9	0.2	16.3	0.2	15.8	0.2	17.2	0.2	17.9	0.2	18.5	0.3	17.9	0.2
Utah	8.8	1.2	8.6	1.1	10.5	1.1	10.6	1.0	10.9	1.3	10.2	0.6	10.6	0.5	9.7	0.5	9.6	0.5	11.5	0.5	13.2	0.5	13.5	0.7	12.8	0.7
Vermont	10.7	1.1	10.4	1.1	8.5	1.1	9.7	1.0	9.0	0.9	11.5	1.0	10.3	0.7	10.1	0.9	10.6	0.9	11.4	0.9	12.7	0.9	11.5	0.8	11.8	0.8
Virginia	9.2	0.7	9.3	0.8	9.9	0.7	9.0	0.9	9.5	0.9	10.0	0.3	9.6	0.3	9.9	0.3	10.2	0.3	10.5	0.4	11.1	0.3	11.5	0.3	11.7	0.3
Washington	11.6	1.1	10.8	1.0	11.4	1.0	11.0	1.1	13.1	1.0	11.9	0.4	11.8	0.3	11.4	0.3	11.3	0.3	12.3	0.4	13.4	0.4	13.9	0.4	13.5	0.4
West Virginia	18.6	1.3	17.2	1.4	17.2	1.2	18.5	1.2	17.9	1.3	18.0	0.8	17.3	0.8	16.9	0.6	17.0	0.7	17.7	0.7	18.1	0.7	18.6	0.8	17.8	0.7
Wisconsin	8.9	1.1	9.8	0.8	9.7	0.9	10.5	1.2	10.7	0.9	10.2	0.3	11.0	0.3	10.8	0.3	10.4	0.3	12.4	0.4	13.2	0.3	13.1	0.4	13.2	0.3
Wyoming	11.4	1.6	11.4	0.8	11.0	1.0	9.7	1.0	10.3	0.7	9.5	0.9	9.4	1.0	8.7	1.2	9.4	0.9	9.8	1.0	11.2	1.2	11.3	1.0	12.6	1.1

Source: U.S. Census Bureau, 2000 to 2012 American Community Surveys.

Appendix Table 2.

Percentage of People With Income Below 50 Percent of the Poverty Threshold by State: 2000 to 2012

Area	2000		2001		2002		2003		2004		2005		2006		2007		2008		2009		2010		2011		2012	
	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)
United States	**5.0**	**0.1**	**5.0**	**0.1**	**5.3**	**0.1**	**5.5**	**0.1**	**5.7**	**0.1**	**5.7**	**0.1**	**5.7**	**0.0**	**5.6**	**0.0**	**5.7**	**0.0**	**6.3**	**0.1**	**6.8**	**0.1**	**7.1**	**0.1**	**7.0**	**0.0**
Alabama	6.1	0.6	7.1	0.6	7.4	0.6	7.5	0.5	6.7	0.6	7.3	0.5	7.3	0.3	6.9	0.3	6.3	0.3	7.5	0.3	8.1	0.3	7.8	0.3	8.5	0.3
Alaska	3.6	0.9	2.8	0.5	3.0	0.7	3.1	0.5	4.1	0.9	5.0	0.6	4.5	0.6	3.7	0.5	3.6	0.4	4.0	0.6	4.1	0.6	4.7	0.6	4.4	0.4
Arizona	6.6	0.7	6.4	0.5	6.0	0.6	7.4	0.6	6.3	0.6	6.3	0.4	6.4	0.3	6.6	0.3	6.7	0.3	7.6	0.4	8.3	0.4	8.7	0.4	8.9	0.3
Arkansas	6.1	0.8	6.0	0.6	6.2	0.6	7.1	0.6	7.3	0.9	7.3	0.4	7.1	0.4	6.5	0.4	6.9	0.4	7.7	0.5	7.8	0.4	7.9	0.4	8.2	0.5
California	5.3	0.3	5.4	0.2	5.5	0.2	5.4	0.2	5.7	0.2	5.4	0.1	5.4	0.1	5.1	0.1	5.4	0.1	6.0	0.1	6.8	0.1	7.2	0.1	7.4	0.1
Colorado	3.8	0.5	4.2	0.5	4.2	0.4	4.2	0.4	5.5	0.9	4.9	0.3	5.5	0.3	5.5	0.3	4.8	0.3	5.9	0.3	6.0	0.3	6.1	0.3	6.1	0.3
Connecticut	3.6	0.6	3.4	0.5	3.5	0.5	3.6	0.6	3.9	0.5	3.9	0.4	3.7	0.3	3.6	0.3	4.0	0.3	4.4	0.3	4.7	0.4	5.0	0.3	4.9	0.3
Delaware	3.7	0.5	4.2	0.6	4.0	0.7	3.8	0.7	4.7	0.8	4.6	0.7	4.9	0.6	5.2	0.6	4.4	0.6	4.9	0.8	5.4	0.6	5.8	0.6	5.8	0.6
District of Columbia	9.4	1.4	9.4	1.3	9.4	1.4	11.6	1.3	10.1	1.6	10.8	1.3	10.5	1.2	8.5	1.1	9.6	1.1	10.7	1.3	10.7	1.1	10.3	1.1	10.4	1.0
Florida	5.5	0.3	5.0	0.3	5.6	0.3	5.5	0.3	5.2	0.3	5.5	0.2	5.2	0.2	5.0	0.1	5.6	0.2	6.5	0.2	7.4	0.2	7.5	0.2	7.5	0.2
Georgia	5.3	0.5	5.2	0.5	5.4	0.5	5.7	0.4	6.6	0.5	6.4	0.3	6.6	0.3	6.4	0.3	6.3	0.3	7.3	0.3	8.2	0.3	8.6	0.3	8.8	0.3
Hawaii	3.9	0.7	4.1	1.1	4.3	1.2	4.7	0.7	4.7	1.5	4.1	0.5	4.4	0.5	3.8	0.4	4.7	0.5	4.4	0.5	5.6	0.6	6.1	0.7	5.8	0.5
Idaho	3.8	0.5	4.4	0.6	5.8	1.0	5.0	0.8	5.1	0.7	5.4	0.6	4.6	0.4	4.7	0.5	5.0	0.5	6.0	0.6	6.3	0.6	7.1	0.6	6.1	0.6
Illinois	4.6	0.4	4.9	0.3	5.6	0.4	5.2	0.3	5.8	0.5	5.5	0.2	5.5	0.2	5.3	0.2	5.4	0.2	6.0	0.2	6.1	0.2	6.9	0.2	6.5	0.2
Indiana	4.2	0.7	4.4	0.5	4.8	0.5	4.8	0.8	4.5	0.5	5.6	0.3	5.8	0.3	5.8	0.3	5.7	0.3	6.4	0.3	7.0	0.3	7.9	0.3	7.2	0.3
Iowa	3.6	0.4	3.5	0.6	4.2	0.5	4.2	0.5	4.0	0.5	4.8	0.3	4.8	0.3	4.7	0.3	4.8	0.3	4.9	0.3	5.3	0.3	5.9	0.4	5.4	0.3
Kansas	3.4	0.4	4.3	0.6	5.0	0.6	5.1	0.9	4.1	0.5	4.8	0.3	5.0	0.3	4.8	0.3	4.5	0.3	5.6	0.4	5.9	0.4	5.7	0.3	5.6	0.3
Kentucky	5.9	0.8	6.0	0.6	6.1	0.6	7.1	0.8	7.1	0.6	7.1	0.3	6.9	0.4	7.1	0.3	7.6	0.3	8.0	0.4	8.2	0.4	8.4	0.4	8.1	0.4
Louisiana	8.3	0.7	8.8	0.8	7.4	0.9	9.3	0.8	8.9	0.7	8.3	0.5	8.3	0.4	7.8	0.4	7.4	0.4	7.2	0.4	8.1	0.3	9.4	0.4	8.6	0.4
Maine	3.4	0.8	3.9	0.5	4.2	0.6	3.6	0.5	5.6	0.8	4.7	0.5	4.8	0.4	4.6	0.4	4.8	0.4	4.7	0.5	4.7	0.5	5.2	0.4	5.4	0.4
Maryland	3.9	0.5	3.6	0.4	3.4	0.5	4.0	0.5	3.8	0.5	3.9	0.3	3.6	0.2	3.8	0.2	3.8	0.2	4.2	0.2	4.9	0.3	5.0	0.3	4.9	0.2
Massachusetts	4.0	0.4	3.7	0.4	4.2	0.4	4.2	0.4	4.3	0.4	4.9	0.2	4.5	0.2	4.4	0.2	4.5	0.2	4.5	0.2	5.3	0.3	5.3	0.3	5.4	0.2
Michigan	4.2	0.4	4.4	0.3	4.7	0.4	5.0	0.4	5.6	0.5	5.9	0.2	6.0	0.2	6.5	0.2	6.6	0.2	7.4	0.2	7.6	0.2	8.1	0.2	8.0	0.2
Minnesota	2.5	0.4	2.9	0.4	3.7	0.7	3.5	0.4	3.3	0.3	3.9	0.2	4.3	0.2	3.9	0.2	4.2	0.2	4.9	0.2	5.0	0.3	5.2	0.2	4.9	0.2
Mississippi	7.1	0.7	7.1	0.5	8.5	0.6	7.7	0.7	8.7	0.7	9.3	0.6	8.8	0.4	8.7	0.5	8.5	0.5	9.3	0.5	9.7	0.5	9.8	0.5	10.2	0.5
Missouri	4.5	0.5	5.0	0.5	5.0	0.6	4.7	0.5	5.3	0.6	5.5	0.3	5.9	0.3	5.7	0.3	5.5	0.3	6.6	0.3	6.6	0.3	7.0	0.3	7.1	0.3
Montana	4.8	0.7	5.6	0.8	5.4	0.8	5.6	0.6	5.6	0.7	5.3	0.5	5.8	0.5	5.8	0.6	6.1	0.6	6.9	0.7	6.3	0.7	5.8	0.5	6.2	0.5
Nebraska	4.0	0.4	4.1	0.5	4.9	0.7	4.6	0.6	4.4	0.4	4.7	0.4	5.0	0.4	4.8	0.4	4.5	0.4	5.0	0.4	5.2	0.5	5.6	0.5	5.3	0.3
Nevada	4.3	0.7	4.3	0.7	5.1	0.9	5.1	0.6	5.7	1.0	5.0	0.5	4.9	0.4	4.6	0.3	5.2	0.4	5.5	0.5	7.0	0.6	7.2	0.5	7.1	0.5
New Hampshire	2.2	0.6	2.3	0.4	2.4	0.5	3.8	0.6	3.2	0.6	3.3	0.4	3.6	0.4	3.4	0.4	3.4	0.5	3.8	0.4	3.8	0.4	4.4	0.4	4.2	0.5
New Jersey	3.9	0.4	3.3	0.3	3.0	0.3	3.8	0.5	3.7	0.4	4.0	0.2	3.9	0.2	3.9	0.2	3.9	0.2	4.1	0.2	4.6	0.2	4.8	0.2	5.0	0.2
New Mexico	7.2	0.9	7.1	1.1	7.3	1.0	8.7	1.0	6.8	0.8	7.8	0.6	7.6	0.6	7.6	0.5	6.7	0.6	7.5	0.5	8.7	0.6	9.4	0.7	9.2	0.5
New York	6.1	0.3	6.1	0.3	5.7	0.3	6.1	0.3	6.4	0.3	6.3	0.2	6.3	0.2	6.1	0.2	6.0	0.1	6.4	0.2	6.8	0.2	7.1	0.2	7.1	0.1
North Carolina	5.2	0.4	5.6	0.4	6.4	0.5	6.5	0.5	6.1	0.6	6.2	0.2	6.3	0.2	6.0	0.2	6.0	0.2	7.1	0.2	7.8	0.3	7.8	0.3	7.9	0.2
North Dakota	4.6	0.8	4.7	0.7	5.5	0.8	4.7	0.6	4.5	0.8	4.8	0.7	5.2	0.5	5.3	0.6	5.1	0.7	5.0	0.6	5.9	0.7	5.8	0.6	5.2	0.5
Ohio	4.6	0.4	4.5	0.3	5.2	0.4	5.5	0.3	5.8	0.5	5.9	0.2	6.1	0.2	6.0	0.2	6.2	0.2	7.0	0.2	7.3	0.2	7.6	0.2	7.6	0.2
Oklahoma	6.1	0.6	6.3	0.8	7.2	0.8	6.9	0.8	7.4	0.8	6.9	0.3	7.0	0.4	6.7	0.3	6.4	0.3	6.8	0.4	7.2	0.3	7.4	0.3	7.4	0.3
Oregon	5.4	0.6	5.5	0.8	5.0	0.6	6.0	0.5	6.4	0.5	6.1	0.4	5.5	0.3	5.7	0.4	5.7	0.3	6.3	0.3	7.2	0.3	7.7	0.4	7.9	0.4
Pennsylvania	4.1	0.3	4.4	0.3	4.3	0.4	4.9	0.4	5.3	0.4	5.2	0.2	5.2	0.2	5.1	0.2	5.3	0.2	5.5	0.2	5.9	0.2	6.2	0.2	6.0	0.2
Rhode Island	5.2	0.9	5.6	0.8	5.0	0.9	4.8	0.7	6.0	0.8	5.6	0.6	4.6	0.6	5.2	0.7	5.3	0.6	4.9	0.6	6.0	0.6	6.8	0.7	6.1	0.6
South Carolina	6.0	1.0	5.0	0.5	6.5	0.6	6.2	1.0	6.4	0.6	6.9	0.4	6.9	0.3	6.7	0.3	7.0	0.4	7.7	0.4	8.4	0.4	8.5	0.4	8.2	0.4
South Dakota	4.3	0.6	4.4	0.6	5.3	2.3	4.8	1.2	4.8	0.8	5.6	0.6	5.9	0.6	5.6	0.6	5.6	0.7	6.1	0.7	6.3	0.7	5.9	0.6	6.3	0.5
Tennessee	5.6	0.8	5.4	0.5	6.1	0.6	5.7	0.5	6.4	0.6	6.4	0.3	7.1	0.3	6.5	0.3	6.5	0.3	7.4	0.3	7.9	0.3	7.9	0.3	7.7	0.3
Texas	6.3	0.4	6.0	0.3	6.4	0.4	6.7	0.4	7.2	0.4	7.3	0.2	7.1	0.2	6.8	0.2	6.4	0.2	7.2	0.2	7.4	0.2	7.6	0.2	7.4	0.1
Utah	3.8	0.7	3.4	0.6	4.3	0.7	4.6	0.6	4.6	0.8	4.1	0.4	4.4	0.4	3.8	0.3	4.2	0.4	5.0	0.4	5.6	0.4	5.6	0.4	5.5	0.4
Vermont	4.2	0.8	4.3	0.7	3.0	0.5	3.6	0.6	3.8	0.5	4.4	0.6	4.0	0.6	3.9	0.4	4.8	0.6	4.9	0.5	5.7	0.6	4.9	0.6	5.3	0.6
Virginia	3.6	0.4	3.8	0.4	4.3	0.4	4.0	0.4	4.1	0.4	4.2	0.2	4.3	0.2	4.2	0.2	4.5	0.2	4.9	0.2	4.8	0.2	5.3	0.2	5.2	0.2
Washington	4.7	0.5	4.5	0.5	4.9	0.8	4.5	0.4	5.7	0.6	5.1	0.2	5.0	0.3	5.1	0.3	4.9	0.2	5.6	0.2	6.1	0.3	6.2	0.3	6.3	0.3
West Virginia	7.7	0.8	6.9	0.9	6.1	0.7	6.9	0.9	6.8	0.7	7.2	0.5	7.2	0.5	7.0	0.5	7.6	0.5	7.6	0.5	7.2	0.5	7.8	0.5	8.4	0.6
Wisconsin	3.3	0.5	3.8	0.4	3.9	0.4	4.5	0.5	4.8	0.6	4.4	0.3	4.6	0.2	4.5	0.2	4.5	0.2	5.3	0.3	5.6	0.2	5.8	0.3	5.7	0.2
Wyoming	4.1	0.7	4.7	0.7	5.1	0.8	4.0	0.5	5.0	0.6	4.1	0.6	3.7	0.6	3.6	0.8	4.4	0.6	3.3	0.5	4.7	0.6	4.7	0.7	5.2	0.7

Source: U. S. Census Bureau, 2000 to 2012 American Community Surveys.

Appendix Table 3.

Percentage of People With Income Below 125 Percent of the Poverty Threshold by State: 2000 to 2012

Area	2000		2001		2002		2003		2004		2005		2006		2007		2008		2009		2010		2011		2012	
	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)	Estimate	Margin of error (±)
United States	**16.5**	**0.2**	**16.3**	**0.2**	**16.5**	**0.2**	**17.0**	**0.2**	**17.5**	**0.2**	**17.7**	**0.1**	**17.6**	**0.1**	**17.3**	**0.1**	**17.6**	**0.1**	**18.9**	**0.1**	**20.1**	**0.1**	**20.8**	**0.1**	**20.8**	**0.1**
Alabama	21.2	1.1	22.4	0.8	21.6	0.9	21.8	0.8	21.3	0.9	22.7	0.6	21.7	0.6	22.0	0.5	21.1	0.6	23.0	0.6	24.8	0.5	24.9	0.6	24.6	0.5
Alaska	12.1	1.0	10.3	0.9	11.8	1.1	13.5	1.4	11.1	0.9	14.8	1.0	14.2	1.2	13.3	1.0	11.9	0.9	12.2	0.9	14.1	1.0	14.5	1.0	14.7	1.0
Arizona	20.1	0.9	18.5	0.8	19.1	1.0	20.8	1.0	20.0	1.3	19.5	0.6	18.8	0.5	18.9	0.5	19.6	0.5	21.5	0.5	23.5	0.6	24.4	0.6	24.1	0.4
Arkansas	22.0	1.2	20.7	1.5	20.9	1.0	20.7	0.9	23.5	1.6	23.4	0.8	23.2	0.7	23.5	0.7	23.4	0.8	24.8	0.6	24.9	0.6	25.4	0.6	25.8	0.7
California	18.8	0.6	17.7	0.5	17.8	0.5	18.2	0.4	18.4	0.4	18.2	0.2	18.0	0.2	17.3	0.2	18.2	0.2	19.1	0.2	21.1	0.2	22.0	0.2	22.3	0.2
Colorado	12.4	1.0	12.6	1.0	13.3	0.8	13.0	1.4	15.2	1.4	15.2	0.5	15.8	0.5	15.7	0.5	15.3	0.5	16.8	0.5	17.8	0.4	18.1	0.5	17.8	0.4
Connecticut	10.5	0.8	9.7	0.9	9.9	1.0	10.4	0.9	10.6	0.8	10.9	0.5	10.9	0.4	10.7	0.4	11.9	0.5	11.9	0.5	13.1	0.5	14.1	0.5	13.9	0.5
Delaware	13.1	1.2	12.9	1.2	11.7	1.1	11.5	1.2	13.6	1.0	13.6	1.0	13.8	1.2	14.3	1.0	13.6	0.9	14.6	1.4	14.6	1.0	16.0	1.1	15.5	1.0
District of Columbia	21.4	1.6	22.4	1.7	22.0	1.7	24.4	1.6	22.6	2.0	23.9	1.7	23.0	1.3	20.6	1.4	20.7	1.4	21.6	1.6	22.5	1.4	21.9	1.4	22.3	1.2
Florida	17.4	0.6	17.5	0.6	17.3	0.6	17.7	0.5	17.0	0.6	17.7	0.3	17.1	0.3	16.7	0.3	17.9	0.3	20.0	0.3	21.9	0.3	22.6	0.3	22.7	0.3
Georgia	17.2	1.0	15.9	1.0	17.0	0.6	18.1	0.5	19.7	0.8	18.9	0.4	19.3	0.3	18.8	0.4	19.5	0.4	21.6	0.4	23.3	0.5	24.5	0.5	24.6	0.4
Hawaii	12.5	1.1	13.7	2.1	12.9	1.9	13.7	1.1	14.0	2.7	12.5	0.9	12.5	0.9	10.5	0.6	11.9	0.8	13.7	0.9	13.9	0.8	15.5	1.0	15.1	0.7
Idaho	16.8	1.5	17.0	1.2	19.2	1.5	18.7	1.6	20.9	1.6	19.3	0.8	17.6	0.7	17.1	0.7	18.1	1.0	19.9	0.9	21.6	0.9	21.7	1.0	21.4	1.0
Illinois	14.7	0.8	14.5	1.0	14.8	0.8	15.1	0.6	16.0	0.7	15.7	0.3	16.2	0.3	15.8	0.3	16.3	0.3	17.5	0.3	18.1	0.3	19.6	0.4	19.0	0.3
Indiana	13.9	1.3	13.8	0.8	14.2	0.9	15.0	0.8	15.1	1.0	16.3	0.4	16.6	0.5	16.4	0.4	17.6	0.4	18.7	0.5	20.0	0.4	20.7	0.5	20.3	0.4
Iowa	13.8	0.8	13.6	1.1	15.4	1.5	13.8	0.9	14.9	0.9	15.0	0.5	15.1	0.5	14.7	0.5	15.6	0.5	16.0	0.5	16.9	0.5	17.0	0.5	16.6	0.5
Kansas	14.2	0.9	15.6	1.4	16.1	1.1	15.8	1.0	15.3	0.7	16.0	0.6	16.6	0.5	15.2	0.5	15.8	0.6	17.9	0.6	18.7	0.7	18.3	0.5	18.6	0.5
Kentucky	22.2	1.3	20.9	1.3	20.9	1.6	22.8	1.8	22.6	1.4	22.1	0.5	22.0	0.5	22.0	0.5	22.4	0.6	23.6	0.6	24.6	0.6	24.6	0.6	24.8	0.6
Louisiana	24.9	1.1	24.4	1.4	24.2	1.3	25.4	1.0	24.2	1.1	24.9	0.6	24.2	0.7	24.1	0.6	22.7	0.6	22.7	0.5	24.2	0.5	25.8	0.5	25.6	0.5
Maine	14.9	1.4	15.4	1.1	15.5	1.2	14.8	1.1	16.6	1.3	16.9	0.7	16.8	0.8	16.4	0.7	16.7	0.7	17.0	0.8	17.9	0.8	19.3	0.7	19.6	0.8
Maryland	12.1	0.9	10.7	0.8	11.0	0.9	11.2	0.9	11.3	0.8	11.0	0.5	10.5	0.3	11.0	0.4	10.7	0.4	12.0	0.4	12.8	0.4	13.0	0.4	13.3	0.4
Massachusetts	12.8	0.7	11.9	0.7	11.7	0.7	12.2	0.7	12.2	0.6	13.2	0.4	13.1	0.3	12.7	0.3	13.0	0.3	13.4	0.4	15.0	0.4	15.2	0.4	15.2	0.3
Michigan	13.8	0.5	14.1	0.7	14.6	0.7	15.1	0.7	16.4	0.8	17.0	0.3	17.4	0.3	18.2	0.3	18.5	0.3	20.7	0.3	21.5	0.3	22.3	0.3	22.0	0.3
Minnesota	10.0	0.8	10.8	0.9	11.1	0.7	10.4	0.6	11.3	0.9	12.6	0.4	12.9	0.3	12.7	0.3	13.2	0.3	14.6	0.4	15.5	0.3	15.7	0.3	15.1	0.4
Mississippi	23.8	1.1	24.3	1.1	25.4	1.1	26.0	1.3	28.3	1.0	27.6	0.7	27.9	0.7	27.1	0.8	27.6	0.9	28.2	0.7	28.9	0.8	29.1	0.7	30.7	0.8
Missouri	15.8	0.8	16.0	0.9	15.4	0.8	16.3	1.0	16.6	1.1	17.9	0.5	18.3	0.5	17.6	0.4	18.0	0.4	19.2	0.5	20.0	0.4	20.8	0.4	21.1	0.4
Montana	19.7	1.4	20.6	1.5	20.0	1.8	20.0	1.5	19.9	1.0	19.4	1.1	18.4	1.0	19.1	1.0	18.6	1.1	20.2	1.1	20.2	1.0	20.4	1.0	20.9	0.9
Nebraska	14.5	1.0	14.3	1.0	15.0	1.1	14.5	1.0	15.4	0.8	15.4	0.7	15.8	0.6	15.7	0.6	14.5	0.6	17.2	0.7	17.4	0.7	17.8	0.6	17.7	0.7
Nevada	14.7	1.3	14.2	1.1	16.1	1.4	15.5	1.3	17.0	1.8	15.3	0.7	14.2	0.7	14.1	0.8	15.3	0.7	17.0	0.7	19.4	0.9	20.9	0.9	21.9	0.7
New Hampshire	7.8	1.0	8.3	0.9	8.9	0.8	10.6	1.0	10.5	1.0	10.0	0.7	10.5	0.6	9.8	0.7	10.2	0.7	10.9	0.7	11.2	0.7	12.0	0.7	13.0	1.0
New Jersey	10.7	0.7	10.6	0.7	10.3	0.6	11.2	0.7	11.2	0.6	11.7	0.4	11.6	0.3	11.4	0.3	11.6	0.3	12.5	0.3	13.5	0.3	13.8	0.3	14.1	0.3
New Mexico	24.7	1.7	23.5	2.0	24.3	1.9	25.3	1.9	25.2	1.8	24.9	0.9	24.3	0.8	23.5	0.9	23.2	0.9	23.5	0.9	26.4	0.9	27.6	0.9	26.7	0.7
New York	17.1	0.5	17.2	0.5	17.0	0.7	17.7	0.5	18.3	0.6	17.8	0.3	18.1	0.2	17.7	0.2	17.9	0.2	18.2	0.3	19.2	0.3	20.5	0.2	20.3	0.2
North Carolina	17.5	0.9	18.6	1.1	18.9	1.1	19.0	1.0	20.5	1.5	20.1	0.4	19.5	0.4	19.4	0.3	19.5	0.4	21.2	0.4	22.9	0.4	23.4	0.5	23.8	0.4
North Dakota	16.6	1.9	16.5	1.9	17.1	2.1	15.8	1.3	16.7	1.9	15.5	0.9	15.7	0.9	15.7	0.9	16.9	1.1	15.2	0.9	17.4	1.0	15.8	0.8	14.9	0.8
Ohio	14.7	0.9	14.6	0.8	15.5	1.1	15.9	0.5	16.3	0.9	17.0	0.3	17.2	0.3	17.3	0.3	17.4	0.3	19.6	0.3	20.4	0.4	21.0	0.3	20.9	0.3
Oklahoma	19.9	1.3	21.6	1.3	20.5	1.2	21.5	1.2	21.3	1.5	22.1	0.6	22.6	0.5	21.4	0.6	20.8	0.6	21.7	0.5	22.5	0.5	22.8	0.5	22.9	0.4
Oregon	17.6	1.2	17.8	1.7	17.8	1.2	18.9	0.9	18.9	1.0	19.0	0.6	17.7	0.6	17.6	0.6	17.7	0.5	19.0	0.6	21.0	0.5	22.4	0.6	22.2	0.6
Pennsylvania	14.4	0.6	14.5	0.5	13.6	0.6	14.6	0.6	15.5	0.6	15.8	0.3	15.9	0.3	15.6	0.3	16.1	0.2	16.4	0.2	17.6	0.2	17.9	0.3	17.9	0.3
Rhode Island	14.1	1.2	15.7	1.2	13.9	1.1	14.4	1.0	16.3	1.1	15.6	1.0	15.1	1.0	15.5	1.0	15.1	1.0	15.2	1.0	18.4	1.1	18.6	1.0	18.1	1.0
South Carolina	18.7	1.0	18.0	1.5	18.9	1.1	20.0	1.2	20.4	1.4	20.9	0.5	20.8	0.5	20.2	0.5	20.8	0.6	22.4	0.5	23.5	0.5	24.7	0.5	23.9	0.5
South Dakota	15.9	0.8	15.6	1.2	16.4	2.2	14.8	1.0	15.9	1.7	17.8	1.1	17.1	0.9	17.8	0.8	16.2	1.0	18.9	1.0	19.5	1.0	18.7	1.1	17.9	0.8
Tennessee	18.5	0.9	19.3	1.0	19.1	0.9	18.7	0.8	19.5	1.1	20.8	0.6	21.2	0.5	20.7	0.5	20.8	0.5	22.3	0.4	23.2	0.5	23.8	0.5	23.3	0.5
Texas	20.5	0.6	20.2	0.5	20.7	0.5	21.7	0.7	22.0	0.5	23.4	0.3	22.3	0.2	21.8	0.2	21.4	0.2	22.7	0.3	23.6	0.3	24.1	0.3	23.6	0.2
Utah	12.2	1.3	12.6	1.3	13.9	1.2	13.7	1.1	15.0	1.3	14.4	0.8	14.7	0.6	13.7	0.6	13.7	0.6	15.8	0.6	17.2	0.6	17.7	0.7	17.7	0.7
Vermont	14.6	1.2	14.2	1.1	12.6	1.2	14.2	1.2	12.9	0.9	14.6	1.1	13.9	0.8	14.2	0.9	14.2	1.1	15.0	0.9	16.7	1.0	16.0	1.0	15.7	0.8
Virginia	13.1	0.9	12.4	0.9	13.0	0.9	12.4	0.9	13.0	1.0	12.9	0.4	12.9	0.3	13.1	0.3	13.6	0.4	14.0	0.4	14.7	0.3	15.5	0.4	15.6	0.3
Washington	15.4	1.2	14.6	1.4	14.9	1.2	14.4	1.3	16.9	1.1	15.9	0.4	15.5	0.4	15.2	0.4	15.1	0.4	16.2	0.4	17.4	0.4	18.2	0.4	17.5	0.5
West Virginia	24.8	1.6	23.0	1.9	22.7	1.3	24.2	1.4	23.4	1.5	23.7	0.9	23.4	0.8	22.6	0.7	21.9	0.8	23.3	0.7	23.7	0.8	24.2	0.9	23.4	0.9
Wisconsin	12.0	1.4	13.0	1.0	13.0	1.1	14.1	1.3	14.3	1.3	14.1	0.4	14.6	0.4	14.6	0.4	13.9	0.3	16.4	0.4	17.2	0.4	17.6	0.4	17.4	0.3
Wyoming	17.1	1.6	15.9	1.0	15.3	1.4	14.5	1.2	14.0	1.1	13.2	1.0	14.0	1.2	11.8	1.2	12.4	0.9	13.9	1.2	15.2	1.4	14.9	1.2	16.0	1.1

Source: U. S. Census Bureau, 2000 to 2012 American Community Surveys.

TAB 3

news

Colorado Judicial Branch
Michael L. Bender, Chief Justice
Gerald Marroney, State Court Administrator

FOR IMMEDIATE RELEASE
May 11, 2012

Contact: Robert McCallum or Jon Sarché
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303-837-3644
robert.mccallum@judicial.state.co.us
jon.sarche@judicial.state.co.us

Colorado Supreme Court authorizes transfer of surplus attorney registration funds to Colorado Legal Services

DENVER – The Colorado Supreme Court announced today that it has voted unanimously to transfer $750,000 in 2012, and another $750,000 in 2013, from the Court's attorney registration fund to Colorado Legal Services.

Colorado Legal Services will use the funds to further its mission of providing pro bono legal services in civil matters to Colorado's indigent population.

"Our profession has an obligation to serve all of Colorado, including those who cannot afford to pay a lawyer for representation in civil matters," Chief Justice Michael L. Bender said.

Chief Justice Bender also noted that none of the monies being transferred come from taxpayer dollars or will have any future impact on taxpayers.

"The funds being made available to Colorado Legal Services come solely from fees paid to the Court's Office of Attorney Registration," he said. "I believe all Colorado attorneys should see this as a wise use of resources to ensure procedural fairness prevails for all who come to the courts seeking assistance."

The Supreme Court took the transfer request under advisement earlier this year when approached by the Colorado Bar Association and the Colorado Access to Justice Commission. The Court found the attorney registration fund had a surplus and concluded that using some of the money for this purpose would have no negative impact on the Office of Attorney Registration or Office of Attorney Regulation.

Colorado Legal Services is a flagship provider of civil legal services and in the past few saw a significant downturn in its funding sources. Without the Court's authorization to transfer the monies, Colorado Legal Services would have been forced to close some of its offices and lay off numerous staff members.

This information is provided as an e-mail service of the Colorado State Judicial Branch, Office of State Court Administrator, 101 W. Colfax, Suite 500, Denver, CO 80202. To discontinue this service or update your e-mail address, please respond to this message with your name, contact information and any comments.

TAB 4

March 1, 2012

Facing devastating cuts to legal aid, Foundation turns to lawyers

Florida Bar President Scott Hawkins and Florida Bar Foundation President Michele Kane Cummings have issued a joint appeal to lawyers for charitable donations to the Foundation to help minimize funding cuts local legal aid programs will experience in the next three years due to declining revenue from Florida's Interest on Trust Accounts Program.

"Legal aid funding in Florida is headed off a cliff, and Florida's poor are going to pay the price — unless we act," Hawkins and Cummings wrote in an email to all Florida Bar members.

They are requesting that Bar members contribute to the special "Now" fundraising initiative on The Florida Bar Foundation's website.

Donations to the "Now" campaign can be made by credit card and paid over time. If each member of The Florida Bar were to contribute $100 a year or more for the next few years until IOTA revenue increases, legal aid funding cuts could be reduced by $9 million annually. The name of the campaign is meant to underscore the urgency of the funding crisis.

According to the Bar Foundation, an 88 percent drop in IOTA revenue since 2008 will require it to cut 71 percent of its legal aid funding by its 2014-15 grant year. The drop in IOTA revenue results from low bank interest rates since the recession. Historically, the Foundation has provided roughly a third of all legal aid funding in the state.

The Bar Foundation estimates that its funding cuts will cause layoffs of about 120 of the 410 legal aid lawyers at work in 2010. With the growth in Florida's poverty population since the recession, that would leave one legal aid attorney for every 10,700 people living in poverty in Florida. The Bar Foundation's grantees have handled more than 100,000 cases a year in recent years. With the loss of IOTA revenue, as well as a decrease in federal funding from the Legal Services Corporation, the number of legal aid cases handled is expected to fall to roughly 70,000.

The Bar Foundation's legal aid funding cuts will affect all of its 31 legal aid grantees across the state. Although the Foundation kept its legal aid funding at roughly its pre-recession levels through 2010 by using its reserves, it began cutting grants in 2011 as forecasts for higher short-term interest rates were pushed further into the future.

With the January announcement by the Federal Reserve that it expected to keep interest rates at the current, near-zero levels through 2014, the Foundation now plans deeper cuts over the next three years in order to preserve as much of its remaining reserves as possible for its 2015 grant year.

"If you have given to The Florida Bar Foundation before, now is the time to increase your support,"

Hawkins and Cummings wrote. "If you've never given before, now is the time to start. With your help, we can minimize the long-term damage to Florida's legal aid infrastructure between now and the time when interest rates return to pre-recession levels and the Foundation is able to restore legal aid funding."

[Revised: 12-20-2013]

News HOME

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TAB 5

FLORIDA REAL ESTATE TRENDS & MARKET INFO

FORECLOSURE RATES FOR FLORIDA

October 2013

Florida
1 in every 332

Top 5 Counties

Flagler
1 in every 177

Indian River
1 in every 208

Saint Lucie
1 in every 209

Wakulla
1 in every 209

Clay
1 in every 215

Add this map to your website.

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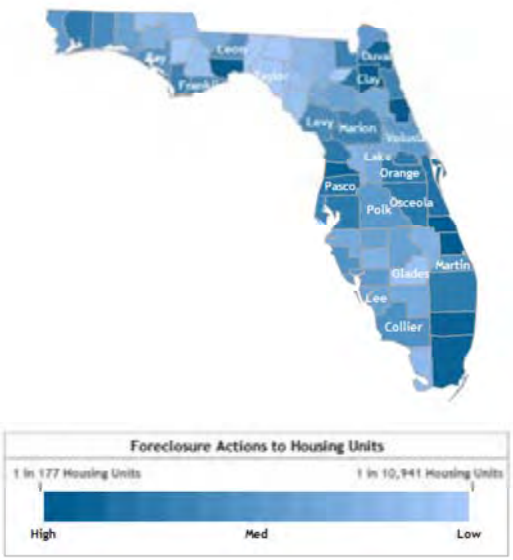

FORECLOSURE STATUS DISTRIBUTION FOR FLORIDA

October 2013

The current distribution of foreclosures based on the number of active foreclosure homes in Florida.

Pre Foreclosures

Prior Month	Prior Year
35.7 %	35.3 %

Auction

Prior Month	Prior Year
20.7 %	32.3 %

Bank Owned

Prior Month	Prior Year
12.2 %	2.3 %

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Interested in more detailed data or historic trends back to 2005?
RealtyTrac can supply you with this data through reports or a data license. Contact us now!

FORECLOSURE FILINGS FOR FLORIDA

The number of new foreclosure filings by foreclosure type.

Pre Foreclosures

Prior Month	Prior Year

35.7 %	35.3 %

Auction

Prior Month	Prior Year
20.7 %	32.3 %

Bank Owned

Prior Month	Prior Year
12.2 %	2.3 %

Add this chart to your website.

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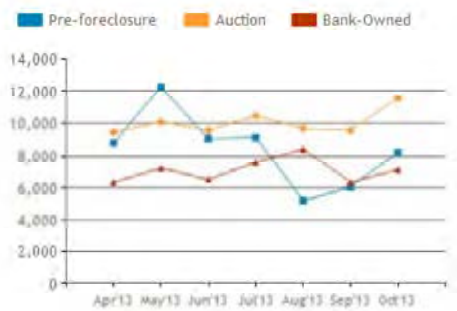

FORECLOSURE ACTIVITY FOR FLORIDA

The number of new foreclosure filings compared to the 30-year interest rate.

- Foreclosure Activity
- Foreclosure Activity and 30 Year Interest Rate.

Add this chart to your website.

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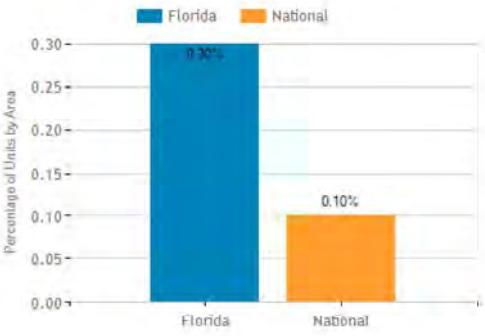
GEOGRAPHICAL COMPARISON FOR FLORIDA

Total number of foreclosures broken down by type of filing.

Add this chart to your website.

GET EMBED CODE



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TAB 6

The Florida Bar News

April 30, 2013

Foundation grantees brace for cuts

The Florida Bar Foundation has provided its legal aid grantees with updated projections for anticipated grant cuts through the 2015-16 fiscal year.

By then, the Foundation anticipates that it will have made cuts of 76 percent since 2009-10 in the general support grants to 30 legal aid grantees throughout Florida through the Legal Assistance for the Poor Grant Program. Children's Legal Services grants are expected to be cut by a similar percentage.

These estimates are based on projected Foundation income, including donations from Florida Bar sections, fellows, and other charitable gifts, as well as on the balances in the Foundation's several reserve funds and income from its endowment trust.

The Foundation does not expect IOTA revenue to increase anytime soon in light of the Federal Reserve's December 2012 announcement that it would keep short-term interest rates near zero, at least until the unemployment rate falls below 6.5 percent or projected inflation gets above 2.5 percent.

[Revised: 12-20-2013]

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TAB 7

Supreme Court of Illinois

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Director of Communications

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June 5, 2012

ILLINOIS SUPREME COURT INCREASES REGISTRATION FEES FOR ATTORNEYS TO HELP FUND LEGAL SERVICES FOR POOR

The Illinois Supreme Court announced Tuesday an increase in the annual registration fee for attorneys practicing in Illinois to fund an important goal — providing legal services in non-criminal cases to those below or near the poverty line.

The Supreme Court also announced that retired judges who wish to remain active on the state roll of attorneys will no longer be exempt from paying the attorney license registration fee.

Under amended Supreme Court rules, the annual registration fee will increase from $289 to $342—an increase of 14½ cents per day. The entire $53 increase will be remitted to the Lawyers Trust Fund, which contributes to agencies in Illinois that provide legal services to the poor.

"Since its inception, the Lawyers Trust Fund has been integral in providing access to our system of justice to those who can least afford it," said Chief Justice Thomas L. Kilbride. "It is a very important goal and even more so in these economic times. It demonstrates a clear commitment by the full Court to continue to encourage attorneys in Illinois to assume responsibility for those unable to afford legal services."

Even with the increase in fees, Illinois will rank in the bottom half of the states and the District of Columbia in the amount it assesses in licensing fees and dues. Connecticut is the highest with a total fee of $675 annually; Indiana and Maryland are the lowest with an annual fee of $145.

The Lawyers Trust Fund of Illinois (LTF) receives its revenue from two sources: a portion of the licensing fee and the interest on pooled funds that attorneys are required to hold for clients while matters are pending. Under the rules changes, the amount remitted to the LTF will increase from $42 to $95.

The increase is necessary to offset the dramatic decline in interest rates that banks have been paying on the pooled trust funds. Because of the continuing weak economy, that interest rate averaged about one-half of one percent in 2011, and is even lower now.

As recently as 2008, LTF received more than $17 million in interest from the trust accounts. This year, it is estimated LTF will receive $2.7 million in interest from the trust accounts.

MORE

The increase in the licensing fee will add an estimated $3.5 million to LTF revenues, said Ruth Ann Schmitt, executive director of LTF.

“It’s fortunate for all the citizens of Illinois that their Supreme Court recognizes the importance of access to the courts, especially for the growing numbers of those hardest hit in this difficult economy," said Ms. Schmitt. “With the continued weakness in the economy, the average interest rate banks are giving on pooled trust accounts is now under two-tenths of one percent.

“Cuts at the federal and state levels are taking more than an additional $2 million away from legal aid programs in the state,” she said. “Before the Supreme Court’s action, we were planning to reduce grants by 40 percent over the next three years beginning with a $1 million cut to grants in July.”

Helen E. Ogar, president of the Lawyers Trust Fund, also cited the need for the increase noted by the Supreme Court.

“We are grateful that the Supreme Court recognizes that 3½ years of ultra-low interest rates mean there are simply fewer dollars to support legal aid in Illinois,” Ms. Ogar said. “The Court’s action will ensure that Illinois continues to have a strong legal aid system to help maintain access to the justice system, especially for those hardest hit by the economy.”

The LTF is a non-profit foundation. It was established by the Chicago and Illinois State Bar Associations in 1983 and designated by the Supreme Court to administer the funds received from the interest on lawyer pooled client accounts, known as IOLTA.

Since 1983, LTF has made more than $105 million in grants to non-profit legal aid organizations in Illinois. In the current year, LTF will distribute $7.7 million in grants to 29 legal aid organizations with offices in 18 counties throughout the state. In 2010, these organizations provided services in more than 175,000 cases.

LTF grants have made up 19 percent of the budget of Prairie State Legal services and 23 percent of the budget of the Land of Lincoln Legal Assistance Foundation, two major downstate legal aid programs in Illinois. It provides 32 percent of the budget of Chicago Volunteer Legal Services, the largest pro bono program in Illinois.

With the downturn in the economy continuing, Ms. Schmitt notes a sustained increase in the demand for legal services provided by these agencies. According to 2011 statistics, she said more than 2.8 million Illinoisans live at or below 150 percent of the poverty level—the income eligibility threshold for legal aid.

Chief Justice Kilbride, who serves as the Supreme Court liaison to the LTF, has long been an advocate of greater access to justice. In 2001, the Supreme Court, at his suggestion, formed a Special Committee to study and make recommendations on how to encourage every practicing attorney in the state to render some form of free legal work to those who cannot afford to pay for legal services. As a result, the volume of pro bono work must be reported by each Illinois attorney upon the annual renewal of attorney registration.

MORE

Supreme Court Increases Registration Fees to Help Fund Legal Services
Add Two

He also knows firsthand the need for and difficulty in providing legal aid. His first job as an attorney was with Prairie State Legal Services.

Justice Rita B. Garman also served in providing legal services to the poor during her legal career.

The Supreme Court announced the changes for attorneys and retired judges by amending Supreme Court Rule 756.

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(FOR MORE INFORMATION, CONTACT: Joseph Tybor, director of communications to the Illinois Supreme Court, at 312.793.2323)

TAB 8

DAILY REPORT An ALM Website
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Page printed from: *Daily Report*

Back to Article

State Bar Task Force Mulls Increase In Fees

Kathleen Baydala Joyner

Daily Report

2013-10-16 00:00:11.0

A newly created State Bar of Georgia task force is considering how to better fund indigent representation in civil cases, and one of the ideas it's mulling over is an increase in bar fees.

But the task force's members—judges, state legislators and lawyers—have been reluctant to discuss any details, saying they are in the initial stages of their work.

When asked about the proposals last week, Bar President Charles "Buck" Ruffin, who appointed the task force, replied with a letter to the *Daily Report* confirming that an increase in fees was proposed by Georgia Supreme Court Justice Carol Hunstein. But he emphasized that no action has been taken on any idea. The task force, known officially as the Civil Legal Services Task Force, held its first meeting on Oct. 10.

"Many ideas were discussed and each member was invited to offer at the next meeting any others that they think may have merit," Ruffin's letter said. "We were glad to have Justice Hunstein attend. She did mention an assessment as well as several other ways to provide additional funding."

Ruffin then added, "When the task force is in a position to make its recommendations, the State Bar will promptly make a decision on them in accordance with our normal governing procedures."

Hunstein is not a member of the committee but because the Supreme Court has ultimate authority over the practice of law in Georgia, the high court's position likely would be pivotal in the levy of an assessment on lawyers.

Chief Justice Hugh Thompson, who responded to a request for comment from the Supreme Court, said the court proposed "a possible assessment of some sort of fee that the lawyers would pay" to bolster legal aid, which some other states do.

"But we hope it doesn't come to that," Thompson said. "We on the court hope [task force members] are going to come up with an alternative funding source."

The high court has the authority to levy an assessment and is "prepared to do whatever we need to do," Thompson added, but "at this point, we're content to let this committee and the bar work on it."

The court is concerned with the sustainability of Georgia Legal Services and Atlanta Legal Aid Society because Georgia ranks eighth nationally in population and third for poverty, said Thompson.

"Last year, these two legal aid groups served almost 28,000 people, and they did that with about 140 attorneys," he said. "Federal funding since 2010 has dropped by almost $2 million a year—that's a 17 percent reduction in federal funding, all at a time when our poverty population seems to be increasing."

Ruffin named McKenna, Long & Aldridge partner Randy Evans as chairman of the task force and bar secretary Rita Sheffey of Hunton & Williams as vice chairwoman.

Evans did not respond to calls for comment, while Sheffey referred questions to Ruffin.

Task force member B.J. Pak, an attorney at Ballard Spahr and a Republican member of the state House of Representatives from Lilburn, said another idea discussed during last week's meeting dealt with requiring lawyers and firms to invest client funds in IOLTA accounts at banks with competitive interest rates.

"We spent most of our time talking about IOLTA interest rates because some banks do not pay the same interest rates as they do for any other account," he said. "That's obviously a major source of funding for legal aid."

James "Jake" Evans, an associate at Lewis, Brisbois, Bisgaard & Smith and the son of Randy Evans, said the task force is carefully considering the language of such a requirement to avoid unintended repercussions.

"The biggest issue we discussed is what happens if the client owns a bank," he said. "A lot of insurance companies own banks, and you can't really tell your client, 'Sorry. You can't use your own bank.'"

Jake Evans also said the task force doesn't want to create a rule that would place law firms at a competitive disadvantage to those in other states.

"If we require law firms to put the money in certain banks and insurance companies don't want to use those banks, they could go to law firms in other states that don't have that requirement," he said.

The task force also discussed whether to modify the fees charged to attorneys not admitted to practice law in Georgia who want to participate in Georgia cases.

"There was discussion about how pro hac vice fees in Georgia are way below the mark [nationally] and have not been adjusted for several years," Pak said.

Jake Evans said the task force volleyed some numbers around but did not settle on any one figure. He added that the task force is considering the question of whether the fees should continue to be charged on a per case basis.

"Right now, the rule is every time someone is pro hac viced in, they have to pay. What a lot of states have done is change that to an annual fee," he said.

Conasauga Circuit Superior Court Judge David Blevins said it would be premature for the task force to reveal ideas mentioned during the first meeting.

"There was a lot of thinking out loud going on," Blevins said. "A lot of people expressed how they thought we can make it better, and some folks questioned their own thoughts."

Blevins said the task force isn't ready to accept feedback from the legal community.

"We don't have anything for anybody to comment on right now," he said, adding that lawyers should be assured that their interests are already being considered because of the broad spectrum of practice and geographic areas represented by the task force's members.

"Most every stakeholder in the legal community has a seat at the table," said Blevins.

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TAB 9

The Florida Bar
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The Florida Bar News

January 1, 2009

Pro bono goes stagnant

Report sets goals to revitalize the profession's provision of free services to the poor

By Kim MacQueen
Associate Editor

On starting a new career in the law, every Florida attorney takes an oath that includes the following:

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

In keeping with that promise, the Florida Supreme Court has set an aspirational goal of having every Florida lawyer annually contribute either 20 hours of volunteer legal service to the poor or make a $350 donation to a legal aid organization. While performing the work is voluntary, lawyers must report annually on their fee statements whether they met the pro bono goal.

If you're not exactly paid down on that commitment, you're not alone. Only 52 percent of Florida attorneys are, or have been, meeting the aspirational goals since 2000. During the same time period, Florida's legal services providers report a 30 percent decline in the numbers of lawyers providing pro bono services through their organizations. And an increasing number of lawyers aren't making good on the mandatory reporting requirement, either.

To find out why, the Florida Supreme Court/The Florida Bar Standing Committee on Pro Bono Legal Services commissioned a study -- *Pro Bono: Looking Back, Moving Forward* -- from Kelly Carmody & Associates, a national consultant to civil legal aid funders, paid for by a grant from The Florida Bar Foundation.

"We had strong indications of some severe drops in pro bono activity in terms of number of hours and number of cases — the statistics were a little spotty, but it was pretty evident," says Paul Doyle, who directs the Foundation's Legal Services for the Poor grant funding program. "There was a growing concern that we were not paying enough attention to the pro bono delivery system — that we were failing to keep it vibrant and alive — just by what I would call benign neglect."

Florida was the first state in the nation to adopt IOTA and the first to adopt mandatory state reporting. The report credits the Florida Supreme Court, The Florida Bar, the Standing Committee on Pro Bono Legal Services, The Florida Bar Foundation, and Florida Legal Services for building a number of successful pro bono programs, showing strong commitment to expanding access to the poor, and a general participation rate of 50 percent per year.

"Unfortunately, 50 percent is far below what these institutions envisioned, far below the aspirational goal of the Florida pro bono rule, below what other states have achieved, and what below what is needed to

close the justice gap," the report states.

The Florida Bar received national recognition for its pro bono program in the early '90s and pro bono contributions increased. But it's gone downhill since 2001. Since then, the report states, "Case-by-case attempts to revitalize pro bono programs have been generally unsuccessful."

It's not just Florida — pro bono is down everywhere. The Carmody & Associates report cites a national study released in mid-2007, which found that, for every poor individual receiving free legal services, another was turned away.

Why?

Attorneys responding to the survey gave several reasons for not providing pro bono services. Chief among them was a lack of time, the reason given by 64 percent (as compared with 69 percent nationally).

"I'm pulling my hair out trying to keep up with my family and my practice," said one single-mother solo practitioner.

"I am overworked. I have been working Saturdays and Sundays for over one year. I would do more pro bono work if I did not have responsibilities to paying clients," said another.

Family obligations and strict billable hour requirements at their paid positions — if not a downright scorn of pro bono — were other reasons.

None of those responses came as a surprise to Foundation President Kathleen McLeroy, who coordinates the pro bono efforts for the Tampa office of Carlton Fields.

"My reaction to the report was that it basically said that lawyers in Florida may want to do pro bono; it's just hard to juggle career and home and everything else," McLeroy said. "They didn't find a groundswell of folks who don't want to do it, and to me, that's encouraging. It just becomes a question of setting up the right opportunities for people."

That's another major point of the report — many local legal aid agencies aren't doing the best job of attracting, retaining, or matching attorneys with pro bono opportunities. The study found that far more attorneys contribute pro bono services on their own (46 percent) than work through organized groups (8 percent). Many lawyers cite a lack of skills and/or experience in the areas of law that they're being asked to provide volunteer service. "I can't help people if I don't know what I am doing," one lawyer responded.

Many reported their local legal aid organizations didn't take the initiative to contact them or keep them informed of ongoing pro bono opportunities. Still more — fully one-fourth of respondents — say they would provide pro bono legal service if asked — but they haven't been.

"There is little notion of the need to welcome the attorney into a community of attorneys and generate excitement about being part of that community," notes the report.

"These facts are important, and troubling, since organized programs play a critical role in expanding access to justice for the poor — the goal of Florida's pro bono rule."

Another significant factor occurs among government attorneys — the fact that many are prohibited from offering services for free when they ostensibly work for "the public." Survey respondents said some don't know whether they're allowed to volunteer legal services for the poor, and some agencies ban pro bono work outright.

Many government attorneys feel both that they're already overworked, and their salaries are so low that that in itself constitutes pro bono. Those working in the budget-beleaguered court system are an interesting case in point. One attorney responded, "Overwhelmed by my work as a public defender… adding additional clients when I already have too much work to handle would be unethical."

Still others take the position that the oath they take when they become attorneys does not, in fact, constitute promising to provide volunteer legal service to the poor, to which they are philosophically opposed.

"I believe the concept amounts to involuntary servitude," wrote one. "Can I call a plumber and get him to fix something at my house for free?"

All told, the reasons why pro bono is down statewide weren't a huge surprise, said First DCA Judge William Van Nortwick, Jr., who served as chair of the special subcommittee to study pro bono legal services.

"We had a lot of theories — we thought there were probably a lot of very complex causes," he said. "It turned out the causes *are* complex. They relate to changes in law and changes in society."

What to Do

The report lists several recommendations for the Supreme Court Standing Committee on Pro Bono Legal Services, The Florida Bar, The Foundation, and the judiciary going forward. It calls on the standing committee to "take a leadership role" in revitalizing pro bono and working to integrate Florida's "patchwork" of legal services programs.

Other suggestions include stepping up pro bono marketing and communications efforts — and driving home the message that pro bono is expected of all Florida lawyers.

"Pro bono legal services provided free to the poor are part of an overall obligation attorneys assume when they take the oath of attorney," said Chief Justice Peggy Quince. "'Pro bono publico' literally translates as 'for the good of the public,' and the Florida Supreme Court will use this report to advance the public good. It will help us strengthen our profession's obligation to serve our communities at large and to help the poor in particular."

Suggested changes to pro bono reporting include putting the process online, as well as increasing the alternative contribution amount to $500. Doyle said the Foundation will make available $800,000 in new grant funding for pro bono projects to be funded during the first part of 2009. Legal Services programs are being urged to focus on recruitment and communication.

And that's just the start. Officials for the groups involved said they'd only just begun to discuss what might be done in the future to strengthen pro bono in Florida, and will likely be working on it for most of 2009. One thing is for sure, though — they're going to have to work together to get much done.

"The overriding importance of this report, from my standpoint, is the recognition of the number of stakeholders, and that we have to act with some uniform purpose in mind to change, and to really accomplish some things that are long-term goals," Doyle said. "Each of us — the Bar, lawyers, judges, pro bono programs, the Foundation — could strike out on our own, and maybe make some small difference. The need for a coordinated, overall effort is so telling."

Judge Van Nortwick said the report has "given us a basis to move forward," and serves as a reminder for why so many Florida lawyers see pro bono as an uplifting, indispensable part of their practice.

"This report comes at a time when studies by various bar groups have shown that lawyers are more unhappy in the practice of law than they've ever been," Judge Van Nortwick said. "If this can help lawyers get back to their base — back to wanting to help people; back to the reasons why they went to law school in the first place — it can have a very positive effect."

Recommendations for Increasing Pro Bono Service

The Florida Judiciary

• Deliver a message regularly to the Florida judiciary from the Florida Supreme Court that promotion of pro bono legal services is expected of all judges.

• Revitalize local participation in promoting pro bono legal services at the circuit and county level, including a renewed expectation that promotion of pro bono legal services must involve each circuit chief judge or his/her designee, leaving the specific mechanisms used to the discretion at the circuit level.

• Deliver a message regularly to the leadership of the bar associations in Florida that pro bono legal services and its promotion are expected of them.

• Deliver a message to large firms (as defined by the local communities) that promotion of pro bono legal services to their firms' attorneys is expected of them.

• Encourage individuals being admitted to the Bar to attend one of the induction ceremonies to increase the number of attorneys who hear about the importance of pro bono legal services at the beginning of their legal careers.

The Florida Bar

• Deliver a message regularly from the Bar president to the membership that pro bono legal services are expected of them. Make the promotion of pro bono legal services a priority of the Board of Governors and the Bar staff.

• Encourage and support development of pro bono projects for members of the Bar's committees, sections, and the Young Lawyers Division.

• Strengthen the Practicing with Professionalism seminars by having a presentation about pro bono legal services at every seminar, and personalize it by having a pro bono attorney talk about his or her experience.

• Incorporate pro bono legal services into the Mentoring Program when it is developed.

• Recommend change to emeritus attorney rule to include attorneys on inactive status.

• Implement online reporting for the pro bono report. Send follow-up notices to attorneys who do not complete the pro bono report and implement a consequence for noncompliance.

The Standing Committee

• Take a leadership role in revitalizing the pro bono legal services system.

• Coordinate a statewide campaign for pro bono legal services.

• Develop pro bono plans and projects with The Florida Bar's sections, committees, and the Young Lawyers Division.

• Draft a rule change with The Florida Bar to expand the emeritus attorney rule. Develop a recruitment process and streamlined certification process for retired and inactive attorneys to provide pro bono legal

services. Collaborate with the pro bono programs to maximize the use of retired and inactive attorneys for pro bono legal services.

• Recommend change to Pro Bono Rule 4-6.1 to increase the alternative contribution amount to $500.

• Recommend revisions to the pro bono reporting section of The Florida Bar's annual membership form to simplify it, make the category descriptions more accurate, and include an easy way for attorneys to obtain information about pro bono legal services opportunities.

Voluntary Bar Associations
• Take a leadership role in revitalizing pro bono legal services. Maximize interaction between voluntary bar associations and pro bono programs to benefit from the association members' propensity to volunteer.

Law Firms
• In firms that are generally supportive of pro bono legal services, mentor associates about the importance of pro bono legal services and ensure the time to do it. Change policies to count pro bono hours as billable hours.

• Deliver a message of the professional and economic benefits of pro bono legal services from managing partners of supportive firms to firms that do not support pro bono legal services yet, and from solo practitioners who provide pro bono legal services to those who do not.
• When promoting pro bono legal services to other firms and attorneys, have active pro bono attorneys talk personally and passionately about the satisfaction they derive from it.

Pro Bono Programs
• Create a recruitment campaign that utilizes pro bono attorneys, maximizes one-on-one interactions, and uses exciting marketing materials.

• Have pro bono attorneys give presentations at law schools about why they provide pro bono legal services and the types of cases they do on behalf of the poor.

• Recruit Florida law school graduates who have performed pro bono legal services or interned with legal aid organizations.

• Recruit new attorneys soon after their admittance to the Bar.

• Coordinate a message from government attorneys who provide pro bono legal services to government attorneys who do not that pro bono legal services can be personally satisfying and rewarding for them.

• Develop pro bono legal services policies with government agencies that do not have them and publicize the authorization for pro bono legal services for those agencies that permit such service.

• Develop a full range of pro bono opportunities with all levels of representation, a variety of areas of the law, and convenient times.

• Develop a wide range of supports and incentives to make pro bono legal services as easy and rewarding as possible.

• Review recognition efforts to ensure that as many attorneys receive recognition in as many ways as possible. Give increased recognition to the firms of the attorneys who provide pro bono legal services.

• Collaborate, through the Florida Pro Bono Coordinators Association, on projects that improve local pro bono programs and the statewide system of pro bono legal services.

• Increase the commitment and passion of staff and management of pro bono programs to revitalize programs' quality and quantity of pro bono legal services.

Florida Legal Services
• Continue leadership roles with the Florida Supreme Court, The Florida Bar, and the Standing Committee.

• Continue development of the statewide pro bono legal services Web site and encourage its use.

• Continue and expand development and support of pro bono projects with large firms and with sections, committees, and the Young Lawyers Division of The Florida Bar.

• Expand staff for coordinating the implementation of the report's recommendations, particularly for the Standing Committee.

The Florida Bar Foundation
• Expand staff to focus on pro bono legal services development.

• Hold all pro bono programs to higher standards. Review ABA Standards with the programs and develop written expectations.

• Fund pilot projects of the pro bono programs to test the effects of a variety of efforts on increasing pro bono legal assistance.

• Fund increased staffing at Florida Legal Services for coordination of implementation of the report's recommendations, and fund a statewide campaign for pro bono legal services.

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TAB 10

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Lack of legal aid leaves poor in dire straits

OUR VIEW
Published: Wednesday, September 19, 2012 at 5:30 a.m.

Funding for legal assistance for the poor and financially troubled has hit rock-bottom all across Florida.

In April, Gov. Rick Scott vetoed about $2 million in state funding for legal assistance centers. It was money that would have helped fund a lot of attorney hours for the poor. It was a relatively small budget item that could have had a significant impact on legal services for people who can't afford to hire a lawyer.

Scott should rethink the state contribution to legal aid centers, either through next year's budget recommendations or as a request to a legislative commission with the authority to make mid-year budget changes. The poor are dealing with foreclosures, family support issues and cases related to domestic violence. They need qualified legal representation.

Without proper legal aid, the poor and financially troubled clog the civil court system. Often, Floridians overwhelmed by civil legal issues just let themselves get washed deeper into debt and legal trouble.

It's understandable how Florida finds itself in this situation. A variety of economic factors have conspired to yank funding from legal assistance centers while vexing the state budget as a whole.

Before the recession, only one in five Floridians who sought legal aid at places such as Community Legal Services of Mid-Florida qualified, according to Jane Curran, executive director of The Florida Bar Foundation, which helps fund no-cost legal services for the poor.

The Florida Bar Foundation was able to fund legal assistance for civil matters through interest on money that lawyers held in trust accounts. But interest rates have hit the floor, and taken with them revenues for legal aid.

Curran said the foundation raised $44 million in 2007. For the fiscal year ending June 30, only $5.58 million was raised. That is a crippling blow.

There are only 410 legal aid lawyers in Florida. Dozens have been laid off because of dwindling revenue and cuts in funding. With Scott's veto, legal aid centers had to cut deeper.

Here in Volusia and Flagler counties, Community Legal Services of Mid-Florida has a budget of about $8 million for 12 counties, including Orange and Seminole counties. Scott's veto of Florida's contribution to legal assistance meant layoffs, according to Larry Glinzman of Community Legal Services of Mid-Florida.

The state needs to kick in, or else face associated costs from Floridians clogging the courts with new legal issues.

More contributions for institutions such as Community Legal Services of Mid-Florida are certainly to be encouraged. Anyone or any business can donate to help civil representation of the poor.

Lawyers can also work pro bono — or for free — for the centers. That should be encouraged.

Tallahassee can extend perhaps the biggest helping hand in the short term.

There isn't much Scott and the Legislature can do about restoring interest rates, but they can provide some help for people caught up in the court system. A relatively small state contribution can go a long way in helping vulnerable citizens.

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TAB 11

LSC

America's Partner For Equal Justice

LEGAL SERVICES CORPORATION

REPORT OF THE PRO BONO TASK FORCE

OCTOBER 2012

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EXECUTIVE SUMMARY

The United States has one of the best justice systems in the world, but unfortunately millions of Americans cannot access it because they cannot afford to do so.[1] There has been a sharp rise in demand for legal services over the past few years, as economic turbulence has caused the number of people living below the poverty line to soar.[2] In these difficult times, many people are seeking legal services for the first time. Some face homelessness because of an eviction or foreclosure. Others are seeking protection from an abusive spouse, or are fighting for custody of an abused child. They may be Iraq or Afghanistan war veterans who have returned home to economic strain and unique legal issues of their own. Or they may be elderly citizens who have fallen victim to fraud and have lost their life savings.

Yet more and more people are faced with the prospect of navigating the legal system alone.

The Legal Services Corporation (LSC) is the largest single funder of civil legal services in the country. Its grantees, along with a network of other legal services non-profits, face the challenging task of providing legal counsel to tens of millions of Americans who cannot otherwise afford a lawyer. Despite the sharp increase in those seeking assistance in recent years, LSC and its grantees are under considerable budgetary strain because of reductions in funding from a number of sources.

In the face of this great demand, and in light of the budgetary pressures on legal aid, one critical means of increasing the supply of legal services is through assistance from pro bono counsel. Large and small firm lawyers, government attorneys, in-house counsel, retired lawyers, law students, and even many non-lawyers are eager to assist by donating their time. And, although pro bono volunteers cannot replace the excellent work of legal services lawyers, many of whom are subject-matter experts in the unique issues faced by the poor, the private bar can make important contributions to closing the justice gap.

In August 2011, LSC created a Pro Bono Task Force comprised of judges, corporate general counsel, bar leaders, technology experts, leaders of organized pro bono programs, law firm leaders, government lawyers, law school deans, and the heads of legal services organizations, to consider how to effectively increase pro bono involvement by all lawyers. (For a list of Task Force members, see page 30). The Task Force divided into five working groups: Best Practices Urban; Best Practices Rural; Obstacles; Technology; and Big Ideas. Each working group spent months conducting interviews, identifying significant practices, and sharing ideas, and ultimately, the Task Force reported its findings and recommendations to the LSC Board of Directors. This report presents those findings and recommendations and suggests steps that LSC, its grantees, and the legal profession can take to help shape pro bono programs into a reliable, organized system that will efficiently deploy additional resources to the core civil legal issues impacting low-income Americans.

Specifically, the Task Force has compiled the following recommendations to LSC and its grantees, as well as a set of requests for the legal profession as a whole. In reviewing these recommendations and requests, readers should keep in mind that pro bono programs will not be effective without significant infrastructure, guidance, and support from legal services agencies. Thus, although pro bono programs can be an effective means of narrowing the justice gap, they cannot exist unless legal services organizations are adequately funded to support them.

Recommendations to LSC and Its Grantees

Recommendation 1

LSC Should Serve as an Information Clearinghouse and Source of Coordination and Technical Assistance to Help Grantees Develop Strong Pro Bono Programs. Specifically, LSC should:

1. **Create a professional association specifically for pro bono managers at LSC grantees.** In collaboration with organizations like the National Association of Pro Bono Professionals, LSC should bring these professionals together for training, relationship-building, and support.

2. **Recommend that Congress create a Pro Bono Innovation/Incubation Fund**, modeled on the successful Technology Initiative Grant (TIG) program, and aimed at encouraging innovations and best practices in pro bono. We recommend that this grant be a newly funded program, with mechanisms for evaluation built in, and that funding for it not be taken out of critically needed, existing funds for LSC grantees. We also recommend that private donors consider supporting this program.

3. **Develop a Pro Bono Toolkit** which includes noteworthy practices in pro bono and provides high-level, web-based training to LSC grantees' pro bono managers and program directors. This toolkit should build on existing resources for pro bono programs, be focused on making pro bono a reliable and sustained resource for the community, and:

   a. **Include a plan for evaluating pro bono programs, including guidance on best practices in metrics and evaluation.** LSC can do this by helping to create clear data collection standards and methods; creating systems for grantees to share best practices for data collection and analysis; and educating grantees and program evaluators on how to use metrics and evaluation to their benefit (for example, to secure new funding for full-time pro bono staff).

   b. **Provide guidance on offering effective volunteer support**, such as quality screening, training, mentoring, and recognition of volunteers.

   c. **Help grantees provide a range of pro bono opportunities to engage all segments of the bar**, including small firm and solo practitioners; emeritus, senior, and inactive lawyers; government lawyers; and in-house counsel, with attention to the differences between lawyers in rural, suburban, and urban areas. This tailoring should focus first on client need.

   d. **Include mechanisms for engaging non-lawyers as pro bono volunteers**, including law students, paralegals, administrative personnel, students in other professional schools, and others.

   e. **Use pro bono lawyers to assist pro se litigants.**

   f. **Encourage collaboration and resource sharing among pro bono programs**, including those at LSC grantees, other providers of legal aid, law firms, government lawyers, the judiciary, bar pro bono programs, and in-house legal departments.

   g. **Use technology to support pro bono programs** by encouraging immediate, systemic adoption of up-to-date technology by all of its grantees. LSC could help in this process by encouraging:

      i. Innovation through competition, such as through newly funded competitive challenge grants;

      ii. The creation and sharing of collaborative environments that can serve as virtual legal networks, or "one-stop-shops," enabling pro bono lawyers to volunteer for and coordinate work on cases, obtain training and access to case management tools, and provide services to clients online, even from a distance; and

      iii. Efficiency and resource-sharing by developing collaborative, statewide pro bono platforms.

   h. **Use pro bono to decrease overall demand for funded legal services.**

   i. **Offer guidance on developing a strong pro bono culture**, including by hiring full-time pro bono managers and establishing advisory committees to help oversee and support pro bono programming.

   j. **Encourage efforts to ensure that pro bono programs are adequately resourced**, both at the federal and state level and also through private sources.

Recommendation 2

LSC Should Revise its Private Attorney Involvement (PAI) Regulation to Encourage Pro Bono. Potential changes to the regulation, which requires LSC grantees to spend 12.5% of their funding in support of pro bono legal services, should focus on providing greater flexibility in how the regulation governs: (a) resources spent supervising and training law students, law graduates, deferred associates, and others, especially in "incubator" programs; (b) resources invested to enhance screening, advice, and referral programs, even when those programs do not result in cases for LSC grantees, but when they support pro bono programs; and (c) the application of LSC case-handling requirements to PAI matters referred to pro bono attorneys.

Recommendation 3

LSC Should Launch a Public Relations Campaign on the Importance of Pro Bono. To begin, LSC should convene a small committee, perhaps including Task Force members, to examine the feasibility of such a campaign, as well as to answer questions related to scope, funding, and implementation. In doing so, LSC should partner with other national stakeholders who also are interested and invested in this issue.

Recommendation 4

LSC Should Create a Fellowship Program to Foster a Lifelong Commitment to Pro Bono. Specifically, LSC should work with law schools and law firms to create a new civil legal services fellowship program for recent graduates designed to bridge the gap between firms and legal services organizations. It also should consider the feasibility of a similar program for senior or emeritus lawyers. Again, LSC should begin by convening a small group to develop a work plan and garner support.

Requests for Assistance from the Legal Profession

The Task Force recognizes that, although LSC has an important leadership role to play in encouraging pro bono, none of the recommendations in this report can be implemented without strong support from bar leaders, the judiciary, policymakers and, indeed, the legal profession as a whole. We therefore call for assistance from all of these stakeholders to encourage and support efforts to effectively engage the private bar. As members of the Task Force, we also recognize that our work begins rather than ends with this report – and we remain enthusiastically committed to assisting LSC and its grantees in carrying out these recommendations.

Specifically, we ask of:

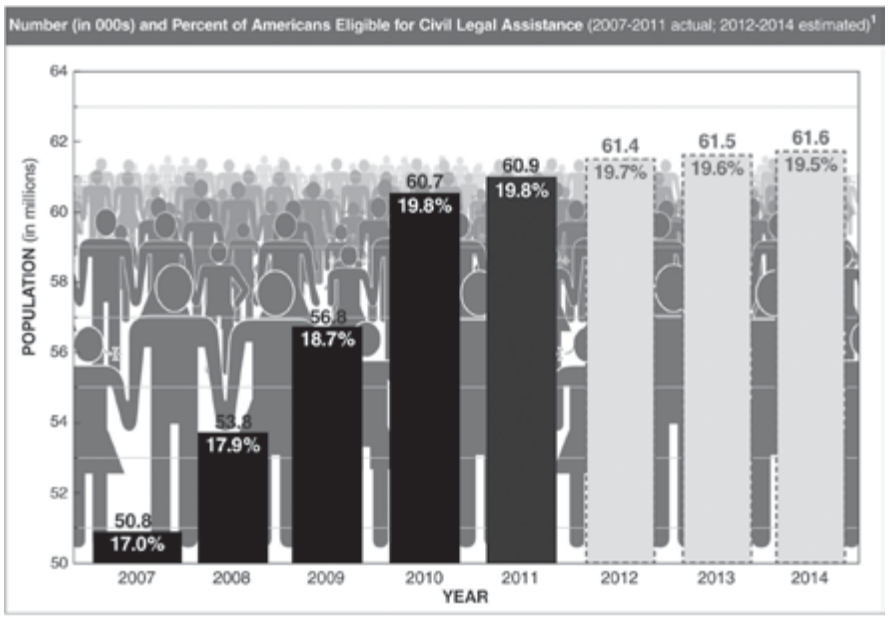
1. **Bar leaders and the judiciary:**
   a. **To the Extent Permitted, Recruit Pro Bono Lawyers. Support and Applaud Their Pro Bono Efforts**. We ask that judges and bar leaders use their influence, consistent with applicable judicial rules of conduct, to recruit new pro bono lawyers, especially in rural areas and among solo practitioners, to draw attention to the crisis in legal services, to applaud the effort of pro bono lawyers, and to advocate for additional funding at the state and federal levels.
   b. **Use Bar Associations to Encourage, Support, and Celebrate Pro Bono.**
   c. **Amend Attorney Practice, Judicial Ethics, and CLE Rules to Support Pro Bono**, for example, by providing CLE credit for pro bono (as is already done in some states), permitting judges to ethically advocate for pro bono involvement, allowing private lawyers to take on limited-representation matters, relaxing certain conflict of interest rules, and allowing certain lawyers (e.g., government, in-house, and emeritus attorneys) to provide pro bono support in jurisdictions other than where they are admitted to practice.
   d. **Create or Strengthen State Access to Justice Commissions** (AJC's) to consolidate and support pro bono efforts.
2. **The legal profession as a whole:** Recognize the importance of providing every American with access to our justice system and the role that pro bono lawyers can play in offering that access. At the same time, recognize the cost of developing and maintaining effective pro bono programs and ensure that legal services agencies are adequately funded for that purpose.

I. Introduction: The Current Crisis in Legal Services

Harry Korrell of Davis Wright Tremaine LLP, Pro Bono Task Force Co-Chair

This country's system for providing civil legal services to the poor is in the midst of a perfect storm. The United States is now five years into the worst financial crisis since the Great Depression. An estimated 61.4 million Americans – nearly one in five – will qualify for civil legal assistance funded by the Legal Services Corporation (LSC) in 2012.[3] These families earn less than $28,813 per year for a family of four.[4] The number of people qualifying for civil legal aid has increased by over 10 million since 2007. There has been a significant increase in the demand for legal services in specific areas, such as foreclosure,[5] and also in the number of people who are seeking free legal services for the first time. Many Iraq and Afghanistan war veterans also are turning to legal services agencies for help as they return home to new economic and personal challenges.[6]

In short, there has been an explosion in the demand for legal services. Yet, although the United States has one of the best justice systems in the world, millions of Americans cannot access this system because they cannot afford to do so.[7] Despite a network of government and non-profit agencies dedicated to providing free civil legal services to the poor, including those funded by the LSC,[8] at least 50% of people seeking help from LSC-funded organizations – and eligible to receive it – are turned away because



[1] Eligible persons are those with incomes at or below 125% of the Federal Poverty Guideline for each year. Census data and projections are for populations with incomes below 125% of the Federal Poverty Guidelines.

Sources: Data for 2009, 2010 and 2011: U.S. Bureau of the Census, Current Population Survey, Annual Social and Economic Supplements. Table 6. People Below 125 Percent of Poverty Level and the Near Poor: 1959 to 2010. Accessed at: http://www.census.gov/hhes/www/poverty/data/historical/people.html. Data for 2012, 2013 and 2014: LSC estimates based on changes in the total U.S. population and the125% rates and population sizes during 2007-2011 period.

of insufficient resources.[9] Other studies have found that 80% of the civil legal needs of low-income people go unmet.[10]

Recent revenue reductions for legal services have exacerbated these problems. In 2011, LSC-funded organizations alone reduced their headcount by 661 full-time-equivalent (FTE) positions, including 241 attorneys, and anticipate shedding an additional 724 FTE staff in 2012, including 333 attorneys.[11] These cuts have serious consequences for the poor, as studies consistently show that access to legal counsel makes a significant difference for litigants.[12]

In the midst of this perfect storm, assistance from the private bar is critical. Pro bono cannot replace the enormous contributions of full-time legal aid programs, either in terms of volume or expertise. But it is an essential mechanism for narrowing the justice gap, especially where efforts to engage pro bono lawyers are adequately resourced and supported. Of course, there are many excellent existing programs for lawyers who wish to volunteer their time and services, and many lawyers in the profession have answered the call to give back, especially in light of the current crisis. But the effective engagement of the private bar is uneven across the country and there is a need for significant energy, innovation, and attention to pro bono delivery by the entire profession, including the courts, bar associations, Access to Justice Commissions (AJCs), private attorneys, government attorneys, corporate counsel, law schools, legal services organizations, and, of course, LSC itself.

This report considers how LSC, its grantees, and other stakeholders can narrow the justice gap through the regular and effective engagement of pro bono lawyers. It is the outcome of many months of work by a dedicated and distinguished Pro Bono Task Force convened by LSC's Board of Directors and made up of leaders from legal services organizations, major law firms, law schools, bar associations, in-house legal departments, the government, and the courts. Specifically, the Task Force focused on ways in which pro bono can be used consistently to increase the supply of lawyers and others available to provide legal services, while also engaging pro bono lawyers to reduce demand for those services – for example, by recruiting them to tackle systemic issues that generate legal problems for the poor. The Task Force also considered ways in which pro bono volunteers could be better and more efficiently matched with client need. The resulting report focuses chiefly on what LSC and its grantees can do to encourage increased and effective pro bono participation. But it also contains requests of others, including the judiciary, bar associations, law schools, in-house lawyers and legal departments, and firm lawyers.

One major theme of this report is collaboration. In making its recommendations, the Task Force recognizes that there currently are other significant efforts underway to address the justice gap, including those of the National Legal Aid and Defender Association (NLADA), as detailed in its 2011 report, *A Blueprint for Action,* as well as those of the American Bar Association, through its Center on Pro Bono and its Pro Bono Summit, which took place in late 2011.[13] There likely will be significant overlap in these efforts. Collaboration is key to addressing the legal services crisis and the Task Force welcomes the chance to work with these bodies in implementing their collective recommendations.

Finally, the Task Force recognizes that developing and supporting effective pro bono programs requires the investment of valuable time and resources by already strapped legal aid organizations. To put it simply: pro bono is not free. The Task Force therefore encourages funders to make infrastructure investments to facilitate the engagement of pro bono volunteers.

II. Recommendations to the Legal Services Corporation and Its Grantees

Recommendation 1: LSC Should Serve as an Information Clearinghouse and Source of Coordination and Technical Assistance to Help Grantees Develop Strong Pro Bono Programs.

Every LSC grantee is required to devote a portion of its resources to engaging private lawyers, but there is great variation among grantees in terms of the size, quality, efficiency, and effectiveness of their pro bono programs. Good pro bono programs require solid infrastructure, and there is an opportunity for LSC to engage with and support its grantees by offering training, resources, and guidance on how to build that infrastructure.

Of course, there already are many great resources on pro bono,[14] like those found on the ABA Center for Pro Bono's website[15] and its Clearinghouse Library[16] (which is in the process of an extensive update).[17] The Task Force recommends that LSC work collaboratively to bring together and complement those

existing resources so that its grantees can make the most of their pro bono programs. Specifically, LSC should:

1. **Create an Association of Pro Bono Professionals Who Work at LSC-Funded Organizations,** in partnership with existing networks, including the National Association of Pro Bono Professionals (NAPBPro), the Association of Pro Bono Counsel (APBCo), and the ABA Center for Pro Bono. We recognize that these organizations already have excellent resources available for legal services agencies; however, what we propose is partnering with them to create a sub-group specifically for pro bono professionals working at LSC grantees in support of specific LSC-oriented issues. Through this association, LSC could create the means for its professionals to develop relationships with one another – for example, by providing them with an LSC listserv, offering training via webinar on effective pro bono infrastructure, and setting up regular conference calls. Where possible, LSC also could facilitate in-person meetings, for example, at the annual ABA/NLADA Equal Justice Conference. The association would offer these pro bono managers a forum for discussing and sharing innovative ways to utilize PAI funds and build strong pro bono cultures within their organizations. LSC also should encourage the professionalization of the role of the pro bono manager within grantees.

2. **Recommend that Congress create a Pro Bono Innovation/Incubation Fund.** LSC should recommend that Congress or LSC, through funds raised independently from the private bar or interested foundations, create a challenge grant, as has been done through the successful Technology Initiative Grants (TIG) program, aimed at encouraging innovations and best practices in pro bono. We specifically recommend that this challenge grant be a newly-funded program, and that resources not be taken from critically-needed existing funds for LSC grantees.

3. **Develop a Pro Bono Toolkit.** LSC should work with other stakeholders, such as the ABA Center for Pro Bono, to develop and maintain a comprehensive pro bono toolkit, which would accumulate and report on best practices, and provide high-level training, curricula, and resources to legal services agencies in a number of areas, including in the art and skill of managing volunteers. This toolkit should contain guidance on how to evaluate pro bono programs effectively, as described in more detail below, should complement rather than recreate already existing resources, and should build upon LSC's own strengths, such as in the area of technological innovations for legal services. We recognize that, to be done right, this recommendation requires the infusion of significant resources required to support and leverage pro bono time. Congress, foundations, and other interested donors should consider funding such an effort, including by supporting a full-time staff position at LSC to oversee the project. This support should be in addition to, and not in lieu of, other critically needed funding for legal services.

This report lays out the components of such a toolkit by identifying the key elements of a successful pro bono program,[18] including:

- Strong evaluation and metrics that go beyond counting the number of cases or matters handled to ensure that pro bono programs are serving clients and engaging pro bono volunteers effectively;
- Volunteer support, including effective case screening, training, mentoring and oversight, recognition, and malpractice insurance;
- A range of opportunities that reflect the particular interests of and challenges faced by certain segments of the bar, including

Left to right: John G. Levi of Sidley Austin LLP, LSC Board Chairman; Martha Minow of Harvard Law School, Pro Bono Task Force Co-Chair; and Jim Sandman, LSC President

in-house lawyers, law firm lawyers, small-firm and solo practitioners, inactive and senior lawyers, and government lawyers. Of course, this always should be done with the overall goal of effectively serving client needs;

- Mechanisms to engage non-lawyers, including law students, paralegals, administrative personnel, students at other professional schools, and other non-lawyers;
- Mechanisms for involving pro bono volunteers in providing limited assistance to pro se litigants, and otherwise empowering pro se parties;
- Collaborations among legal services organizations, courts, law schools, bar associations, firms, in-house legal departments, and other members of the bar to increase efficiency across systems and to make the most of limited resources for pro bono;
- A system that incorporates best practices and innovations in technology – an area where LSC already has been a leader;
- Pro bono projects aimed at decreasing overall demand for legal services, such as by engaging private lawyers to tackle systemic issues faced by the poor;
- A strong pro bono culture within the LSC grantee organization; and
- A fundraising strategy, as pro bono programs require the investment of time and resources by legal services staff.

We include more detailed findings about each of these categories below.

a. **Evaluating Pro Bono Programs**

Over the past decade, the philanthropic sector and, more recently, government funders, have pushed grantees in all social service sectors to collect data, evaluate performance, and assess outcomes. This has been a challenge for the non-profit sector, especially at a time when concern about diverting funds away from services is particularly acute and justified. Nonetheless, metrics and evaluation are very important and should be included in every pro bono program.

Current efforts to evaluate pro bono programs are very much a work in progress. To the extent grantees collect data, most are focused on basic case processing, such as the number of clients served or hours donated, with some use of client or volunteer surveys. Efforts to develop more sustained and rigorous evaluation of client outcomes and program effectiveness, particularly in partnership with academic institutions, are in their early stages. LSC and its grantees should focus on this issue by developing more robust standards for evaluating pro bono programs, not only in response to funders, but to guide program development, maximize efficient use of limited resources, better understand client needs, and increase public awareness of the social and economic value of legal services. LSC can then train its program reviewers on using these standards to meaningfully evaluate grantee pro bono efforts, as well as grantee executive directors on how to put evaluations to use in creating stronger programs.

Evaluation should be done with careful consideration of the results, starting with the question of what the pro bono program hopes to achieve and then developing methods of measurement designed to assess whether the program has met its goals. Grantees should measure and evaluate all program areas, including limited representation and pro se assistance services. The resources for such efforts should not come at the expense of funding for client services.

Ms. Jones needed help. She could not find employment because of a 30-year-old misdemeanor on her record and, as a result, had no way to support her family. She wanted to clear her record, but did not know where to start. Fortunately, she learned of an expungement clinic hosted by the Legal Aid Society of Cleveland, where she met attorney Christopher Murray, one of Legal Aid's 1,600 *pro bono* volunteers. After getting guidance at the clinic, Ms. Jones filed a *pro se* expungement with Bedford Municipal court, which was granted within days. She was able to obtain employment and is now proud to be supporting her family.

The Honorable Dick Thornburgh, former U.S. Attorney General and former Governor of Pennsylvania

To improve evaluation of pro bono activities by LSC-funded organizations, the Task Force recommends that LSC:

- Explore the most effective means of evaluating programs, and provide grantees with support, training, and guidance so that they can do the same. In particular, the legal services community would benefit from the establishment of standards concerning research, assessment, and data collection;
- Provide technical support and training to help grantees implement improved data gathering and outcome measurement. This would include education of executive directors on strategic planning, outcome measurement, and program design and evaluation in order to create quality processes for the assessment of pro bono projects; and
- Consider enlisting business schools, public administration schools, and consulting firms to help develop effective evaluation systems for grantees.

LSC should work collaboratively with others already considering these issues, including the American Bar Association, NLADA, the Pro Bono Institute, APBCo, law schools, law firms, Interest on Lawyers Trust Accounts (IOLTA) programs, AJCs, the judiciary, and researchers. Examples of some organizations with efforts already underway can be found here.

b. **Offering Volunteer Supports**

Private attorneys who undertake pro bono work want: (a) a clear sense of the merits of the case; (b) training; (c) a commitment that there is someone at the legal aid organization they can call for advice and encouragement; (d) malpractice insurance coverage;[19] (e) an up-front indication of the professional development opportunities the case will provide; and (f) a sense of timing of the case, as well as potential costs. Placing pro bono matters is more competitive now that law firm pro bono management, particularly in large firms, is more prevalent. As a result, efforts to recruit private lawyers have to be well-managed and offer quality referrals and support. The kinds of matters that LSC grantee attorneys historically encounter generally do not change – they most frequently involve housing, domestic violence/family law, benefits, veterans, and consumer issues. While creating high-quality training and materials on substantive areas of law for pro bono lawyers involves an initial time investment, that investment results in a resource that can be used for a long time, and the benefits can be substantial. Additionally, engaging pro bono lawyers to help develop training materials is an excellent way to use volunteers in a manner that has a continuing impact.

Grantees that appoint a full-time, skilled pro bono manager (sometimes incorporating training or development responsibilities) find that they can identify and follow through on pro bono opportunities more effectively than grantees that make pro bono recruitment part of everyone's (and therefore no one's) job duties. A pro bono volunteer who gets the support outlined above is likely to continue to take cases, may recommend that others do the same, and may even make a financial contribution to the organization.

c. **Providing a Range of Pro Bono Opportunities to Engage All Segments of the Bar**

Not all lawyers have the time or resources to take on major litigation, and many transactional lawyers would prefer not to do so. Similarly, private lawyers, whether in-house, in the government, or at a large or small firm, often face conflicts that make it impossible for them to take on certain types of civil matters. Many of these lawyers still wish to contribute their time and energy. Therefore, effective pro bono programs should include creative opportunities for limited representation, projects that require only a finite time commitment, and matters that do not pose actual or positional conflicts.

Of course, in designing these programs, the first priority should be fulfilling client need. Too often, other pro bono opportunities are perceived as being more glamorous and thus garner a larger share of the available resources, while poor people struggle to find help addressing legal problems that threaten basic human survival. Great pro bono programs are able to communicate the importance of basic civil legal services and then match the interests and skills of volunteer lawyers with that client need.

The following is a brief outline of the unique challenges facing certain groups of lawyers, including: (1) small firm and solo practitioners, (2) rural lawyers, (3) emeritus/senior and inactive lawyers, (4) government lawyers, and (5) corporate counsel – as well as suggestions for better engaging each group.

Left to right: George H. Hettrick of Hunton & Williams LLP, and The Honorable Deanell Reece Tacha of Pepperdine University School of Law

1. ***Small Firm and Solo Practitioners*:** Lawyers at small and medium firms often lack the institutionalized support, resources, and infrastructure that large firms have. Particularly in rural areas or for solo practitioners, covering out-of-pocket costs can also be a challenge. Yet small and solo firm practitioners are the mainstays of many LSC grantee programs. To the extent possible, LSC grantees wishing to engage these groups thus may consider assisting with out-of-pocket expenses, such as travel costs, legal research, deposition transcripts, and expert witness fees, and should investigate other ways to provide the same types of institutional supports available to larger firm lawyers. To see a few examples of how LSC grantees and other agencies are effectively engaging lawyers at little and medium firms, click here.

2. ***Rural Lawyers*:** Engaging lawyers to serve clients in rural areas can be particularly challenging for a variety of reasons. There often are large geographic distances and sometimes natural barriers (mountains, deserts, forests, and impassable roads) between lawyers, clients, and the courthouses that make representation difficult. The limited number of lawyers in a given area also can create issues. Where lawyers are present, they typically are solo practitioners or at very small firms with little support staff and few resources. There may be a mismatch between rural lawyers' practice expertise and rural clients' legal needs, and clients may face issues in accessing technology or transportation. Finally, rural lawyers may require technical expertise to work with special populations, such as migrant farm workers or the Native American community.

Legal services organizations that operate in rural areas are familiar with these challenges, so their participation is critically important to developing and maintaining effective pro bono programs in rural communities. Under their leadership, several things can be done to successfully engage the private bar to serve rural areas, including:

- Engaging the local judiciary and bar leaders to actively support pro bono efforts;
- Offering free training for CLE credit (which can be particularly valuable for solo and small firm practitioners in rural areas) in exchange for a commitment to handle a pro bono case. This training can

Legal Services of Northwest Jersey (LSNWJ), an LSC funded program in a suburban setting, recruits solo practitioners and lawyers from small firms at the local courthouse. LSNWJ later matches those volunteers with clients based on practice area and interest. This informal technique reaches lawyers that LSNWJ's other recruitment efforts might not. LSNWJ lawyers also take advantage of their suburban setting by connecting personally with their volunteers and as a result, have had success in asking those volunteers to step in in times of trouble – for example, by asking them to help relieve the caseload of a staff attorney who had to go out on medical leave.

be specialized to focus on uniquely rural legal issues, such as how to draft Indian wills;

- Building urban-to-rural bridges. Urban agencies can offer volunteers, expertise, technology, sample forms, model pleadings, legal research, volunteer law students, and guidance on law firm pro bono practices. Rural organizations can, in turn, provide cultural training and local counsel support. Rural programs should not overly rely on urban lawyers, however, as distances and cultural divides can create problems;
- Taking advantage of student rural outreach programs and spring break and summer programs;
- Using local resources, such as libraries, faith-based groups, and social service agencies, to reach client populations and gather volunteers;
- Creating local and county-level pro bono task forces that include community leaders, such as town mayors, county executives and council members, community and religious leaders, directors of social services agencies, and bar leaders;
- Engaging the law departments of corporations located in rural areas;
- Offering opportunities for limited representation or finite time commitments;
- Creating local pro se assistance programs that can be staffed by pro bono lawyers;
- Using technology to share resources among agencies, reach clients in remote locations, and train volunteers (while recognizing that technology cannot begin to cover what local lawyers or legal services agencies do on behalf of clients); and
- Encouraging stakeholders to look at access to justice issues on a statewide level, so that systems are developed and resources allocated to rural as well as urban populations. This concept is discussed in further detail below.

A few examples of programs that are effectively operating in rural communities can be found here.

With over twenty offices and only fifty staff lawyers, California Rural Legal Assistance (CRLA) covers thousands of miles of the agricultural and migrant areas of California. It does not cover any big cities with large law firms, but the organization has built relationships with large urban law firms to assist in rural field offices. CRLA also works with local bar associations and sponsors clinics and workshops to train private attorneys in unfamiliar areas of law. In 2010, CRLA served 48,617 people, including 31% of migrant cases handled by LSC organizations nationwide.

Left to right: Terry M. Hamilton of Lone Star Legal Aid, Ronald S. Flagg of Sidley Austin LLP, and Mark B. Childress, formerly of the U.S. Department of Justice Access to Justice Initiative

3. ***Emeritus/Senior and Inactive Lawyers***: By 2020, retirees will account for almost one-half of all lawyers.[20] Programs engaging senior and retired lawyers in pro bono work have existed for many years, but interest in mobilizing them has sharpened as a result of the enormous growth to come in this segment of the profession. Inactive lawyers also are a potentially significant resource, as they include not only senior lawyers, but also those who are not working as lawyers but still wish to be engaged, as well as law professors who are not otherwise practicing.

While there have been some innovative projects for engaging inactive lawyers, no model has emerged to date that has proven to be scalable. Due to varying state emeritus rules, senior lawyers also may face obstacles to doing pro bono work.[21] Some suggestions for effectively engaging them include:

- Providing access to resources, including office space, support staff, mentors, and research materials;
- Providing training, supervision, and mentoring;
- Creating opportunities that accommodate flexible schedules and allow attorneys to work from home;
- Informing would-be volunteers that malpractice insurance is available to them; and
- Amending state practice rules to encourage and remove obstacles to participation (further discussed in the state practice rules section below).

For examples of programs that have effectively engaged senior and inactive lawyers, click here.

4. ***Government Lawyers***: Well over 100,000 attorneys work for the federal government, and thousands more are employed by state and local governments.[22] Government lawyers are potentially a major resource for pro bono assistance, but they also face unique obstacles. Unlike law firm volunteers, government attorneys generally cannot handle pro bono cases during work time and cannot rely on their employers to provide clerical support or cover out-of-pocket costs. Federal government lawyers frequently are not members of the bar in the jurisdictions in which their offices are located. Both federal and state government lawyers cannot handle cases that might put them at odds with their employer and are subject to additional statutory conflict of interest restrictions that may prevent them from taking on certain types of cases. There also can be a perception that because their full-time jobs are public service, they have a lesser (or no) obligation to perform pro bono work. Some also believe that allowing government attorneys to perform pro bono work during business hours is a misuse of public dollars.

There are, however, proven strategies for addressing the challenges government lawyers face. There has been significant growth in recent years in the involvement of government lawyers in pro bono work.[23] For example, the District of Columbia has a special exception to its unauthorized practice of law rule, D.C. Appellate Rule 49(c)(9)(C), that allows federal government attorneys in good standing in another jurisdiction but not admitted in the District to undertake pro bono cases under the auspices of a free legal services provider, if they are supervised by an active member of the D.C. Bar.[24] Additionally, in several states that exempt government attorneys from bar fees or CLE requirements as long as they do not practice law outside of their government jobs, the rules explicitly state that pro bono work does not waive the exemption.[25]

After 45 years in private practice, Howard Goffen retired from the full-time practice of law and began volunteering for LAF (Legal Assistance Foundation) in Chicago. Since that time, he has become their most committed, talented, dedicated, and selfless pro bono volunteer, contributing over 7,000 hours of his time and representing hundreds of LAF clients. As a result of his years of experience, he also has served as a guide and mentor to many of LAF's staff. Mr. Goffen received the coveted ABA Pro Bono Publico Award for his service in August 2012.

Left to right: John E. Whitfield of Blue Ridge Legal Services, Nan Heald of Pine Tree Legal Assistance, and Diana C. White of Legal Assistance Foundation of Metropolitan Chicago

In general, the most successful pro bono programs for government lawyers: (i) do not require bar membership in the jurisdiction; (ii) involve matters that are not adverse to a government entity; and (iii) require only finite time commitments outside of work. To see a few examples of such programs, click here.

5. ***Corporate Counsel***: There has been a significant increase in the number of in-house departments engaging in pro bono work over the past few years.[26] Engaging corporate counsel can have many benefits beyond the client services they provide, as corporate counsel can leverage their law firm contacts to bring even more lawyers into the fold. Some corporate law departments even include specific questions about pro bono when soliciting law firms for billable work and in their overall evaluation of law firms. Many legal departments also provide financial support for civil legal services.

In engaging corporate legal departments, it is important to understand the motivations that guide corporate counsel, as well as the special constraints under which they work. Many corporate departments wish to create pro bono programs that tie into their corporate responsibility (CR) efforts. Thus, if the company's CR policies focus on homelessness, the in-house lawyers may wish to focus their pro bono work on homelessness. In-house lawyers also often use pro bono as a means of team-building within their legal departments, and therefore wish to involve staff as well as lawyers on pro bono projects.

Working with corporate counsel also presents challenges similar to those involved in working with government lawyers. Many in-house lawyers are not located in the jurisdictions in which they are admitted, may face conflicts as a result of their particular practice, and likely do not have malpractice insurance. In addition to amending state practice rules to address these issues (as discussed in further detail elsewhere in this report), opportunities to overcome these obstacles include:

- Making pro bono matters more manageable by partnering in-house lawyers with law firms and other outside organizations;
- Creating projects that are time-limited and predictable in nature, such as pro bono clinic opportunities or limited scope engagements;

In the District of Columbia, nine federal agencies staff the D.C. Bar's monthly Saturday morning walk-in Advice & Referral Clinics and accept more cases for representation from the D.C. Bar's Advocacy & Justice Clinic than any participating law firm. Over 200 federal government lawyers also have been trained to draft wills through LSC-grantee Neighborhood Legal Services Program's Wills Clinic.

Left to right: Lee Miller and Lisa Dewey of DLA Piper

- Encouraging in-house counsel to venture outside of their primary practice areas by providing quality training, mentoring, and support;
- Using technology to interact remotely with pro bono clients, where appropriate; and
- Creating in-house pro bono teams so that colleagues can step in if scheduling conflicts or workload issues develop.

Finally, engendering support for pro bono programs at the general counsel or other senior level is essential for an effective program, both to reinforce that pro bono is highly valued and to help resolve workload issues. For examples of programs that engage in-house counsel, click here.

d. **Engaging Non-Lawyers as Pro Bono Volunteers**

One LSC grantee pro bono manager interviewed for this report told us that she receives many calls from paralegals and law students who want to volunteer, but that she does not know how to engage them. This likely is a common issue, and yet there are ways in which non-lawyers, particularly law students and paralegals, can make real contributions. LSC and its grantees should collect examples of the engagement of non-lawyer volunteers – including law students,[27] paralegals, administrative staff, and others, as well as pro se litigants – and educate grantees about how to utilize them effectively, and the limitations of using non-lawyers and pro se models. The following is a brief summary of the Task Force's findings with regard to these groups.

1. ***Law Students***: The engagement of future lawyers in pro bono work can instill an early commitment to and support for pro bono. Law schools take varying approaches to pro bono. Some schools, such as Columbia, Harvard, Loyola University Los Angeles, University of Pennsylvania, and Roger Williams University make it a mandatory requirement for graduation. Others, such as NYU and Stanford, achieve high levels of participation by actively promoting pro bono.[28] Of course, many schools engage students through clinical education. Others are considering new ways to involve law students, such as through law school Cyber Clinics,[29] which offer credit to law students for developing content for statewide legal aid websites. To see other examples of how law students are being engaged, click here.[30]

Developed by representatives at Symantec, HP, and Apple in 2009, the Bay Area Corporate Pro Bono Co-operative (the Co-op) assists corporate legal departments with doing pro bono work. The Co-op helps engage employees, facilitates training, and provides a web-based attorney sign-up system. To become involved, a corporate legal department simply contacts the Co-op coordinators (two volunteer firm attorneys) to develop a pro bono program tailored to the department's needs. The Co-op organizes organizes training, helps with logistics, and provides continuing support to the volunteers. After attending a training session, volunteers can register for pro se advice clinics run by Bay Area legal services providers using an online reservation system. Since its establishment, the Co-op has gained additional members, including Cisco, Adobe, SAP, Google and NetApp, and has partnered with three local legal services agencies to provide staffing for clinics and later mentoring on cases.

Since 1982, the Minnesota Justice Foundation (MJF) has coordinated a unique collaboration of Minnesota's four law schools. As a result, more than 150 statewide legal services providers work with a single point of entry into the law student volunteer pool. During the 2011-2012 school year, MJF created and filled two thousand law student volunteer placements.

Of course, using law students, especially outside of a clinical setting, is complicated by their lack of experience, limitations on their ability to practice law, and the lack of a coordinated effort to guide student advocates toward areas of practice where the need is greatest. These constraints must shape any effort to engage law students and necessitate a special premium on training and supervision.

LSC also should consider looking beyond law schools for pro bono help, by possibly involving business, public administration, medical, social work, or undergraduate schools, or within paralegal training programs. These students, for example, could advise LSC grantees on non-profit management, help them create strategic plans, or assist with intake at a legal clinic. By creating early bridges within these communities, budding community and financial leaders will learn about the importance of legal services and, we hope, make a lifetime commitment to the issue.

2. ***Paralegals and Administrative Personnel***: In addition to engaging private attorneys, LSC grantees should consider ways in which they can involve other members of the law firm community in pro bono – including paralegals and other administrative staff. These staff members often have a wealth of knowledge about the legal profession, an enormous amount of experience, and a desire to give back to the community. With the right training and supervision, they can be a tremendous resource.

3. ***Other Non-Lawyers***: Several federal programs permit non-lawyers to serve clients, including applying for Medicaid, food stamps, housing, Social Security, immigration relief, and veterans benefits. The Colorado Cross Disability Coalition (CCDC), for example, uses non-lawyers to file benefits applications, appear in administrative law proceedings, present evidence, prepare and file briefs, or simply listen to client stories. The Benefit Bank (TBB) provides another online model for engaging non-lawyers. A proprietary web-based resource, TBB provides web-based guidance to help volunteers conduct eligibility assessments and file applications for programs such as the Supplemental

Left to right: Frank B. Strickland of Strickland Brockington Lewis LLP, Sharon L. Browne, Robert J. Grey, Jr. of Hunton & Williams LLP

Nutrition Assistance Program (SNAP, otherwise known as Food Stamps), Medicaid, Medicare Part D, child care subsidies, Temporary Assistance for Needy Families (TANF), and various other federal programs. To learn more about CCDC and TBB, click here.

e. **Using Pro Bono Lawyers to Assist Pro Se Litigants**

Pro se drop-in clinics, help desk programs, and online resources are an important means of empowering those who otherwise would not have legal assistance. At the same time, these models offer a limited-representation opportunity to lawyers who may not be able to make a larger commitment of time or resources – including government, in-house, or rural lawyers and solo practitioners. In Chicago, for example, the Coordinated Advice and Referral Program for Legal Services (CARPLS) uses paid and volunteer staff to screen and refer more than 60,000 cases a year. CARPLS also provides self-help materials to empower callers to proceed pro se. The Volunteer Lawyers Network (VLN) in Minneapolis recruits and trains lawyers to staff a local self-help center. VLN provides onsite staff support, recruits student volunteers, and provides screening, forms, and informational materials. Finally, a number of comprehensive websites and tutorials aimed at empowering pro se litigants also exist, such as the Connecticut Network for Legal Aid.[31] You can read more about programs working to empower pro se litigants here.

f. **Encouraging Collaboration and Resource Sharing Among Pro Bono Programs**

A recent report issued by the American Bar Foundation found that the network of non-profits and other agencies providing legal services across the country lacks coordination. Hence, the overall quality of legal services delivery varies greatly on a state-by-state and region-by-region basis.[32] LSC and its grantees have a real opportunity to change that trend by bringing together key stakeholders, both at a state and local level, to address access to justice issues in a more coordinated and efficient manner. Led by LSC, these collaborative efforts should include LSC grantees, the judiciary, bar associations, law schools, and the private sector.

There are so many ways in which members of the legal community can

The Chicago Bar Foundation (CBF) has developed a "prescription pad," which lists all the help desks in state and federal courts in Cook County, and describes the types of cases they handle, the degree of help they offer, and their hours of operation. Many local legal aid organizations use the "prescription pad" to make referrals. In 2011, the various help desks in the city collectively helped more than 65,000 people – all of whom were already in court and in desperate need of assistance.

Left to right: Teresa W. Roseborough of The Home Depot, JoAnne A. Epps of Temple University Beasley School of Law, and David A. Kutik of Jones Day

work together to address the justice gap and promote pro bono. They can collaborate on fundraising and drafting grant proposals. They can work together to train pro bono lawyers or combine recruiting efforts. Individual lawyers and law firms can partner to tackle critical systemic issues facing LSC grantees' clients, as they have in Richmond, Virginia, where a consortium of ten law firms has developed the "Firms in Service" model to facilitate collaboration rather than competition for pro bono projects among firms. Community members can work together to publicize the need for civil legal services and the importance of doing pro bono work. They can share the cost of hosting events to recognize volunteers. And community stakeholders can form partnerships to tackle tough problems in the community, such as a judge teaming up with a local legal aid program and a corporate in-house department to create and staff a help desk at a local court.

The Bar Association of San Francisco's Volunteer Legal Services Program (VLSP) and LSC-grantee Bay Area Legal Aid (BayLegal) worked together to set up a toll-free number for intake. BayLegal handles the first intake interview and enters information into a database that addresses both BayLegal's and VLSP's requirements. The information in the database then enables VLSP to run a conflict check and follow-up with a short (usually ten minute) second-level intake interview. This process allows the two entities to share information and results in better referrals to pro bono lawyers without a lengthy follow-up interview.

The Pro Bono Collaborative in Rhode Island is one great example of how much can be accomplished through collaboration. That organization uses a staff of two part-time attorneys to act as an intermediary and form partnerships among non-profit community organizations, law firms, and law schools to work on pro bono matters together.

With recent changes in technology, in particular, there is great potential for people to work together through virtual legal networks, which can match pro bono lawyers with opportunities to volunteer, offer training and mentoring, highlight pro bono successes, and provide administrative support, all in a single, on-line platform. Such networks also can offer legal services organizations the chance to reduce their own costs by sharing resources and empowering pro se litigants by arming them with information.

Illinois Legal Aid Online (ILAO), for example, offers a library for would-be pro bono lawyers and pro se litigants, a list of volunteer opportunities, a calendar of upcoming trainings, and opportunities for mentorship. It also highlights successful pro bono and legal aid lawyers on its home page and is working to create a statewide online platform for legal aid providers so that they do not each have to shoulder the expense of creating their own.

John G. Levi of Sidley Austin LLP, LSC Board Chairman

Many other legal services organizations are collaborating to share one IT platform for screening and placing cases, which creates a one-stop shop of options for clients and volunteers, tracks needs and outcomes on a system-wide basis, and saves the cost of developing and maintaining duplicate platforms. This is what legal aid providers in Philadelphia are doing, working together to develop a common case-management software system that allows one organization to screen a case, refer it to another without rescreening, and even track outcomes and trends after services are provided.

Additional examples of terrific collaborative efforts around the country can be found here.

Martha Minow of Harvard Law School, Pro Bono Task Force Co-Chair

g. **Using Technology to Support Pro Bono Programs**

The greatest change in the practice of law over the past thirty years has been the revolution in information technology. Since 2000, when Congress first appropriated special funds for its Technology Initiative Grants (TIG) program, LSC has been a leader in the development and use of technology among its grantees, including for use in administering their pro bono programs. In 2008, LSC issued a report entitled *Technologies That Should Be in Place in a Legal Aid Office Today*[33] (commonly referred to as the "Baselines Report"), which addresses best practices in technology related to the management of client and case data, intake and telephone advice, support for private attorneys, data security, and training. The Baselines Report continues to serve as an important resource for the civil legal aid community.

New technologies have emerged since the Baselines Report was issued, however, with the development of tools such as cloud computing, the rise of social media and the virtual office, and new means of data storage and information sharing. LSC should update its *Baselines Report* to include those technologies and to make recommendations on how to use technology collaboratively at the state and local levels.[34]

LSC grantees should, to the extent possible, have in place for the management of their pro bono programs:

- **A Pro Bono Website**: Early in its work, TIG developed two website templates, eliminating the need for LSC and other legal services organizations to undertake their own web development. Grantees and other organizations in the vast majority of states and territories use one of these two templates, and they currently are being adapted for mobile browsing. Ideally, every website should:[35]
    - Allow pro bono lawyers to review available cases and volunteer to take them online. At the very least, case opportunities should be sent to volunteers via e-mail. A pro bono computer program currently in development, LawGives, attempts to recommend specific pro bono opportunities to lawyers that are most in line with their practice areas, geography, and expressed interests;
    - Include calendars for training opportunities;
    - Provide online training and resource materials for pro bono lawyers. This should include access to recorded trainings and, where allowed under state rules, the opportunity to obtain CLE credit for viewing them, as well as sample pleadings and forms;
    - Provide live online help for volunteers. Several states' pro bono sites now use such a "live chat" feature, through which pro bono managers can

Following a study by bar associations in the Twin Cities, the private bar and leading legal services providers in the area created Call for Justice LLC, a comprehensive telephone referral system. Call for Justice builds on existing infrastructure by using the United Way's 211 system. The 211 information and referral specialists are trained about existing community legal resources and are given real-time information on availability, priority, and eligibility for services. The technology used by 211 also permits extensive data collection to facilitate ongoing assessment of the program.

take turns being available to respond to questions that pop up on their computers while they are doing other work; and

- Have the ability to push information out through an RSS feed.[36] Programs such as Outlook and Google have RSS readers that users can subscribe to. Subscribers then are notified automatically when new information is posted to the website rather than having to go to the website to find it. The GeorgiaAdvocates.org site, for example, pushes out material posted on its news page to subscribers using this method.

- **A Case Management System (CMS) for Pro Bono Cases:** Generally, LSC grantees' case management systems are used for keeping track of cases reported to LSC and recording time, but they can be used to facilitate pro bono as well. A pro bono manager can use a CMS to match a prospective client with an attorney by searching for selected criteria. For example, the manager could look for a lawyer with no open pro bono cases who speaks Spanish to take on a divorce case in a particular county. The system might even do some of the work for the manager. Rather than having to do a search, when the manager clicks the "Assign Case" button, only those attorneys who match the criteria are selected as possibilities. Other CMS features that might facilitate pro bono work include:

  - The ability to integrate, modify, and personalize form e-mails and other correspondence. Some CMS systems allow for the creation of a complete referral packet consisting of letters to the client and pro bono attorney, any documents the client has supplied, and legal information on the case type with links to automated forms, any of which can be tailored for a particular type of case.

  - The ability to collect information pertinent to the client's legal problem. Volunteer lawyers can then access that information

The Legal Services National Technology Assistance Project (LSNTAP) began in 2001 with funding from LSC's TIG program. Originally housed at the Legal Aid Society of Orange County, LSNTAP's mission was to help legal aid programs across the US improve client services through effective and innovative use of technology. Now housed at the Northwest Justice Project, LSNTAP continues to serve as a national support center and clearinghouse for technology. It provides a full online portal for attorneys seeking technology training, online technology resources, and social media networking, including a listserv and blog.

Left to right: David M. Pantos of Legal Aid of Nebraska, Mary K. Ryan of Nutter McClennen & Fish LLP, and The Honorable James D. Moyer, Magistrate Judge, U.S. District Court for the Western District of Kentucky

Left to right: JoAnne A. Epps of Temple University Beasley School of Law, Teresa W. Roseborough of The Home Depot, Lisa C. Wood of Foley Hoag LLP, and Martha Minow of Harvard Law School

via a secure log-in and record case notes and time records so they are all stored in one place.

- The ability to monitor the progress of a case, track expenditures, and record attorney time.
- The ability to designate a given case as a pro bono matter, type in a short description, and directly push that information to a website, post it on social media such as Facebook, and send it to volunteers via e-mail. Some CMS programs can even tailor opportunities so they only go to specific volunteers and control how many of these e-mails an attorney receives in a specified period of time.

- **Voice over Internet Protocol (VoIP) with Remote Log In:** As discussed above, one way to increase participation is to provide pro bono opportunities that require a limited time commitment, such as the chance to give advice and brief services over the phone. Phone systems can be set up so that a volunteer can log into a CMS to show availability, and then calls can be routed to the volunteer. If the volunteer is trained to do an eligibility screen, callers can be routed to the volunteer initially – even on the basis of case type and/or language capability. This capability can be added by using a hardware Session Initiating Protocol (SIP) Phone,[37] by using a software solution known as a softphone, or by routing to a cell phone. Many cloud-based PBX providers (a phone system that lives in the cloud, not at the office) offer these features.

- **Social Media:** The use of social media, including blogs, Twitter, Facebook, and LinkedIn, has grown exponentially over the past five years,[38] and these tools can help attract potential volunteer lawyers. Social media is particularly useful for generating new ideas, facilitating conversations, and collecting feedback from volunteers.[39] LSC itself can be found on Twitter under the handle @LSCTweets.[40] The ABA Center for Pro Bono (which itself maintains an excellent blog[41] about pro bono) recently documented current and potential uses for social media

In 2011, Legal Aid of Nebraska attorney Pat Ford suffered a debilitating stroke. Pat's entire caseload involved legal services for homeless and near-homeless Nebraskans. The day after Pat's stroke, the president of the Nebraska State Bar Association sent an email to over 1,000 lawyers throughout the state requesting volunteers to help take on Pat's caseload. By the end of the week, all of Pat's remaining cases were placed with private attorneys working for free.

in support of pro bono service delivery, focusing on five areas in which social media can assist in supporting or strengthening a program: marketing, recruitment, fundraising, intelligence gathering, and extending accolades.[42] Social media also can be used to:

- Inform the public and lawyers of pro bono news and upcoming events, such as clinics and training. The State Bar of Alabama Volunteer Lawyers Program uses Twitter during the annual ABA Pro Bono Celebration. The ABA Center for Pro Bono uses Twitter to highlight pro bono news and events across the country.
- Fundraise and recruit additional volunteers,[43] including those (like many emeritus lawyers) who lack office space or work from a virtual office. The State Bar of Georgia Pro Bono Project tweets links to its online volunteer pledge forms and to the subscription page of its statewide volunteer lawyers support website.
- Recognize volunteers and highlight success stories, as Pro Bono Net does via Twitter.
- Include members of the pro bono community in local, regional, or national pro bono events by broadcasting event highlights, news, and resource links.
- Mobilize lawyers and the community. For example, the State Bar of Georgia Pro Bono Project uses Twitter to send updates about how lawyers may assist following a disaster.
- Provide practice support to pro bono lawyers in remote clinics or other service settings.
- Stage and support virtual pro bono training and conferences.
- Deliver legal information and resources directly to clients.
- Inform the public about the importance of pro bono and civil legal services.
- Conduct community surveys to assess client need.
- Create virtual legal networks of courts, foundations, local bar associations, and other potential community partners.

- **Mobile Computing, Smartphones, and Texting.** Between May 2011 and February 2012, smartphone ownership among adults earning less than $30,000 per year went from 22% to 34%.[44] Even those who do not have smartphones often have the ability to send and receive text messages. There is great potential, therefore, for LSC grantees to use smartphone and texting technologies to reach clients and engage pro bono lawyers. Several grantees already are building apps for their volunteers, such as those offered by the Arkansas Access to Justice Foundation, Illinois Legal Aid Online, and Pinetree Legal Assistance in Maine. Ideally, as they are developed, these apps will be integrated with agencies' case management systems so that legal services lawyers can designate a case for pro bono placement, type a short description of the case, and then have that case displayed on an available case list, all without accessing a computer. Placing automated forms on these apps (through online forms generation software, like LawHelp Interactive)[45] has the potential to make brief services models even more efficient. Coupled with the e-filing systems used by many courts today, documents can potentially be e-filed right from brief services clinics without ever generating paper copies.

Text messaging technology could, if integrated into a CMS, also be very helpful in addressing the issue of clients failing to make their appointments (which can be very discouraging to would-be pro bono volunteers) by providing reminders, directions, and a list of documents that the client needs to gather in advance of the appointment. Texts also can

Left to right: Michael L. Monahan of the State Bar of Georgia Pro Bono Project / Georgia Legal Services Program, David M. Pantos of Legal Aid of Nebraska

William T. Robinson III, Immediate Past President of the American Bar Association

be used to remind clients of court dates. These reminders can even be integrated into a CMS and sent automatically.

- **Collaborative Pro Bono Platforms:** Keeping up with cutting-edge technology requires time and resources, and thus presents a perfect opportunity for collaboration. Although there are some promising partnerships out there, too often organizations are working independently to create the same systems within a given city, state, or region, and are not sharing information with each other as they do so. LSC and its grantees should consider where they can partner with other legal aid organizations and with the private bar to create systems that operate across users. Examples of where this is being done can be found here. This is one area in which LSC can and should be a leader, ultimately encouraging the development of a portal to which all parties in the community could connect. For example, LSC might consider spearheading the development of a single CMS for all of its grantees, so that everyone would be under a single system.

Finally, LSC should consider either using challenge grants to spur innovations in technology or seeking pro bono assistance from technology companies to further legal pro bono. Under the America Competes Reauthorization Act of 2010, Congress made $45 billion in funding available for challenge grants to foster innovations in science, technology, and education. Since 2010, agencies across the federal government have issued more than 150 challenges, with many of them seeking the development of mobile applications and other broadband technology to solve vexing problems.[46] In the first year alone, thirty-six agencies were awarded prizes of over $38 million.[47] LSC should explore the feasibility of conducting and funding its own such challenge to build an integrated platform for its grantees. Once again, any resources for such a grant should not come at the expense of existing funding.

h. Using Pro Bono to Decrease Demand for Legal Services

Pro bono lawyers are a great potential resource for reducing demand for legal services. Pro bono lawyers can be well-positioned to take on larger projects or litigation that LSC grantees themselves may not be able to handle, conduct background research, or add a powerful voice in support of reform. LSC grantees therefore should consider potential opportunities to engage volunteers at the systemic level.

The Legal Aid Society of the District of Columbia, for example, created an Appellate Advocacy Project to address issues that contributed to ongoing concentrated poverty in the District. Through the project, lawyers collaborate with other members of the civil legal services community to identify emerging or unresolved issues, to develop cases that can present those issues, and to monitor the docket of the D.C. Court of Appeals for amicus opportunities. The project has won important decisions concerning the rights of tenants, persons with disabilities, and victims of domestic violence. Such appellate work can be a fruitful area for pro bono partnerships between legal services providers and private firms. Examples of other organizations that have successfully used private lawyers to reduce demand for legal services can be seen here.

i. Creating a Pro Bono Culture

A successful pro bono program requires support from the top. Good pro bono programs cannot exist without legal aid lawyers, and the leadership of legal aid organizations must commit to pro bono in order for it permeate an organization's culture. There are several steps leaders can take to show that support.[48] First, leaders themselves should actively participate in pro bono programs. They should encourage and celebrate it, while being honest (in a positive way) about some of the challenges of working with pro bono lawyers. They should ensure that well-respected staff members view private involvement as an important part of their jobs, and hold up examples of those lawyers' successful support of pro bono efforts. They should encourage staff to be creative in recruiting and managing pro bono volunteers, assign a capable and well-respected lawyer to manage the organization's pro bono program, and make themselves available to that manager. LSC can play a role in supporting these efforts by directing some of the information and resources contemplated in the toolkit recommendation above to sharing successful efforts among grantee leadership to shape and create pro bono cultures. Grantees looking to strengthen their pro bono cultures also can take advantage of the ABA Center for Pro Bono's Peer Consulting Project, which enlists volunteers to conduct a

Left to right: Diana C. White of the Legal Assistance Foundation of Metropolitan Chicago, Nan Heald of Pine Tree Legal Assistance, John E. Whitfield of Blue Ridge Legal Services, and Colleen M. Cotter of the Legal Aid Society of Cleveland

An elderly Shenandoah County, Virginia, widow needed money to repair her car. In desperation, she took out a payday loan at an interest rate of over 200%. After making monthly payments of between $200-$500 out of her Social Security check of $624 for nearly three years, she still owed more than she had borrowed. Finally, she sought help from Blue Ridge Legal Services. Pro Bono attorney Grant Penrod challenged the legality of the loans under Virginia's usury laws, and ultimately won before the Virginia Supreme Court, which unanimously outlawed the payday industry practice of "flipping" loans each month to evade interest ceilings, a practice that created what the court called "a vicious cycle of debt."

two-day, onsite evaluation and then reports on potential improvements to the organization's pro bono program.

Organizations also should consider, if appropriate, establishing a special advisory committee, composed of key organization staff and private lawyers, corporate counsel, bar leaders, and law school representatives, to help manage their pro bono programs. This group could help set policy or guidelines, develop program goals and priorities, champion legal services in the community, create new connections to increase the pool of available volunteers, help fundraise for the organization's pro bono program, and ensure adequate attention to systems and issues. Finally, as noted above, LSC itself can support pro bono managers at its grantee organizations by providing them with a professional organization through which they can connect, find support, and highlight their successes.

j. Adequately Resourcing Pro Bono Programs

Creating a quality pro bono program requires a commitment of time and money. Many of the recommendations in this report would be costly – much beyond the 12.5% of their grant money that LSC requires its grantees to spend on Private Attorney Involvement (PAI) – and thus especially challenging to implement in light of the current economic environment. There are several steps that LSC and its grantees can take, however, to adequately resource their programs:

- To the extent they are not already doing so, LSC and its grantees should participate in groups, such as state AJCs, that are studying and recommending ways to create new funding sources, including new fees, such as *pro hac vice* fees, or voluntary contribution check-offs on dues forms; and
- LSC should provide guidance and training to development professionals and executive directors in fundraising. LSC also can advocate with potential funders, including foundations and the legal community, about the importance of supporting pro bono programs.[49]

Recommendation 2: LSC Should Revise Its Private Attorney Involvement (PAI) Regulation to Encourage Pro Bono.

LSC's Private Attorney Involvement (PAI) regulation, promulgated in its current form in 1985, directs grantees to expend 12.5% of their basic field grants to encouraging "the involvement of private attorneys in the delivery of legal assistance to eligible clients."[50] Specifically, it provides that private attorney involvement "shall be an integral part of a total local program undertaken" to further the "statutory requirement of high quality economical and effective client-centered legal assistance to eligible clients."[51] Decisions about how to implement the "substantial involvement" requirement rest with the local LSC grantees and their boards, but those decisions are subject to "review and evaluation" by LSC.[52]

The PAI regulation has resulted in increased collaboration between LSC grantees and private attorneys; however, because of changing realities in the legal market, there are certain areas where the regulation might productively be revised to ensure that LSC grantees can use their grants to foster pro bono participation. Section 1614.3 of the regulation describes the range of activities that may be counted toward the PAI requirement and the ways costs related to the PAI effort are identified and accounted for. In practice, the regulation poses complications in certain areas for LSC grantees. LSC therefore should reexamine the regulation in the following areas:

(a) Resources spent supervising and training law students, law graduates, deferred associates, and others should be counted toward grantees' PAI obligations, especially in "incubator" initiatives. Because they are not considered "private attorneys," contributions of law students or graduates not yet admitted to the bar do not count toward grantees' PAI requirements.[53] Contributions from law school clinics can be counted only if a private attorney supervises the students (including a professor because the professor is considered a "private attorney").[54] Engaging students and instilling a lasting commitment to pro bono work is wholly consistent with the aims of the PAI regulation. The LSC Board therefore should consider amending the regulation to allow grantee organizations to count as PAI expenses the funds they expend on training and supervising law students.

Similarly, in recent years there has been a large increase in the number of private attorneys and law graduates who are not employed, and many of them have sought to gain experience while giving back to their communities through pro bono work. Although these lawyers are a great potential resource, engaging them requires time and resources on the part of LSC grantees. For example, one LSC grantee wanted to create an "incubator" program under which it would train attorneys and recent graduates and then pay them to take cases after they left the program (and in the case of the recent graduates, after they passed the bar). The program was designed to benefit the attorneys by giving them a start in practice, to benefit the grantee by providing trained attorneys to handle cases for a modest payment, and to benefit low-income clients by increasing the supply of available lawyers. In Advisory Opinion 2009-1007, LSC held that payments to the lawyers after they left the "incubator" could count toward the grantee's PAI obligation only if the payments were not more than 50% of the lawyers' total compensation. Whether the funds were counted therefore depended on whether the lawyer was able to find another job. As a practical matter, this makes the use of PAI funds for these programs very difficult since attorneys who are not otherwise employed are unlikely to know how much of their income will come from the grantee and how much from other sources until the end of the year. This leaves the grantee uncertain about whether its payments count as PAI until the end of the year as well.

Left to right: The Honorable James E. Doyle of Foley & Lardner LLP, and Ronald S. Flagg of Sidley Austin LLP

When Mrs. P., a Spanish-speaking, 74 year-old victim of domestic violence, sought assistance with a divorce, Bay Area Legal Services referred her to a bilingual pro bono attorney in the area. Mrs. P. had been married in 1953. Her husband had a gambling problem and, one day when Mrs. P. went to the local casino to find him, he grabbed her by her blouse, lifted her and pushed her against the wall. He was arrested after the police saw the attack on the the casino's videos. Mrs. P. later found out that her husband had been taking all of her Social Security checks. The volunteer attorney who took Mrs. P.'s case succeeded in obtaining a divorce for her and obtained a court order that she was to receive half of the monthly benefit from Mr. P.'s Florida Retirement System Pension and half of Mr. P.'s military retirement benefits via Qualified Domestic Relations Orders (QDROS). The pro bono attorney secured the services of another volunteer experienced with QDROS to help with that process. The pro bono lawyer was so inspired by her experience that she shared them with the Tampa Bay Hispanic Bar Association, and encouraged others to take on cases of their own.

(b) Grantees should be allowed to spend PAI resources to enhance their screening, advice, and referral programs that often attract pro bono volunteers while serving the needs of low-income clients. Currently, LSC grantees cannot count money spent to support centralized screening and referral services as PAI, even where those referral services are needed to support pro bono programs. In Advisory Opinion 2009-1004, for example, one LSC grantee used non-LSC funds to pay for a statewide hotline that provided advice and referrals. After being screened through the hotline, LSC-eligible clients were referred back to one of the four LSC-funded organizations in the state. LSC concluded that the organization that funded the hotline could not count the expense toward its PAI obligation because the legal aid lawyers who staffed it received more than 50% of their compensation from the LSC-funded agency that housed the hotline, and none of the organizations that accepted referrals from the hotline could count them as PAI cases either.

The same issue arose again in Advisory Opinion 2011-001, where an LSC grantee was not permitted to count the staff salaries it paid a centralized screening and referral unit as PAI expenditures. This unit screened cases before referring them to a network of volunteer attorneys in the grantee's service area. The clients served met LSC's eligibility guidelines, but they were not counted as part of the grantee's caseload and the grantee did not take responsibility for determining the outcome of the referrals.

The Task Force has reported on how efficient it is to have integrated intake and referral systems and how difficult it is to find outside funding for them. The LSC Board of Directors thus should consider amending the regulation to allow such models.

(c) LSC should reexamine the rule that mandates adherence to LSC grantee case handling requirements, including that matters be accepted as grantee cases in order for programs to count toward PAI requirements. LSC grantees are under strict guidelines about what cases they can and cannot handle. Furthermore, resource constraints often force grantees to make tough decisions about what types of cases that meet the guidelines they can take. Yet, under the PAI regulations, grantees cannot count placement of any cases that they are not themselves able to accept. The regulation poses challenges to effective pro bono collaborations, as illustrated by Advisory Opinion 2008-1001. There, an LSC-funded organization serving a large rural area in the Midwest provided organizational assistance and technical support to a number of walk-in clinics (sponsored by churches, local bar associations, and government social welfare agencies). These clinics did not screen clients for LSC eligibility and, at the insistence of the organizations that supported the clinics, the LSC-funded organization did not treat the people who came to the clinics as its own clients. The program, which is located in an area with few private attorneys and where it has been very difficult to establish successful PAI programs in the past, sought to count the cost of the organizational assistance and technical support against its PAI requirement. LSC found that the people served by the clinics had to be screened for LSC eligibility, determined to be eligible, and accepted as clients of the LSC-funded organization before the costs of the program could count for PAI purposes.

As noted elsewhere in this report, such collaborative efforts are only possible with the support and substantive

Left to right: Esther F. Lardent of the Pro Bono Institute, and Frank B. Strickland of Strickland Brockington Lewis LLP

expertise of legal aid lawyers. Thus, a degree of flexibility is required in the rule.

In summary, the PAI regulation poses challenges as local organizations attempt to develop innovative programs to promote efficiency and effectiveness in their partnerships with others. The Task Force therefore recommends a thoughtful effort to reexamine the regulation to ensure that it effectively encourages pro bono participation.

Recommendation 3: LSC Should Launch a Public Relations Campaign on the Importance of Pro Bono.

Members of the private bar can help alleviate the justice gap, but many either do not know about the justice gap or do not know how they can help. Lawyers may not know about the extraordinary need for their pro bono contributions. Policymakers often are not aware of the importance of legal aid. Leaders in the legal community therefore should work together to increase public awareness of these issues.

As a starting point, LSC should convene a small group to explore launching a national public relations campaign to: (1) raise awareness, both within and outside of the legal profession, about the continuing crisis in legal aid for the poor; (2) encourage members of the bar to help solve that crisis by taking on pro bono matters and donating to legal aid organizations; and (3) generally promote and celebrate the accomplishments of legal aid lawyers across the country.[55]

The idea of educating the public about the importance of legal aid is not new. Over the past ten years, several organizations – most notably NLADA, the Center for Law and Social Policy, and statewide AJCs – have done important work in this area. A number of states also have launched statewide campaigns aimed at increasing pro bono work among private attorneys. This includes the One Campaign,[56] a statewide campaign in Florida with the message that every lawyer in the state should take on *one* pro bono case; Maryland's Access to Justice Commission media kit entitled, *My Laws, My Courts,*

Alaska's *Early Resolution Program* schedules a number of divorce cases in a single court on one afternoon and then brings in pro bono lawyers to represent both sides. In its first year, 80% of cases resulted in settlements.

Members of the Pro Bono Task Force at their inaugural meeting

In 2009, the Indiana Supreme Court announced a campaign to train more than 700 Indiana judges, mediators, and lawyers on handling foreclosure cases. The Court offered scholarships to private attorneys for the training if they agreed to handle one mortgage foreclosure case on a pro bono basis.

My Maryland[57]; and similar programs in Arkansas, Illinois, Texas, and Washington. The ABA[58] and National Celebration of Pro Bono[59] websites both provide speeches, videos, and other resources for launching a public relations campaign. Furthermore, there is a developing trend among individual legal aid organizations either to hire a marketing professional or to include marketing in their development staff's list of responsibilities.

The largest such campaign to date was launched in 2001 by NLADA and the Center for Law and Social Policy. They conducted a series of ten focus groups and a national survey to determine what Americans knew and thought about legal aid, as well as what messages would work with the public, and then issued a toolkit that included a review of its research findings, recommendations about the type of messages that could best be used to promote civil legal aid, and ad prototypes for national, state, and local communications efforts. Although much great work was done after the toolkit was released, eventually funding for the project ended. Thus, while the materials from that campaign are still largely relevant and useful, they are not currently being used and provide an excellent starting point for further action.

Our recommendation is to build upon the excellent work already done by these organizations, starting with the report issued by NLADA and the Center for Law and Social Policy, and work with a small group of key national stakeholders (including representatives of organizations like LSC, NLADA, the Pro Bono Institute, and the ABA) to launch and coordinate a national campaign based on the findings and recommendations contained in that report. This group will need to begin by addressing a number of challenges and open questions, including how to pay for the campaign, who the audience should be, and how to administer and implement the campaign.

Recommendation 4: LSC Should Create a Fellowship Program to Foster a Lifelong Commitment to Pro Bono.

One of the working groups that the Task Force convened for purposes of this report was tasked with developing "Big Ideas" for greatly increasing involvement by pro bono lawyers. This Big Ideas Working Group suggested that LSC develop a prestigious, national fellowship program for recent law school graduates, comprised of incoming associates at participating law firms who would, under the

supervision of more senior firm and LSC grantee lawyers, devote their first year to handling cases from and building relationships with host LSC grantees. This fellowship proposal is unique in that its focus would be on building lifelong commitments to civil legal services and long-lasting connections between LSC grantees and law firm pro bono lawyers.

We envision that interested law students would apply and be selected for the fellowships by both the firm and the host LSC grantee shortly after their second year summer programs with participating firms. Fellows would select a legal focus area for their fellowship, such as domestic violence or housing, which would allow them to develop subject matter expertise within their firms. Incoming fellows would prepare during their final year of law school by taking part in relevant clinics, externships, or coursework so that they could begin the fellowship with some level of familiarity with their chosen subject area. We hope that law schools, in turn, would make relevant education, such as providing clinical and experiential learning programs, a priority. After graduation, fellows would join their law firms at the same time as the other incoming associates; however, they would not go into practice groups or do billable work. Rather, they would devote their first year to pro bono work under the supervision of firm lawyers and lawyers at the local LSC grantee, gaining valuable practice skills and building subject matter expertise within their firms, referring cases to their colleagues, coordinating training, and offering continued support as others take on cases. Although they would be considered firm employees, eligible for firm benefits, their salaries would be commensurate with the salaries of Equal Justice Works fellows or employees of LSC grantees. They would participate in regular firm training and, as firm employees, the firms could count the fellows' pro bono hours when reporting to outside sources. At the end of the year, fellows would join their firms as second-year associates, but remain a point of connection between the firm and the grantee throughout their careers.

Left to right: The Honorable John T. Broderick, Jr. of the University of New Hampshire School of Law, The Honorable Sven E. Holmes of KPMG LLP, and George H. Hettrick of Hunton & Williams LLP

Of course, there are a number of open questions to be considered before such a proposal becomes a reality, including: who will administer the program and recruit firms to participate;[60] where will the fellows be housed; who will supervise the fellows' work; and how can the program be used to benefit grantees in rural areas. Other possibilities are to create similar fellowship programs to engage emeritus/senior lawyers, law student summer interns, or recent college graduates to work at LSC grantees. We recommend that LSC convene an exploratory working group to address these open questions, examine existing fellowship programs, and make these proposals a reality.

III. Requests for Assistance from the Legal Profession (Not Directed at LSC Board)

a. **Requests of Bar leaders and the Judiciary:**

1. **To the Extent Permitted, Recruit Pro Bono Lawyers. Support and Applaud Their Pro Bono Efforts.**

The judiciary, consistent with applicable judicial conduct rules, should use its influence to recruit new pro bono lawyers, especially in rural areas and among solo practitioners, to draw attention to the crisis in legal services, and to advocate for additional funding at the state and federal level.

Courts have a unique ability to recruit and inspire lawyers to give back through pro bono. In New York, for example, Chief Judge Jonathan Lippman's announcement about a pro bono service requirement for new lawyers illustrates the impact that creative and forward-thinking judicial leadership can make.

New York State's new prerequisite will require prospective lawyers to show they have performed at least 50 hours of pro bono service before being licensed to practice law in the state. Chief Judge Lippman announced the new pro bono service requirement on Law Day, May 1, 2012, noting that it is intended to instill and foster a culture of service among members of the bar and reinforce the ethical and social responsibility of lawyers to volunteer time and resources to provide legal services for those in need. The requirement will address the state's urgent access to justice gap, while helping prospective attorneys build valuable skills and imbuing in them the ideal of working toward the greater good.

An Advisory Committee on New York State Pro Bono Bar Admission Requirements is working on implementation of the new prerequisite, seeking input from all of the affected constituencies in New York State, including the legal services providers that will be called upon to support these law student and new lawyer volunteers, and will provide its recommendations to the Chief Judge and the Presiding Justices of the four Appellate Departments, whose respective Committees on Character and Fitness oversee and approve all admissions to the bar.

New York's experience will provide a template for other states considering a similar requirement for bar admission, and an opportunity for legal services offices to engage students in their work. We look forward to the release of the new rules and the potential impact it will have on other states.

With assistance from the National Center for State Courts (NCSC),[61] the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA),[62] State Bar leaders, the ABA Judicial Section, and other similar resources, judges can play a number of other roles in addressing this crucial issue. The judiciary can ensure adoption of rules that facilitate access to justice. They can, where appropriate, actively recruit pro bono volunteers, publicly recognize volunteer contributions,[63] write and speak about the importance of pro bono, act in an advisory capacity to pro bono programs, issue resolutions encouraging pro bono, consider asking state legislatures to increase funding for civil legal services organizations (which was successful in Texas), consider special procedural or scheduling accommodations for pro bono lawyers, and reorganize their own operations to better accommodate programs and help pro se litigants. They can emulate efforts by courts around the country to create innovative court-based programs, like self-help desks for pro se litigants, that create limited opportunities for pro bono participation in their jurisdictions. For examples of such initiatives, click here.

Even simple actions by courts can make an enormous difference. For example, when the Illinois Supreme Court sent a letter to all lawyers in the state encouraging them to take a pro bono case, Land of Lincoln Legal Aid saw a 10% increase in its volunteer rate.

The local judiciary can be particularly important in encouraging, promoting, and rewarding pro bono work in rural communities. LSC, its grantees, and others wishing to engage judges and bar leaders in rural areas and elsewhere can:

- Meet in person with members of the judiciary to actively enlist their support – emphasizing the importance of pro bono not only to the client population but to the efficient functioning of the judiciary – and also ask them to enlist other judges;
- Ask judges to serve on AJCs or local pro bono committees;
- Invite judges to speak about pro bono;
- Enable judges to personally recognize those involved in pro bono. This can be as simple as thanking pro bono attorneys from the bench, or as formal as the 7th Circuit Bar Association's Annual Pro Bono Awards, given at a formal dinner every year; and
- Encourage the judiciary to adopt rules and procedures that support pro bono lawyers and help pro se litigants.

2. **Use Bar Associations to Encourage, Support, and Celebrate Pro Bono.**

Bar associations are a critical resource for pro bono programs, and many contribute considerable energy to support and celebrate pro bono involvement by their members. Bar associations can be important sources of training for pro bono lawyers. They can offer funding for legal services, as is done by the Chicago Bar Foundation. They can develop and maintain new pro bono programs, such as in New York City, where the City Bar Justice Center runs a dozen programs to enlist and engage pro bono lawyers. They can provide a platform to educate others about legal services and the importance of pro bono work, as is done by the ABA through its National Celebration of Pro Bono,[64] and can recognize pro bono contributions of their members through awards. And they can provide collaborative environments where their various constituents can come together in support of pro bono. We applaud these contributions, and encourage bar associations to continue their creative and energetic support for pro bono programs going forward.

3. **Judges and Bar Leaders Should Amend Attorney Practice, Judicial Ethics, and CLE Rules to Support Pro Bono.**

i. **Provide CLE Credit for Pro Bono Work**

One way of encouraging pro bono work is to provide CLE credit for that work. A number of states have adopted rules that do just that, and the Task Force recommends that these rules be expanded and adopted in other states.[65] Specifically, based on the state programs surveyed, we recommend drafting a proposed model rule that would:

- Minimize the number of administrative hurdles for lawyers seeking CLE credit for pro bono;[66]
- Provide a manageable ratio of pro bono hours to CLE credit awarded. Otherwise, lawyers will find it much easier to simply watch a webinar or attend a short course;
- Provide ethics or professionalism credit; and
- To address concerns that it will hurt MCLE providers financially or replace traditional CLE, limit the number of CLE credits that can be obtained by performing pro bono.

ii. **Revise Judicial Codes of Conduct**

Some judges abstain from encouraging pro bono efforts out of concern that doing so violates ethical norms. By revising codes of judicial conduct, state high courts can offer judicial leaders more leeway to encourage lawyers to take on pro bono matters.

Rule 3.7 of the ABA's Model Code of Judicial Conduct expressly allows judges to encourage lawyers to provide pro bono legal services, and comments to that rule state that, in addition to appointing lawyers to serve as counsel, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono, if in doing so the judge does not employ coercion or abuse the prestige of judicial office. According to the comment, the encouragement may include providing lists of available programs, training lawyers to perform pro bono legal work, and participating in events that recognize lawyers for pro bono service. Many states have adopted or proposed identical or similar rules, allowing their judges to encourage pro bono service.[67]

Those courts that do permit more extensive judicial involvement in the promotion of pro bono demonstrate not only that a robust judicial role is ethical conduct, but also that leadership by the judiciary greatly advances the goal of increased access to justice for indigent citizens.

iii. **Other State Rule Changes**

There are other changes that can be made to state practice rules that would encourage additional pro bono work by the private bar. For example, allowing lawyers, especially in-house, government, and military lawyers, to provide pro bono services in jurisdictions where they are not admitted to practice, in limited circumstances (such as after a major disaster), could erase huge barriers to pro bono.[68] Other rule changes could permit lawyers who are retired or inactive to provide pro bono services without having to pay bar dues or fulfill CLE requirements.[69]

Many states' rules allow for unbundling of legal services or limited scope representations.[70] Under these rules, lawyers can perform some, but not all, of the tasks commonly included in full-service representation. This allows lawyers to provide valuable services without having to commit to long-term representation of the client. Other states relax conflicts rules for lawyers participating in legal service hotlines or other short-term representation programs.[71]

Finally, State Bars can play a role in promoting pro bono services by requiring or encouraging lawyers to report their pro bono hours or communicating expectations that lawyers should provide pro bono services.[72] At the very least, these rules help to put pro bono in front of lawyers on a regular basis and, ideally, will cause some to act.

4. **Create or Strengthen State Access to Justice Commissions**

Many states' high courts have created AJCs or similar statewide entities to address legal services for indigent clients on a statewide level.[73] They usually are composed of bar representatives, judges (including retired judges), legal aid providers, professors and law students, and other stakeholders. These commissions may, among other things, conduct studies on legal needs, produce reports and recommendations, hold educational and media campaigns to raise awareness, engage local corporate law departments, create task forces, hold conferences, and provide training for legal aid staff and volunteers. Some also work to improve access to courts for pro se litigants.[74] The ABA has compiled significant resources for states seeking to create their own AJCs.[75]

Successful AJCs have consistent participation from state supreme court justices, are accountable to multiple institutions, rather than just the judiciary or the bar, and have a full-time executive director or other staff. When carried out effectively, these AJCs can bring together stakeholders to coordinate and encourage innovation in legal services, including pro bono, and can create a broad-based pro bono culture within a state.

As one of the largest funders of civil legal aid in many states, LSC and its grantees have a special obligation to participate in and support these state-level approaches. Additionally, states that do not have AJCs should consider creating them, and those that do should invest resources into making them strong and innovative centers for leadership in the justice community.

Left to right: Lisa C. Wood of Foley Hoag LLP, Gloria Santona of McDonald's Corporation, E. Paige Sensenbrenner of Adams and Reese LLP

b. **Requests of the Legal Profession: Recognize the Importance of Pro Bono.**

This report would not be complete without a word about the dire need to fund legal services. A high quality pro bono system is dependent upon sufficient resources for legal services. Recent cuts in funding have cut resources – including those needed to develop an effective pro bono infrastructure – to the bone.

The legal profession as a whole should recognize the importance of providing every American with access to our justice system, the role that pro bono lawyers can play in offering that access, and the cost of developing and maintaining effective pro bono programs.

Every legal service provider has been affected by the economic downturn, as foundations have cut back their giving, IOLTA has plummeted as a result of falling interest rates (exacerbated by the dearth of real estate transactions with escrowed funds held in IOLTA accounts), and funding has been drastically cut both at the federal and state levels.[76]

In some states, LSC grantees and others have launched active campaigns to raise additional dollars from the private bar, including from their pro bono partners. State AJCs and other groups have successfully recommended adoption of new fees, such as *pro hac vice* fees, or voluntary contribution check-offs on bar dues forms, with all new revenues going to legal services organizations.

The stakeholders who participate in these efforts should be applauded. We encourage others to help to the extent they can. General counsels, firm leaders, and bar leaders should speak out about the need for funding, and contribute, where possible. LSC grantees also should consider launching fundraising campaigns and exploring new sources of funding.[77] Everyone should recognize that while pro bono lawyers can help, they cannot do so without the support, expertise, and time of legal aid lawyers.

IV. Summary of Recommendations and Conclusion

The foregoing recommendations are meant to create a roadmap for LSC, its grantees, and the legal community to effectively engage the private bar to address the justice gap in the United States. LSC and its grantees will require resources to make the recommendations contained in this report a reality. The Task Force is committed to assisting in these efforts.

LSC should take the following next steps:

- Work collaboratively with national stakeholders (such as the ABA Center for Pro Bono, NAPBPro, APBCo, the Pro Bono Institute, and NLADA) to serve as a source of information, coordination, and technical assistance for the creation of strong pro bono programs at its grantees. LSC should start by:
    - Bringing these national stakeholders together to assess what already exists and what needs to be done;
    - In partnership with others, creating a comprehensive toolkit for building strong pro bono programs, including by providing guidance on how to evaluate those programs;
    - Facilitating LSC grantee access to and use of existing technologies that enable volunteers to take on and coordinate work on cases, training, case management, and provision for services from a distance, all online;
    - Hiring a full-time staff person at LSC responsible for helping grantees develop and strengthen their own pro bono programs.
    - Considering ways in which LSC and its grantees might reduce demand for legal services;
    - Working with existing groups to create a professional organization specifically for pro bono coordinators at LSC-funded organizations; and
    - Recommending that Congress create a new Pro Bono Innovation/Incubation Fund modeled on the successful Technology Initiative Grants (TIG) program.
- Task a committee with recommending revisions to LSC's Private Attorney Involvement regulation to better encourage pro bono;
- Convene a small group of knowledgeable stakeholders to investigate and develop a public relations campaign about the importance of legal services and pro bono; and
- Convene a small group of law firm, legal services, and law school leaders to explore the feasibility of launching a fellowship program for new graduates and emeritus lawyers focused on LSC matters. These programs should be designed with the goal of strengthening overall support for civil legal services and pro bono within firms, law schools, and the profession as a whole.

Left to right: JoAnne A. Epps of Temple University Beasley School of Law, David A. Kutik of Jones Day, The Honorable James E. Doyle of Foley & Lardner LLP, and Joseph Genereux of Dorsey & Whitney LLP

Finally, the Task Force recognizes that none of the efforts above can be effective unless they are carried out collaboratively with members of the private bar and other stakeholders. We therefore request that:

Bar leaders and the judiciary:

- Work through organizations such as the National Center for State Courts and, to the extent permitted by ethics rules, use their influence to support pro bono efforts and to recruit pro bono lawyers;
- Speak and write about the crisis in legal services and the critical need for pro bono assistance; and

- Where possible, advocate for additional funding for civil legal services at the state and federal levels.

State Bar leaders and judges should examine ways in which state practice and ethics rules can be revised to encourage pro bono, including by:

- Offering CLE credit for pro bono;
- Permitting judges to ethically recruit and recognize pro bono attorneys;
- Allowing opportunities for limited-representation and unbundling of services;
- Relaxing conflicts of interest rules for brief service models, such as hotlines and clinics;
- Allowing lawyers to take on pro bono matters in jurisdictions other than those in which they are admitted to practice; and
- Considering other creative and ambitious solutions, such as Chief Justice Lippman's recent move to require pro bono service by all new lawyers in New York.

State and federal policymakers, funders, and the legal profession as a whole, should recognize that using pro bono lawyers to address the crisis in legal services can only be accomplished with adequate funding.

Little can be done without providing LSC and legal services organizations, which are tasked with running pro bono programs, with the necessary resources for doing so. And, of course, all stakeholders should recognize that pro bono lawyers cannot do it all. They will never replace the tireless efforts of legal aid lawyers, who are experts in what they do and who work on the front lines every day. Policymakers should fund programs to support pro bono involvement, but this should not come at the expense of adequately funding legal services.

The Task Force is committed to helping in these efforts going forward, and to doing what it can to make sure that the price of entry does not prohibit accessing the justice system in the United States.

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[1] According to the 2011 World Justice Project Index, the civil justice system in the United States is independent and free of undue influence, but it remains inaccessible to disadvantaged groups, ranking 21st out of 66 countries examined, http://worldjusticeproject.org/sites/default/files/wjproli2011_0.pdf, *at* 23. With regard to the relative cost and availability of civil legal assistance, the United States ranked 52nd out of the 66 countries examined. *Id.*; http://www.abajournal.com/magazine/article/unequal_justice_u.s._trails_high-income_nations_in_serving_civil_legal_need/, citing http://worldjusticeproject.org/rule-of-law-index/ (discussing the findings of the World Justice Project Index).

[2] Associated Press, *Poverty in United States Soars to Levels Not Seen Since 1960s*, Fox News Latino, July 22, 2012, http://latino.foxnews.com/latino/news/2012/07/22/poverty-in-united-states-soars-to-levels-not-since-since-160s/; Editor, *How America's Losing the War on Poverty*, Tri States Public Radio, Aug. 4, 2012, http://www.tristatesradio.com/post/how-americas-losing-war-poverty.

[3] U.S. Census Bureau, Income, Poverty, and Health Insurance Coverage in the United States: 2011, at 18 (Sept. 2012). http://www.census.gov/prod/2012pubs/p60-243.pdf.

[4] Legal Services Corporation 2012 Income Guidelines, Appendix A to 45 C.F.R. Part 1611, 77 Fed. Reg. 4909 (Feb. 1, 2012). http://www.lsc.gov/sites/default/files/LSC/pdfs/45CFRPart1611AppendixA2012Income%20Guidelines.pdf

[5] *See, e.g.,* Melanca Clark & Maggie Barron, Foreclosures: A Crisis in Legal Representation (Brennan Ctr. For Justice, 2009); Laura Arenschield, *Funds for Free Legal Aid Sink as Need Rises*, The Columbus Dispatch, Aug. 5, 2012, http://www.dispatch.com/content/stories/local/2012/08/05/funds-for-free-legal-aid-sink-as-need-rises.html.

[6] Quil Lawrence, *A New Generation of Vets Faces Challenges at Home*, NPR, Aug. 3, 2012, http://www.npr.org/2012/08/03/157658364/a-new-generation-of-vets-faces-challenges-at-home.

[7] *See supra*, note 1.

[8] *See Legal Services Corporation: America's Partner for Equal Justice, LSC,* http://www.lsc.gov/.

[9] Legal Services Corp., Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low Income Americans 2-3 (Sept. 2009), http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf.

[10] Laura K. Abel & David Pedulla, *Reform Federal Civil Justice Policy to Meet the High-Stakes Legal Needs of Low-Income People*, Brennan Ctr. for Justice at the NYU Sch. of Law Blog, (Jan. 5, 2007), http://www.brennancenter.org/blog/archives/reform_federal_civil_justice_policy_to_meet_the_high_stakes_legal_needs_of/.

[11] *See Legal Services Corp., Summary of Results of LSC Survey Grantees Re Impact of 2012 Budget Cuts on LSC Grantees' Finances and Services,* http://www.lsc.gov/sites/default/files/LSC/lscgov4/SUMMARY_OF_RESULTS_OF_LSC_SURVEY_GRANTEES_RE_IMPACT_OF_2012_BUDGET_CUTS.pdf

[12] The Boston Bar Association, for example, recently documented that in eviction cases, having some form of legal assistance, including full representation in targeted cases, substantially increased tenants' likelihood of staying in their homes and even receiving a damage award. Boston Bar Assoc. Task Force on the Civil Right to Counsel, *The Importance of Representation in Eviction Cases and Homeless Prevention*, March 2012, http://www.bostonbar.org/docs/default-document-library/bba-crtc-final-3-1-12.pdf; *see also* Howard H. Dana, *Report to the House of Delegates: ABA Resolution on Civil Right to Counsel 2006*, 15 Temp. Pol. & Civ. Rts. L. Rev. 507, 517-18 (2006) (citing Barbara Bezdek, *Silence in the Court: Participation and Subordination of Poor Tenants' Voices in the Legal Process*, 20 Hofstra L. Rev. 533 (1992)); Carroll Seron *et. al*, *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 Law & Soc'y Rev. 419 (2001).

[13] For information on the ABA's Pro Bono Summit, see *ABA President to National Pro Bono Summit: Progress is What We're Here for*, Oct. 25, 2011, *available at* http://www.abanow.org/2011/10/aba-president-to-national-pro-bono-summit-progress-is-what-we%E2%80%99re-here-for/.

[14] Existing resources for building an effective pro bono program include:

- LSC's own Performance Criteria, http://www.lsc.gov/sites/default/files/LSC/pdfs/LSCPerformanceCriteriaReferencingABAStandards.pdf.
- The ABA Center for Pro Bono's, "Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means," http://apps.americanbar.org/legalservices/probono/standards.html.
- LSC Program Letter 07-2: Guidance to LSC Programs for the Development of Enhanced Private Attorney Involvement, http://lsc.gov/sites/default/files/LSC/pdfs/ProgramLetter07-2.pdf.
- The Michigan Nonprofit Association's "Basic Infrastructure Checklist," http://mnaonline.org/CMDocs/MNA/Principles&Practices/checklist.pdf.
- PILnet's "Pro Bono Clearinghouse Manual: Resources for Developing Pro Bono Legal Services," http://pilnet.org/public-interest-law-resources/52-pro-bono-clearinghouse-manual-resources-for-developing-pro.html.
- Emerging from the California Pro Bono Summit, the development of a 7 chapter best practices guide reflecting basic how to concepts for legal services and private law firms on the development and administration of pro bono best practices.
- Training related to infrastructure sometimes is offered in national conferences. For example, a nuts and bolts pre-conference for new pro bono managers is offered annually at the Equal Justice Conference, in addition to "Beyond the Basics," coordinated by the National Association of Pro Bono Professionals (or NAPBPro) for more experienced pro bono coordinators and directors.

[15] *Standing Committee on Pro Bono and Public Service and the Center for Pro Bono, ABA,* http://www.americanbar.org/groups/probono_public_service.html

[16] ABA Standing Comm. on Pro Bono & Public Serv., *Center for Pro Bono Clearinghouse Library*, http://67.29.152.234/dbtw-wpd/searchcpb.htm

[17] LSC's own website contains some resources, but they are limited and reportedly not well-trafficked.

[18] The ABA Standards for Pro Bono Programs, which is in the process of being revised, also is a terrific resource for those working to build effective pro bono programs, see ABA Standing Comm. on Pro Bono & Public Serv., *Standards, Division for Legal Services*, https://www.americanbar.org/groups/probono_public_service/policy/standards.html

[19] The availability of malpractice insurance is often cited as a concern of would-be pro bono volunteers. Grantees should advertise that professional liability insurance is available at

affordable rates to the sponsoring entity that reflects the exposure and risk involved in the types of cases undertaken and, except for solo practitioners, often at no cost to pro bono volunteers. NLADA offers professional liability insurance to PAI volunteers, bar association sponsored pro bono programs, private firms offering pro bono services, other nonprofit projects, and solo practitioners. The coverage extends to any volunteer performing pro bono services on behalf of the policyholder. For information on the NLADA insurance program, *see NLADA Insurance Program*, http://www.nlada.org/Insurance/Insurance_Home.

[20] Marc Galanter, *"Old and in the Way:" The Coming Demographic Transformation of the Legal Profession and Its Implications for the Provision of Legal Services*, 1999 Wisc. L. Rev. 1081, 1085 (1999).

[21] These obstacles include limitations on the ability to practice after formal retirement, age, licensure, bar dues, CLE requirements, filing fees, and malpractice insurance requirements.

[22] *See* Fedscope, http://www.fedscope.opm.gov/. "Legal positions" includes attorneys as well as administrative law judges, various administrative and managerial positions, and paralegals.

[23] Presidential Executive Order 12988, issued in 1996, directs federal agencies to develop appropriate programs to encourage and facilitate pro bono legal service by federal government employees. The order designated the Department of Justice to lead the effort and to convene the Interagency Pro Bono Working Group comprised of representatives from each federal agency that adopts a pro bono policy and establishes a pro bono program. The American Bar Association's Standing Committee on Pro Bono and Public Service has an excellent web page devoted to the issue of government attorneys and pro bono, *available at* http://apps.americanbar.org/legalservices/probono/government_attorneys.html.

[24] *See* Rule 49: Unauthorized Practice of Law, D.C. Courts, *available at* http://www.dccourts.gov/internet/documents/rule49.pdf. Thirty-seven federal agencies in D.C. have established pro bono programs. Fifteen of those agencies recently have adopted policies that grant administrative leave to lawyers performing pro bono legal work. Pro Bono Net has a useful website that includes a compilation of existing pro bono policies from various federal agencies, information on malpractice insurance, links to information on practices in other states and jurisdictions, and other useful information for federal attorneys seeking pro bono opportunities in Washington, D.C., see Government Volunteers, Probono.net/dc, http://www.probono.net/dc/about/#Policies.

[25] *See, e.g.*, Hawaii Supreme Court Rule 17; State Bar of California Rule 2.54(b).

[26] *See, e.g.*, *Best Practice Profiles*, Corp. Pro Bono, http://www.cpbo.org/resources/best-practice-profiles/. and David P. Hackett, Ed., *Pro Bono Service by In-House Counsel*, Practicing L. Inst. (2010), for examples of robust in-house corporate pro bono programs.

[27] For a discussion of recommended changes to the PAI rules affecting LSC grantees' use of law students, see Recommendation 2.

[28] The ABA Center on Pro Bono has a content-rich website for and about law school pro bono programs, including guidance and resources for creating or enhancing a program, information about the various models in use, and contact information for the relevant personnel at each school. *See* ABA Standing Comm. on Pro Bono & Public Serv *Law School Public Interest and Pro Bono Programs*, http://apps.americanbar.org/legalservices/probono/lawschools/home.html.

[29] *IIT Chicago-Kent to Develop eBook for National Cyber Clinic Pilot Program, May 11, 2012,* http://www.kentlaw.iit.edu/news/iit-chicago-kent-to-develop-ebook-for-national-cyber-clinic-pilot-program.

[30] Whether faculty members do pro bono work typically is a matter of individual choice, but the additional capacity faculty can add (whether as inspirational leaders, advocates, or supervisors) suggests that this is an area that might be encouraged. Faculty members are typically expected to perform (and are evaluated on) service activities, which could include pro bono activities, including support for law student and legal services work. For a discussion of current law school efforts, see *Law School Public Interest and Pro Bono Programs, supra* note 28.

[31] *See* Connecticut Network for Legal Aid, http://ctlawhelp.org/.

[32] U.S. Census Bureau, Income, Poverty, and Health Insurance Coverage in the United States: 2011, at 18 (Sept. 2012). http://www.census.gov/prod/2012pubs/p60-243.pdf

[33] Technologies That Should Be in Place in a Legal Aid Office Today, LSC, Nov. 2008, http://grants.lsc.gov/sites/default/files/Grants/Grants_Reference_Materials/technologybaselinereport.pdf

[34] LSC recently convened its 2012 Technology Summit on the Use of Technology to Expand Access to Justice, which looked at many ways in which new technologies can be used to promote legal services. White Papers from the Summit will be published by the *Harvard Journal of Law and Technology*.

[35] For examples of other pro bono websites, see the online version of this report at http://lsc.gov.

[36] RSS (originally RDF Site Summary, often dubbed Really Simple Syndication) is a family of web feed formats used to publish frequently updated works – such as blog entries, news headlines, audio, and video – in a standardized format. An RSS document (which is called a "feed," "web feed," or "channel") includes full or summarized text, plus metadata such as publishing dates and authorship.

[37] SIP phones connect to the Internet to place and receive calls. Each device has a unique IP address so calls can be routed to it.

[38] There has been much written about the use of social media by lawyers, including by legal aid lawyers. A 2010 report, *Using Social Media to Engage Your Supporters*, highlights the social media efforts of several legal aid and pro bono entities. Kate Bladow & Joyce Raby, available at http://lsntap.org/training_social_media_support_2010. Finally, the Legal Services National Technology Assistance Project (LSNTAP) provides an online listing of legal aid programs that have self-reported their social media presences at http://lsntap.org/Legal_Aid_Social_Media_List. Katherine Bladow & Joyce Raby, *Using Social Media to Support Self-Represented Litigants and Increase Access to Justice*, Future Trends in State Courts, at 35 (2011), *available at* http://ncsc.contentdm.oclc.org/cgi-bin/showfile.exe?CISOROOT=/ctmedia&CISOPTR=29.

[39] Lisa W. Borden, *Social Media and Pro Bono* (June 8, 2011), http://thepbeye.probonoinst.org/2011/06/08/guest-blog-social-media-and-pro-bono.

[40] In 2010, Technola, a technology blog for legal aid and public interest advocates, published a blogroll listing legal aid and pro bono programs and staff who maintained public interest blogs, http://www.techno.la/promo/blogroll/. It also published a 2009 "Twitter List of Legal Aid & Pro Bono Organizations," http://www.techno.la/2009/11/articles/technologies/social-networks/twitter-list-of-legal-aid-pro-bono-organizations/.

[41] ABA Center for Pro Bono Exchange (Blog), http://centerforprobono.wordpress.com/

[42] Social Media and Pro Bono: An Essential for Program Success, ABA Dialogue (Fall 2011) http://www.americanbar.org/content/newsletter/publications/dialogue_home/dialogue_archive/ls_dial_fa11_probono1.html.

[43] For example, pro bono programs should consider encouraging volunteers to complete the section on LinkedIn that asks users to include "Volunteer Experience & Causes" in their profile. A pro bono program's loyal volunteers could use that tool to send a message to their LinkedIn colleagues about how they value pro bono in their legal careers. More information about the "Volunteer Experience & Causes" field in LinkedIn can be found at: http://press.linkedin.com/node/870.

[44] Aaron Smith, *Nearly Half of American Adults are Smartphone Owners*, Pew Internet (Mar. 1, 2012), http://pewinternet.org/Reports/2012/Smartphone-Update-2012/Findings.aspx.

[45] https://lawhelpinteractive.org/

[46] The American Recovery and Reinvestment Act also provided funds to expand broadband access in the United States through the Broadband Technologies Opportunities Program (BTOP). *See Broadband USA: Connecting America's Communities*, NTIA, http://www2.ntia.doc.gov/about. Some of these resources already have been spent on legal services. In 2010, BTOP provided $1.9 million to North Carolina Central University School of Law to "upgrade broadband services and deploy videoconferencing in five legal assistance facilities," and $4.1 million to the EdLab Group Foundation to "expand the capacity of local public computing centers," including "five rural courts . . . where residents can apply for public assistance, access online legal resources, . . . and seek the help of legal volunteers." *See* http://www2.ntia.doc.gov/grantee/north-carolina-central-university; http://www2.ntia.doc.gov/grantee/edlab-group-foundation-formerly-known-as-the-puget-sound-center-foundation-for-teaching-lear.

[47] These crowd-sourcing contests are detailed more fully in www.Challenge.gov.

[48] One excellent resource for leaders looking to build a good pro bono culture is Betty B. Stallings, *12 Key Actions of Volunteer Program Champions: CEO's Who Lead the Way* (2005), which identifies the importance of leadership support in creating a pro-volunteer culture in an organization, http://www.bettystallings.com/newbook/pdf/5-219-12KeyActions.pdf

[49] The Management Information Exchange annual fundraising conference is one such source of training. The ABA Resource Center on Access to Justice Initiatives is another valuable source of technical support. *See Legal Aid Funding: Resources and Technical Assistance*, ABA Standing Comm. on Legal Aid & Indigent Rights, http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/funding_civil_legal_services.html.

[50] 45 C.F.R. § 1614.2(a).

[51] 45 C.F.R. § 1614.2(c).

[52] *Id.*

[53] External Opinion 2005-1001.

[54] *Id.*

[55] LSC already has retained a media consultant to produce a public service announcement (PSA) for LSC-grantees, which 20 LSC programs have signed on to use thus far.

[56] http://onepromiseflorida.org/

[57] http://mdcourts.gov/mdatjc/pdfs/mediakit.pdf

[58] ABA Standing Comm. on Legal Aid to Indigent Defendants, *Resource Center for Access to Justice Initiatives*, http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/communications_resources.html

[59] *Resources*, Celebrate Pro Bono: Nat'l Pro Bono Celebration, http://www.probono.net/celebrateprobono/resources/folder.323461-Civic_Speeches

[60] One possibility is that firms would pay a per fellow fee to some centralizing body, possibly LSC, to underwrite the cost of administering the program.

[61] NCSC is a tremendous resource for data and information on efforts by state courts to increase pro bono participation.

[62] CCJ and COSCA, comprised of the judicial and administrative leaders of state courts, are influential organizations that can impact widespread change and garner significant support for specific policies or programs. The CCJ has issued resolutions highlighting the importance of pro bono representation and urging state courts to take steps to increase pro bono service by their bar members. *See* CCJ, *Resolution 7: Encouraging Pro Bono Service in Civil Matters,* (Feb. 1997) http://apps.americanbar.org/legalservices/probono/doc/resolutionvii.pdf; CCJ, *Resolution 23: Leadership to Promote Equal Justice*, (Jan. 2001) http://ccj.ncsc.dni.us/AccessToJusticeResolutions/resol23Leadership.html.; CCJ, *The Importance of Funding for the Legal Services Corporation from the Perspective of the Conference of Chief Justices and the Conference of State Court Administrators* (February 2012), http://ccj.ncsc.dni.us/pdfs/LSC_WHTPR.pdf *;* ABA Standing Comm. on Pro Bono & Public Serv*., Judicial Promotion of Pro Bono*, http://apps.americanbar.org/legalservices/probono/judicial/resolutions.html.

[63] For example, Colorado's Supreme Court recognizes on its web site those law firms, solo practitioners and in-house counsel groups who make a voluntary commitment to devoting 50 hours of pro bono legal services per year. *See* Colorado Supreme Court, *Pro Bono Legal Service Commitment and Recognition Program*, http://www.courts.state.co.us/Courts/Supreme_Court/Pro_Bono.cfm. Similarly, the District of Columbia courts recognize those who have provided more than 50 pro bono hours per year on the Capital Pro Bono Honor Roll. *See* D.C. Courts, *Pro Bono Honor Roll*, http://www.dccourts.gov/internet/about/probonohonorroll/main.jsf.

[64] *Celebrate Pro Bono: National Pro Bono Celebration Home*, http://www.probono.net/celebrateprobono/

[65] For a list of states which provide CLE credit for pro bono work, *http://apps.americanbar.org/legalservices/probono/clerules.html.*

[66] Otherwise, such rules have not been effective. For example, Washington State adopted a CLE for pro bono rule that also required that lawyers undergo a certain amount of training before they could obtain CLE credit for their pro bono work. Lawyers did not take advantage of the rule because it was difficult, especially for lawyers in rural areas, to access that training.

[67] ABA Standing Comm. on Pro Bono & Public Serv., *Judicial Promotion of Pro Bono*, http://apps.americanbar.org/legalservices/probono/judicial/statejudicialconduct.html#SI_KS.

[68] *See, e.g.,* Rule XXII of the Rules Governing Admission to the Bar of Texas, http://www.supreme.courts.state.tx.us/miscdocket/10/10917100.pdf (allowing military lawyers allowed to represent service members and their families); D.C. App. Rule 49, http://www.dccourts.gov/internet/documents/rule49.pdf (dealing with federal government lawyers); ABA Standing

Comm. on Client Protection, *State Implementation of ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster*, http://www.americanbar.org/content/dam/aba/migrated/2011_build/probono_public_service/katrina_chart_2011.authcheckdam.pdf (allowing for temporary admission for out-of-state lawyers rendering pro bono after a major disaster); Corporate Pro Bono, *Multijurisdictional Practice: In-House Counsel Pro Bono*, http://www.cpbo.org/wp-content/uploads/2012/05/MJP-Article-May-2012.pdf (discussing in-house counsel); ABA House of Delegates Resolution 108, http://www.abanow.org/2012/01/2012mm108/ (encouraging state and local bars to allow military spouses to practice in other jurisdictions).

[69] ABA Commission on Law & Aging. *State Emeritus Pro Bono Practice Rules* (April 4, 2011), http://www.americanbar.org/content/dam/aba/migrated/legalservices/probono/emeritus.authcheckdam.pdf

[70] *See* ABA Model Rule 1.2; *see also* ABA chart on variations of Rule 1.2 among states, http://www.americanbar.org/content/dam/aba/migrated/cpr/pic/1_2.authcheckdam.pdf.

[71] *See* ABA Model Rule 6.5; *see also* ABA chart of variation of Rule 6.5 among states: http://www.americanbar.org/content/dam/aba/migrated/cpr/pic/6_5.authcheckdam.pdf.

[72] ABA Model Rule of Professional Conduct 6.1 states that every lawyer has a professional responsibility to provide legal services to those unable to pay for them and should aspire to provide at least 50 hours of pro bono service each year. A majority of states have adopted Rule 6.1 in whole or in part and many states specify an annual pro bono hours target within their rule. *See* ABA Standing Comm. on Pro Bono & Public Service, *State-By-State Pro Bono Service Rules*, http://apps.americanbar.org/legalservices/probono/stateethicsrules.html; ABA Standing Comm. on Pro Bono & Public Service, *Overview of State Pro Bono Reporting Policies*, http://www.americanbar.org/groups/probono_public_service/policy/reporting_of_pro_bono_service.html.

[73] Robert Echols, *Examples of State Access to Justice Commissions: Creation, Structure and Accomplishments*, http://www.law.stanford.edu/sites/default/files/event/266627/media/slspublic/Examples%20of%20ATJ%20MIE%202008_1.pdf. *See also* ABA Standing Comm. on Legal Aid & Indigent Defendants, *State Access to Justice Commissions: Lists and Links*, http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/state_atj_commissions.html.
There are statewide Access to Justice Commissions in 25 states and the District of Columbia (AL, AR, CA, CO, CT, HI, KY, ME, MD, MA, MN, MS, NV, NH, NM, NY, NC, SC, TN, TX, VT, WA, WV, WI, WY).

[74] *See* ABA Resource Center for Access to Justice Initiatives, http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/state_atj_commissions_resources.html.

[75] *See* ABA Standing Comm. on Legal Aid & Indigent Defendants. *State Access to Justice Commissions: Resources on Structure, Development and Leadership,* http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/ state_atj_commissions_resources.html.

[76] Singsen, Gerry, *PAI – A Time for Reflection*, Management Information Exchange Journal, 29, 26-31 (Spring 2005).

[77] Some training, such as the Management Information Exchange annual fundraising conference is available, but even more tools and support are needed to grow this effort. The ABA Resource Center on Access to Justice Initiatives is one valuable source of technical support in this fundraising area. ABA Standing Comm. on Legal Aid & Indigent Defendants, *Resource Center for Access to Justice Initiatives*, http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html.

LSC
America's Partner For Equal Justice

LEGAL SERVICES CORPORATION

REPORT OF THE PRO BONO TASK FORCE

OCTOBER 2012

TAB 12

BRENNAN CENTER FOR JUSTICE at New York University School of Law

Search...

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Cuts Threaten Civil Legal Aid

April 22, 2011 | Closing the Justice Gap (/issues/closing-justice-gap)

Nabanita (Neeta) Pal (/expert/nabanita-neeta-pal)

Funding Shortfalls Force More Low-Income Families to Face Critical Legal Needs Alone

Download a full version of this information here (/page/-/New%20needs%20update%20FINAL%20as%20of%205-19-11.pdf). Download a 2009-2010 round up of the recession's impact on civil legal aid here (/page/-/Justice/CLS/LSC-%20New%20Need%20Memo.pdf).

Our nation's civil legal aid system is in crisis. The weak economy continues to send more low-income families into our overburdened court system without legal help. At the same time, Congress has cut back on federal funding in the latest spending compromise – and threatens to inflict deeper cuts in the next budget cycle. Making matters worse, these federal cuts occur against the backdrop of plummeting contributions from other sources of funds.

The federal spending compromise passed by Congress in April cuts funding for the Legal Services Corporation (LSC) – which in turn funds civil legal aid programs around the country –to $404.2 million, amounting to a $15.8 million or 3.8 percent cut. LSC grantees will bear the brunt of this cut over a concentrated six-month period. As a result, the actual cut absorbed by local programs will be about 5 percent.

After federal LSC grants, Interest on Lawyer Trust Account (IOLTA) programs – which pool interest from lawyers' trust accounts – are the largest source of revenue for civil legal aid programs across the country. In 2008, IOLTA revenue accounted for almost 13 percent of the income of the nonprofit civil legal aid programs that also receive funding from LSC. For non-LSC-funded organizations, IOLTA revenue is typically even more critical. IOLTA revenue has plummeted due to declining interest rates. In 2007, IOLTA income reached an all-time high of $371.2 million nationally. That figure fell to $284 million in 2008, a 25 percent drop. In 2009, income dropped a further 57 percent to $124.7 million.

Calls for fiscal austerity threaten to destabilize legal aid services further. The House's budget resolution for fiscal 2012 calls for deep cuts in domestic spending that could translate into significant additional cuts to LSC's budget. Proposals under consideration in statehouses across the country would also roll back funding for civil legal services.

In contrast, President Obama's budget proposal for fiscal 2012, which recommends increasing LSC funding to $450 million, recognizes that legal aid programs are at the front lines on the uphill road to economic recovery. Like other social service providers, civil legal aid offices assist individuals with problems borne of the recession such as obtaining unemployment insurance or intervening in family violence. LSC grantees need more resources than ever before to assist the growing number of Americans living close to poverty.

Recession's Impact Continues

The recession continues to exacerbate the legal needs that low income families face, straining the capacity of court systems to adequately address needs. The following are only some of the ways in which the economy is creating new legal needs.

- *Courts Face Pressure from Growing Numbers of Pro Se Litigants.* An American Bar Association survey of nearly 1,000 state judges in late 2009 shows that courtrooms are increasingly stretched thin by rising numbers of *pro se* litigants. Sixty percent of judges surveyed reported that they observed fewer parties being represented by counsel. Sixty-two percent of judges surveyed stated that litigants without lawyers were negatively impacted by their lack of representation. Seventy-eight percent of judges surveyed also said that the court was negatively impacted when faced with unrepresented parties.

- *Foreclosures.* Foreclosure rates have increased over 380 percent since 2006, reaching record levels in 2010. In 2010, almost 2.9 million homes received foreclosure filings – a number that translates to one in 45 homes, or 2.23 percent of all homes in the United States. The Federal Reserve estimates that there will be 2.25 million foreclosure filings in 2011 and 2 million in 2012. The overwhelming majority of families facing the loss of their home continue to do so without legal representation.

- *Domestic Violence.* Organizations that provide support for victims of domestic violence have reported more requests for help during the recession. Domestic violence-related calls to a Palm Beach/Treasure Coast (Florida) hotline providing crisis intervention rose 83 percent between 2006 and 2010. The National Domestic Abuse Hotline, headquartered in Austin, Texas, documented a 21 percent increase in calls from the third quarter of 2007 to the third quarter of 2008. Police departments across the nation are also reporting a spike in domestic violence. In 2009, Philadelphia saw a 67 percent increase in domestic homicides – 35 more cases than 2008 – prompting the police commissioner to institute protocol changes for handling emergency calls. The police department in Hingham, Massachusetts, also reported a similar increase, with the number of domestic violence cases up 62 percent between October 2008 and February 2009.

- *Unemployment.* In March 2011, the overall unemployment rate was 8.8 percent, down from 9.7 percent in March 2010 but still up significantly from pre-recession levels of 4.4 percent in March 2007. There were 118,523 initial claims for unemployment insurance filed in March 2011.

- *Food Stamps.* The average number of people receiving federal Supplemental Nutrition Assistance benefits every month jumped from 26.5 million in 2007 to 44.1 million in January 2011.As applications rise, so too does the number of people who need legal help making their way through the process in order to feed their families.

- *Unpaid Wages.* More and more among the working poor are seeking legal help to obtain unpaid wages, as employers fail to pay the promised amount or pay less than minimum wage. Construction, restaurant and janitorial workers have a greater chance of experiencing wage theft, especially if they are not proficient in English. In 2009, the District of Columbia's Office of Wage-Hour saw a 20 percent increase in the number of workers seeking help to recover stolen wages since 2008. In March 2010, the Legal Aid Society of Cleveland reported that wage theft cases had tripled in the past year.

Programs Hit Hard Across the Country

Against the backdrop of such pressing needs, funding shortfalls from state, federal and private sources have resulted in layoffs, salary reductions, and elimination of specific programs or entire legal aid offices. Below is a round-up of the impact in various states.

Arizona

- In January 2011, Southern Arizona Legal Aid closed its Santa Cruz Office after 25 years of serving clients. Santa Cruz residents seeking legal assistance will now have to travel 60 miles to Tuscon.

Cook County/Chicago

- Poverty rose substantially between 2000 and 2009 in Chicago and the surrounding suburbs. As of 2009, there were 211,000 more people living below 150 percent of the poverty level.

- Funding from the Illinois Equal Justice Foundation, which distributes money appropriated by the state for civil legal services, fell by 50 percent in 2009.

- In 2009, limited resources allowed Cook County's legal aid hotline (Coordinated Advice and Referral Program for Legal Services or CARPLS) to only respond to one-third of the nearly 120,000 incoming calls.

- Programs reporting to the Chicago Bar Foundation have reported that specific legal problems are on the rise: between 2002 and 2009, offices addressed nearly 14,000 more consumer-related programs and 30,000 more family law problems.

Florida

- In 2010, the number of cases represented by staff attorneys at Legal Services of Greater Miami (LSGMI) rose 16 percent; cases brought for information and referral services rose 27 percent.

- LSGMI has had to reduce staff size due to declining funding. In 2012, LSGMI will have 30 attorneys on staff, down from 35 in 2010, assuming no further cuts in federal funding.

Georgia

- In fiscal year 2010-2011, IOLTA funding for the Georgia Legal Services Program ("GLSP") dropped 50 percent, by approximately $700,000. Cuts in state appropriations during the same time period resulted in a $120,000, or 10 percent, reduction in funding for GLSP.

- Georgia's state legislature is considering an $80,000 cut to the Judicial Council's domestic violence services funding, of which GLSP receives $51,000 a year. The cut, which would amount to $25,000 for the remainder of the fiscal year, would prevent GLSP from representing 64 clients in domestic violence cases.
- Since 2009, GLSP has stopped representing cases in a number of categories – including family law, employment discrimination, worker compensation, and with some exceptions, immigration – in order to respond to a rising number of recession-related cases dealing with unemployment benefits, food stamps and health care coverage.

Idaho

- Idaho Legal Aid Services, which receives 60 percent of its funding from LSC, will cut staff hours in nine of its offices as a result of $250,000 lost in LSC funding. The state legislature failed to approve a court filing fee measure to offset the federal cutback. As a result of such funding shortages, which will force Idaho Legal Aid Services to close on certain days and operate for limited hours, the program estimates that it will only be able to serve one out of every five people seeking help.

Iowa

- Responding to rising need, Iowa Legal Aid closed a total of 23,786 cases in 2010, up from 13,796 in 2006.
- In the current state legislative session, the House has proposed to reduce state funding for civil legal services – currently at $1.93 million –by 50 percent, while the Senate has proposed a $150,000 reduction. In 2010, Iowa Legal Aid instituted a hiring freeze, leaving five support staff positions vacant, in order to accommodate funding shortfalls.

Maine

- Pine Tree Legal Assistance estimates that the $64,000 it lost in LSC funding in fiscal 2011 will force it to turn away 125 families who need help. By the end of 2011, Pine Tree Legal Assistance will have eliminated seven staff positions.

Maryland

- Since 2009, nine out of 11 Maryland Legal Aid Bureau offices have reported a 15 percent increase in caseloads. Consumer law and foreclosure cases are particularly on the rise.
- Maryland saw a 70 percent drop in IOLTA income between fiscal year 2008 and 2010 (from $6.7 million to approximately $2 million). In response, the state legislature passed a measure in 2010 that directed money generated through increased court fees to civil legal services.

Massachusetts

- Since 2008, Massachusetts legal aid offices have reported a 40 percent rise in demand for legal assistance. Some Massachusetts Legal Assistance Corporation (MLAC) funded programs have lost 33 percent of their staff since fiscal year 2008. In the same time period, MLAC has reduced its grants by 55 percent.

Minnesota

- Proposed budgets for 2012 and 2013 in the state legislature would cut funding for civil legal services significantly. The Senate proposes a 6.4 percent cut for each year and the House proposes an 8 percent cut in 2012 and a 25 percent in 2013. The House's proposal adds up to a $3 million reduction over two years, which is a quarter of the state's appropriations for legal aid programs.

Nebraska

- A drop in IOLTA income in 2010 forced Legal Aid of Nebraska to eliminate seven staff positions. Compared to $515,000 generated in 2007, Legal Aid anticipates only $40,000 to $50,000 from IOLTA income in 2011. As a result of such funding shortfalls, Legal Aid now serves approximately 10 percent fewer clients.

New Jersey

- According to a report by the Poverty Research Institute of Legal Services of New Jersey (LSNJ), nearly 2 million residents lived at 200 percent of the federal poverty level as of 2009 – up 150,000 people from 2008.
- In 2007, LSNJ received $73 million in state funding and had 720 employees; by 2009, state funding dropped to $54 million, with LSNJ staff shrinking to below 500 at the end of 2010. LSNJ's president and general counsel predicted that offices would serve 11,000 fewer clients as a result of an additional $9.7 million cut in state appropriations in 2010.

- In 2010, LSNJ regional offices across the state laid off staff in multiple rounds: Northeast New Jersey Legal Services, Northwest Jersey Legal Services and Ocean Monmouth Legal Services together laid off 49 employees. South Jersey Legal Services projected downsizing its 95-person staff by 27 employees at the end of 2010.
- New Jersey has experienced one of the greatest drops in IOLTA income in the nation. In 2007, LSNJ received $40.2 million from IOLTA accounts. In 2010, IOLTA generated income had fallen nearly 78 percent to $8.9 million.

New York

- The state budget for 2011-2012 eliminated a $15 million Foreclosure Prevention Services Program, which provided critical support for housing counselors and legal aid attorneys assisting homeowners with foreclosure. The state legislature also rejected the request of New York's chief judge to expand civil legal services by $25 million, instead cutting that appropriation in half.
- Legal Services of New York City (LSNY) projected laying off six or seven lawyers and paralegals as a result of $701,411 lost from the FY11 LSC cut. The Legal Aid Society of Mid-New York anticipated eliminating two staff attorney positions that would amount to turning away 400 cases.
- In a report to the state's chief judge, the Task Force to Expand Civil Legal Services found that 47 percent of low-income New Yorkers experience at least one legal problem over the course of a year. In a separate survey, 90 percent of civil legal services providers reported an increase in unemployed individuals seeking assistance.

Pennsylvania

- Despite burgeoning demands for civil legal services, Pennsylvania Legal Aid Network today employs 266 lawyers, down from 358 attorneys employed twenty two years ago.

Rhode Island

- Rhode Island Legal Services was on the verge of laying off 13 paralegals in February 2011, many with language skills critical for communicating with Spanish- and Portuguese-speaking clients. Layoffs were ultimately avoided when the union representing legal aid attorneys agreed to a reduced work week and corresponding pay cut.

Texas

- After receiving a $20 million boost from the state legislature in 2009 to meet growing demands from the economic recession, proposed appropriations for 2011 would cut funding by $23 million. In the past two years, 600,000 more Texans have become income eligible for legal aid. The legislature is currently considering a bill to raise funding for civil legal services through increased court filing fees.

Virginia

- In 2008, the state's nine legal aid organizations turned away one person for every client they served; in 2011, programs have to turn away two eligible clients for every one that they serve. The Legal Services Corporation of Virginia reports that organizations are beginning to lay off staff as a result of the fiscal 2011 reduction in LSC funding.

Wisconsin

- The Governor's proposed budget for fiscal years 2011-2013, under consideration in the legislature, would eliminate the state's entire appropriation – $2.6 million in annual funding – for civil legal services. The Governor's budget redirects revenue that is generated through a court filing fee and administered through the Wisconsin Trust Account Foundation (WisTAF) to other state programs such as law enforcement communication systems, crime victim notification programs, and court interpreters. For Legal Action of Wisconsin, a LSC-funded organization and a WisTAF grantee, the proposal would amount to an annual loss of $1.3 million in funding, forcing the program to lay off lawyers and paralegals and to reduce services.

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2Fwww.brennancenter.org%2Fana

TAB 13

AOPC

ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

NEWS RELEASE

CONTACT:
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215-560-6300

FOR IMMEDIATE RELEASE
www.pacourts.us

Annual Registration Fee for Lawyers to Increase

HARRISBURG, April 2, 2009 - The Pennsylvania Supreme Court today ordered a $25 increase in the annual registration fee for Pennsylvania lawyers, the first such adjustment in eight years. Funds from the increase are to be used for legal aid programs to assist individuals unable to afford legal services.

For years, Pennsylvania's attorney registration fee of $175 has been among the lowest in the nation. With the $25 increase, the new annual fee of $200 will be more than $100 lower than the national average. Only 10 states have lower annual registration fees.

Chief Justice of Pennsylvania Ronald D. Castille said the fee increase in its entirety will be used to bolster the Interest on Lawyers' Trust Account program, known as IOLTA, which distributes funds for civil legal assistance to Pennsylvanians unable to afford lawyers.

"The IOLTA program has suffered a drastic shortfall in revenues as a result of the economic crisis," said Chief Justice Castille. "The shortfall has come at the worst possible time, in the midst of a severe recession, just as the need for legal services is rising."

Because of plummeting interest rates on lawyer's trust accounts with banks, IOLTA's ability to provide grants to legal aid organizations has decreased from $13.5 million in 2008 to a projected $6.5 million this year.

Chief Justice Castille said that revenue from the lawyer registration fee increase is expected to provide IOLTA with an infusion of about $1.5 million.

"This revenue stream will not fully solve the funding shortfall, but it will help," Castille said. "This is a time when every member of the legal profession must be mindful of their ethical duty to perform public interest legal service which will now include financial support for organizations funded by IOLTA."

– more –

The main revenue source for IOLTA comes from interest on short-term deposits that lawyers place in pooled bank accounts. Money is transferred in due course to lawyers on behalf of clients to hold for brief periods. When it is impractical to invest such funds for the benefit of the client, lawyers are required to place the funds in interest-bearing IOLTA accounts. Revenues from those accounts are distributed by IOLTA to legal aid organizations.

Since mid-December when Federal Reserve rates dropped nearly to zero, IOLTA's revenues have fallen to critically low levels. Similar programs in other states are experiencing the same problem with the result that legal aid programs across the nation are being cut back. At the same time, growing numbers of indigent people with legal problems are seeking legal help.

(A copy of the court's order and rule can be found at:
http://www.pacourts.us/OpPosting/Supreme/out/73drd.1.pdf

http://www.pacourts.us/OpPosting/Supreme/out/73drd.attach.pdf)

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TAB 14

Speaking of Justice
Summer 2012

"Now" campaign brings in $92,000

0 0

Hundreds of low-income Floridians in need of civil legal representation will get it thanks to 355 Florida lawyers, judges and others who donated a total of $91,953 to The Florida Bar Foundation's special "Now" fundraising campaign.

The campaign, named to underscore the urgent need for donations to legal aid in the face of a steep decline in revenue from Florida's Interest on Trust Accounts Program, included an e-mail appeal from Florida Bar President Scott Hawkins and Florida Bar Foundation President Michele Kane Cummings.

"Legal aid funding in Florida is headed off a cliff, and Florida's poor are going to pay the price – unless we act," Hawkins and Cummings wrote in an e-mail to all Florida Bar members.

INSIDE

- Federal judge orders state of Florida to cover applied behavioral analysis therapy for autism
- Young Lawyers Division gives $100,000 to the Foundation
- Real Property, Probate & Trust Law Section and its members donate more than $85,000 to Children's Legal Services Grant Program
- Criminal Law Section gives Foundation $25,000
- Hank Coxe receives 2012 Medal of Honor
- Cannon receives President's Award for Excellence
- Florida Legal Services receives 2012 Steven M. Goldstein Award for Excellence
- Other highlights from the Foundation's 36th Annual Reception and Dinner
- "Now" Campaign brings in $92,000
- 2012-13 officers, directors begin terms

An 88 percent drop in IOTA revenue since 2008 will require the Foundation to cut 71 percent of its legal aid funding by its 2014-15 grant year. The drop in IOTA revenue results from low bank interest rates since the recession. Historically, the Foundation has provided roughly a third of all legal aid funding in the state.

"The Foundation had very responsibly set aside a significant reserve fund, but no one could have predicted such an extended period of such extremely low interest rates," said Darryl Bloodworth, an Orlando attorney with Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.

Dean Mead encouraged its attorneys to contribute to the Now Campaign through a payroll deduction that was created specifically for the campaign.

"We felt it imperative to do our part. It will take a long time for local legal aid organizations to rebuild after such drastic cuts, and the more we can all do as members of the Bar to mitigate the situation, the better," Bloodworth said.

The Bar Foundation estimates that its funding cuts will cause layoffs of about 120 of the 410 legal aid lawyers at work in 2010.

Cummings expressed gratitude on behalf of the Foundation to Hawkins for his leadership of the campaign and to all the attorneys, judges and other individuals who contributed.

"We are so appreciative of those who heeded the call," Cummings said. "We would have liked to see greater participation from Bar members, but that just makes us all the more thankful to those who stepped up. And of course, for those who missed out on the campaign, we will still take donations by check or online at any time."

See the list of donors to the "Now" campaign

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TAB 15

Order dated November 8, 2013, re: Rules 6.01 and 6.07

SUPREME COURT OF MISSOURI
en banc

November 8, 2013

In re:

Repeal of subdivision 6.01(a), entitled "Fee Due," subdivision 6.01(l), entitled "Current Fee," subdivision 6.01(m), entitled "Pro Hac Vice Fee," and subdivision (d) of subdivision 6.07, entitled "Disposition of Fees," of Rule 6, entitled "Fees to Practice Law," and in lieu thereof adoption of a new subdivision 6.01(a), entitled "Fee Due," a new subdivision 6.01(l), entitled "Setting the Low Income Legal Services Fee," a new subdivision 6.01(m), entitled "Current Fee," a new subdivision 6.01(n), entitled "Pro Hac Vice Fee," and new subdivisions 6.07(d) and (e) of subdivision 6.07, entitled "Disposition of Fees."

ORDER

1. It is ordered that subdivision 6.01(a), subdivision 6.01(l), subdivision 6.01(m), and subdivision 6.07(d) of subdivision 6.07 of Rule 6 be and the same are hereby repealed and a new subdivision 6.01(a), a new subdivision 6.01(l), a new subdivision 6.01(m), a new subdivision 6.01(n), a new subdivision 6.07(d), and a new subdivision 6.07(e) adopted in lieu thereof to read as follows:

> 6.01 ANNUAL ENROLLMENT FEE AND STATEMENT - EXEMPTIONS - PENALTIES - PRO HAC VICE FEE
>
> * * *
>
> (a) Fee Due. Each person licensed to practice law in this state shall pay to the clerk of this Court on or before January 31st of each year an enrollment fee, which shall be the total of the sums approved by this Court as the low income legal services fee, the bar fee, and the advisory committee fee. The fee is due and shall be paid regardless of any assessment, notice, or demand by the clerk of this Court. Payment of the annual enrollment fee on or before January 31st of each year under this Rule 6.01 means either receipt thereof by the clerk on or before January 31st or the placing of the fee in the United States mail addressed to the clerk of this Court on or before January 31st. If January 31st is a Saturday, Sunday, or a legal holiday, payment of the enrollment fee must be made by the end of the next day that is neither Saturday, Sunday, nor a legal holiday.
>
> * * *
>
> (l) Setting the Low Income Legal Services Fee. This Court shall fix the amount of the low income legal services fee by order. The fee may be fixed at a different amount for each of the categories of persons described above. The fee shall be paid to the clerk of this Court, who shall deposit the fee in the basic civil legal services fund created by section 477.650, RSMo, as provided in Rule 6.07.
>
> (m) Current Fee. The amounts fixed by this Court for the low income legal services fee, bar fee, and the advisory committee fee shall be as follows for each of the categories of persons described above:

Category	Low Income Legal Services Fee	Bar Fee	Advisory Committee Fee	Total Annual Enrollment Fee
(1) All others	$30.00	$279.00	$101.00	$410.00
(2) Fewer than three years	$30.00	$149.00	$101.00	$280.00
(3) Non-resident	$30.00	$194.00	$101.00	$325.00

The total amount of the low income legal services fee, the bar fee, and the advisory fee for each category shall be the enrollment fee for that category for the year 2014 and the subsequent years unless and until changed as hereinabove provided.

(n) Pro Hac Vice Fee. A lawyer seeking to appear pursuant to Rule 9.03 shall pay a fee equal to the fee paid by lawyers under Rule 6.01(j)(1), with the fee to be paid for each case in each court or administrative tribunal in which the lawyer seeks to appear. The fee shall be paid to the clerk of this Court, who shall transfer the fee to The Missouri Bar as provided in Rule 6.07.

The clerk shall issue a receipt indicating the case and court in which the attorney seeks to appear. The fee will not be refunded if the court refuses to permit the attorney to appear.

6.07 DISPOSITION OF FEES

* * *

(d) The clerk of this Court shall cause all low income legal services fees to be deposited in the basic civil legal services fund created by section 477.650, RSMo.

(e) To facilitate the collection and disposition of enrollment and inactive status fees collected, the clerk, with the authorization of this Court, may establish a bar fee processing account. Funds deposited in this account shall be paid over to The Missouri Bar account, the advisory committee account, and the basic civil legal services fund as soon as practicable.

2. It is ordered that notice of this order be published in the Journal of The Missouri Bar.

3. It is ordered that this order be published in the South Western Reporter.

Day - to - Day

_____
MARY R. RUSSELL
Chief Justice

TAB 16

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8002 (formerly C9-81-1206)

OFFICE OF
APPELLATE COURTS
MAR 2 2011
FILED

ORDER EXTENDING INCREASE IN LAWYER REGISTRATION FEES

By order filed November 4, 2009, we granted requests from the Board of Public Defense and the Legal Services Planning Committee to increase temporarily the annual lawyer registration fee to provide additional funding for representation of indigent criminal defendants and civil litigants. We increased the annual lawyer registration fee by $100 per year, allocating $75 of the increase to the Board of Public Defense to provide additional funding for legal representation of its clients and $25 to the Legal Services Advisory Committee to be distributed by the Committee for civil legal services for low-income and disadvantaged Minnesotans. We approved the increase reluctantly, to meet exceptional financial circumstances, and its duration was limited, expiring with the fees due and payable by July 1, 2011.

The Board of Public Defense has filed a petition with this court requesting that the $75 temporary increase in the annual lawyer registration fee allocated to the Board be extended indefinitely, and the Legal Services Planning Committee has filed a petition requesting that the $25 temporary fee increase allocated for civil legal services be made permanent. In orders filed September 23 and November 24, 2010, we invited comments and scheduled a hearing on the petitions for December 14, 2010.

The exceptional financial circumstances facing the courts and the State in general that we acknowledged and responded to in our November 4, 2009, order have not abated. Indeed, the economic challenges facing the courts and the State for the upcoming biennium have, if anything, worsened. For the reasons stated, and based on the authority recognized, in our November 4, 2009, order we extend the fee increases.

In doing so, we caution the Legislature and the Governor, our coordinate branches of government that are responsible together for creation of the State's biennial budgets, that we will not continue, beyond this second temporary fee increase, to rely on lawyer registration fees to fund the constitutional obligation of the State to provide defense counsel for indigent criminal defendants. We call on the Legislature and the Governor to fulfill their constitutional responsibilities to provide adequate funding for the public defense system, with the knowledge that the additional temporary funding provided by this fee increase will not be extended beyond the July 2013 fees provided for in this order.

Pursuant to the inherent authority of the court,

IT IS HEREBY ORDERED THAT:

1. The petition of the Legal Services Planning Committee to incorporate into Rule 2 of the Rules of the Supreme Court on Lawyer Registration the previous temporary increase of $25 in the annual lawyer registration fee allocated to the Legal Services Advisory Committee be, and the same is, granted, and the attached amendments to Rule 2 are prescribed and promulgated to be effective with the lawyer registration fees due and payable by October 1, 2011.

2. The petition of the Board of Public Defense to extend indefinitely the previous temporary increase of $75 in the annual lawyer registration fee allocated to the Board be, and the same is denied, but the increase is extended for one additional temporary period, effective with the lawyer registration fees due and payable by October 1, 2011, and expiring with fees due and payable by July 1, 2013.

3. With the amendment to Rule 2 promulgated by this order, the 2-year extension of the temporary fee increase for the Board of Public Defense, and the expiration of the 2-year hiatus in collection of the portion of the lawyer registration fees allocated to the Client Security Board, commencing with fees due and payable by October 1, 2011, the annual lawyer registration fee shall be $329 or such lesser sum as is set forth below:

Active Status – Income Less than $25,000	$292.50
Active Status – Lawyers on Full-Time Military Duty	$172.00
Active Status – Lawyers on Full-Time Military Duty – Income Less than $25,000	$136.00
Active Status – Lawyers Admitted Fewer Than Three Years	$152.00
Active Status – Lawyers Admitted Fewer Than Three Years – Income Less Than $25,000	$134.00
Inactive Status – Out-of-State	$272.00
Inactive Status – Out-of-State – Income Less Than $25,000	$235.50
Inactive Status – Minnesota	$272.00
Inactive Status – Minnesota – Income Less Than $25,000	$235.50
Inactive Status – Retired	Exempt

Inactive Status – Permanent Disability	Exempt

While this order is in effect, these annual registration fees are in lieu of the fees set forth in Rule 2 of the Rules of the Supreme Court on Lawyer Registration. The $75 fee increase allocated to the Board of Public Defense remains temporary only, and upon the expiration of this temporary fee increase, the annual registration fees shall revert to the amounts set forth in Rule 2, as amended by this order.

4. The additional funds generated by the temporary $75 fee increase shall be allocated to the Board of Public Defense; the remaining funds generated by the attorney registration fees shall be allocated as provided in Rule 2, as amended by this order.

Dated: March 2, 2011

BY THE COURT:

Lorie S. Gildea
Chief Justice

AMENDMENTS TO RULES OF THE SUPREME COURT ON LAWYER REGISTRATION

(Additions indicated by underlining; deletions indicated by strikethrough)

. . . .

RULE 2. REGISTRATION FEE

A. Required Fee.

In order to defray the expenses of examinations and investigation for admission to the bar and disciplinary proceedings, to defray the expenses of administering continuing legal education, to provide an adequate client security fund, to help fund legal services programs, and to help fund a lawyers assistance program, each lawyer and each judge must pay to the Lawyer Registration Office an annual registration fee.

B. Active Statuses.

Each lawyer and judge must pay an annual registration fee of $~~229~~254 or such lesser sum as is set forth in the following sections.

1. Active Status - Income Less Than $25,000.

A lawyer or judge on active status who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than $25,000 per year must pay an annual registration fee of $~~204~~226.

2. Active Status - Lawyers on Full-Time Military Duty.

A lawyer or judge on full-time duty in the armed forces of the United States must pay an annual registration fee of $~~118~~131.

3. Active Status - Lawyers on Full-Time Military Duty - Income Less Than $25,000.

A lawyer or judge on full-time duty in the armed forces of the United States who certifies that the lawyer's or judge's gross income from all sources, excluding

the income of a spouse, is less than $25,000 per year must pay an annual registration fee of ~~$93~~103.

4. Active Status - Lawyers Admitted Fewer Than Three Years.

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, must pay an annual registration fee of ~~$108~~120.

5. Active Status - Lawyers Admitted Fewer Than Three Years - Income Less Than $25,000.

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, and certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than $25,000 per year must pay an annual registration fee of ~~$95.50~~106.

C. Inactive Statuses.

1. Inactive Status - Out-of-State.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota, and (iv) is not engaged in the practice of law in Minnesota must pay an annual registration fee of ~~$190~~211.

2. Inactive Status - Out-of-State - Income Less Than $25,000.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota, (iv) is not engaged in the practice of law in Minnesota, and (v) certifies that the lawyer's

or judge's gross income from all sources, excluding the income of a spouse, is less than $25,000 per year must pay an annual registration fee of $~~165~~183.

3. Inactive Status - Minnesota.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, and (iv) is not engaged in the practice of law in this state must pay an annual registration fee of $~~190~~211.

4. Inactive Status - Minnesota - Income Less Than $25,000.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, (iv) is not engaged in the practice of law in this state, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than $25,000 per year must pay an annual registration fee of $~~165~~183.

. . . .

D. Allocation of Fees.

Fees paid pursuant to this rule are allocated according to the following schedule:

(1) Payments of $~~229~~254 are allocated as follows:

a. $23 to the State Board of Law Examiners;

b. $6 to the State Board of Continuing Legal Education;

c. $122 to the Lawyers Professional Responsibility Board;

d. $~~0~~12 to the Client Security Fund;

e. $~~50~~75 to the Legal Services Advisory Committee; and

f. $16 to the Lawyer Trust Account Board for a lawyers assistance program.

(2) Payments of $~~204~~226 are allocated as follows:

a. $23 to the State Board of Law Examiners;

b. $6 to the State Board of Continuing Legal Education;

c. $122 to the Lawyers Professional Responsibility Board;

d. $~~0~~12 to the Client Security Fund;

e. $~~25~~47 to the Legal Services Advisory Committee; and

f. $16 to the Lawyer Trust Account Board for a lawyers assistance program.

(3) Payments of $~~190~~211 are allocated as follows:

a. $23 to the State Board of Law Examiners;

b. $6 to the State Board of Continuing Legal Education;

c. $83 to the Lawyers Professional Responsibility Board;

d. $~~0~~12 to the Client Security Fund;

e. $~~50~~71 to the Legal Services Advisory Committee; and

f. $16 to the Lawyer Trust Account Board for a lawyers assistance program.

(4) Payments of $~~165~~183 are allocated as follows:

a. $23 to the State Board of Law Examiners;

b. $6 to the State Board of Continuing Legal Education;

c $83 to the Lawyers Professional Responsibility Board;

d. $~~0~~12 to the Client Security Fund;

e. $~~25~~43 to the Legal Services Advisory Committee; and

f. $16 to the Lawyer Trust Account Board for a lawyers assistance program.

(5) Payments of $~~118~~131 are allocated as follows:

a. $23 to the State Board of Law Examiners;

b. $5 to the State Board of Continuing Legal Education;

•c. $24 to the Lawyers Professional Responsibility Board;

•d. $~~50~~63 to the Legal Services Advisory Committee; and

•e. $16 to the Lawyer Trust Account Board for a lawyers assistance program.

(6) Payments of $~~93~~103 are allocated as follows:

•a. $23 to the State Board of Law Examiners;

•b. $5 to the State Board of Continuing Legal Education;

•c. $24 to the Lawyers Professional Responsibility Board;

•d. $~~25~~35 to the Legal Services Advisory Committee; and

•e. $16 to the Lawyer Trust Account Board for a lawyers assistance program.

(7) Payments of $~~108~~120 are allocated as follows:

•a. $23 to the State Board of Law Examiners;

•b. $6 to the State Board of Continuing Legal Education;

•c. $26 to the Lawyers Professional Responsibility Board;

•d. $~~0~~12 to the Client Security Fund;

•e. $~~25~~37 to the Legal Services Advisory Committee; and

•f. $16 to the Lawyer Trust Account Board for a lawyers assistance program.

(8) Payments of $~~95.50~~106 are allocated as follows:

•a. $23 to the State Board of Law Examiners;

•b. $6 to the State Board of Continuing Legal Education;

•c. $26 to the Lawyers Professional Responsibility Board;

•d. $~~0~~12 to the Client Security Fund;

•e. $~~12.50~~23 to the Legal Services Advisory Committee; and

•f. $16 to the Lawyer Trust Account Board for a lawyers assistance program.

CONCURRENCE

DIETZEN, Justice (concurring).

I agree with the majority opinion that the fee increases fall within our inherent authority to regulate the practice of law as expressed in our order filed November 4, 2009. And I agree with the majority to authorize fee increases for the Legal Services Planning Committee. I write separately to express my serious misgivings over granting the petition of the Board of Public Defense (Board) to provide additional funding for two more years.

My concerns with the Board's petition are two-fold. First, the Office of the Legislative Auditor studied the Board in its report, Public Defender System, which was released in February 2010. The report states, among other things, that:

> Although we identified numerous flaws in the public defender's office weighted caseload data, a quantified measure of attorney caseloads is essential to the discussion of public defender workloads on a day-to-day basis. Consistent trend data on public defender staffing levels were not available for a long term analysis, but we used what data the public defender's office could provide to calculate workloads per attorney [full-time equivalent], as shown in Table 3.1.

The Board has acknowledged that it has not yet resolved the "identified flaws" in its weighted caseload data. In my view, it is incumbent upon the Board to resolve this issue.

More importantly, the Board has not taken a hard look at improving the way that it manages its operations and processes its cases. As a result of the recent economic recession and the ensuing budget shortfall, units of government, like the private sector, have been forced to dramatically cut costs of operation and significantly improve the manner in which they do business, including the use of new technology. To date, the

Board has made cuts to its operations, but has not made significant changes to improve the efficiency in the way it manages its operations and processes its cases including the use of new technology. Absent significant changes, I see no reason to grant the Board's request.

In my view, the court has a responsibility to make sure the Board takes a hard look at how it manages its operations and processes its cases, and make the necessary changes. But I also recognize the importance of the Board's mission of providing representation to indigent defendants. Consequently, I reluctantly agreed to give it two more years to make significant changes in the way it manages its operations and processes its cases.

CONCURRENCE

STRAS, Justice (concurring).

For the reasons pointed out by Justice Page in his dissents to today's order and the November 4, 2009, order granting in part the petitions of the Board of Public Defense, I have serious doubts about our authority, inherent or otherwise, to order a fee increase for a service that the State of Minnesota is constitutionally obligated to provide to its citizens. As Justice Page stated in his November 4, 2009, dissent, it is "a tax, plain and simple," and this court has no authority to impose a tax. *See Reed v. Bjornson*, 191 Minn. 254, 257-58, 253 N.W. 102, 104 (1934) ("[P]ower of taxation . . . reposes in the legislature, except as it is limited by the state or the national constitution."). Nevertheless, our inherent authority to authorize the fee increase was settled by a majority of this court when we temporarily granted the fee increase in 2009.

I therefore reluctantly join the order temporarily granting the fee increase through the July 2013 fees. Critical to my decision is that we have drawn a line in the sand in today's order indicating that it is not the responsibility of lawyers alone to disproportionately fund a core, constitutionally-mandated service of government through a fee that was designed solely to regulate our profession. Our order states that "we will not continue, beyond this second temporary fee increase, to rely on members of the bar to fund the constitutional obligation of the State to provide defense counsel for indigent criminal defendants." Accordingly, the "funding provided by this fee increase will not be extended beyond the July 2013 fees provided for in this order." Because of these conditions, I join today's order.

DISSENT

PAGE, Justice (dissenting).

There are "certain immutable principles of justice which inhere in the very idea of free government which no member of the Union may disregard." *Powell v. Alabama*, 287 U.S. 45, 68 (1932) (quoting *Holden v. Hardy*, 169 U.S. 366, 389 (1898)).

For all of the reasons set forth in my dissent to the court's November 4, 2009, order, I again respectfully dissent. In addition, I write to emphasize two points made in my November 2009 dissent and to make an observation. As I pointed out in my previous dissent, our court has no authority, inherent or otherwise, to assess members of the bar a fee for the purpose of funding Minnesota's public defense system. We did not have the authority then and, notwithstanding reliance on the court's inherent authority in 2009, we do not have it now. The second point to be emphasized is equally clear. The obligation to provide for and fund our system for indigent defendant defense is the obligation of the state. *See Gideon v. Wainwright*, 372 U.S. 335, 343 (1963). As such, that obligation should not be disproportionately borne by any one segment of our state's population. It is the obligation of all segments of our population. It is the price each of us must pay to live in a civilized society.

Now the observation. Every criminal defendant is entitled to a fair trial. *See United States v. Wade*, 388 U.S. 218, 226-27 (1967). Fundamental to a fair trial is the defendant's right to the effective assistance of counsel. *See id.*; *see also Gideon*, 372 U.S. at 342-43. By underfunding our public defense system, we not only call into

question the fairness of criminal trials in this state, we tear at the fabric of civilized society. As the United States Supreme Court noted in *Powell*, "a defendant, charged with a serious crime, must not be stripped of his right to have sufficient time to advise with counsel and prepare his defense." 287 U.S. at 59. To deny that right "is not to proceed promptly in the calm spirit of regulated justice but to go forward with the haste of the mob." *Id.*

TAB 17

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States with Mandatory Pro Bono Reporting

State	Reporting Status	Date of Adoption	Type of Bar	Number Reporting	% of Attorneys Doing Pro Bono	Average Hoursof Pro Bono Per Attorney*	Total # of Pro Bono Hours Provided	Contact
Florida	Mandatory Reporting on dues statement--failure to report is treated as a secondary offense Florida Rules of Professional Conduct Rule 4-6.1	1993, upheld 1997	Unified		2009: 51% 2010: 52%	22 22	1,545,157 1,614,676	Contact: Kent Spuhler 850-385-7900 kent@floridalegal.org
Hawaii	Mandatory Reporting	2007	Unified		2009: 50%	32 68	231,189 232,325	Contact: Dew Kaneshiro

	Order Amending Rule 17(d) of the Rules of the Supreme Court of the State of Hawaii				2010: 47%			808-528-7051 dew@vlsh.org
Illinois	Mandatory Reporting on dues statement Illinois Supreme Court Rule 756 (f)	6/6/2007	Voluntary		2009: 32% 2010: 30%	26 27	2,197,041 2,328,770	Contact: Kelly Tautges 312-554-8356 ktautges@chicagobar.org
Maryland	Mandatory Reporting failure to report leads to loss of license. If fill out report, Court will reinstate. Maryland Rules of Procedure, Rule 16-903	2/2/2007	Voluntary		2009: 54%	33	1,139,866	Contact: Sharon Goldsmith 410-837-9379 sgoldsmith@probonomd.org
Mississippi	Mandatory Reporting failure to report is a disiciplinary offense. Mississippi Supreme Court Rules, Rule 6.1	3/5/2007	Unified		2009: 53% 2010: 44%	24 14	183,016 122,430	Contact: Davetta Lee 601-948-4471 dlee@msbar.org
Nevada	Mandatory Reporting form sent w/dues statement Nevada Rules of Professional Conduct, Rule 6.1	5/3/2007	Unified		2009: 43% 2010: 31%	44 (Tier 1 pro bono only) 48	115,443 (Tier 1 Pro Bono Only) 140,601	Contact: Melanie Kushnir 702-386-1070 mkushnir@lacsn.org
New Mexico	Mandatory Reporting Mandatory Reporting form provided with annual dues statement. Rules Governing the New Mexico Bar Rule 24-108	1/22/2008	Unified		2009: 67% of active attorneys 2010: 65%	65 66	275,733 271,261	Contact: Amy LaFaver 505-797-6077 alafaver@nmbar.org
New York	Mandatory Reporting Rules of the Chief Administrative Judge, Part 118.1(e)(14)	5/1/2013	Voluntary	N/A	N/A	N/A	N/A	Contact: Gloria Herron Arthur 518-487-5640 garthur@nysba.org

** Average is the total # of pro bono hours divided by the total number of inactive and active attorneys in the state.*

States with Voluntary Pro Bono Reporting

State	Reporting Status	Date of Adoption	Type of Bar	Number Reporting	Comments	Contact
Arizona	Voluntary Reporting on dues statement	1994	Unified		Response rates: 31% in '95; 35% in '96.	Contact: Betty Flores 602-252-4804 x215 Betty.Flores@staff.azbar.org
Georgia	Voluntary Reporting on dues statement and on webpage	6/1/2000	Unified		Response rate: 8% in '98 via CLE Form; Rule 6.1 adopted 6/00; reporting policy adopted after promotion by two members of S.Ct.	Contact: Michael Monahan 404-527-8762 mike@gabar.org
Kentucky	Voluntary Reporting on dues statement	6/14/2005	Unified		Rule 6.1.Response rates: 12% in '96; 15% in '98; 16% in '07.	Contact: Jackie Duncan 859-255-9913 x18 jduncan@ajfky.org
Louisiana	Voluntary Reporting full page form enclosed with dues statement	6/1/1998	Unified		Response rates 8-9% in '98 and 15% in '01; 11% in '02; 11% in '03; 11% in '04; 11% in '05; 10% in '06.	Contact: Monte Mollere 504-619-0146 mmollere@lsba.org
Michigan	Voluntary Reporting Underconsideration		Unified		Working Group WG of Planning Cmte. PC of Access to JWorking Group WG of Planning Cmte. PC of Access to Justice Task Force AJTF recommended later consideration of mandatory if voluntary "does not sufficiently increase attorney participation."	Contact: Robert Mathis 517-346-6412 rmathis@mail.michbar.org
Montana	Voluntary Reporting	6/22/2005	Unified		60% in '10	Contact: Patricia Fein 406-794-7824 pfain@mt.gov
Ohio	Voluntary Reporting	9/20/07	Voluntary	X	Supreme Court commentary Response Rates: 12% in '08	Contact: LeAnna Gipson 614-752-8919 lgipson@olaf.org
Oregon	Voluntary Reporting Reporting Form		Unified			Contact: Cathy Petrecca 503-431-6355 cpetrecca@osbar.org
Tennessee	Voluntary Reporting on TBA dues statement since 2006	6/27/2005	Voluntary	X on TBA dues statement	Compliance rates: 4% in '05; 6% in '06; 20% in '07 increase due to more prominent placement on dues statement.	Contact: Sarah Hayman 615-277-3233 shayman@tnbar.org
Texas	Voluntary Reporting in 2005, began doing an annual telephone survey of 500 randomly selected attorneys about their pro bono work instead of voluntary reporting - more statistically reliable	6/14/2005	Unified		Resolution.Response rates:94/95 - 39.5%; 95/96 - 40.1%; 96/97 - 34.7%; 97/98 - 21.3%; 98/99 - 17.3%; 99/00 - 21.1%; 2000 - 38.7%; 2001 - 37.9%. Format changes '97-'99 reduced prominence of legal services to poor category.	Contact: Trish McAllister 512-427-1855 trish.mcallister@texasbar.com
Virginia	Voluntary Reporting		The Virginia State Bar is mandatory and unified, while the Virginia Bar Association VBA is voluntary.		Resolution to Enhance Pro Bono Publico passed by Bar Council several years ago that encouraged attorneys to report voluntarily.	Contact: Maureen Petrini 804-775-0522 petrini@vsb.org
Washington	Voluntary Reporting a separate form included with the annual licensing packet	9/1/2003	Unified		Compliance rates: 13% in '03; 13% in '04; 13% in '05; 15% in '06.	Contact: Allison Durazzi

206-733-5942
allisond@wsba.org

States with No Pro Bono Reporting

State	Reporting Status	Type of Bar	Number Reporting	Comments	Contact
Alabama	No Reporting	Unified	X		Contact: Linda Lund 334-269-1515 x2246 linda.lund@alabar.org
Alaska	No Reporting	Unified	X		Contact: Krista Scully 907-272-7469 scullyk@alaskabar.org
Arkansas	No Reporting	Voluntary	X	Committee recommended new mandatory reporting 6.1 rule - not adopted yet by Supreme Court.	Contact: Amy Johnson 501-376-3423 x112 adjohnson@arkansasjustice.
California	No Reporting	Unified	X		Contact: Sharon Ngim 415-538-2267 sharon.ngim@calbar.ca.gov
Colorado	No Reporting Mandatory Reporting rejected	Voluntary	X	Rejected S.Ct. rejected in 5/99	Contact: Kathleen Schoen 303-824-5310 kschoen@cobar.org
Connecticut	No Reporting	Voluntary	X		Contact: Danisha Lewis 860-612-2003 dlewis@ctbar.org
DC	No Reporting	Unified	X		Contact: Monika Kalra Varma 202-737-4700 x3201 MKVarma@dcbar.org
Delaware	No Reporting		X		Contact: Susan Simmons 302-658-5279 x101 ssimmons@dsba.org
Idaho	No Reporting	Unified	X		Contact: Anna Almercio 208-334-4510 x1870 aalmerico@isb.idaho.gov
Indiana	No Reporting	Voluntary	X	Rule 6.5 re: judicial committees adopted 10/97, later renumbered to Rule 6.6. Pro bono district projects report on the number of voluntary attorneys, hours and numbers of cases and attorneys can voluntarily report as well.	Contact: Monica Fennell 317-269-2415 mfennell@inbf.org
Iowa	No Reporting	Voluntary	X		Contact: Brett Toresdahl 515-244-8617 isbavlp@dwx.com
Kansas	No Reporting	Voluntary	X		Contact: Kelsey Schrempp 785-234-5696 kschrempp@ksbar.org
Maine	No Reporting	Voluntary	X		Contact: Juliet Holmes Smith 207-774-5518 jholmes-smith@vlp.org
Massachusetts	No Reporting Mandatory Reporting rejected	Voluntary	X	Cmte. of Supreme Judicial Court SJC recommended mandatory in preliminary report 4/98 but eliminated from final report 11/98 due to controversy.	Contact: Sheila Hubbard 617-423-0648 shubbard@vlpnet.org
Minnesota	No Reporting	Voluntary	X	In 7/99, MSBA approved recommendation to petition S.Ct. for "required reporting" to be included with annual attorney	Contact: Steve Marchese

				registration statement. Petition to S.Ct. filed 10/99, hearing 12/99, denied 4/00: "Would not significantly advance or assist in the obligation of lawyers to provide pb. svcs."	612-278-6308 smarchese@mnbar.org
Missouri	No Reporting	Unified		Rule 6.1. Average 10% response rate.	Contact: Robert Stoeckl 573-638-2225 rstoeckl@mobar.org
Nebraska	No Reporting	Unified	X		Contact: Jean McNeil 800-927-0117 jmcneil@nebar.com
New Hampshire	No Reporting	Unified			Contact: Virginia Martin 603-224-6942 vmartin@nhbar.org
New Jersey	No Reporting	Voluntary		Statewide mandatory pro bono - attorneys can be assigned one pro bono case per year unless exempt b/c provided 25 hours of pro bono services to an approved provider.	Contact: Sharon Balsamo 732-937-7505 x7544 sbalsamo@njsba.com
North Carolina	No Reporting	See Comments	X	The North Carolina Bar Association is a voluntary bar association. The North Carolina State Bar is the mandatory, regulatory agency in North Carolina.	Contact: Michelle Cofield 919-657-1565 mcofield@ncbar.org
North Dakota	No Reporting	Unified	X		Contact: Carrie Molander 701-255-1404 carrie@sband.org
Oklahoma	No Reporting	Unified	X		Contact: Karen "Sunny" Langdon 918-295-9422 karen.langdon@laok.org
Pennsylvania	No Reporting	Voluntary	X	http://www.pabar.org/pdf/StateBarArticleProBonoService.pdf. Also, http://www.pabar.org/public/probono/countyprobono.asp for a county-by-county report of pro bono activities	Contact: David Trevaskis 800-932-0311 david.trevaskis@pabar.org
Rhode Island	No Reporting	Unified	X		Contact: Susan Fontaine 401-421-7722 sfontaine@ribar.com
South Carolina	No Reporting	Unified	X		Contact: Jill Rothstein 803-799-6653 jill.rothstein@scbar.org
South Dakota	No Reporting	Unified	X		Contact: Cheryl Hanna 605-222-5159 access.to.justice@sdbar.net
Utah	No Reporting	Unified		Rule 6.1.S.Ct. rejected Bar Commission's mandatory proposal.	Contact: Michelle Harvey 801-297-7027 Michelle.Harvey@utahbar.or
Vermont	No Reporting	Voluntary		S.Ct. Cmte. examining pro bono issues, including reporting.	Contact: Angele Court 802-863-7153 acourt@lawlinevt.org
West Virginia	No Reporting	Voluntary	X		Contact: Catherine Eckley 866-401-6439 ceckley@lawv.net
Wisconsin	No Reporting	Unified	X	In 2006, Supreme Court's Ethics 2000 Commission proposed mandatory reporting. The State Bar opposed the changes, urging the Court to adopt ABA Model Rule 6.1 instead, which the court did - effective 7/1/07.	Contact: Jeff Brown 608-250-6177 jbrown@wisbar.org
Wyoming	No Reporting	Unified	X		Contact: Nancy Shore 307-632-9061 nshore@wyomingbar.org

Updated: 05/15/2013

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TAB 18

THE FLORIDA BAR FOUNDATION

2011-12 Annual Report

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The Florida Bar Foundation

Leadership and Funding for Justice in Florida

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The President's Message

During my year as president of The Florida Bar Foundation, many colleagues congratulated me on the great work the Foundation does.

I am honored to have served and am proud to accept kudos on behalf of the Foundation. While I did my best as a volunteer, the credit really goes to those who have devoted their entire careers to the Foundation's mission of providing access to justice.

This includes not only the Foundation's dedicated employees, but also those of the Foundation's grantees, including the more than 400 legal aid attorneys who have willingly accepted compensation well below that which they could command in the private sector in order to be advocates for Florida's poor, disabled, foster children and elderly.

The number of employees at the Foundation and its grantees is dwindling along with the Foundation's resources through this period of diminished revenue from Florida's Interest on Trust Accounts Program.

The Foundation's staff has shrunk already from 22 to 16, and it's anticipated that Florida will lose as many as 100 legal aid attorneys over the next few years as the Foundation's reserves dwindle. Eventually IOTA revenue will go up, along with interest rates, but by the time it does, we will face a period of rebuilding.

This will be a challenge, especially when coupled with the retirement of Paul Doyle in 2013. A brilliant legal aid lawyer and innovative architect of Florida's legal services delivery system, Paul has worked for 21 years alongside Foundation Executive Director Jane Curran. Together they have made The Florida Bar Foundation a national leader and a model among IOLTA programs. Paul's wisdom and guidance will be sorely missed.

But the Foundation will carry on, thanks to a staff that remains committed in spite of all the challenges of working with fewer resources, and thanks to a board of directors and committee members who are determined to see us through this funding crisis. And of course, thanks to Jane's continued leadership.

Michele Kane Cummings

I would like to close by extending my congratulations to 2012 Medal of Honor recipient Hank Coxe, and by wishing my successor Maria Henderson a rewarding year as Florida Bar Foundation president. I already envy her, as the opportunity to serve in that role is a privilege and has been one of the true highlights of my professional career.

Sincerely,

Michele Kane Cummings
President, 2011-12

Trial Lawyers Section gift provides lawyer for foster youth

In just six months, a $75,000 gift to The Florida Bar Foundation by The Florida Bar's Trial Lawyers Section has provided nearly 70 foster youth an advocate to protect their legal rights, and more referrals are coming every week.

Jessica Rae, the Trial Lawyers Section Children's Legal Services Fellow at the Community Law Program in St. Petersburg, has had foster youth referred to her by caseworkers, Guardians ad Litem, judges, the general magistrate and the state attorney's office.

Through her Transitioning Dependent Youth Project, Rae represents kids as they navigate the foster-care system. In more than10 years spent advocating for foster youth, mostly in Maryland, Rae has seen the long-term benefits that legal representation of these children can have.

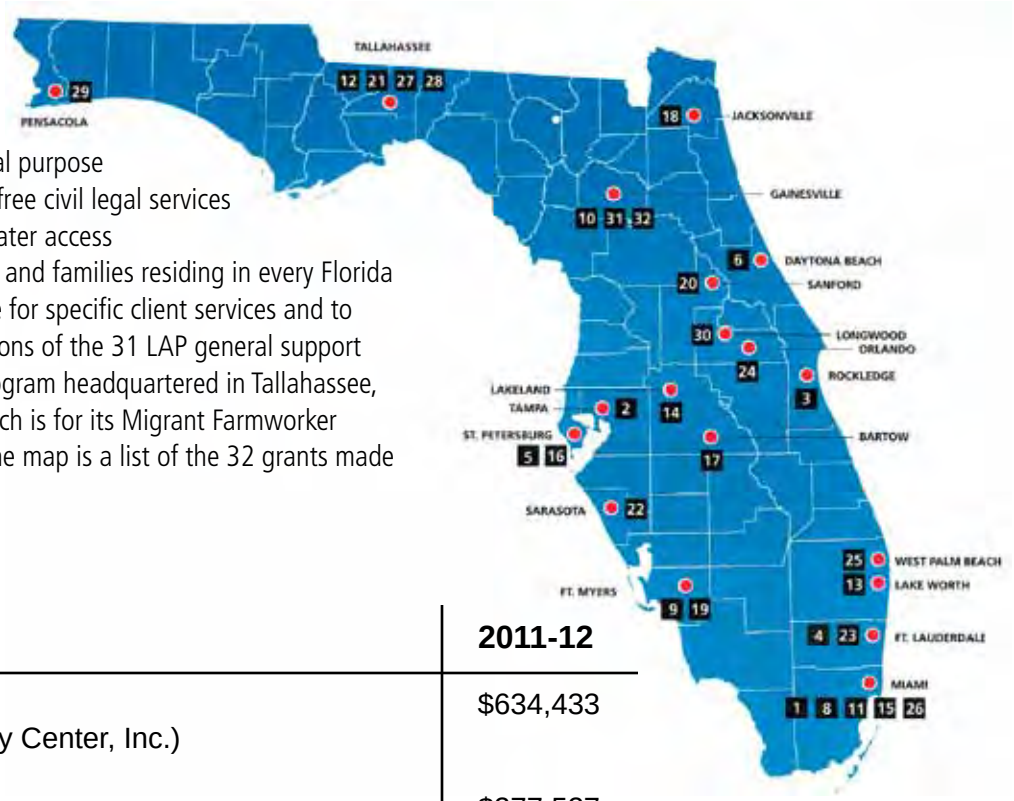
"When the court is contemplating an order of where a child should be placed, it's really easy to think we're just talking about where this child is going to live for the next year or two years, but those orders have a profound impact on that child's life," she said.

Rae has made a list of the potential impacts. A child's placement, Rae points out, determines whether he or she can:

- have a permanent family or permanent home
- maintain school stability
- maintain medical or therapeutic stability or services
- have access to and contact with the people who are most important to him or her
- qualify for a college tuition exemption
- receive any sort of independent living services, including a monthly stipend he or she can access as a young adult while completing his or her education
- participate in normal teen activities

see FOSTER, p. 15

Legal Assistance for the Poor Grant Program



The Foundation's Legal Assistance for the Poor (LAP) Grant Program, supported primarily by IOTA funds, provides general support and special purpose grants to a network of organizations providing free civil legal services to the poor. Together, this network provides greater access to the justice system for low-income individuals and families residing in every Florida county. LAP grants also support legal assistance for specific client services and to specific client groups. The map shows the locations of the 31 LAP general support grantees. Florida Legal Services, a statewide program headquartered in Tallahassee, receives two general support grants, one of which is for its Migrant Farmworker Justice Project, based in Lake Worth. Beneath the map is a list of the 32 grants made to LAP general support grantees in 2011-12.

General Support Grants

GRANTEE *(main office)*	**2011-12**
1. Americans for Immigrant Justice (formerly Florida Immigrant Advocacy Center, Inc.) *Miami*	$634,433
2. Bay Area Legal Services, Inc. *Tampa*	$277,527
3. Brevard County Legal Aid, Inc. *Rockledge*	$83,428
4. Coast to Coast Legal Aid of South Florida, Inc. *Plantation*	$25,970
5. Community Law Program, Inc. *St. Petersburg*	$31,850
6. Community Legal Services of Mid-Florida, Inc. *Daytona Beach*	$360,959
7. Cuban American Bar Association Pro Bono Project *Miami*	$50,219
8. Dade County Bar Association Legal Aid Society *Miami*	$387,412
9. Florida Equal Justice Center, Inc. *Fort Myers*	$454,377
10. Florida Institutional Legal Services, Inc.* *Newberry*	$587,754
11. Florida Justice Institute, Inc.* *Miami*	$362,660
12. Florida Legal Services, Inc.* *Tallahassee*	$2,059,423
13. Florida Legal Services, Inc.* *Migrant Farmworker Justice Project* *Lake Worth*	$602,736
14. Florida Rural Legal Services, Inc. *Lakeland*	$380,708

GENERAL SUPPORT GRANTS CONTINUED

GRANTEE *(main office)*	2011-12 AWARD
15. Guardianship Program of Dade County, Inc. *Miami*	$64,800
16. Gulfcoast Legal Services, Inc. *St. Petersburg*	$1,012,991
17. Heart of Florida Legal Aid Society, Inc. *Bartow*	$112,442
18. Jacksonville Area Legal Aid, Inc. *Jacksonville*	$835,418
19. Lee County Legal Aid Society, Inc. *Fort Myers*	$56,316
20. Legal Advocacy Center of Central Florida, Inc. *Sanford*	$603,657
21. Legal Aid Foundation of the Tallahassee Bar Association *Tallahassee*	$42,968
22. Legal Aid of Manasota, Inc. *Sarasota*	$31,850
23. Legal Aid Service of Broward County, Inc. *Plantation*	$899,949
24. Legal Aid Society of the Orange County Bar Association *Orlando*	$534,306
25. Legal Aid Society of Palm Beach County, Inc. *West Palm Beach*	$353,740
26. Legal Services of Greater Miami, Inc. *Miami*	$640,909
27. Legal Services of North Florida, Inc. *Tallahassee*	$224,885
28. North Florida Center for Equal Justice, Inc. *Tallahassee*	$75,145
29. Northwest Florida Legal Services, Inc. *Pensacola*	$392,660
30. Seminole County Bar Association Legal Aid Society *Longwood*	$65,238
31. Southern Legal Counsel, Inc.* *Gainesville*	$314,014
32. Three Rivers Legal Services, Inc. *Gainesville*	$65,324
TOTAL	**$12,626,068**

* These grants are non poverty-population based or have non poverty-population based components that support statewide legal aid services and activities.

All general support grants not marked with an asterisk are poverty-population based.

Foundation Support for Pro Bono Services by Members of The Florida Bar

Florida legal aid grantees reported that members of The Florida Bar donated their time in 2011 to handle 14,211 cases, which represented 14 percent of all cases closed by Foundation legal aid grantees. At an average rate of $120 an hour, the 102,542 hours contributed by Florida attorneys through organized pro bono programs in 2011 represents $12.3 million of free legal assistance for low-income Florida residents.

Foundation legal aid grants support the intake and referral of cases to pro bono attorneys and provide such volunteers with backup support and training. There is a wide variety of pro bono service opportunities for Florida attorneys, including:

- Handling cases in family law, housing matters, immigration, etc.
- Transactional attorneys helping community groups develop affordable housing
- Providing advice and counsel through clinics
- Representing children in dependency proceedings
- Co-counseling cases with legal aid attorneys in housing and consumer law
- Assisting particularly vulnerable clients, such as the elderly, the disabled and the mentally ill.

Not all pro bono work has to involve direct representation of clients. For example, pro bono attorneys can also:

- Provide substantive law and skills training to legal aid attorneys
- Serve as mentors to less experienced legal aid attorneys
- Do client intake
- Participate in community legal education programs such as being a panelist at a seminar on domestic violence or speaking to the elderly about protection of their homesteads.

The benefits of involving members of The Florida Bar in serving the legal needs of the poor extend well beyond the positive outcomes for individual clients because attorneys make things happen. When talent and commitment are applied to removing the legal barriers poor people face in stabilizing their lives, entire communities benefit.

Positively Pro Bono: Kenneth Jacobs' Story

Kenneth Jacobs had always worked until his 2008 heart attack.

It was the first in a string of serious health complications that sidelined him from his job as a security guard and left him homeless.

"I was always in the hospital," said Jacobs, 55. "When I kept getting sicker, I got evicted in 2009 and couldn't do the work anymore."

After he was evicted, Jacobs ended up at the Sulzbacher Center, which provides shelter and other services, including health care, for Jacksonville's homeless. Sulzbacher administrators recognized that Jacobs' medical problems had accompanying legal issues and referred him to the North Florida Medical Legal Partnership, an initiative through which medical professionals identify cases where legal issues are creating obstacles to their patients' well-being.

Pro bono attorney Mark Papa of the law firm Harrell & Harrell specializes in Social Security rights and took Jacobs' case. Although Jacobs was entitled by law to receive Social Security disability benefits, his claims had been denied. With Papa's help, Jacobs got a hearing and won his appeal to receive Social Security disability benefits and Supplemental Security Income.

"When I met Mark it was like meeting a best friend," Jacobs said. "He puts everything so you can understand. You couldn't ask for a better person to handle your case."

Without an attorney, Jacobs most likely would've gotten lost in the shuffle, which is why Papa said attorneys should make pro bono cases a priority.

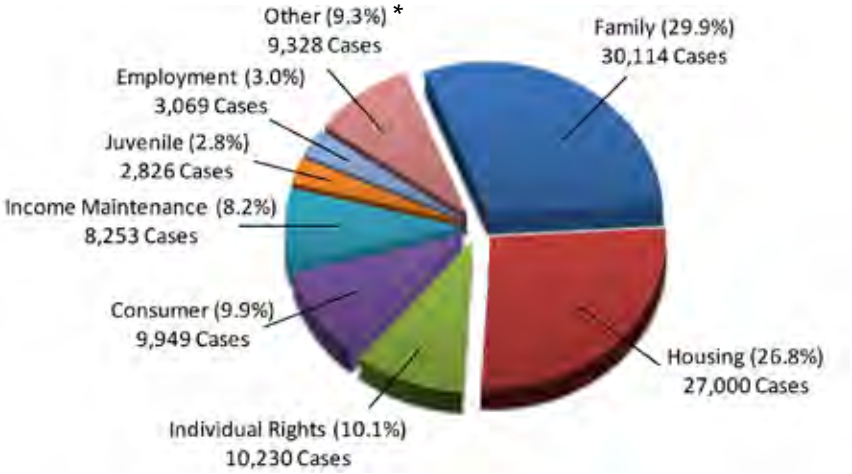
"I think there's an obligation to do it if you can," said Papa. "There's always time to do it no matter how busy you are. We're privileged in a sense to get through college and law school, and to me it's rewarding to help someone who is not so privileged."

"We're privileged in a sense to get through college and law school, and to me it's rewarding to help someone who is not so privileged."

– Mark Papa

How Legal Assistance Grantees Helped in 2011

100,769 Cases Closed in 2011



** Includes employment, health, children, education.*

Income Maintenance Matters:

(AFDC, Social Security, SSI, food stamps, unemployment compensation, veterans' benefits, workers' compensation)

"Marva" was a bank teller with a 5-year-old daughter and a baby on the way. During her pregnancy she had severe migraines that affected her work. On a particularly bad day, she asked permission to leave work early but her supervisor insisted she remain at her job. That day, she made a mistake on a transaction and was fired. Her employer denied her unemployment compensation, alleging she had committed misconduct. Marva came to legal aid for assistance. On the day of the hearing, she had to pawn her wedding ring to pay her rent and avoid eviction. The employer failed to show up for the hearing. The advocate representing Marva contacted the unemployment office to expedite her case. Rather than having to wait two to four weeks for a check, Marva received the funds that same day. She was able to retrieve her wedding ring from the pawn shop, and she and her family were able to remain in their apartment.

Coast to Coast Legal Aid of South Florida, Plantation

Family Matters:

(adoption, custody/visitation, dissolution of marriage, guardianship/conservatorship, paternity, spouse abuse)

"Gina," a 26-year-old mother of four, had been beaten by her husband, strangled and left unconscious. She had filed petitions for protection before, but dropped them each time after being persuaded by her husband and his family. She had no lawyer and felt she had nowhere to turn, until she found legal aid. With the help of legal aid, Gina got a permanent injunction for protection. Legal aid also obtained needed services for Gina and her children to live independently and is representing her in a divorce action.

Brevard County Legal Aid, Rockledge

Individual Rights:

(immigration/naturalization, mental health, prisoners' rights, physically disabled rights)

"Li" was brought to the United States from South Korea by her boyfriend, who abused and then abandoned her. She answered an employment ad for a job as an assistant, with benefits that included room and board. When she arrived, the person who placed the ad forced her to work as a prostitute. He raped and threatened her. The trafficker also kept her passport, locked her in the apartment and threatened to have her deported if she attempted to escape. Li ended up being detained by immigration authorities. After interviewing her in detention, a legal aid attorney was able to obtain Li's release based on the fact that she was a victim of human trafficking. The attorney also secured housing and social services for her and successfully filed a T-visa application, allowing her to remain in the United States legally.

Americans for Immigrant Justice, Miami

Housing:

(federally subsidized housing rights, homeownership/real property, landlord/tenant, public housing)

An accident had left "Dan" a quadriplegic. The 21-year-old was totally dependent on others and received a monthly housing subsidy from the federal shelter plus care program administered by a local nonprofit. The organization abruptly terminated Dan's subsidy and was cooperating with the landlord in evicting Dan without complying with the proper legal procedures and fair housing law mandates. Legal aid filed an appeal of the termination decision and made oral argument before a specially convened panel of three hearing judges. The judges determined that the organization had violated Dan's rights in terminating the housing subsidy and had wrongly calculated the amount of the subsidy. The organization was ordered to resume the subsidy at a significantly higher amount and to find a more suitable apartment that would accommodate Dan's disabilities.

Florida Rural Legal Services, Lakeland

Florida kids on Medicaid eligible for autism therapy thanks to legal aid

At 18 months of age, Karls Gonzalez seemed like any other happy toddler. He would return his mother's smile, had a budding vocabulary that included words like "mama," and "papa" and had developed a healthy appetite for solid food.

But by the time he turned 2, he had become a different child. He stopped speaking and making eye contact. He refused any food that was not pureed. At the playground he would just walk in circles, staring at his own shadow or at the wall. He never climbed on the equipment or interacted with other kids.

"He was like a little old man," said his mother Iliana Gonzalez, tears welling as she recalled her son's extreme detachment.

Gonzalez soon learned that Karls had regressive autism, a form of the disorder that often becomes apparent by a child's second birthday. Karls not only stopped engaging with those around him, but also became aggressive. As he grew older, his mother's arms became covered in bruises and bite marks from his frequent outbursts.

After three years of speech, physical, and occupational therapy, which were covered by Florida Medicaid, Karls showed no improvement. Having talked with his neurologist and other experts and done a lot of her own research, Gonzalez knew that the therapy Karls really needed was applied behavior analysis (ABA), a widely recognized, intensive treatment for autism that uses techniques such as positive reinforcement to influence behavior. But Medicaid didn't cover it, and the family couldn't afford it.

Karls' situation changed, however, after a social worker from Baptist Children's Hospital in Miami referred Gonzalez to legal aid.

"The Medicaid population of children diagnosed with autism and/or autism spectrum disorder are deserving and will be given ABA treatment in the state of Florida."

Oral order issued from the bench by U.S. District Judge Joan Lenard in a case brought on behalf of three Miami children including Karls Gonzalez, left.

Karls, 6, began receiving ABA therapy thanks to his attorneys at Legal Services of Greater Miami (LSGMI), Florida Legal Services (FLS) and the Miami law firm of Alderman & Kodsi. His legal team was able to secure Medicaid coverage for the therapy after a preliminary injunction order, and on March 26, 2012, U.S. District Judge Joan Lenard issued a permanent injunction ordering the state of Florida to begin providing coverage of ABA for all children on Medicaid diagnosed with an autism spectrum disorder.

"The Medicaid population of children diagnosed with autism and/or autism spectrum disorder are deserving and will be given ABA treatment in the state of Florida," said Lenard in an oral order from the bench. Following a four-day trial, she referred to the case as one of the most important she had ever heard.

LSGMI attorney Monica Vigues-Pitan worked on the federal case with lead attorney Miriam Harmatz in the FLS Miami office and private attorney Neil Kodsi, whose trial expertise was critical. They also had help from co-counsel Betsy Havens, an Equal Justice Works Fellow who also has a master's in public health, and whose fellowship at FLS is supported by The Florida Bar Foundation and the law firm of Greenberg Traurig.

While state law has required private insurers to cover ABA therapy for autistic children since 2008, Florida's Medicaid program had continued to deny coverage by claiming, among other things, that the therapy was "experimental." The plaintiffs' rebuttal expert cited an abundance of scientific literature that thoroughly undermined the state's claim.

"Judge Lenard's order will eliminate the tragic disparity between the prognosis of privately insured children with autism, who receive ABA, and those on Medicaid, who do not," said Harmatz, one of the state's leading Medicaid advocates. "This case will have national impact because, while most states mandate that private insurance companies cover ABA, most Medicaid programs do not provide coverage."

Autism advocates pointed out at trial that ABA therapy will provide

see THERAPY, p. 11

Children's Legal Services Grants

Since the early 1990s, The Florida Bar Foundation has funded special annual grants for legal assistance to children. Gifts from attorneys to the Foundation from the Children's Legal Services checkoff campaign on the annual Florida Bar Fee Statement help support these grants, along with proceeds from The Florida Bar's Kids Deserve Justice license plate initiative. The Foundation's priorities for its Children's Legal Services grants include representation of foster-care children and access to special education, medical, developmental and mental health services that are required under law.

GRANTEE	2011-12 AWARD
Americans for Immigrant Justice *Miami* Children's Legal Project	$50,711
Bay Area Legal Services *Tampa* L. David Shear Children's Law Center	$106,711
Brevard County Legal Aid *Rockledge* Independent Living Project	$61,200
Community Law Program *St. Petersburg* Transitioning Dependent Youth Project	$70,000*
Community Legal Services of Mid-Florida *Daytona Beach* The Child Advocacy Project	$113,381
Dade County Bar Association Legal Aid Society *Miami* Teen Legal Collaborative Project (Jointly with Lawyers for Children America)	$66,995
Florida Equal Justice Center *Fort Myers* Schoolhouse-Safehouse	$102,687
Florida Institutional Legal Services *Newberry* Children in Custody Project	$63,360
Florida International University College of Law *Miami* Children's Education Advocacy Clinic	$73,364
Florida's Children First *Coral Springs* Florida's Children First Children's Systemic Initiatives	$184,640
Florida Legal Services, Inc. *Tallahassee* Children's Statewide Litigation and Policy	$103,377

*** The Community Law Program is the beneficiary of a $75,000 gift from The Florida Bar Trial Lawyers Section to fund the Trial Lawyers Section Children's Legal Services Fellow. Read more about the work of Trial Lawyers Section Children's Legal Services Fellow Jessica Rae on p. 2.**

Florida State University College of Law Public Interest Law Center *Tallahassee* Health Care Access/ Special Education Project	$103,377
Gulfcoast Legal Services *St. Petersburg* GLS CHILD (Children's Immigration Legal Defense)	$46,686
Jacksonville Area Legal Aid *Jacksonville* Crisis in Duval Foster Care Education Systems Project	$53,356
Lawyers for Children America, Inc. *Miami* Teen Legal Collaborative Project (Jointly with Dade County Bar Association Legal Aid Society)	$66,694
Lawyers for Children America, Inc. *Miami* Miami Youth S.H.I.N.E. Project (Striving High for Independence and Empowerment)	$46,686
Legal Aid Service of Broward County *Plantation* Children's Advocacy Program Education Legal Rights Project, Broward and Collier	$90,038
Legal Aid Society of Palm Beach County *West Palm Beach* Children's Educational Advocacy Law Project	$93,372
Legal Aid Society of the Orange County Bar Association *Orlando* Guardian Ad Litem Project	$89,371
Legal Services of Greater Miami *Miami* Special Education Advocacy Project	$37,750
Legal Services of North Florida *Tallahassee* Children's Legal Representation Project (CLRP)	$77,366
Southern Legal Counsel *Gainesville* Education Advocacy Project	$100,042
University of Miami School of Law Children & Youth Law Clinic *Coral Gables* Statewide Foster Children's Advocacy Project	$78,384
TOTAL	**$1,879,247**

Legal Assistance for the Poor Grant Program

Affordable Housing Grants

The Foundation has sought to make an impact on the affordable housing crisis for low-income individuals and families through the implementation of a statewide-regional affordable housing project. The goal of the project is to undertake systemic advocacy to prevent the loss of affordable housing units and to support the development of new affordable housing units. Grants support multi-forum legal advocacy, including legislative advocacy, administrative advocacy, public policy advocacy and litigation on a statewide and local level. In 2011-12, the Foundation provided $390,000 in affordable housing grants to four regional projects, as well as a $150,000 grant to Florida Legal Services for its work on affordable housing.

Statewide Special Project Grants

The following grants were made to support statewide initiatives on behalf of the legal aid community.

Project	2011-12 Grant Amount
Statewide Immigration Component (administered by Americans for Immigrant Justice) Provides training and technical assistance to other immigration projects in Florida and provides some assistance to immigrants in areas of Florida not covered by any immigrant programs.	**$153,296**
Florida Senior Legal Helpline (administered by Bay Area Legal Services) Provides support for expanded access to legal aid statewide by Floridians aged 60 and over by providing callers free legal advice, brief services and referrals by telephone.	**$45,500**
Statewide Website (administered by Florida Legal Services) Internet-based resources provided to Foundation-funded legal aid and legal services advocates, volunteer attorneys who provide pro bono assistance to the poor, and members of the client community who need access to self-help legal information and referrals to Foundation legal aid grantee organizations.	**$141,600**
Statewide Pro Bono Project (administered by Florida Legal Services) Provides staff support for the work of The Florida Bar Standing Committee on Pro Bono Legal Service. Of these grant funds, $50,000 comes from The Florida Bar.	**$108,000**
Statewide Supplemental Training Funds (administered by Florida Legal Services) Provides support for organized statewide training events for staff members of Foundation-funded legal aid programs.	**$98,000**
Migrant Component (administered by Florida Rural Legal Services) This project, funded primarily by Legal Services Corporation, receives Florida Bar Foundation funding to help support services provided to eligible migrant farmworkers under federal regulations, assisting with wage claims, landlord-tenant matters and other housing issues.	**$51,870**
TOTAL	**$598,266**

Small Program Special Needs Grants

The purpose of this competitive grant program is to recognize and support small legal assistance programs with a long history of providing legal representation to special needs clients. The recipients are programs not otherwise supported by a Foundation grant. In 2011-12 the Colombian American Service Association and the HIV, Education and Law Project (HELP) Inc. received a total of $99,400.

Attorney General Mortgage Foreclosure Defense Grant Program

In 2009-10, The Florida Bar Foundation initiated a mortgage foreclosure defense grant program using funds provided by then-Florida Attorney General Bill McCollum from settlement of a class action lawsuit against Countrywide Financial Corporation.

More than $4 million was made available over the first two years, with another $1 million awarded to 17 grantees in 2011-12 through a settlement reached by McCollum's successor, Florida Attorney General Pam Bondi in a different case.

The grants have funded lawyer and paralegal positions devoted to providing free assistance to homeowners facing foreclosure on their homestead property who cannot afford an attorney. As of 2012, Florida had the highest foreclosure rate in the nation.

The funds were distributed through the Foundation in the form of annual grants awarded to legal aid organizations. The grants varied in size depending on the number of foreclosures experienced in a particular area.

Florida Access to Civil Legal Assistance Act Grants

The Florida Access to Civil Legal Assistance Act (FACLA) was passed by the Florida Legislature and signed into law by Fla. Gov. Jeb Bush in 2002. Sixty-four legislators cosponsored the act, which was passed unanimously by each subcommittee that reviewed the bill. Before the full Legislature, there was only one dissenting vote.

The free civil legal assistance FACLA has provided to low-income Floridians has furthered the goals of the act to stabilize lives, provide independence and self-sufficiency, and secure protection from domestic violence and abuse.

In the 2012 legislative sessions, $2 million was appropriated by the Florida Legislature to the unique public-private partnership formed under the act and administered by The Florida Bar Foundation. However, for the second year in a row, the FACLA appropriation was later vetoed by Fla. Gov. Rick Scott.

THERAPY, from p. 7

autistic children the help they need to lead productive lives and not be dependent on the state through more costly group homes.

"This order will save thousands of other Florida children from being unnecessarily and permanently disabled," said Vigues-Pitan. "And while the intensive therapy can be costly, the evidence also established that providing applied behavior analysis for Karls and other children like him will ultimately save significant public funds."

Karls was one of three autistic Miami children on whose behalf the case was brought, but the outcome has made more than 8,000 children currently in the Florida Medicaid program eligible for ABA therapy.

Meanwhile, Karls began a remarkable transformation after less than five months of ABA therapy.

"Hello. How are you?" he asks upon meeting someone for the first time. Although his words sound rehearsed, a bit like a foreign language student, he speaks with a sunny confidence and looks his new acquaintance in the eye.

"Say cheese!" he calls out, as he flashes his best Hollywood smile at a stranger pointing a camera his way.

Karls has also stopped hitting and biting and instead started participating in all kinds of activities that would have been unthinkable before. He teaches himself sign language on the computer and has learned how to count to 10 in several languages. He will sit still and pay attention to his speech therapist, enabling him to benefit from a form of therapy that had been wasted on him before. He can understand games like tag, can toss a ball to someone, and will approach other children with interest in what they are doing.

Gonzalez said Karls' neurologist has found his new behaviors remarkable for a child with such a severe form of autism.

"Before, you could call him, 'Karls, Karls!' and you were talking to the air," Gonzalez said. "Now I am seeing the child I lost. He is bigger. He is older. But he is the child I lost."

FLS and LSGMI both receive general support grants from The Florida Bar Foundation that enable their staff attorneys to devote the tremendous amount of time needed to pursue such landmark cases.

"This is our legal services community at its best – a very needy client, a local legal aid attorney, an expert attorney from a statewide legal aid program, a new EJW attorney and a pro bono private attorney," said Florida Legal Services Executive Director Kent Spuhler.

Gonzalez said she thanks God for meeting the social worker who referred her to legal aid.

"A lot of kids need this, not just Karls," she said. "There are kids who can take advantage of this from a much younger age, and it will help them even more."

Fostering Public Service Careers

The Florida Bar Foundation offers a number of programs through its Legal Assistance for the Poor grants to encourage law school graduates to choose and remain in public interest careers. This includes providing matching funds for Equal Justice Works Fellows who spend two years working on public service projects, as well as providing loan repayment assistance and salary supplementation to legal aid attorneys employed at Foundation-funded legal aid programs throughout Florida.

Equal Justice Works Fellowship Program

Since 1999, the Foundation and its Florida funding partners have provided matching funds for 68 Florida Equal Justice Works Fellows, who complete two-year public interest fellowships sponsored by the Washington, D.C.-based Equal Justice Works. EJW Fellows have designed and led legal assistance projects in affordable housing, welfare-to-work, domestic violence, special education for disabled children, homelessness, immigration, prisoner rights, environmental justice and family preservation. A 2012 report by Equal Justice Works found that 81 percent of Florida's EJW Fellows continue to work in public interest employment, and 68 percent remain in Florida. Fellows are hosted by Foundation-funded legal assistance organizations. In addition to addressing the civil legal needs of the poor in Florida, the Equal Justice Works Fellowship Program enriches Florida's legal assistance community through the enthusiasm of individual Fellows, who renew and enliven a host program's legal advocacy. In 2011-12, the Foundation approved matching funds for two Fellows in the Class of 2012-14 and was joined by its funding partners, the law firm of Greenberg Traurig and The Florida Bar.

Equal Justice Works Fellowships Class of 2012-14

Host Legal Aid Progam	Fellow	Project
Legal Aid of Manasota, Inc., Sarasota	Jamie Rubin	Provide legal assistance to low-income students and parents who qualify for Exceptional Student Education (ESE) services through direct representation and research into unexamined special education issues. Engage in community education and collaboration.
Florida's Children First, Miami	Hasti Barahmand	Provide dependent youth involved in the juvenile justice system with holistic direct representation that extends beyond the courtroom into the community, while creating an effective working practice model for the state.

Loan Repayment Assistance Grant Program

The majority of law students today graduate with educational debt of more than $100,000. In 2007 the Foundation released the results of an in-depth study titled, "The Quest for the Best: Attorney Recruitment and Retention Challenges for Florida Civil Legal Aid," which found that one of the top three reasons attorneys were leaving public service careers was "financial pressure due to student loans." The study noted that salary increases alone would not be adequate to alleviate the burden of debt payments on legal aid attorneys. In response, the Foundation strengthened its Law School Loan Repayment Assistance Program, which now pays legal aid attorneys up to 80 percent of their annual payments on need-based law school debt for up to 10 years. Annual payments are capped at $7,500 and are in the form of one-year loans forgiven annually for attorneys who remain employed at a Foundation legal assistance grantee for the full 12-month period. In 2011-2012, the Foundation committed $810,142 to the program for benefits to 185 legal aid attorneys.

Staff Attorney Salary Supplementation Grant Program

The 2007 "Quest for the Best" study found that the median starting salary for a licensed attorney in a Florida legal aid program was $38,500 and that staff attorneys did not reach a salary of $50,000 until nine years after law school graduation. Common measures of a middle class lifestyle, such as home ownership, proved beyond the reach of many legal aid attorneys in spite of their highly specialized skills. The study also found that "financial pressure due to low salary" was the number one reason legal aid attorneys left their jobs. In accordance with the recommendations of the study, The Florida Bar Foundation developed a plan to help increase staff attorneys' starting salaries beginning Jan. 1, 2008 to a minimum of $43,500 with an increase to a minimum of $46,000 in 2010. It also established goals that attorneys with three years, six years and 10 years of experience would be earning a minimum of $50,000, $60,000 and $70,000 respectively by 2010. To enable legal aid programs to implement these salary improvements, along with other professional development enhancements recommended by the study, the Foundation initiated a Staff Attorney Salary Supplementation Grant Program in 2008 for its general support grantees. In 2012, the Foundation awarded salary supplementation grants totaling $4,219,710 to 30 legal aid programs.

Law Student Assistance Grant Program Suspended

The Florida Bar Foundation made the difficult decision in 2011-12 to suspend its Law Student Assistance grant programs in order to conserve funds for legal aid in the face of the steep and protracted decline in revenue from Florida's Interest on Trust Accounts (IOTA) Program. The Foundation hopes to reinstate these grant programs once IOTA revenue has fully rebounded and legal aid funding has been substantially restored to pre-recession levels. The programs that have been suspended are as follows:

Legal Aid Summer Fellowship Grant Program

An 11-week program that places first- and second-year law students at Foundation-funded legal assistance programs, Legal Aid Summer Fellowships have long provided additional client service while encouraging law students to enter public service careers and undertake pro bono representation in private practice. The Foundation at one time funded 40 summer fellows a year, but had decreased the number to 20. In 2011-12 it suspended its funding for the program. However, the law firm of Fowler White Boggs contributed $6,500 to fund a summer fellow to work at Legal Aid Service of Broward County. Monica Jordan, a first-year student at the Shepard Broad Law Center at Nova Southeastern University, was the Fowler White Boggs Diversity Summer Fellow in 2012. She was the second summer fellow to be funded by Fowler White Boggs.

Public Service Fellows Grant Program

Through the Public Service Fellows Program, law students completed internships at legal aid offices, Guardian ad Litem programs and public defender offices, as well as human rights and other public service agencies. The program was established to promote pro bono legal services among future members of the legal profession, to provide law students with direct involvement in public service activities and to promote the concept of public service legal work on law school campuses. The grants were awarded to law schools, which distribute the funds to students in the form of stipends. The Public Service Fellows Grant Program was suspended in 2011-12.

Law School Civil Clinic Grant Program

The Florida Bar Foundation has helped support civil clinics at Florida law schools in an effort to:

- involve law students in the provision of civil legal assistance to the poor;
- provide an in-depth experience in representing the poor and working with individual clients and client groups in civil legal matters;
- encourage law students to pursue public interest careers representing the poor; and
- promote a commitment to pro bono representation of the poor.

Cases handled through the clinics are predominantly in the areas of family law, children's legal services, homeless advocacy, public benefits (food stamps, Medicaid), immigration, community outreach and education. The Law School Civil Clinic Grant Program was suspended in 2011-12.

Improvements in the Administration of Justice Grant Program

Grantmaking Philosophy

A goal of The Florida Bar Foundation is to focus grants in areas where the funding can have a measurable impact. Toward that end, the Foundation concentrates grants for improvements in the administration of justice in five areas, with emphasis on how the courts can operate more effectively and expeditiously.

Areas of Funding

- Improvement in the operation and management of the court system;
- Improvement and reform of the criminal, civil and juvenile justice systems;
- Public education and understanding about the law, including law-related education;
- Promotion and support for public interest legal representation; and
- Promotion and support for voluntary bar association-sponsored community-service initiatives.

The Foundation occasionally considers projects in other subject areas related to improving the administration of justice in Florida.

Funding Criteria

Preference generally will be given to:

- Applicants seeking start-up funds or seed money over a one- or two-year period;
- Programs with demonstration value or replication potential; and
- Requests for matching funds.

AOJ typically does not fund direct service programs (e.g., drug treatment or counseling), replicas of established programs, local community groups, or programs for which there is a governmental responsibility to provide funding and continuing program support. Due to the lack of IOTA revenue, the Foundation limited its Improvements in the Administration of Justice grants to several ongoing projects in 2011-12. It is expected that the grant program will be restored to prior funding levels once IOTA revenue fully rebounds.

GRANTEE	2011-12 AWARD
American Civil Liberties Union Foundation of Florida Rethinking Restoration of Civil Rights in Florida	**$25,000**
Florida Law Related Education Association General Support	**$180,000**
Florida Law Related Education Association Justice Teaching Institute	**$28,000**
Innocence Project of Florida General Support: $282,516 Exoneree Emergency Fund: $12,000*	**$294,516**
Public Policy Works! To develop and disseminate independent analyses of the proposed amendments to the Florida Constitution on the November 2012 ballot.	**$50,000****
Public Policy Works! Children's Initiative to promote restorative justice goals as an alternative to zero tolerance in Florida's school districts.	**$200,000****
Self-Administered by The Florida Bar Foundation IOTA Oral History Project	**$15,000****
TOTAL	**$792,516**

** requires a dollar-for-dollar match*

*** These grants were approved in September 2011 using funds carried over from the 2010-11 fiscal year.*

Voluntary Bar Association Community Service Grant Program

The Foundation has suspended its Voluntary Bar Association Community Service Grant Program, which used to give grants of up to $5,000 each to voluntary bar associations in Florida to promote new or significant improvement in existing charitable, community-service projects. The Foundation expects to reinstate this grant program once IOTA revenue has fully rebounded and legal aid funding has been substantially restored to pre-recession levels.

FOSTER, from p. 2

Foster youth often have little say in such matters. Unlike other parties in a dependency hearing, which generally include the state, the child's parent or guardian and a Guardian ad Litem, children have no statutory guarantee of legal representation. Even when a child has a Guardian ad Litem, that person is there to represent what he or she believes to be the child's best interest. That may not coincide with the child's interests or legal rights, and the distinction is important.

"When kids don't have a day in court, that can be incredibly damaging in the long term," Rae said. "They feel like they've got no control of their lives, and in fact, often they haven't because they've been involved in this massive bureaucracy. But when they have an attorney, I feel like they take some of that power back. And that can have a lifelong impact on a child's well-being."

Moving children out of dependency as they approach their 18th birthdays is the major focus of Rae's work. Clients she has helped include a young woman who ended up in the dependency system because of the illness of a parent. Rae has put a plan in place to get her through high school.

"I expect she will be college-bound," Rae said.

Kimberly Rodgers, executive director of the Community Law Program, said Rae has been a tremendous boost to the effectiveness of the program.

"The kids who Jessica represents are the most vulnerable within our client population because oftentimes their parents are dead or incarcerated or strung out on drugs. They don't have a safety net," Rodgers said. "She's a voice for these children, and she gets them the financial and social and educational benefits they need to make them successful adults."

Without the Trial Lawyers Section's generosity, Rodgers would not have been able to hire Rae when her predecessor left to take another job, and the Community Law Program's Transitioning Dependent Youth Project would not have been there for vulnerable children in foster care.

Representatives of the Trial Lawyers Section presented a check for $75,000 to The Florida Bar Foundation in January. Kimberly Rodgers, center, hired Jessica Rae, third from right, to represent foster youth as the Trial Lawyers Section Children's Legal Services Fellow at the Community Law Program in St. Petersburg.

Judge Jack Day, one of four judges on the Sixth Judicial Circuit Unified Family Court in Pinellas County, said Rae has exceeded expectations, even after he told her "she was expected to walk on water" based on the reviews he'd heard of her prior work.

"She has taken on all the teenagers I've been able to throw at her, which is a lot," Day said. "She is so good with teenagers, they can see the benefits of her advocating for them."

Day points out that the statistics of the dependency system are grim. According to a 2007 report of the Pew Charitable Trusts, one in four foster youth will be incarcerated within two years of leaving the system and more than one in five will become homeless at some point.

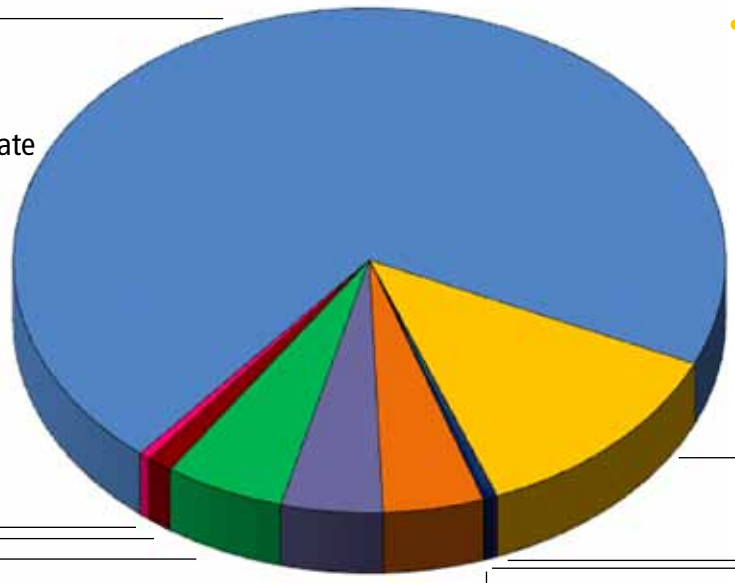
"So, there is a particular need for things to help them find their way to being functioning adults," Day said. "The foster-care system has tools to do a lot of those things, but it takes some work to get the right tools in the right hands. There's nothing that compares to having an advocate for the kids before the court to rattle the cage and get the kids what they need. The reality of dependency court is that young people on the verge of adulthood need advocacy or else they get steamrollered."

Wayne Helsby, 2012-13 chair of the Trial Lawyers Section, said one of the primary missions of the Section is to protect and preserve access to the courts for all of Florida's citizens.

"The severe decline in IOTA revenue in recent years has jeopardized that access, especially for underprivileged youth in our state," Helsby said. "The Trial Lawyers Section is delighted that our contribution has enabled The Florida Bar Foundation to provide these individuals with an attorney to protect their rights in the course of the legal process. The Trial Lawyers Section is also appreciative of the fact that our donation has prompted other Sections of the Bar to do likewise."

Financial Information

2011-12 Revenues
$5,583,012*



*includes investment losses of $2,467,337 (4.4%)

Be Sure to Thank Your Banker

September 1981 marked implementation by the Florida Supreme Court of the country's first IOTA Program and the beginning of an important source of support for civil legal assistance to the poor, projects to improve Florida's justice system and programs to promote public service by law students. While we often mark that milestone and thank those responsible, we don't publicly recognize often enough Florida's banking community. IOTA works because of the support and cooperation of Florida banks – from the superb bank staff who make sure monthly remittance information and interest gets to the Foundation, to the teams who worked so closely with the Foundation to implement the interest rate comparability rule, to the leaders of the Florida Bankers Association who step up to the plate and help IOTA achieve its full potential. The Foundation, its grantees and those they serve are very grateful for the successful partnership between the legal and banking communities that is Florida's IOTA Program.

The Foundation Thanks You

Several attorneys, law firms and other individuals and organizations contributed to our success in 2011-12 through pro bono services and other in-kind support of the Foundation itself. We would like to thank:

Ava K. Doppelt
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., Orlando

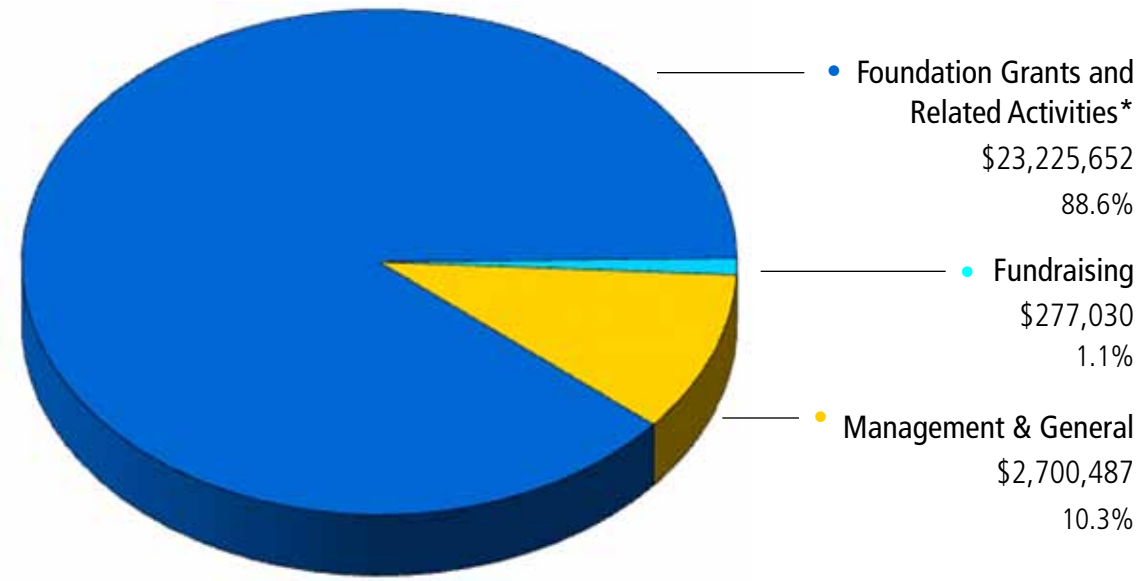
Matthew L. Evans
Thompson, Sizemore, Gonzalez & Hearing, P.A., Tampa

Charles L. Stutts
Holland & Knight, Tampa

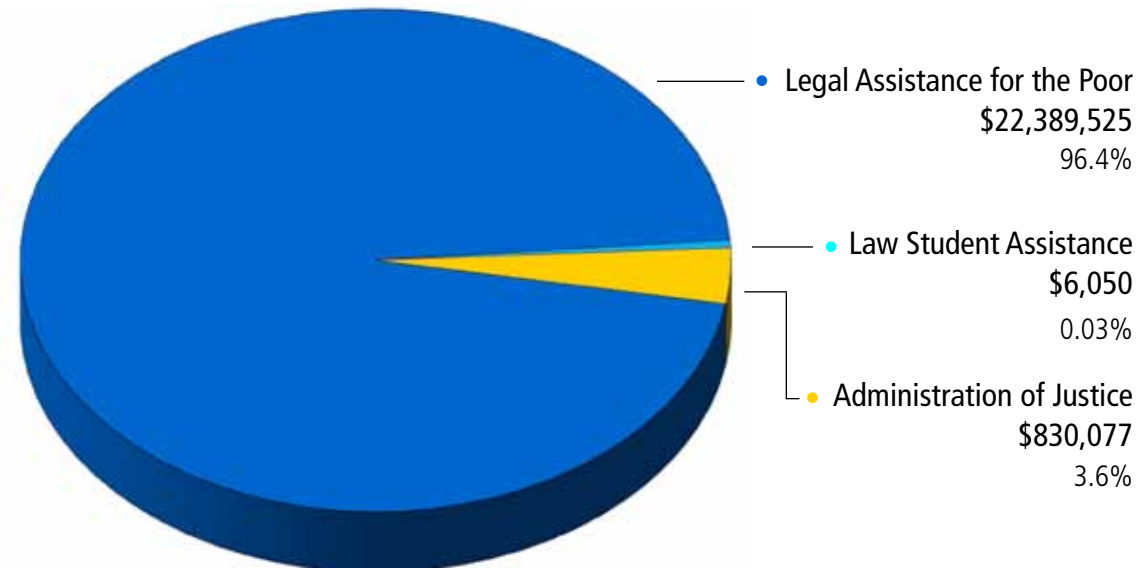
Donald Carlton Works, III
Jackson Lewis, Orlando

2011-12 Fiscal Year

2011-12 Expenses
$26,203,169



2011-12 Breakout of Grants & Related Activities*
$23,225,652



Management and general and fundraising expenses represent 8.8% of the Foundation's total expenses in 2011-12.

Audited financial statements and the IRS Forms 990 for both the Foundation and The Florida Bar Foundation Endowment Trust are available on the Foundation's website at www.floridabarfoundation.org/finance.

* Foundation grants are based upon the net revenues of the fiscal year preceding the year being reported. These amounts may differ from the grants listed elsewhere in this report due to conditional and multi-year grants.

Investing in Access to Justice

The 2011-12 fiscal year was remarkable for the outpouring of support from Florida Bar sections and divisions, as well as individual Bar members.

Their generosity resulted in gifts of more than $620,000 to the Foundation in the past year. This included $75,000 from the Trial Lawyers Section to fund a Children's Legal Services attorney position at the Community Law Program in St. Petersburg. The Family Law Section subsequently contributed $75,000 to the Foundation's Children's Legal Services Grant Program, and the Real Property, Probate and Trust Law Section launched an effort that brought in $85,000 in support for Children's Legal Services, a significant portion of which came from individual donations. The Florida Bar Young Lawyers Division's $100,000 gift has been used to help fund the Foundation's Law School Loan Repayment Assistance Program to help legal aid organizations retain staff attorneys. The Criminal Law Section made a gift of $25,000, and the Alternate Dispute Resolution Section gave $1,000. Additionally, The Florida Bar waived the Foundation's booth fee at the annual Bar convention, allowing the Foundation to recruit additional Fellows at no cost.

We are so grateful to Scott Hawkins, who as 2011-12 president of The Florida Bar led the Foundation's "Now" campaign along with Foundation President Mickey Cummings. That campaign brought in $92,000.

Even in the best of times, the need still far outstrips the funds available through IOTA. Your support enables us to go further toward addressing the legal needs of the state's most vulnerable populations.

Your charitable gifts can support current programs or can be added to The Florida Bar Foundation Endowment Trust as a permanent source of support for Foundation programs.

We ask that you continue to support the work of the Foundation by making your

investment in access to justice one of the priorities in your charitable giving.

To learn more about charitable giving opportunities at the Foundation, please contact me.

Jane Curran, Executive Director
jcurran@flabarfndn.org
(800) 541-2195 (Toll-free in Florida)
(407) 843-0045

Our Network of Philanthropic Support

Thousands of individuals and organizations have supported The Florida Bar Foundation with their charitable gifts. For many of them, their support for the Foundation has blossomed from their original Fellows gift into an ongoing commitment as part of a personal philanthropic tradition.

In gratitude for their dedication, and for their commitment to the Foundation's sustained success over time, we acknowledge our generous donors for both their lifetime (cumulative) giving and for their gifts in the most recent fiscal year.

Our Lifetime Giving Societies pay tribute to the members at each giving level, recognizing the generosity they have shown since they made their first Foundation gift. Our Annual Giving Circles represent gift totals in the fiscal year ending June 30, 2012. The Fellows list documents the name of every person who, with his or her pledge of $1,000, has committed to become a life member of the Foundation. Finally, our Legacy for Justice members have chosen to create a personal legacy on behalf of the Foundation with a significant commitment of resources to help sustain the Foundation's future.

The Foundation is also grateful for the many gifts made through the annual Florida Bar Fee Statement and End-of-Year campaigns for Children's Legal Services, as well as those made in tribute or in memory of friends and loved ones. For their philanthropic support, which has become so important to the Foundation's mission, we salute our donors. They are recognized individually on our website under:

- Legacy for Justice
- Lifetime Giving Societies
- Annual Giving Circles
- Children's Legal Services Campaign
- Tribute & Memorial Gifts
- Fellows

For a complete listing of donors to The Florida Bar Foundation, go to:

www.floridabarfoundation.org/donors

The Legacy for Justice

For a special group of dedicated supporters, the mission of The Florida Bar Foundation is of such great personal importance that they have chosen to make a significant commitment of resources to help ensure that the Foundation's work can be sustained well into the future. The Legacy for Justice recognizes those who have either included the Foundation in their estate planning, made a pledge of $10,000 or more, directed a significant cy pres award to the Foundation, or facilitated a major gift. We offer the members of this prestigious group our sincerest gratitude for their deep and abiding commitment to the Foundation.

Anonymous
Anonymous Fund of the Community Foundation of Central Florida
Anonymous
Tod Aronovitz**
James L. Bell**
Bruce B. Blackwell**
A. Hamilton Cooke**
Anonymous
Robert W. Fisher**
The Florida Bar Criminal Law Section
The Florida Bar Family Law Section
The Florida Bar Real Property, Probate & Trust Law Section
The Florida Bar Trial Lawyers Section
The Florida Bar Young Lawyers Division
Florida Lawyers Legal Insurance Corp.
Florida Lawyers Mutual Insurance Company
Fowler White Boggs P.A.
GrayRobinson, P.A.
Anonymous
Stuart Grossman**
Maria E. Henderson**
William O. E. Henry* **
J. Wayne Hogan**
Michael J. Howell
Holland & Knight LLP
T. Glenn Jackson, Jr.* **
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Tom Loffredo
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Miles A. McGrane, III**
Mellon United National Bank
John and Pam Noland**
John and Nora Patterson**
Roderick N. Petrey**
Polaszek, Berman, Hansen
Ruden McClosky
John Woolslair Sheppard**
Stroock Stroock & Lavin LLP
Russell Troutman**
Marvin A. Urquhart, Jr.
Honorable William A. Van Nortwick, Jr.**
Robert Craig Waters**
Honorable John D. Wessel* **

** Fellow
* Deceased

Legislature and Cabinet offered support for legal aid, foreclosure assistance

We are extremely grateful that Sen. Mike Fasano and Rep. Rich Glorioso helped ensure that $2 million in funding for the Florida Access to Civil Legal Assistance Act was brought to the attention of the budget committees and appropriated in the 2012-13 budget approved by the Legislature. Unfortunately, this appropriation was later vetoed by Fla. Gov. Rick Scott along with hundreds of millions of dollars for other projects.

In addition, the Foundation was once again selected to administer the Attorney General's Mortgage Foreclosure Defense Fund, which originally directed a portion of the settlement of former Attorney General Bill McCollum's lawsuit against Countrywide Financial Corporation to foreclosure legal assistance grants. The fund initially provided more than $4 million spread over two years and has since been continued through a separate $1 million settlement reached by current Attorney General Pam Bondi in 2011 and a $462,500 settlement her office obtained in 2012.

This support from the Attorney General's office has helped The Florida Bar Foundation ensure that its grantees were better prepared to address the heightened needs for legal assistance brought on by the recession. Florida now leads the nation in foreclosures, so foreclosure defense is a critical need. Meanwhile, even with severely limited resources, legal aid continues to address rising domestic violence, public benefits claims and other problems associated with families in economic distress.

We are fortunate to have had such wonderful champions in the Florida Legislature and in the Cabinet. Like our supporters all over Florida, they understand that access to justice is critical in the effort to stabilize lives and communities, and to make Florida better for all its residents.

Sen. Mike Fasano

Rep. Rich Glorioso

Governance

The Florida Bar Foundation is a charitable organization established in 1956 by The Florida Bar Board of Governors under the authority of the Florida Supreme Court. Its mission is to provide greater access to justice. Membership is open to all individuals interested in supporting the mission of the Foundation. Members are eligible to hold office and serve as directors of the Foundation. Participants in Florida's Interest on Trust Accounts (IOTA) Program, administered by the Foundation, are automatically entitled to membership. Membership also is available through annual Foundation dues or through the Foundation's Fellows Program. Both annual dues and Fellows payments are charitable contributions to the Foundation. The Foundation is governed by a 33-member board of directors, which meets quarterly. The board conducts its work through standing and ad hoc committees. The board comprises the officers of the Foundation, six directors by designation (two judicial officers appointed by the Chief Justice of the Florida Supreme Court, the president, president-elect, and immediate past president of The Florida Bar, and the president of Florida Legal Services, which provides coordination, training and other support services to legal aid programs across the state), at least two but not more than four public members and 18 at-large directors. At-large directors serve a maximum of two, three-year terms, with one-third selected by the Board of Governors of The Florida Bar, one-third by the board of directors of the Foundation, and one-third by the Florida Supreme Court. Committees are appointed annually by the board of directors at the request of the president, and include Foundation directors, members of the bar generally, and the lay public. An executive committee appointed annually by the board meets between meetings of the board.

The Florida Bar Foundation

Leadership and Funding for Justice in Florida

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Maria E. Henderson, President-Elect
John Patterson, First Vice President
Hon. Emerson R. Thompson, Second Vice President
John A. Noland, Immediate Past President

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Ninth Judicial Circuit Court

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Damian E. Thomas

EXECUTIVE DIRECTOR

Jane Elizabeth Curran

Every day, in every city in Florida,

we help legal aid help those least able to afford a lawyer.

We are The Florida Bar Foundation,

and we believe the justice system works best when it works for everyone.

The Florida Bar Foundation

Leadership and Funding for Justice in Florida

TAB 19

THE FLORIDA BAR FOUNDATION

2012-13 Annual Report

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The Florida Bar Foundation

Leadership and Funding for Justice in Florida

WWW.FLORIDABARFOUNDATION.ORG/2013AR

The Florida Bar Foundation

Leadership and funding for justice in Florida

The mission of The Florida Bar Foundation, a charitable organization established in 1956 by The Florida Bar Board of Governors and the Florida Supreme Court, is to provide leadership and funding for justice in Florida. The Foundation accomplishes its mission primarily through funding of programs that:

Expand and improve representation and advocacy on behalf of low-income persons in civil legal matters;

Improve the fair and effective administration of justice;

Promote public service among lawyers by making it an integral component of the law school experience.

The Florida Bar Foundation is the only statewide organization linking 32 legal services programs in Florida to form a comprehensive, statewide legal services delivery system. Its funding promotes access to justice and improvements in addressing the civil legal needs of the poor. The Florida Bar Foundation is a public charity under Section 501(c)(3) of the Internal Revenue Code. Contributions to the Foundation are deductible to the fullest extent permitted by law.

While principal support for the Foundation's charitable activities comes from the Interest on Trust Accounts (IOTA) Program implemented by the Florida Supreme Court in 1981, Foundation grants also are supported by gifts from Florida attorneys, law firms, corporations, foundations and other individuals.

A quick look at the big picture

This report provides information on grantmaking and financials for the 2012-13 fiscal year. The following statewide statistics from the 2012 calendar year on the results from 2011-12 grantmaking provide context:

- Of $87.12 million received by Florida's legal services organizations in 2012, $21.88 million, or 25.1 percent, came from The Florida Bar Foundation.
- The federally funded Legal Services Corporation is the second-largest funder of legal aid in Florida, providing 19.7 percent of all funding received by Florida's legal aid organizations in 2012, but many legal aid programs do not receive LSC funding and therefore rely more heavily on Foundation funding.
- Foundation grantees documented direct dollar benefits to clients totaling more than $65 million in 2012 from sources including child support and federal programs such as Social Security and Supplemental Security Income, which is designed to provide food, shelter and medical care to the elderly and disabled.
- Through its Improvements in the Administration of Justice Grant Program The Florida Bar Foundation continues to be the largest funder of the Innocence Project of Florida, which has used DNA evidence to bring about the exoneration of 14 Floridians who had been wrongfully convicted. The Foundation also is a significant funder of the Florida Law Related Education Association, which teaches Florida students about democracy and the American legal system.

The President's Message

What a wonderful experience my past nine years on the board of directors of The Florida Bar Foundation has been. Having my colleagues entrust me with the role of president was the highest praise, but anyone who has served in a leadership capacity knows that success is the result of the right team. And what a terrific team I had – my fellow officers and board members, along with Jane Curran, Paul Doyle, Lou Ann Powell and the rest of the tireless staff at the Foundation, the grantees, and our Fellows. Everyone has made significant contributions.

While the past year presented a number of challenges as continued low interest rates depressed IOTA funds and consequently, reduced grants, there is a silver lining. Many of The Florida Bar sections and divisions provided financial support to the Foundation through generous gifts. New Fellows joined us, and individuals gave through various activities such as the Children's Legal Services campaign. We were still able to make significant grants, and our grantees have continued to do amazing work as the population who needs their support and talents grows. The staff at the Foundation took on numerous roles as they, too, had to downsize. But the work continues to get done in the most excellent way, as they provide support and guidance.

Sadly, it was during my term that my friend, Paul Doyle, who served the Foundation as Director of Legal Assistance for the Poor/Law Student Assistance Grant Programs for 22 years, retired. Paul will be missed by all of us. Happily, we now have Melissa Pershing serving in this role. Melissa brings a wealth of knowledge and creativity, and I am delighted that she is part of our organization.

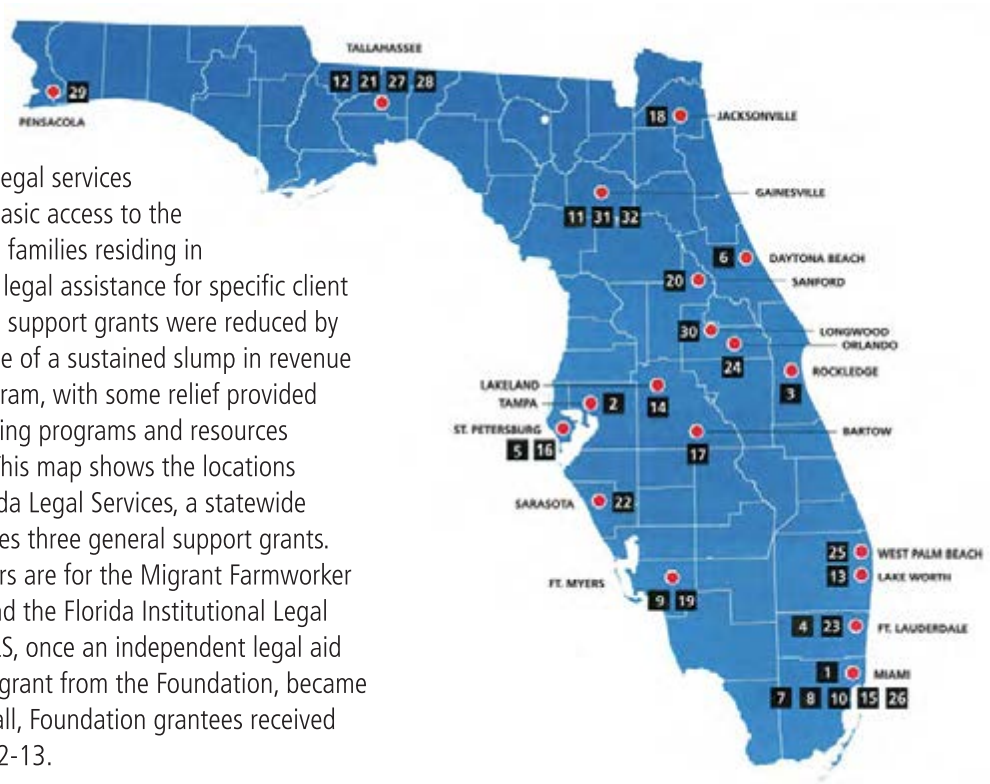
One of the most rewarding parts of my role is to recognize those who have helped provide legal assistance to the poor. First, what a gift it was to honor former Florida Supreme Court Chief Justice Arthur England with the IOTA Founder's Award before his passing in August. Arthur not only was instrumental in establishing IOTA in Florida, but he provided guidance to other states as they adopted similar programs. I was also especially happy to present Bob Josefsberg with the 2013 Medal of Honor Award. Bob is a role model for all of us as he manages to find time to assist the poorest of the poor.

Now the board is being led by one of the wisest and kindest people I know, John Patterson. John is a strategic thinker and has already challenged us to look for creative solutions for access to justice. While I miss being president, I am excited to serve this final year under John's leadership.

Maria E. Henderson
President, 2012-13

Legal Assistance for the Poor General Support Grants

The Foundation's Legal Assistance for the Poor (LAP) Grant Program, supported primarily by IOTA funds, provides general support and special purpose grants to a network of organizations providing free civil legal services to the poor. Together, this network provides basic access to the justice system for low-income individuals and families residing in every Florida county. LAP grants also support legal assistance for specific client services and to specific client groups. General support grants were reduced by 35 percent from 2011-12 to 2012-13 because of a sustained slump in revenue from Florida's Interest on Trust Accounts Program, with some relief provided to statewide programs whose advocacy, training programs and resources benefit the legal aid community as a whole. This map shows the locations of the 32 LAP general support grantees. Florida Legal Services, a statewide program headquartered in Tallahassee, receives three general support grants. One is for the whole program, while the others are for the Migrant Farmworker Justice (MFJ) Project, based in Lake Worth, and the Florida Institutional Legal Services (FILS) Project, based in Newberry. FILS, once an independent legal aid organization that received a general support grant from the Foundation, became part of Florida Legal Services in 2012-13. In all, Foundation grantees received $8,456,948 in general support grants in 2012-13.



General Support Grantees

1. Americans for Immigrant Justice, Miami
2. Bay Area Legal Services, Inc., Tampa
3. Brevard County Legal Aid, Inc., Rockledge
4. Coast to Coast Legal Aid of South Florida, Inc., Plantation
5. Community Law Program, Inc., St. Petersburg
6. Community Legal Services of Mid-Florida, Inc., Daytona Beach
7. Cuban American Bar Association Pro Bono Project, Miami
8. Dade County Bar Association Legal Aid Society, Miami
9. Florida Equal Justice Center, Inc., Fort Myers
10. Florida Justice Institute, Inc., Miami
11. Florida Legal Services, Inc., FILS Project, Newberry
12. Florida Legal Services, Inc., Tallahassee
13. Florida Legal Services, Inc., MFJ Project, Lake Worth
14. Florida Rural Legal Services, Inc., Lakeland
15. Guardianship Program of Dade County, Inc., Miami
16. Gulfcoast Legal Services, Inc., St. Petersburg
17. Heart of Florida Legal Aid Society, Inc., Bartow
18. Jacksonville Area Legal Aid, Inc., Jacksonville
19. Lee County Legal Aid Society, Inc., Fort Myers
20. Legal Advocacy Center of Central Florida, Inc., Sanford
21. Legal Aid Foundation of the Tallahassee Bar Association, Tallahassee
22. Legal Aid of Manasota, Inc., Sarasota
23. Legal Aid Service of Broward County, Inc., Plantation
24. Legal Aid Society of the Orange County Bar Association, Orlando
25. Legal Aid Society of Palm Beach County, Inc., West Palm Beach
26. Legal Services of Greater Miami, Inc., Miami
27. Legal Services of North Florida, Inc., Tallahassee
28. North Florida Center for Equal Justice, Inc., Tallahassee
29. Northwest Florida Legal Services, Inc., Pensacola
30. Seminole County Bar Association Legal Aid Society, Longwood
31. Southern Legal Counsel, Inc., Gainesville
32. Three Rivers Legal Services, Inc., Gainesville

How legal aid general support grantees helped their clients in 2012

Income Maintenance Matters:
(Temporary Assistance for Needy Families, Social Security, Supplemental Security Income, food stamps, unemployment compensation, veterans' benefits, workers' compensation)

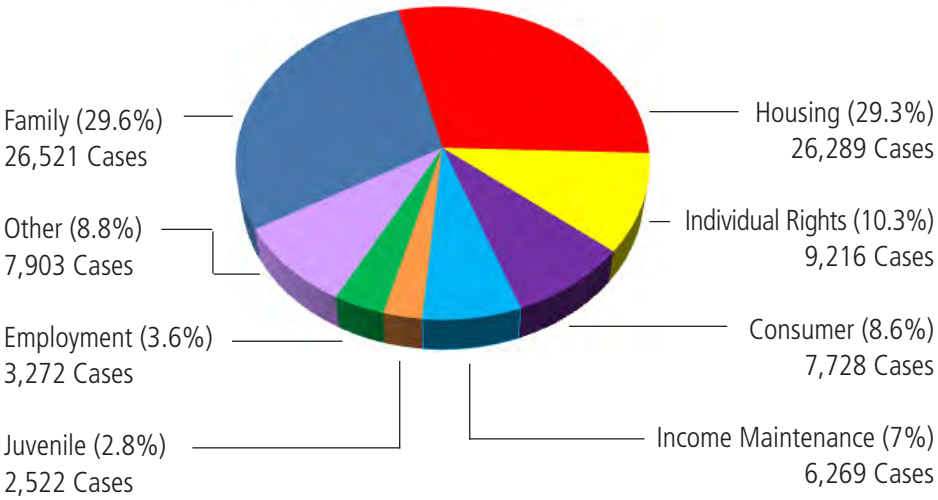
"Tory," a 4-year-old girl with cystic fibrosis, requires round-the-clock care and two hours a day of treatment to survive. As her full-time caregiver, Tory's mother could not work outside the home. Meanwhile, Tory's father received limited and variable earnings from his work in industrial mills, which often left the family unable to pay the bills. Legal Aid was able to help Tory's parents obtain monthly Supplemental Security Income benefits of $698 a month, along with retroactive benefits of $12,891, providing the family with the economic stability they needed to be able to continue caring for their daughter at home.

Three Rivers Legal Services, Gainesville

Individual Rights:
(immigration/naturalization, mental health, prisoners' rights, physically disabled rights)

Originally from Ecuador, "Maria" married an American citizen who abused her. After separating from her husband, she needed legal assistance to obtain employment authorization so that she could support their 2-year-old daughter. Her initial application for permanent resident status had been denied, but Legal Aid filed a request for reconsideration and submitted additional evidence to U.S. Citizenship and Immigration Services, and the decision was reversed. She is now a long-term legal resident of the United States capable of providing a home for herself and her child.

Northwest Florida Legal Services, Pensacola



89,720 cases closed in 2012

Family Matters:
(adoption, custody/visitation, dissolution of marriage, guardianship/conservatorship, paternity, domestic abuse)

"Clara," a mother of six, came to Legal Aid seeking help with a divorce. It turned out she and her children had been severely physically abused by Clara's husband. After Clara had put her husband through plumbing school and certification by working two jobs, she learned that her children were being abused while she was working. The older children were forced to hold down the younger ones while their father beat them. If they refused, they would also be beaten or have food withheld. When Clara came to Legal Aid she was facing eviction. Through a divorce action, her legal aid attorneys obtained a court order granting Clara assistance in maintaining her home and an order for $800 a month in child support through an income deduction order. Clara and her children have since been able to create a new life for themselves free of abuse.

Gulfcoast Legal Services, St. Petersburg

Housing:
(federally subsidized housing rights, homeownership/real property, landlord/tenant, public housing)

Elderly and disabled, "Annie" fell behind on her mortgage payments after a "foreclosure rescue company" tricked her into deeding her home to them. As a result, she lost her homestead tax exemption and her senior citizen tax discount and fell further behind on her payments. Legal Aid defended Annie in a foreclosure suit, filing a counter-suit against the foreclosure rescue company to get title to the property placed back in her name. Legal Aid negotiated a loan modification with the bank, and the judge dismissed the foreclosure action. Title to the property was again placed in Annie's name. She is now current on her mortgage payments, and her homestead exemption and senior citizen tax discount have been restored, enabling her to remain in her home.

Florida Rural Legal Services, Lakeland

Children's Legal Services Grants

Recognizing that children have special legal needs, and that those needs were going largely unmet, The Florida Bar Foundation began funding special annual grants for legal assistance to children in the early 1990s. The Foundation's priorities for its Children's Legal Services grants include representation of foster youth and access to special education, medical, developmental and mental health services that are required under law. Gifts from attorneys to the Foundation from the Children's Legal Services campaign on the annual Florida Bar Fee Statement help support these grants, along with proceeds from The Florida Bar's Kids Deserve Justice license plate initiative. However, IOTA revenue is still the primary funding source for Children's Legal Services grants, as it is for all of the Foundation's grants. Therefore, in spite of generous support from members of The Florida Bar, and specifically from the Trial Lawyers Section, which provided its second gift of $75,000 to fund the Trial Lawyers Section Children's Legal Services Fellow in 2013, the Foundation still had to cut its Children's Legal Services grants by 31 percent from 2011-12 to 2012-13. In all, the Foundation granted $1.3 million in 2012-13 to 23 Children's Legal Services grantees, including both statewide and local programs.

Giving kids a chance to succeed

Michelle Gonska, left, is grateful for the help she and her son Austin got from legal aid attorney Valerie Dominique, right, in advocating for Austin's educational rights.

A single mother waiting tables in Daytona Beach, Michelle Gonska rarely saw two days go by without getting a call from her first-grader's school about his behavior, which often ended with her being asked to leave work to take him home.

Her son Austin had been diagnosed with Asperger's, attention deficit disorder, and oppositional defiant disorder and identified by the school district as having an emotional and behavioral disorder. Administrators had failed to provide the evaluations and services to which the law entitled him.

Gonska had paid a heavy toll both emotionally and through lost wages. Worse still, Austin was not learning as he should have been. Gonksa had already tried to get the schools to act, to no avail. Then a friend referred Gonska to Community Legal Services of Mid-Florida, where attorney Valerie Dominique represents children with support from a Children's Legal Services grant from The Florida Bar Foundation.

Dominique knew that the schools should have completed psychoeducational, occupational therapy, and speech and language evaluations, as well as a functional behavior assessment. She stepped in to make sure all the assessments were conducted so that Austin could be provided appropriate supports and services to give him the best chance to succeed academically and behaviorally. Austin was identified as also having a language impairment that contributed to his academic and behavioral issues.

With Dominique's continued involvement, school staff revised Austin's Individualized Education Plan and Behavior Intervention Plan. A behavior tutor was provided to help Austin learn appropriate positive behaviors. He also began receiving language therapy twice a week.

By third grade, Austin had shown significant progress, and school was no longer like a revolving door.

" Valerie was my voice," Gonska said. "I wanted to give up. I couldn't have done it without her."

Affordable Housing Grants

The Foundation has sought to make an impact on the affordable housing crisis for low-income individuals and families through the implementation of a statewide-regional affordable housing project. The goal of the project is to undertake systemic advocacy to prevent the loss of affordable housing units and to support the development of new affordable housing units. Grants support multi-forum legal advocacy, including legislative advocacy, administrative advocacy, public policy advocacy and litigation on a statewide and local level. In 2012-13, the Foundation provided $390,000 in affordable housing grants to four regional projects, as well as a $150,000 grant to Florida Legal Services for its work on affordable housing.

Small Program Special Needs Grants

The purpose of this competitive grant program is to recognize and support small legal assistance programs with a long history of providing legal representation to special needs clients. The recipients are programs not otherwise supported by a Foundation grant. In 2012-13 the Colombian American Service Association and HIV, Education and Law Project (HELP) Inc. received a total of $64,610.

Attorney General Mortgage Foreclosure Defense Grants

In 2009-10, The Florida Bar Foundation initiated a mortgage foreclosure defense grant program using funds provided by then-Florida Attorney General Bill McCollum from settlement of a class action lawsuit against Countrywide Financial Corporation. More than $4 million was made available over the first two years, with another $1 million awarded to 17 grantees in 2011-12 through a settlement reached by McCollum's successor, Florida Attorney General Pam Bondi, in a different case. An additional $462,630 from yet another settlement reached by Bondi's office was awarded to the same 17 grantees in 2012-13. The grants have funded lawyer and paralegal positions devoted to providing free assistance to low-income homeowners facing foreclosure on their homestead property. The Foundation distributed the funds through annual grants to legal aid organizations according to the number of area foreclosures.

Florida Access to Civil Legal Assistance Act Grants

The Florida Access to Civil Legal Assistance Act (FACLA) was passed by the Florida Legislature and signed into law by Fla. Gov. Jeb Bush in 2002. The free civil legal assistance FACLA has provided to low-income Floridians has furthered the goals of the act to stabilize lives, provide independence and self-sufficiency, and secure protection from domestic violence and abuse. According to a Florida TaxWatch study of 2008-09 FACLA-funded legal services, state dollars generated $13.86 of positive economic impact for every $1 spent on legal aid by the state for FACLA funding. In the 2013 legislative session, $1 million was appropriated by the Florida Legislature to the unique public-private partnership formed under the act and administered by The Florida Bar Foundation. However, for the third year in a row, the FACLA appropriation was later vetoed by Fla. Gov. Rick Scott.

Anjenys Gonzalez

Grantee spotlight

Their names are simple and inviting: HELP and CASA, the Spanish word for "home." These Miami-area organizations are as welcoming as possible by design because they work with two of the hardest-to-serve client populations. HELP Inc. (HIV Education and Law Project) provides legal assistance to people with HIV and AIDS, while CASA (Colombian American Service Association) offers legal counsel and representation to immigrants, including immigrant victims of domestic violence. Outreach to both groups is challenging. Fear, poverty, language barriers, and a lack of knowledge of their rights are among the many factors that can keep people who are HIV-positive or victims of domestic violence from seeking help, even in potentially life-threatening situations. To overcome those barriers, both organizations offer a warm, personal, low-key atmosphere and work largely through word-of-mouth within the communities they serve. The two organizations have another thing in common. "Without The Florida Bar Foundation we would not be here today," said HELP Executive Director Caryn Lubetsky, whose words are echoed by her counterpart at CASA, Anjenys Gonzalez.

Statewide Special Project Grants

The Foundation funds the following statewide initiatives administered by individual grantees on behalf of the legal aid community:

Statewide immigration program administered by Americans for Immigrant Justice to provide training and technical assistance to other immigration projects in Florida and assistance to immigrants in areas of Florida not otherwise covered.

Florida Senior Legal Helpline administered by Bay Area Legal Services for expanded access to legal aid statewide by Floridians aged 60 and over through free, telephone-based legal advice, brief services and referrals.

Statewide website administered by Florida Legal Services to provide Internet-based resources to Foundation-funded legal aid advocates, pro bono attorneys and clients who need access to self-help legal information and legal aid referrals. (www.floridaprobono.org)

Statewide pro bono project jointly funded by The Florida Bar and administered by Florida Legal Services to provide staff support for the work of The Florida Bar Standing Committee on Pro Bono Legal Services. (www.onepromiseflorida.org)

Statewide supplemental training funds administered by Florida Legal Services to provide training for staff members of Foundation-funded legal aid programs.

Migrant program administered by Florida Rural Legal Services to help support legal services provided to eligible migrant farmworkers under federal regulations, and to assist with wage claims, landlord-tenant matters and other housing issues.

Batchelor Foundation funds directed to Miami Law's children's clinic

In support of legal advocacy for Florida's foster children, The Florida Bar Foundation awarded a grant of $100,000 toward Miami Law's Children & Youth Law Clinic in 2013 through funds made available by the Batchelor Foundation. The grant honors Miami Law alumnus and past Florida Bar Foundation President Burton Young.

Professor Bernard Perlmutter, co-director of the Children & Youth Law Clinic, said the award came at a time when The Florida Bar Foundation's grants are being significantly reduced because of a steep drop in revenue from Florida's Interest on Trust Accounts program, the chief source of funds for the Bar Foundation's grants.

"So in a year when we were expecting a 28 percent cut in the Bar Foundation's grant for our Statewide Foster Children's Advocacy Project, the Batchelor Foundation's gift is an act of great generosity that will help us to continue our 17 years of advocacy for Florida's foster children," Perlmutter said.

Young was instrumental in making the award a reality. The late George Batchelor, an aviation pioneer who established the foundation, was a good friend and client of Young's. Young had asked the Batchelor Foundation to make the funds available to the Bar Foundation for legal services for children. The Batchelor Foundation directed the funds to the Children & Youth Law Clinic.

A past president of The Florida Bar, Young is a longstanding champion for the underserved, whether through pro bono work or by leading the charge to establish fairer legal standards.

Burton Young

"We are incredibly grateful to Mr. Young, the Batchelor family, and The Florida Bar Foundation for their support of our legal advocacy on behalf of the most vulnerable persons in our state – child victims of parental abuse and neglect placed in foster care, and young adults who have aged out of foster care," Perlmutter said.

The Batchelor Foundation, based in Miami Beach, has helped fund many programs at the University of Miami. The foundation supports organizations involved with arts and culture, education, the environment, animals and wildlife, health, human services, and economically disadvantaged people.

The Children & Youth Law Clinic primarily assists current and former foster youth in matters of dependency, health care, mental health, disability, independent living, education, immigration and other civil areas, ensuring that they have a voice in court proceedings. The Statewide Foster Children's Advocacy Project has been funded by The Florida Bar Foundation through the Children's Legal Services grant program for 10 years.

Legal Assistance for the Poor grants foster public service careers

The Florida Bar Foundation offers a number of programs through its Legal Assistance for the Poor grants to encourage law school graduates to choose and remain in public interest careers. This includes providing matching funds for Equal Justice Works Fellows who spend two years working on public service projects, as well as providing law school loan repayment assistance and salary supplementation to legal aid attorneys employed at Foundation-funded legal aid programs throughout Florida.

Staff Attorney Salary Supplementation Grant Program

The 2007 "Quest for the Best" study found that the median starting salary for a licensed attorney in a Florida legal aid program was $38,500 and that staff attorneys did not reach a salary of $50,000 until nine years after law school graduation. Common measures of a middle class lifestyle, such as home ownership, proved beyond the reach of many legal aid attorneys in spite of their highly specialized skills. The study also found that "financial pressure due to low salary" was the number one reason legal aid attorneys left their jobs. In accordance with the recommendations of the study, The Florida Bar Foundation developed a plan to help increase staff attorneys' starting salaries beginning Jan. 1, 2008 to a minimum of $43,500, with an increase to a minimum of $46,000 in 2010. The plan also established goals that attorneys with three years, six years and 10 years of experience would be earning a minimum of $50,000, $60,000 and $70,000 respectively by 2010. To enable legal aid programs to implement these salary improvements, along with other professional development enhancements recommended by the study, the Foundation initiated a Staff Attorney Salary Supplementation Grant Program in 2008 for its general support grantees. In 2012-13, the Foundation awarded salary supplementation grants totaling $4,085,965 to 29 legal aid programs.

Law School Loan Repayment Assistance Grant Program

The majority of law students today graduate with educational debt of more than $100,000. In 2007 the Foundation released the results of an in-depth study titled "The Quest for the Best: Attorney Recruitment and Retention Challenges for Florida Civil Legal Aid," which found that one of the top three reasons attorneys were leaving public service careers was "financial pressure due to student loans." The study noted that salary increases alone would not be adequate to alleviate the burden of debt payments on legal aid attorneys. In response, the Foundation strengthened its Law School Loan Repayment Assistance Program, which now pays legal aid attorneys up to 80 percent of their annual payments on need-based law school debt for up to 10 years. Annual payments are capped at $7,500 and are in the form of one-year loans forgiven annually for attorneys who remain employed at a Foundation legal assistance grantee for the full 12-month period. In 2012-2013, the Foundation committed $719,958 to the program for benefits to 175 legal aid attorneys.

Equal Justice Works Fellowship Program

Over the last 15 years, The Florida Bar Foundation and its funding partners have provided matching funds for 70 Florida Equal Justice Works Fellows who complete two-year public interest fellowships sponsored by the Washington, D.C.-based Equal Justice Works. The Foundation is the second largest all-time funder of EJW Fellows, with $2.7 million in funding provided since 1999 to Fellows hosted by Foundation-funded legal assistance organizations. EJW Fellows have designed and led legal assistance projects in affordable housing, welfare-to-work, domestic violence, special education, homelessness, immigration, prisoner rights, environmental justice and family preservation. A 2012 report by Equal Justice Works found that 81 percent of Florida's EJW Fellows continue to work in public interest employment, and 68 percent remain in Florida. In addition to addressing the civil legal needs of the poor in Florida, the EJW Fellowship Program enriches Florida's legal assistance community through the enthusiasm of individual Fellows, who renew and enliven a host program's legal advocacy. In 2012-13, the Foundation approved matching funds for two Fellows in the Class of 2013-15 and was joined by its funding partners, the law firm of Greenberg Traurig and The Florida Bar. Amanda Sejba is working at Coast to Coast Legal Aid of South Florida to facilitate a Medical Legal Partnership and provide legal advocacy and representation to Broward County veterans and military personnel, while Alexandra St. Pierre is working at the Legal Aid Society of Palm Beach County to provide holistic direct representation and systemic legal advocacy to youths as they age out of the foster-care system and transition to early adulthood.

Equal Justice Works project helps break the cycle of dependency

Amanda Alvarez, 18, comes across as a high school grad who racked up a long list of achievements.

She has the poise, diction and vocabulary of a student council president. With her long, dark hair, tasteful makeup and neat-as-a-pin pencil skirt, she has the grace and style of a homecoming queen. She appears so put-together, in fact, that the reality of her high school career is almost unfathomable.

It lasted all of one month before she was kicked out. And that wasn't the first time. In spite of a 3.9 grade point average, she was expelled in the eighth grade.

"I would get suspended and then come back and ace the test," Alvarez said. "I've always been intellectual."

But it's hard to be the all-American girl when your father is in prison and your mother is abusing drugs and getting you hooked, too. At 17, instead of picking out her prom dress, Alvarez was incarcerated and pregnant. She faced the distinct possibility of losing her baby in two ways. First, she had a high-risk pregnancy, eventually giving birth to a 1-pound, 7-ounce baby girl. Second, she was facing charges that could have resulted in her baby going into the care of the Florida Department of Children and Families.

Enter Ashley Wilson, an Equal Justice Works Fellow funded by The Florida Bar Foundation and the law firm of Greenberg Traurig. Wilson developed a project at the Legal Aid Society of Palm Beach County that provided legal advocacy for Alvarez and 71 other teenage mothers.

Later as a staff attorney Wilson convinced the judge at Alvarez's delinquency hearing that she should be released to a group home and given the right to visit her baby Liliana during the months she was at the hospital.

Besides being by Liliana's side in the neonatal intensive care unit, Alvarez has done everything in her power to get her life in order and provide a stable environment for her child.

Amanda Alvarez and her daughter Liliana are together thanks in large part to the help of legal aid attorney Ashley Wilson, left, and her project to help teen moms.

She passed her GED test, scoring in the 99th percentile. Through Wilson's advocacy she was able to enroll in college and receive Road to Independence benefits that cover tuition for former foster youth. A parade of different caseworkers had failed to complete the paperwork for Alvarez to take the GED, so Wilson got a court order requiring them to do it.

Alvarez is one of dozens of success stories from Wilson's Legal Advocates for Minor Mothers Project (LAMMP), which had its roots in a Public Service Fellowship sponsored by a Florida Bar Foundation grant made to the FSU College of Law.

LAMMP seeks to break the cycle of dependency and delinquency by helping teen mothers and babies get the services they need to be self-sufficient. Wilson points out that if Alvarez had been separated from Liliana, the baby would have entered the dependency system, potentially creating 18 years or more of costs to the state, starting the cycle anew.

And for Alvarez, there is no telling what would have come next.

"Honestly I would have probably had no motivation," she said. But with Wilson advocating for her, she had the support to make the right choices.

"I don't want to be a repeat in the cycle," Alvarez said. "Of all the kids that go into foster care, there aren't that many who end up well because of the quality of their childhood. Mine just got changed at the end. So, I got more motivation than I would have been able to conjure up on my own. There were cracks in the sidewalk for me, and legal aid filled those cracks. If they were to take legal aid away or not support it, there wouldn't be stories like mine."

Legal services icon Paul Doyle retires

After 40 years at the forefront of local, statewide and national efforts to strengthen systems for providing civil legal services to the poor, Paul C. Doyle, 77, a graduate of Harvard Law School, retired June 30.

"The impact Paul has had on access to justice is profound," said Jane Curran, executive director of The Florida Bar Foundation, where Doyle served as director of legal assistance for the poor and law student assistance grant programs for the last 22 years. "He has led the legal services community here in Florida and nationally to a higher standard, all the while garnering greater support and better results."

In 1990, The Florida Bar and The Florida Bar Foundation formed the Joint Commission on the Delivery of Legal Services to the Indigent in Florida to determine how best to employ the increase in Interest on Trust Account (IOTA) funds that were becoming available to The Florida Bar Foundation after Florida changed its IOTA program to mandatory.

Doyle was called on to staff and lead this historic undertaking. After the joint commission issued its report in 1991, Doyle joined the staff of The Florida Bar Foundation to lead advancements in the state's civil legal assistance delivery system based in large part on the commission's recommendations.

"In his position with the Foundation, his leadership has guided all of Florida's legal services programs to maximize their capacities as advocates for justice for the poor," said Judge William A. VanNortwick Jr. of the First District Court of Appeal.

Doyle established new grant programs to help recruit and retain legal services attorneys and to provide for the special legal needs of children, among other innovative solutions.

When the Florida Legal Services building in Tallahassee was dedicated as the Paul Doyle Justice Center in 2009, Doyle said the most important word in its name was "justice."

"For the poor, justice is not vague or dispassionate, general justice for all, but a living, ambitious, sometimes controversial and dedicated quest," Doyle said.

Paul Doyle reflected on his 22 years as director of legal assistance for the poor and law student assistance grant programs at the Foundation's 37th Annual Reception and Dinner.

Doyle embarked in the 1970s on his life's work of leading movements to expand access to civil legal assistance for the poor and disadvantaged.

After building Jacksonville Area Legal Aid into a preeminent multi-county legal aid program, he went on to serve as executive director of Legal Services of Upper East Tennessee, and then of Florida Rural Legal Services before joining The Florida Bar Foundation.

Kent Spuhler, executive director of Florida Legal Services, called Doyle "a quiet, brilliant and humble leader."

"He never lost the vision of equal justice and instilled a passion and dedication to justice for the poor and disadvantaged in all who had the privilege to work and be mentored by him through his many years of service to others," Spuhler said.

Pershing tapped to direct grant programs

Melissa Pershing, a lawyer and nonprofit manager with more than a decade of experience in legal aid-related work, joined The Florida Bar Foundation staff July 1 as director of legal assistance for the poor/law student assistance grant programs.

Pershing had been executive director of The Julian Center, Indiana's largest domestic violence shelter, and previously led Indianapolis organizations serving people with ALS (Lou Gehrig's disease) and HIV/AIDS.

Before moving to Indiana, Pershing was executive director of Legal Services Alabama from 2004 to 2007 and Legal Services of North Carolina from 1998 to 2001.

From 2001 to 2004, Pershing served as program counsel/state planning for the Legal Services Corporation, which distributes federal funding for legal services to 134 independent, nonprofit legal services programs in all 50 states, the District of Columbia and all U.S. territories.

Foundation support for pro bono services by Florida Bar members

Florida legal aid grantees reported that 6,547 members of The Florida Bar donated their time in 2012 to handle 13,444 cases, which represented 15 percent of all cases closed by Foundation legal aid grantees. At an average rate of $120 an hour, the 105,079 hours contributed by Florida attorneys through organized pro bono programs in 2012 represents $12.6 million of free legal assistance for low-income Florida residents. Foundation legal aid grants support the intake and referral of cases to pro bono attorneys and provide such volunteers with backup support and training. The wide variety of pro bono service opportunities for Florida attorneys, includes:

- Handling cases in family law, housing matters, immigration, etc.
- Transactional attorneys helping community groups develop affordable housing
- Providing advice and counsel through clinics
- Representing children in dependency proceedings
- Co-counseling cases with legal aid attorneys in housing and consumer law

Not all pro bono work has to involve direct representation of clients. For example, pro bono attorneys can also provide substantive law and skills training to legal aid attorneys, serve as mentors to less experienced legal aid attorneys, do client intake and participate in community legal education programs.

Pro bono attorney helps pave the path from foster care to college

In spite of his 3.7 high school GPA, status as an ROTC Brigade Commander and selection for a statewide youth leadership program, Trenton Miller had never considered college.

"I was just going to go into the Army and go that route," Miller said.

Miller's early teenage years had been focused on protecting his little sisters from his mother's alcohol and drug abuse, going to school and working 30 hours a week.

But after his mother's boyfriend was arrested for domestic violence, Miller, then 16, decided to call an abuse hotline to report his mom for exposing the girls to drugs and involving them in thefts.

Eventually placed in a group home, Miller wanted to live on his own and sought help from Brevard County Legal Aid, whose Independent Living Project matched him with pro bono attorney Ray Cornelius, a retired judge from New York.

The Independent Living Project, funded in part by a 2012-13 Florida Bar Foundation Children's Legal Services grant of $41,268, provides representation to foster youth who are aging out of care.

As Miller's Attorney ad Litem, Cornelius almost immediately made an important discovery. Miller had never been adjudicated as a dependent of the state. Cornelius went to court to correct the error, which the judge did by making the adjudication retroactive. Not long after that Miller was threatened at gunpoint by a fellow resident of his group home and had to leave suddenly.

Because the incident occurred just a few days before the required six months in state care, Miller could have been found ineligible for the state's Subsidized Independent Living program for youth capable of living on their own before their 18th birthday, as well as tuition and living expenses available to former foster youth.

Cornelius took steps to ensure Miller was able to continue receiving state benefits while living on his own. At the same time, he opened Miller's mind to the possibility of college, explaining that the state would help with tuition and living expenses.

Accepted at the University of Central Florida, Miller plans to start college this fall. With a college degree, he will able to take his military career much farther than he had originally planned.

"I have absolutely no doubt that he will be a success in college and he will go into the military and be an MP and be an officer," Cornelius said.

Miller said being a "positive person" has helped get him where he is today, but he knows he didn't get there alone.

"Legal aid has changed my life," he said. "I'm going to go down a different path for my future than I would have, and in a more successful, effective way."

"Legal aid has changed my life. I'm going to go down a different path for my future than I would have, and in a more successful, effective way."

– Trenton Miller, 18

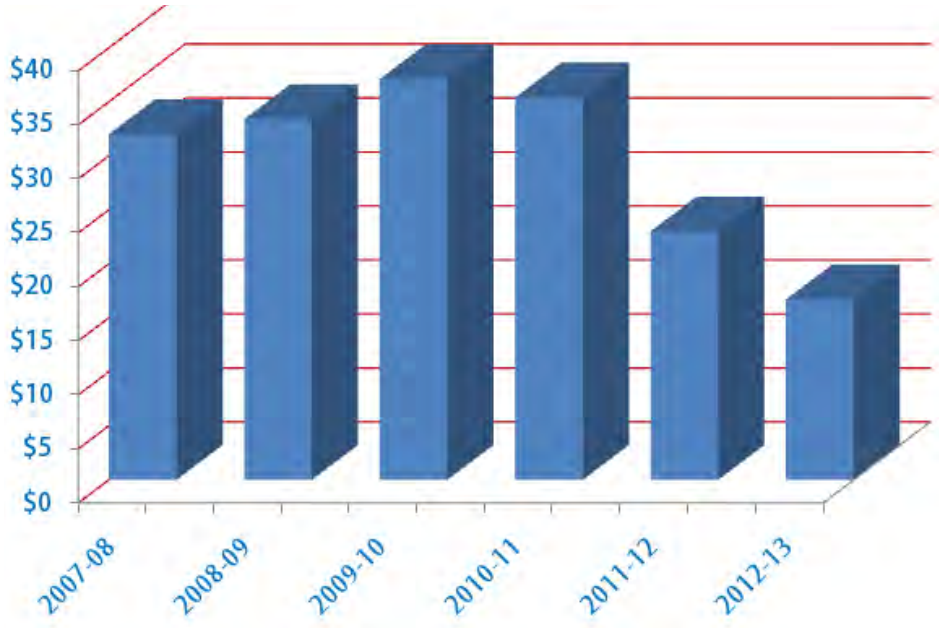
Summary of 2012-13 Legal Assistance for the Poor Grants

Grant Program	Amount awarded in 2012-13
General Support	$8,490,663*
Salary Supplementation	$4,085,965
Children's Legal Services	$1,300,000
Loan Repayment Assistance	$719,958
Statewide Special Projects	$545,817
Affordable Housing	$540,000
Attorney General Mortgage Foreclosure Defense	$462,630
Batchelor Foundation Grant to Miami Law's Children & Youth Law Clinic	$100,000
Equal Justice Works Fellowships	$90,000
Small Program Special Needs	$64,610
TOTAL	$16,399,643

* includes statewide special project grants
For information about 2012-13 grants to individual legal aid organizations, please visit www.floridabarfoundation.org/grants.

Total Florida Bar Foundation Grant Funding

(in millions; includes Legal Assistance for the Poor, Law Student Assistance and Improvements in the Administration of Justice grants)



The Florida Bar Foundation's grant funding has fallen steadily since 2009-10 because of the decline in IOTA revenue brought about by near-zero interest rates. The Foundation has been using grant reserves to supplement IOTA revenue since 2008-09, but those reserves are nearly depleted. Deeper grant cuts are therefore anticipated.

Law Student Assistance Grant Program suspended

The Florida Bar Foundation made the difficult decision in 2011-12 to suspend its Law Student Assistance grant programs in order to conserve funds for legal aid. The Foundation hopes to reinstate these grant programs once IOTA revenue has fully rebounded and legal aid funding has been substantially restored to pre-recession levels. The programs that have been suspended are the Legal Aid Summer Fellowship Grant Program, the Public Service Fellows Grant Program, and the Law School Civil Clinic Grant Program.

Improvements in the Administration of Justice Grants

The Improvements in the Administration of Justice Grant Program provides funding for projects in four areas: improvement in the operation and management of the court system; improvement and reform of the criminal, civil, and juvenile justice systems; public education and understanding about the law, including law-related education; and promotion and support for public interest legal representation. The Foundation limited its Improvements in the Administration of Justice grants to two ongoing projects in 2012-13. It is expected that the grant program will begin to be restored to prior funding levels once IOTA revenue fully rebounds.

Grantee	2012-13 Award
Florida Law Related Education Association General Support: $180,000 Justice Teaching Institute: $28,000	$208,000
Innocence Project of Florida General Support: $282,516 Exoneree Emergency Fund: $12,000*	$294,516
TOTAL	**$502,516**

** requires a dollar-for-dollar match*

Innocence Project of Florida achieves its 14th exoneration with Cheydrick Britt case

Cheydrick Britt, second from right, with his legal team (L-R) IPF Executive Director Seth Miller, local counsel Charles Murray, and IPF staff attorney Melissa Montle.

When the State Attorney's Office for the Thirteenth Judicial Circuit dropped all charges against Cheydrick Britt Nov. 20, 2013, he became the 14th Floridian freed on the basis of DNA evidence through the work of the Innocence Project of Florida, which receives the majority of its funding from The Florida Bar Foundation through an Improvements in the Administration of Justice Grant.

"We can't do what we do, at all or with any chance at success, without the longtime and continued support of the Bar Foundation. So thank you, thank you, thank you," said IPF Executive Director Seth Miller in sharing the news with The Florida Bar Foundation.

Voluntary Bar Association Community Service Grant Program suspended

The Foundation has suspended its Voluntary Bar Association Community Service Grant Program, which used to give grants of up to $5,000 each to voluntary bar associations in Florida to promote new or significant improvement in existing charitable, community-service projects. The Foundation expects to reinstate this grant program once legal aid funding has been substantially restored to pre-recession levels.

Robert C. Josefsberg receives 2013 Medal of Honor Award

Robert C. Josefsberg, a Miami attorney known for his half century of counsel to governors, judges and clients ranging from a rock star to the poorest of the poor, received the Foundation's 2013 Medal of Honor Award for a lawyer, the Florida legal profession's highest award, at the Foundation's 37th Annual Reception & Dinner June 27 at the Boca Raton Resort & Club.

The late Chesterfield Smith, in his successful nomination of Josefsberg for the 2000 American Bar Association Senior Lawyers Division Pro Bono Award, noted his long pro bono service to individual clients and to local, state and national legal services organizations.

"Robert Josefsberg, over many years, has been a leader among all American lawyers in the legal representation on a pro bono basis of persons or organizations directed to securing and protecting the civil rights, the civil liberties and the public rights of people," Smith wrote.

A trial lawyer and senior partner with the Miami firm of Podhurst Orseck PA, Josefsberg is well known for his defense of Doors lead singer Jim Morrison, who was posthumously acquitted of indecent exposure, but South Florida's poor have been the beneficiaries of his countless hours of work outside the public spotlight.

When accepting pro bono cases from Dade Legal Aid's "Put Something Back" program, Josefsberg often says, "Give me the ones no one else wants," even if the cases are not in his areas of expertise.

"They are the right clients," Josefsberg said, "and they make us the right lawyers."

He has also volunteered his services to dozens of charitable and community organizations, including the Guardian ad Litem program, the Community Partnership for the Homeless, and Spectrum Drug Rehabilitation Center. His pro bono work was recognized by the Florida Supreme Court with the 2010 Tobias Simon Award.

Robert Josefsberg and 2012-13 Florida Bar Foundation President Maria Henderson.

Judge William A. VanNortwick of the First District Court of Appeal said he knew of no one more deserving.

"Bob serves as a role model for all of us. He is a true 'lawyer's lawyer.' He is recognized as one of the best trial lawyers in the country and is extensively involved in his firm's practice," VanNortwick said. "He is equally devoted, however, to assuring access to justice. Throughout his career, he has undertaken extensive pro bono legal services for the poor, representing many individuals who could not afford to hire any lawyer, much less the best, as well as handling significant law reform litigation. In addition, he has been a leader on numerous task forces and commissions which worked to improve the justice system."

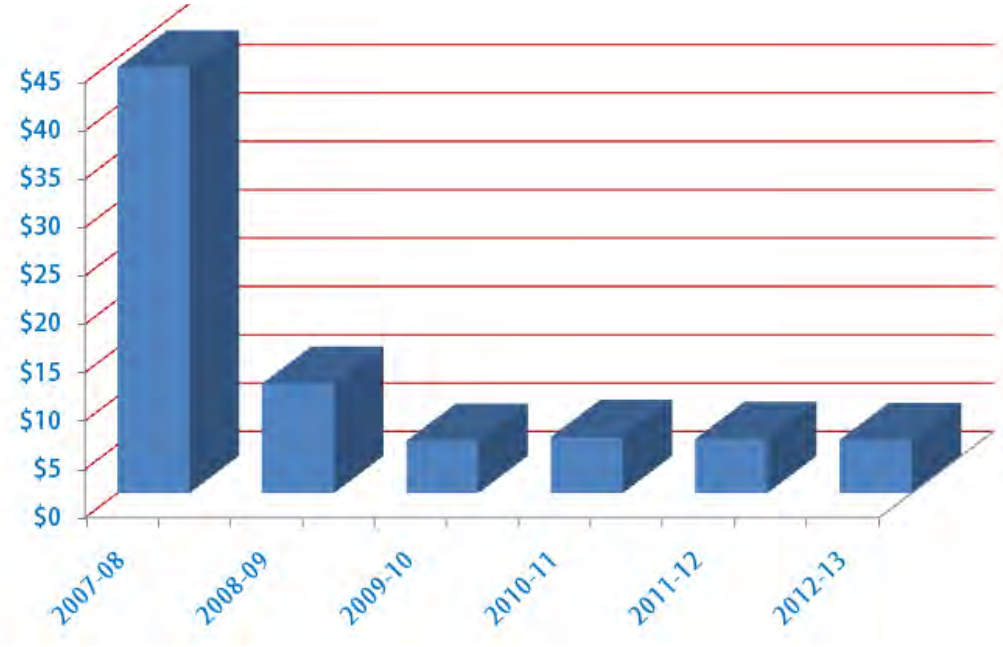
The Foundation's Medal of Honor Awards were established in 1977 to recognize Bar members as well as nonlawyers who have demonstrated a lifelong commitment to duty and service to the public, to improving the administration of justice, and to advancing the science of jurisprudence.

"Throughout his career, he has undertaken extensive pro bono legal services for the poor, representing many individuals who could not afford to hire any lawyer, much less the best, as well as handling significant law reform litigation."

– Judge William A. VanNortwick

Revenue from Florida's Interest on Trust Accounts Program

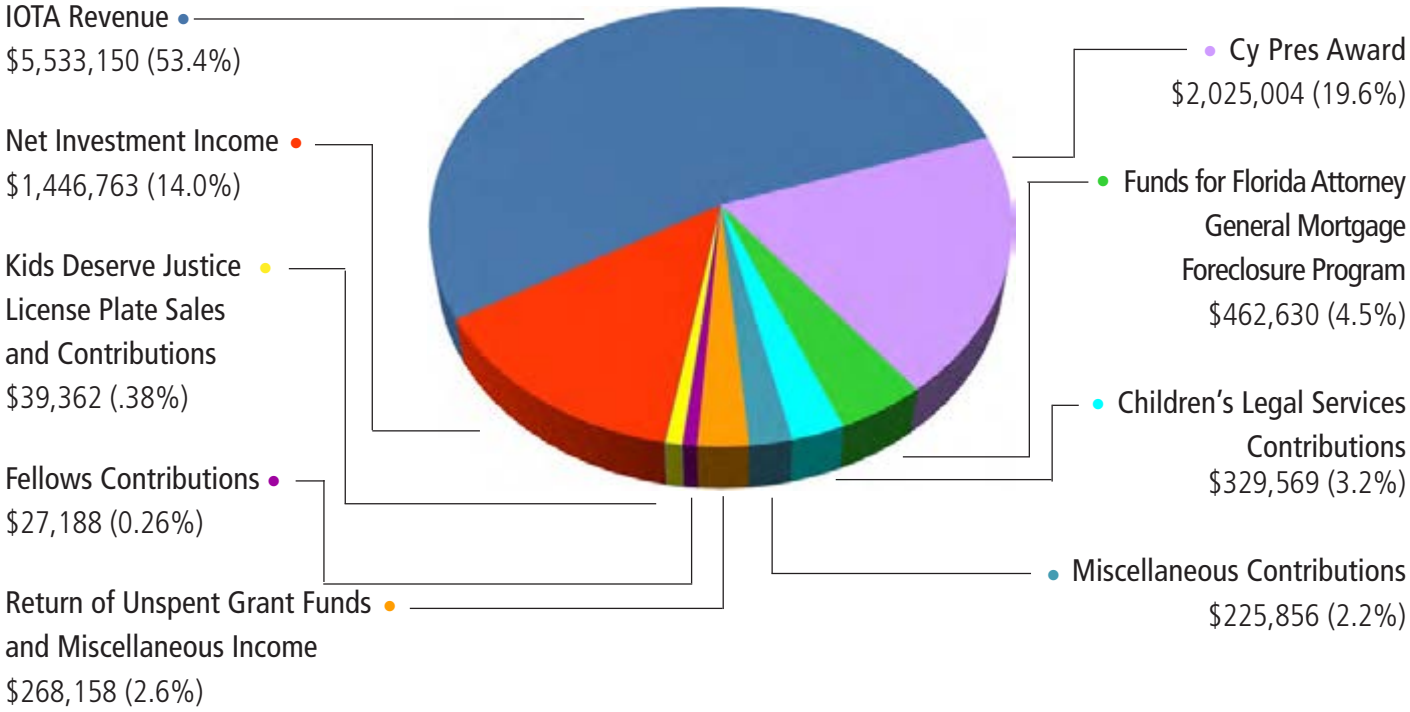
(in millions)



With the advent of the global recession, the U.S. Federal Reserve instituted a monetary policy that has held the Federal funds rate near zero for several years. This has had a devastating impact on revenue from Florida's Interest on Trust Accounts Program, The Florida Bar Foundation's primary source of revenue. This chart shows IOTA revenue in millions since the 2007-08 fiscal year.

2012-13 Revenues

$10,357,680

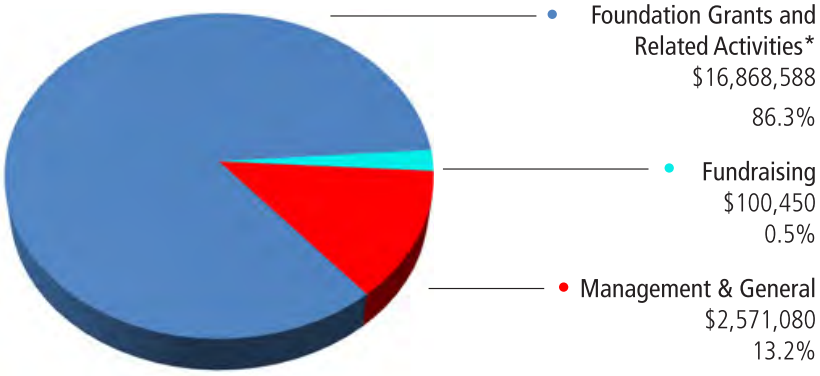


2012-13 Fiscal Year

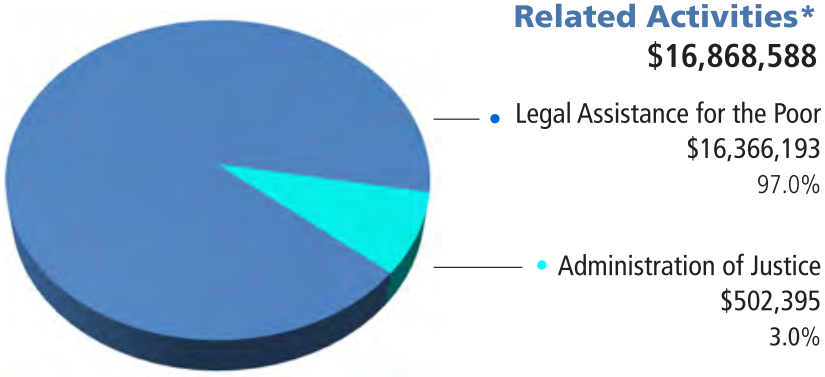
Thank Your Banker

September 1981 marked implementation by the Florida Supreme Court of the country's first IOTA Program and the beginning of an important source of support for civil legal assistance to the poor, projects to improve Florida's justice system and programs to promote public service by law students. While we often mark that milestone and thank those responsible, we don't publicly recognize often enough Florida's banking community. IOTA works because of the support and cooperation of Florida banks – from the superb bank staff who make sure monthly remittance information and interest gets to the Foundation, to the teams who worked so closely with the Foundation to implement the interest rate comparability rule, to the leaders of the Florida Bankers Association who step up to the plate and help IOTA achieve its full potential. The Foundation, its grantees and those they serve are very grateful for the successful partnership between the legal and banking communities that is Florida's IOTA Program.

2012-13 Expenses
$19,540,118



2012-13 Breakout of Grants & Related Activities*
$16,868,588



Management and general and fundraising expenses represent 13.7% of the Foundation's total expenses in 2012-13.

Audited financial statements and the IRS Forms 990 for both the Foundation and The Florida Bar Foundation Endowment Trust are available on the Foundation's website at www.floridabarfoundation.org/finance.

* Foundation grants are based upon the net revenues of the fiscal year preceding the year being reported. These amounts may differ from the grants listed elsewhere in this report due to conditional and multi-year grants.

The Foundation Thanks You

Several attorneys contributed to our success in 2012-13 through pro bono services to the Foundation itself. In particular, we would like to thank:

Matthew Brenner
Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Orlando

Ava K. Doppelt
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., Orlando

Donald Carlton Works, III
Jackson Lewis, Orlando

Investing in Access to Justice

The Florida Bar Foundation was fortunate in 2012-13 to receive several major gifts.

As always, The Florida Bar has led the way. Its Young Lawyers Division has taken a leadership role with its second consecutive gift of $100,000 to the Foundation, while the Trial Lawyers Section made its second consecutive $75,000 gift to fund the Trial Lawyers Section Children's Legal Services Fellow. Contributions from Florida Bar members to Children's Legal Services meanwhile were up 28 percent in 2012-13, with gifts of $275,598 coming through The Florida Bar annual fee statement and directly to the Foundation.

We are extremely grateful to 2012-13 Florida Bar President Gwynne Young and 2013-14 President Eugene Pettis, who have garnered greater support for the Foundation from Bar members.

A $100,000 contribution from the Batchelor Foundation is helping support the Children & Youth Law Clinic at the University of Miami School of Law, one of the Foundation's Children's Legal Services grantees. The clinic's Statewide Foster Children's Advocacy Project has been funded by The Florida Bar Foundation through its Children's Legal Services grant program for 10 years. This year's grant honors Past Florida Bar Foundation President and Medal of Honor Award recipient Burton Young.

Finally, we thank Akerman LLP for its generous gift of $10,000 in memory of Jim Foster, a highly respected member of the firm. Akerman designated its gift for Children's Legal Services as well.

These gifts are so important, and we hope our generous donors will continue to help especially until interest rates rise and IOTA revenue returns to a level that can better support Florida's legal aid organizations. Always vital to the fulfillment of the Foundation's mission, charitable gifts can be designated for current grant programs or can be added to The Florida Bar Foundation Endowment Trust as a permanent source of support.

We ask that you help sustain the work of the Foundation by making your investment in access to justice one of the priorities in your charitable giving. To learn more about charitable giving opportunities at the Foundation, please contact me.

Jane Curran, Executive Director
jcurran@flabarfndn.org
(800) 541-2195 (Toll-free in Florida)
(407) 960-7000

Our Network of Philanthropic Support

Thousands of individuals and organizations have supported The Florida Bar Foundation with their charitable gifts. For many of them, their support for the Foundation has blossomed from their original Fellows gift into an ongoing commitment as part of a personal philanthropic tradition.

In gratitude for their dedication, and for their commitment to the Foundation's sustained success over time, we acknowledge our generous donors for both their lifetime (cumulative) giving and for their gifts in the most recent fiscal year.

Our Lifetime Giving Societies pay tribute to the members at each giving level, recognizing the generosity they have shown since they made their first Foundation gift. Our Annual Giving Circles represent gift totals in the fiscal year ending June 30, 2013. The Fellows list documents the name of every person who, with his or her pledge of $1,000, has committed to become a life member of the Foundation. Finally, our Legacy for Justice members have chosen to create a personal legacy on behalf of the Foundation with a significant commitment of resources to help sustain the Foundation's future.

The Foundation is also grateful for the many gifts made through the annual Florida Bar Fee Statement and End-of-Year campaigns for Children's Legal Services, as well as those made in tribute or in memory of friends and loved ones. For their philanthropic support, which has become so important to the Foundation's mission, we salute our donors. They are recognized individually on our website under:

Legacy for Justice
Lifetime Giving Societies
Annual Giving Circles
Children's Legal Services Campaign
Tribute & Memorial Gifts
Fellows

For a complete listing of donors to The Florida Bar Foundation, go to:
www.floridabarfoundation.org/donors

The Legacy for Justice

For a special group of dedicated supporters, the mission of The Florida Bar Foundation is of such great personal importance that they have chosen to make a significant commitment of resources to help ensure that the Foundation's work can be sustained well into the future. The Legacy for Justice recognizes those who have either included the Foundation in their estate planning, made a pledge of $10,000 or more, directed a significant cy pres award to the Foundation, or facilitated a major gift. We offer the members of this prestigious group our sincerest gratitude for their deep and abiding commitment to the Foundation.

Louie Adcock*
Akerman Senterfitt LLP
Anonymous Fund Community Foundation of Central Florida
Anonymous Fund Community Foundation of Sarasota County, Inc.
Tod Aronovitz*
James L. Bell*
Bruce B. Blackwell*
A. Hamilton Cooke*
Robert W. Fisher*
Florida Lawyers Legal Insurance Corporation
Florida Lawyers Mutual Insurance Company
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Mellon United National Bank
John and Pam Noland*
John and Nora Patterson*
Roderick N. Petrey*
Polaszek, Berman, Hansen
Ruden McCloskey Smith Schuster & Russell, PA
John Woolslair Sheppard
Larry and Pat Stewart*
Stroock Stroock & Lavin LLP
The Florida Bar Criminal Law Section
The Florida Bar Family Law Section
The Florida Bar General Practice, Solo and Small Firm Section
The Florida Bar Real Property, Probate & Trust Law Section
The Florida Bar Trial Lawyers Section
The Florida Bar Young Lawyers Division
The Flourish Fund of Gulf Coast Community Foundation
Russell Troutman*
Marvin A. Urquhart, Jr.
Hon. William A. Van Nortwick, Jr.*
Robert Craig Waters*
Hon. John D. Wessel*
John Yanchunis*
Burton Young*

* Fellow
** Deceased

Florida Legislature and Cabinet offered support for legal aid, foreclosure assistance

We are extremely grateful that Senate President Don Gaetz, House Speaker Will Weatherford, Rep. Charles McBurney and Sen. Rob Bradley helped ensure that $1 million in funding for the Florida Access to Civil Legal Assistance Act was brought to the attention of the budget committees and appropriated in the 2013-14 budget approved by the Legislature. Unfortunately, this appropriation was later vetoed by Fla. Gov. Rick Scott.

In addition, the Foundation continued its administration of the Attorney General's Mortgage Foreclosure Defense Fund, which originally directed a portion of the settlement of former Attorney General Bill McCollum's lawsuit against Countrywide Financial Corporation to foreclosure legal assistance grants. The fund initially provided more than $4 million spread over two years and has since been continued through a separate $1 million settlement reached by current Attorney General Pam Bondi in 2011 and a $462,500 settlement her office obtained in 2012.

In January 2012, the Legislative Budget Commission approved Bondi's request that $5 million in Florida's share of the National Mortgage Settlement be used for foreclosure defense for low-income Floridians on their homestead property. The funds were granted out by the Attorney General's office to local legal aid organizations experienced in providing foreclosure legal assistance. In addition, Bondi advocated successfully in the 2013 Legislative session to secure an another $10 million in National Mortgage Settlement funds for foreclosure legal assistance to be provided by local legal aid organizations. The legal aid community is grateful for this effort, which also had strong support from Sen. Darren Soto. Spread over two years, these additional funds will make it possible for legal aid organizations to serve significant numbers of low-income families striving to stabilize their lives, thus strengthening Florida communities.

This critical support from the Attorney General's office has helped The Florida Bar Foundation's grantees more effectively address the heightened needs for foreclosure legal assistance brought on by the recession. Even with its economy slowly rebounding, Florida continues to lead the nation in foreclosures.

The Foundation and Florida's legal aid organizations recognize the tremendous contributions of these important champions in the Florida Legislature and in the Cabinet who understand that Florida is stronger when it upholds the American promise of "justice for all."

Trial Lawyers Section makes second consecutive 75,000 gift

The Florida Bar Trial Lawyers Section provided a second gift of $75,000 to The Florida Bar Foundation in 2013 to support the Trial Lawyers Section Children's Legal Services Fellow.

The gift has enabled Jessica Rae, an attorney with more than 10 years of experience representing foster youth, to continue the Transitioning Dependent Youth Project at the Community Law Program in St. Petersburg.

The Section made its initial gift in 2012 in response to the impending loss of legal aid attorney positions due to the prolonged and steep decline in revenue from Florida's Interest on Trust Accounts Program.

"As trial lawyers, we fully understand and appreciate the importance of obtaining legal representation in the course of our judicial process," said then Trial Lawyers Section Chair Wayne Helsby. "So many Floridians are simply unable to afford that representation. We collectively feel a deep sense of responsibility to assist The Florida Bar Foundation in helping others obtain representation, especially our state's foster children. "

Past Florida Bar Foundation President Bruce Blackwell accepts a $75,000 check from Wayne Helsby, then chair of The Florida Bar Trial Lawyers Section, at the Section's 2013 Summit at the J.W. Marriott in Orlando. The gift, the Section's second in two years, again funded the work of Jessica Rae, the Trial Lawyers Section Children's Legal Services Fellow at the Community Law Program in St. Petersburg.

Akerman LLP donates $10,000 in memory of Jim Foster

During his 16 years at Akerman LLP, Jim Foster was someone colleagues and friends often turned to for advice.

"He was very much a mentor to younger lawyers and even to more experienced lawyers," said Charles Brumback, managing partner of the Orlando office. "Having practiced for 40 years, he had a wealth of experience, and his background was such that if you asked Jim a question he had probably done it, and if he hadn't done it, he knew somebody who had. So people were very quick to seek him out and ask for his advice on a variety of topics, legal and otherwise."

When Foster passed away March 16, 2013, at the age of 65, the firm decided to honor him with a $10,000 memorial gift to The Florida Bar Foundation designated for its Children's Legal Services Grant Program, which funds projects to protect the legal rights of foster children and children with special-education, developmental, mental-health and medical needs. The Foundation established the program in the early 1990s to create a statewide network of children's legal services providers.

"In our view, this was an opportunity to make something good happen out of a very, very sad situation. We found an excellent, if not the perfect recipient for this contribution," Brumback said. "The program's goals and accomplishments are directly in line with Akerman's mission to make a difference in the community, particularly in the areas of education and youth development. And it's a fitting tribute to Jim, given his passion for the law and for helping others."

A graduate of the University of Miami School of Law, Foster joined Akerman in 1997 as a partner in the Orlando office. He was a member of the firm's Litigation and Bankruptcy & Reorganization practice groups and served as lead counsel for several Fortune 500 companies across the United States in matters involving a wide range of complex business disputes.

"Our clients and the firm benefited not only from Jim's superb acumen, but also from his uncompromising integrity, warmth and generosity of spirit," Brumback said. "He was a good friend to many of us, and this contribution is an expression of Jim's lasting legacy to our firm and the communities we serve."

Young Lawyers Division makes second consecutive $100,000 gift

The Board of Governors of The Florida Bar's Young Lawyers Division presented a $100,000 check, its second such donation in two years, to The Florida Bar Foundation at the Bar's 2013 Annual Convention in Boca Raton.

Paige Greenlee, 2012-13 YLD president, said the decision to make the donation was easy for the division's board.

"All year, with every budget decision we made, my budget chair Hunter Carroll and I kept the Foundation in mind; we wanted to be sure we would be able to match what the YLD had been able to do for the Foundation last year. From before I took office, that was something that was very important to both of us," Greenlee said.

Foundation President Maria Henderson accepts a $100,000 check from Florida Bar Young Lawyers Division President Paige Greenlee June 27 at the YLD Board of Governors meeting.

"The YLD has enjoyed a long-standing relationship with The Florida Bar Foundation, and we are so pleased to be able to help it during these difficult economic times, as the Foundation supported us and our affiliates when it was financially able to do so. That is what partners do."

Maria E. Henderson, 2012-13 Florida Bar Foundation president, accepted the gift on the Foundation's behalf.

"We can't say enough to thank the Young Lawyers Division for coming through once again with such a substantial gift at this critical time," Henderson said.

IOTA founder Arthur England leaves lasting legacy

A little more than a month after receiving the IOTA Founder's Award at The Florida Bar Foundation's 2013 annual dinner in Boca Raton, Fla., Arthur J. England Jr., 80, passed away Aug. 1 at his home in Coral Gables.

The Foundation recognized England June 27 for the pivotal role he played as a justice of the Florida Supreme Court in establishing Florida's Interest on Trust Accounts (IOTA) Program, through which the interest earned on client funds held in lawyers' trust accounts is used for the public good unless the funds can otherwise earn income for the client or third person in excess of the costs incurred to secure such income.

In July 1976 then-Justice England offered a detailed proposal to The Florida Bar's Board of Governors for implementation of such a program, which at that time existed in Australia and Canada but not in the United States. In 1981 the Florida Supreme Court gave the Foundation the authority to administer the nation's first IOTA program, which funds civil legal assistance, law student assistance, and programs to improve the administration of justice in Florida.

Since that time, IOTA, known as Interest on Lawyers Trust Accounts (IOLTA) outside of Florida, or the Interest on Lawyers Account (IOLA) Fund in New York, has spread to all 50 states, the District of Columbia and the U.S. Virgin Islands and has generated more than $350 million annually to help ensure access to justice.

England's family designated the IOTA Program as the beneficiary of memorial contributions, which will be used to supplement grants to Florida legal aid organizations through the Legal Assistance for the Poor Grant Program.

"While we mourn his loss, we are exceedingly grateful for Arthur England's legacy," said Foundation President John Patterson.

Former Florida Supreme Court Chief Justice Arthur England received the IOTA Founder's Award June 27, 2013.

2012-13 Annual Giving Circles

Barrister's Circle: $100,000-$249,999
The Florida Bar Young Lawyers Division

Counselor's Circle: $50,000-$99,999
The Florida Bar Real Property, Probate & Trust Law Section
The Florida Bar Trial Lawyers Section

Platinum Circle: $25,000-$49,999
The Florida Bar Criminal Law Section

Gold Circle: $10,000-$24,999
Akerman LLP
The Florida Bar General Practice, Solo and Small Firm Section

Silver Circle: $5,000-$9,999
DI Law Group
Florida Lawyers Mutual Insurance Company
Maria E. Henderson*
Miles A. McGrane, III*

Bronze Circle $2,000-4,999
Fowler White Boggs P.A.
Stuart Z. Grossman*
John Patterson*
David B. Rothman*
Randall Wilson, C.P.A.*

Leadership Circle: $1,000-$1,999
AMGEN PAC
Burman, Critton, Luttier & Coleman, LLP
Patrick J. Casey*
Garrett Cutler
Paul C. Doyle*
James A. Edwards*
Joanne Flanagan
Douglas M. Halsey*
Michael J. Howell
Andrew Kayton
Elizabeth M. Knoblock
Linda Ann Moore*
Patsy Palmer*
Lou Ann Powell*
Benjamine Reid*
Linda Smith
The Florida Bar Alternative Dispute Resolution Section
Hon. Emerson R. Thompson, Jr.*
Volusia County Bar Association
Carol A. Wherry*

2012-13 Donors: $250 - $999
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David P. Ackerman *
David Adler
Lynn Alfano
Robert Alwine
Robert J. Angerer
Rosemary E. Armstrong *
Tod Aronovitz *
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
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John Battle
Mary P. Baxter
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Bruce B. Blackwell *
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Robert Blue, Jr.
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Jorge del Valle *
Lisa J. Delancy
Paula Denney
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Gulfcoast Legal Services
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Lisa Kleinberg *
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Michele R. Laine
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Dominique F. Miniaci
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Marilyn Strauss *
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* denotes Fellows

This list reflects gifts made between July 1, 2012 and June 30, 2013.

2013 Annual Dinner

Senior Judge Emerson R. Thompson Jr. talks with former Florida Supreme Court Chief Justice and 1983 Florida Bar Foundation Medal of Honor Award recipient Arthur J. England Jr. and 1987 Medal of Honor Award recipient Sandy D'Alemberte. England, who received the IOTA Founder's Award at the dinner, passed away Aug. 1.

2012-13 Florida Bar President Gwynne A. Young was recognized for her support with a resolution by the Foundation's board of directors.

2011 Florida Bar Foundation Medal of Honor Award recipient, 2013 American Bar Association Pro Bono Publico Award recipient, and past Foundation President Bruce Blackwell and his wife, Julie.

Governance

The Florida Bar Foundation is a charitable organization established in 1956 by The Florida Bar Board of Governors under the authority of the Florida Supreme Court. Its mission is to provide greater access to justice. Membership is open to all individuals interested in supporting the mission of the Foundation. Members are eligible to hold office and serve as directors of the Foundation. Participants in Florida's Interest on Trust Accounts (IOTA) Program, administered by the Foundation, are automatically entitled to membership. Membership also is available through annual Foundation dues or through the Foundation's Fellows Program. Both annual dues and Fellows payments are charitable contributions to the Foundation. The Foundation is governed by a 33-member board of directors, which meets quarterly. The board conducts its work through standing and ad hoc committees. The board comprises the officers of the Foundation, six directors by designation (two judicial officers appointed by the Chief Justice of the Florida Supreme Court, the president, president-elect, and immediate past president of The Florida Bar, and the president of Florida Legal Services, which provides coordination, training and other support services to legal aid programs across the state), at least two but not more than four public members and 18 at-large directors. At-large directors serve a maximum of two, three-year terms, with one-third selected by the Board of Governors of The Florida Bar, one-third by the board of directors of the Foundation, and one-third by the Florida Supreme Court. Committees are appointed annually by the board of directors at the request of the president, and include Foundation directors, members of the bar generally, and the lay public. An executive committee appointed annually by the board meets between meetings of the board.

The Florida Bar Foundation
Leadership and Funding for Justice in Florida

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The Florida Bar Foundation
Leadership and Funding for Justice in Florida

Every day, in every city in Florida,
we help legal aid help those least able to afford a lawyer.

We are The Florida Bar Foundation,
and we believe the justice system works best when it works for everyone.

www.floridabarfoundation.org

TAB 20

Annual Report of

The Florida Bar Foundation's Legal Assistance for the Poor Grant Program

2012

The Florida Bar Foundation

Leadership and Funding for Justice in Florida

The Florida Bar Foundation
875 Concourse Parkway South, Suite 195
Maitland, Florida 32751

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Annual Statewide Overview Report

Providing Access to Justice for Florida's Most Vulnerable Residents.

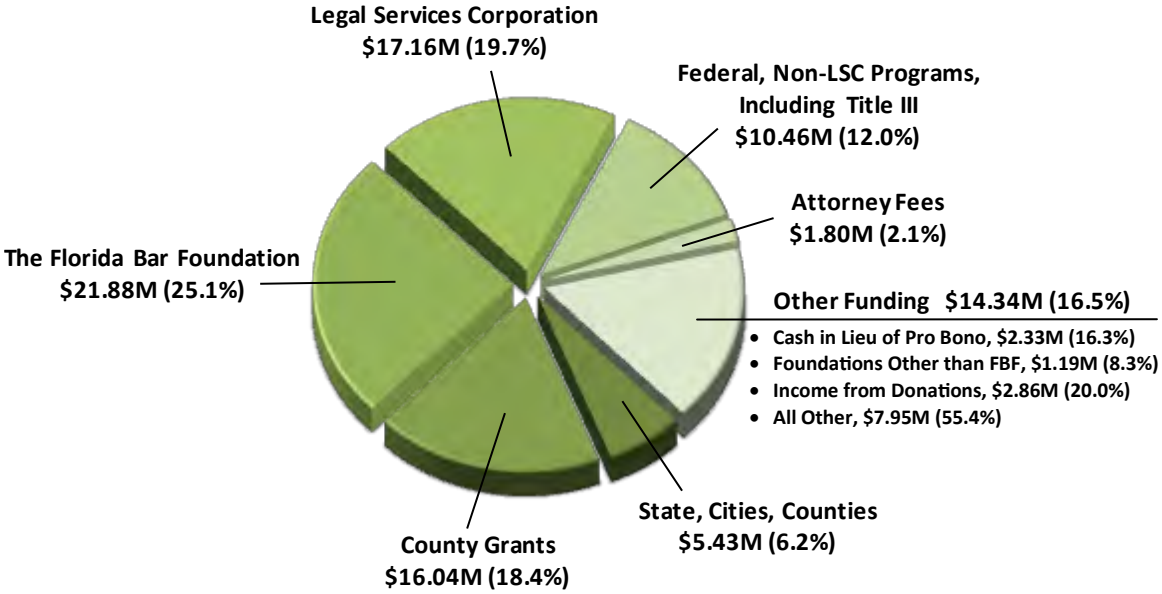
The Florida Bar Foundation (Foundation) offers an integrated, comprehensive system of grant programs and other forms of support to strengthen Florida legal services programs and increase client services. Grants for these purposes are:

Legal Assistance for the Poor (LAP) Grant Programs:

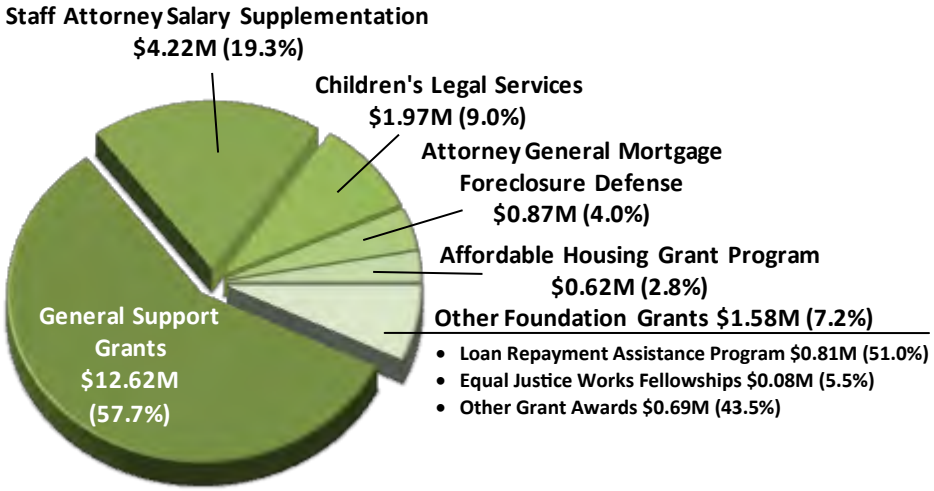
- General Support
- Children's Legal Services
- Affordable Housing
- Staff Attorney Salary Supplementation
- Loan Repayment Assistance
- Equal Justice Works Fellowships
- Florida Attorney General Mortgage Foreclosure Defense

- Of $87.12 million received by Florida legal services organizations in 2012, $21.88 million, or 25.1 percent, came from The Florida Bar Foundation.
- The Foundation is the only funder linking 31 legal services programs in Florida to form a comprehensive, statewide legal services delivery system.
- Foundation grantees documented direct dollar benefits to clients totaling more than $65 million in 2012 from sources including child support and federal programs such as Social Security and Supplemental Security Income, which is designed to provide food, shelter and medical care to the elderly and disabled.
- Foundation-funded providers completed 89,720 cases in 2012.

Total Funding Received - $87.12M
by Florida Bar Foundation Grantees, 2012



Total Foundation Funding - $21.88M
Provided for Calendar Year 2012



General Support Grant Program

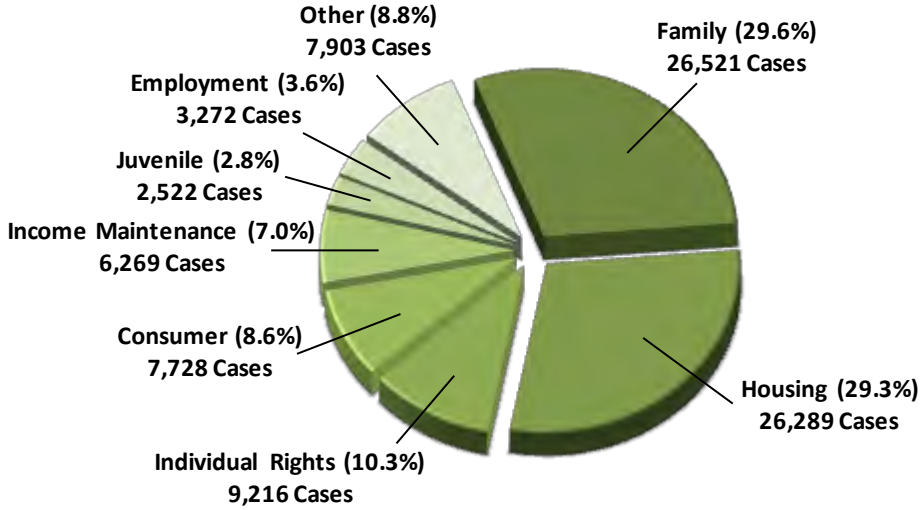
The Foundation awards annual grants to legal aid programs for the general support of the provision of free legal assistance to eligible clients within the service area of each program. The general support grants comprise approximately 60 percent of the funds provided by the Foundation for the provision of legal assistance for the poor. The general support grants provide initial institutional support to legal aid programs for the provision of general legal assistance based upon local priorities. These grants are distributed on the basis of the number of poor people in each region under Florida's legal services plan. Several statewide programs are funded on a non-per capita basis and offer statewide legal services, including legislative, administrative and statewide advocacy, and co-counseling and backup services for local legal aid programs.

For 2012, the Foundation provided a total of $12,626,068 in general support grants which funded 31 legal aid programs providing a full range of legal services to the low-income population of Florida's 67 counties.

Affordable Housing Grant Program

The Foundation has sought to make an impact on the affordable housing crisis for low-income individuals and families through the implementation of a statewide-regional affordable housing project. The goal of the project is to undertake systemic advocacy to prevent the loss of affordable housing units and to support the development of new affordable housing units. Grants support multi-form legal advocacy, including legislative advocacy, administrative advocacy, public policy advocacy and litigation on a statewide and local level in collaboration with local community groups. In March 2012, the Foundation awarded a total of $540,000 in affordable housing grants which funded 6 affordable housing projects.

89,720 Cases Closed in 2012



The following examples of actual cases reflect generally the advocacy undertaken by Foundation grantees and pro bono attorneys.

Family Matters *26,521 Cases*

- *Adoption*
- *Custody/Visitation*
- *Dissolution of Marriage*
- *Adult Guardianship/Conservatorship*
- *Name Change*
- *Parental Rights Termination*
- *Paternity*
- *Domestic Abuse*
- *Support*

Clara, a Haitian woman and mother of six came to Legal Aid seeking help with a divorce. Clara put her husband through plumbing school and certification by working two jobs. She suffered severe physical abuse throughout the marriage and learned that her children were also victims of abuse when she was working. The older children were forced to hold down younger children while their father beat them. If they did not do so, they too would be beaten or have food withheld. When Clara came to Legal Aid she was facing eviction. Through a divorce action, Legal Aid attorneys obtained a court order granting Clara assistance in maintaining her home and an order for $800 in child support each month through Income Deduction Order. Clara and the children are able to move forward and create a better life for themselves. ***(Gulfcoast Legal Services - GLS)***

Housing Matters *26,289 Cases*

- *Federally Subsidized Housing Rights*
- *Homeownership/Real Property*
- *Landlord/Tenant (Other than Public Housing)*
- *Public Housing*
- *Housing Discrimination*

AB is an elderly disabled woman who fell behind on her mortgage payments. To try to save her home, AB spoke with a "foreclosure rescue company" who came to her door. The company promised to save her home but, in reality, she ended up giving them money and unknowingly deeded the home to them. As a result, AB lost her homestead tax exemption and her senior citizen tax discount, and fell further behind on her payments. In defending her in a foreclosure suit, Legal Aid filed a counter-suit against the foreclosure rescue company to get title to the property placed back in her name. A loan modification was negotiated with the bank and the judge dismissed the foreclosure action and title to the property was again placed in AB's name. She is now current on her mortgage payments and her homestead tax exemption and senior citizen tax discount have been restored. ***(Florida Rural Legal Services - FRLS)***

Individual Rights Matters *9,216 Cases*

- *Immigration/Naturalization*
- *Human Trafficking*
- *Mental Health*
- *Civil Rights*
- *Disability Rights*

Maria was a young lady from Ecuador who married an American citizen who was physically abusive to her. She needed legal assistance in obtaining employment authorization in order for her to be able to work and support herself and her 2-year-old daughter after separating from her husband. Legal Aid was able to represent her and obtain employment authorization for her. An initial application for permanent resident status was denied, but Legal Aid filed a request for reconsideration on her behalf and submitted additional evidence to the United States Citizenship and Immigration Services and the decision was reversed. She is now a long term legal resident of the United States capable of providing a home for herself and her daughter. ***(Northwest Florida Legal Services - NWFLS)***

Consumer Matters *7,728 Cases*	• *Bankruptcy/Debtor Relief* • *Collection* • *Contracts/Warranties*	• *Credit Access* • *Energy* • *Loans/Installment Purchase*	• *Public Utilities* • *Unfair Sales Practice*

A debt collector in Marion County filed a credit card collection action against an elderly Hispanic woman with limited English proficiency whose only income was Social Security. Legal Aid defended her. At trial, the debt collector failed to produce evidence to substantiate the debt, and the case was continued. The debt collector did not have enough proof to establish the validity and amount of the debt and the right to collect on an assignment by the original creditor. After a round of very aggressive litigation and difficult negotiations between the parties, the debt collector agreed to dismiss its complaint against our client with prejudice. ***(Legal Advocacy Center of Central Florida - LACCF)***

Income Maintenance Matters *6,269 Cases*	• *Welfare* • *Food Stamps*	• *Social Security* • *SSI*	• *Unemployment Compensation* • *Veterans Benefits*

Tory is a 4-yr-old girl suffering with cystic fibrosis and pulmonary insufficiency. Her parents needed assistance with her SSI claim. Tory's father worked in industrial mills with limited and fluctuating income due to the economy and her mother was not able to work at all, because Tory requires 24 hour supervision at home in a fairly sterile atmosphere and at least two hours a day of treatment in order for her to survive. Because Tory's condition has a lifelong diagnoses fraught with special needs, sterile environments, treatments and difficulties, Legal Aid was able to receive a favorable SSA decision to receive retroactive SSI benefits of $12,891 and monthly SSI benefits of $698. ***(Three Rivers Legal Services -TRLS)***

Employment Matters *3,272 Cases*	• *Employment Discrimination* • *Wage Claims*	• *Earned Income Tax Credit* • *Taxes*	• *Employee Rights* • *Agricultural Workers Issues*

Ms. J, a legal resident, is a single mother of four, supporting her family working at various plant nurseries. In 2009, she began work at an 80-acre nursery that specialized in hibiscus. Although Ms. J and the other workers were paid on an hourly basis and were supervised, they were not treated as employees, but as independent contractors. The arrangement saved the nursery over 15% of its payroll expenses. In November 2009, Ms. J was sprayed with a chemical mix containing a known carcinogen. She became ill and sought treatment from the emergency room. She had limited and sporadic follow-up medical care because she lacked health insurance and worker's compensation would not provide treatment. Since her exposure, Ms. J has been unable to work for sustained periods because of illness. Represented by Legal Aid, Ms. J brought suit in federal court, arguing that the nursery's disregard of federal pesticide laws violated federal laws protecting migrant workers. She also sought relief for the entire workforce under an obscure provision of the Internal Revenue Code, which provides a powerful civil remedy in instances when an employer issues a fraudulent tax document, in this case a form 1099, rather than a W-2 form. The case was resolved in mediation, with Ms. J receiving $100,000. In addition, the nursery agreed to pay a total of $80,000 to the workers it had misclassified as independent contractors over the past six years and began treating all persons working on its operations as employees. ***(Florida Legal Services Migrant Farmworker Justice Project – FLS MFJP)***

Health Matters *1,650 Cases*	• *Medicaid/Medicare* • *Gov't Children's Health Insurance*	• *Home/Community Based Care* • *Private Health Insurance*	• *Long Term Care Facilities* • *State and Local Health*

MB is a disabled client, unable to work due to a combination of service-related medical issues stemming from service in the Vietnam War. He suffered a series of wounds and head injuries resulting in migraines, hearing loss and severe tinnitus as well as suffering from hypertension, diabetes, and hepatitis - all of which are related to Agent Orange exposure. MB has attempted to live with undiagnosed and untreated post-traumatic stress disorder. The combination of his medical issues, PTSD and inability to work led MB into years of major depression resulting in a suicide attempt and involuntary commitment pursuant to the Baker Act. Legal Aid was able to help MB identify, apply for and receive additional services and benefits from the Social Security Administration and the Veterans Administration. He is now receiving sufficient assistance to be able to maintain stable housing and transportation. Through the VA and his Medicaid and Medicare eligibility, he is now able to obtain the medical and mental health services he needs. ***(Florida Institutional Legal Services – FILS)***

Children's Legal Services Grant Program

In March 2012, the Foundation continued to recognize the special legal needs of children by awarding $1,879,247 to fund 22 children's legal assistance projects. This funding included a total of $223,530 in contributions from the Trial Lawyers Section of the Florida Bar, the Family Law Section of the Florida Bar, and the Real Property Probate and Trust Law Section of the Florida Bar. Other contributions totaling $257,592 included contributions from The Florida Bar's Annual Lawyers Challenge for Children, The Florida Bar Foundation's Kids Deserve Justice License plate campaign, individual contributions from John and Pam Noland, and individual contributions from the Executive Council members of the Real Property Probate and Trust Law Section of the Florida Bar.

These grants reach rural and urban areas throughout Florida and address children's legal needs through staff attorney and private pro bono attorney services. Among the children reached are the following:

- Children who are disabled or have learning disabilities and were being denied special education services required by law;
- Foster care children whose time in foster care could be shortened;
- Children, including foster care children, who need access to medical, mental and other health related services;
- Children seeking benefits so that they might be cared for by loving relatives rather than being placed in the state foster care system; and
- Children aging out of foster care who need transitional assistance and access to their Social Security funds held by the state.

Programs receiving grants in 2012:

- Americans for Immigrant Justice
- Bay Area Legal Services
- Brevard County Legal Aid
- Community Law Program
- Community Legal Services of Mid-Florida
- Dade County Bar Association Legal Aid Society
- Florida's Children First
- Florida Equal Justice Center
- Florida Institutional Legal Services
- Florida International University College of Law
- Florida Legal Services
- Florida State University College of Law
- Gulfcoast Legal Services
- Jacksonville Area Legal Aid
- Lawyers for Children America
- Legal Aid Service of Broward County
- Legal Aid Society of the Orange County Bar Association
- Legal Aid Society of Palm Beach County
- Legal Services of Greater Miami
- Legal Services of North Florida
- Southern Legal Counsel
- University of Miami School of Law (Children and Youth Law Clinic)

Children's Legal Services Grants -
Protecting Children, Providing Better Futures

Darius is a 10-year old African-American male in 3rd grade. Legal Aid was court-appointed to represent him in a diverted delinquency case brought by the school principal. Darius was experiencing academic and behavioral difficulties at school and had already been retained in 2nd grade. Rather than evaluating him for possible disabilities, the elementary school suspended him for 28 school days by February 2012, and had him arrested. In response to Legal Aid's representation, the School District completed an evaluation and found Darius eligible for special education for both an emotional and behavioral disability, as well as a specific learning disability. He was placed at a different elementary school that is closer to his home. He is receiving special education and related services, including group counseling. Also, in response to Legal Aid's advocacy, the school district agreed to provide Darius with 108 hours of compensatory education in a summer camp setting to work with mentors and tutors. ***(Legal Aid Society of Palm Beach County – LASPBC)***

When an earthquake struck Haiti, Katherine a young teenager, was trapped under the rubble of her collapsed home. Her injuries were so extensive, that she was evacuated from Haiti by US authorities and admitted into a medical facility in the US where she remained hospitalized for almost two months. While receiving medical treatment in this facility, one of Katherine's nurses became close with her and offered to adopt her. A few months later, the federal government authorized Katherine's placement with the nurse and her family, and Katherine started her new life with hopes that she would grow up in a loving home. Shortly thereafter, her new family told Katherine they were taking her on a vacation to New York. However, they drove her to a facility in Miami for unaccompanied immigrant minors where they surrendered her to federal authorities because they would no longer care for her. Katherine was then served with a notice to appear before an immigration judge for removal proceedings and placed in detention where she remained for 10 months. Legal Aid met with Katherine and agreed to represent her in her immigration case. Legal Aid discovered that her father had passed away when she was very young and Katherine had been raised by her godmother who was now deceased and her mother was living on the streets in Haiti. If Katherine was forced to return to Haiti, she would not have anyone to care for her nor would she receive the medical attention that she still required for her injuries. Legal Aid obtained Temporary Protected Status, Special Immigrant Juvenile Visa, and Lawful Permanent Residence for Katherine. Now that she is a lawful permanent resident, Katherine has been placed with a foster family with the goal of someday becoming their adoptive child. Katherine is happy for a chance at a new life. ***(Americans for Immigrant Justice – AI Justice)***

Legal Aid represented Dana who came into the dependency system at age 15 due to the death of her mother and no legal father. Dana was placed with her adult sister. She had never been enrolled in a school setting prior to her dependency case and had began dating an adult male. Her sister allowed the adult male to move into their home, and Dana began testing positive for drugs. She also became pregnant by the adult male. Legal Aid advocated for Dana to be removed from her sister's care, receive pre-natal care, and enroll in school. Legal Aid's advocacy resulted in Dana being placed in a foster home with wonderful, supportive foster parents where she remains with her baby. Dana's life has been stabilized and she is enrolled in school, receives individual therapy, and has been testing negative for all drugs. ***(Dade County Bar Association Legal Aid Society – DCBALAS)***

Staff Attorney Salary Supplementation Grant Program

In September 2007 the Foundation released the results of an in-depth study titled, "The Quest for the Best: Attorney Recruitment and Retention Challenges for Florida Civil Legal Aid." Eighty-eight percent of the state's legal aid attorneys participated in the study through Web-based surveys, personal and telephone interviews and focus groups. The study found that the median starting salary for a licensed attorney in a Florida legal aid program was $38,500 and that staff attorneys do not reach a median salary of $50,000 until nine years after law school graduation.

Common measures of a middle class lifestyle, such as home ownership, proved beyond the reach of legal aid attorneys in spite of their highly specialized and marketable skills. The study also found that "financial pressure due to low salary" was the number one reason former legal aid attorneys left their jobs. In accordance with the recommendations of the study, The Florida Bar Foundation initiated a Staff Attorney Salary Supplementation Grant Program in 2008 to increase staff attorney starting salaries beginning Jan. 1, 2008 to a minimum of $43,500 and to a minimum of $46,000 by Jan. 1, 2010. It also established goals that attorneys with three, six, and ten years of experience would be earning a minimum salary of $50,000, $60,000 and $70,000 respectively by 2010. For 2012, the Foundation provided a total of $4,219,710 to 29 of the Foundation's general support legal aid programs to assist them in achieving these goals and to improve professional development measures, including supervision, training, etc.

Loan Repayment Assistance Program

The Foundation continued its Loan Repayment Assistance Program in 2012 by providing one-year loans totaling $808,544 to 182 legal aid lawyers at 27 different legal assistance programs. Law school debt burdens are an increasing barrier to the ability of highly qualified law graduates to seek and maintain a career in legal aid. The Foundation's loan repayment assistance program for legal aid lawyers can provide up to $7,500 or 80 percent of annual law school loan debt payments, whichever is lower, on an annual basis for up to ten years. Participating lawyers are eligible for forgiveness of their loans upon completion of a preceding year in qualified employment in legal aid.

Equal Justice Works Fellowships

The Foundation continues its initiative of placing two-year Equal Justice Works Fellowships at Florida legal assistance programs through the provision of matching fellowship funds. Equal Justice Works provides two-year fellowships to law graduates to work on specific projects at legal assistance programs. Through a national recruitment effort the pool of applicants for fellowships includes some of the most highly qualified, committed and energetic law students interested in public interest law. In 2012, two Equal Justice Works fellows were placed at legal aid programs to undertake special projects. The two fellows serve their fellowships at Legal Aid of Manasota in Sarasota, and Florida's Children First in Miami. The fellows projects consist of: 1) representing parents and students to gain access to Exceptional Student Education (ESE) services for which they qualify; and 2) representing youth who are involved in both the dependency and delinquency systems to provide holistic direct representation. A significant number of prior fellows become staff attorneys at their host programs after completion of their fellowships.

Florida Attorney General Mortgage Foreclosure Defense Grant Program

The Attorney General of Florida along with other attorney generals in other states, obtained a class action consent judgment against Countrywide Financial Corporation which, in part, provided $4,061,497 in funding for up to two years for legal assistance and representation to single family occupant homeowners in Florida who are in foreclosure proceedings or in danger of facing foreclosure. In May 2009, the Florida Attorney General contracted with The Florida Bar Foundation to have the Foundation administer a grantmaking process for the distribution of these funds. In August 2010, the second year of the Florida Attorney General Mortgage Foreclosure Defense grants were awarded in the amount of $2,105,651 to fund 18 projects from October 1, 2010 through September 30, 2011. In August 2011, the third year of Florida Attorney General Mortgage Foreclosure grants were awarded in the amount of $1,000,000 to fund 18 projects from October 1, 2011 to September 30, 2012. As a result of the Florida Attorney General obtaining a judgment in 2012 against a process service management company, an additional $462,630 was granted that continued funding for 17 projects from October 1, 2012 through September 30, 2013.

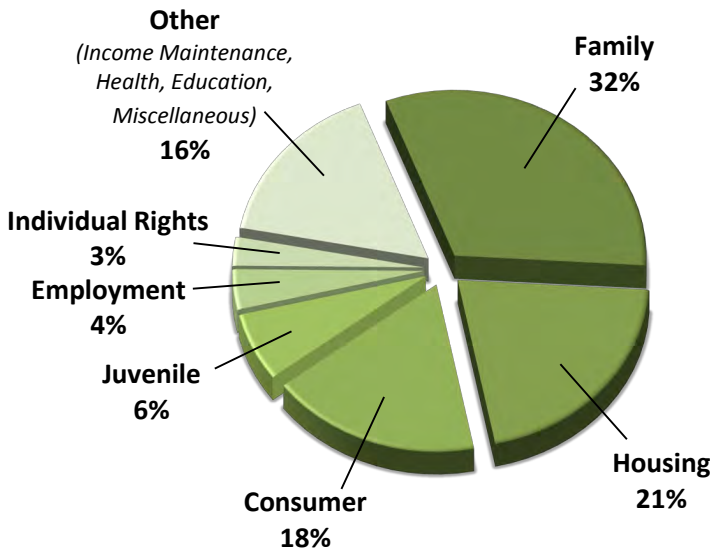
Pro Bono Participation

With implementation of the Florida Supreme Court's pro bono plan in 1993, attorney participation in Foundation-funded pro bono projects surged in 1994, then reached a peak in 1998 before tapering off from 1999-2007. In September 2008, the Statewide Standing Committee on Pro Bono completed its groundbreaking study on pro bono titled, "Pro bono: Looking Back, Moving Forward". The study, sponsored by Foundation funding, examined the stagnation of pro bono, and decline in pro bono through organized programs. The study also made recommendations as to how to reinvigorate pro bono in Florida through prospective partnerships among the courts, The Florida Bar, the Foundation, local bar associations, law firms, individual attorneys, and pro bono programs which administer pro bono projects.

In the years since 2008, the Standing Pro Bono Committee, with the continuing support and guidance of the Foundation, has undertaken several successful initiatives to engage additional private attorneys in the provision of pro bono legal services to low-income families and to improve the pro bono delivery system. One of those initiatives, the One Campaign, continues to engage pro bono attorneys who work with their local Legal Aid office where they can utilize their unique skills to help regular citizens navigate the law.

A total of 6,547 private lawyers provided direct legal assistance to clients and closed 13,444 pro bono cases in 2012, approximately 15 percent of the total of 89,720 cases closed by Foundation grantees. Over 5,700 private lawyers provided cash contributions of over $2.3 million. Florida's lawyers donated 105,079 hours through organized pro bono programs in 2012. At an *average* hourly rate of $120, this represents a significant private-sector contribution: $12.6 million worth of free assistance to low income people across the state.

Cases Completed by Private Attorneys



Foundation-Funded Programs are a Good Investment.

Legal Services advocacy produces millions of dollars in benefits for low income Floridians.

From the purely economic perspective of dollars generated per dollar invested, the performance of Florida's Legal Aid advocates is outstanding. In 2012, for example, they won an estimated $66.0 million in direct benefits for their clients, including child support payments, Social Security Disability benefits and worker's compensation insurance payments -- benefits to which clients were legally entitled.

Foundation-Funded Programs bring dollars into local economies.

Federal benefits such as Social Security, Supplemental Security Income, Temporary Assistance to Needy Families and Medicaid are vital strands of the safety net. These Federal income support benefits not only help the direct recipients, but also flow immediately into local economies, generating income and jobs for working Floridians that otherwise would be lost to our state.

In 2012, Legal Aid advocates obtained $40.1 million in Federal client benefits flowing into Florida communities. These benefits, together with $27.6 million* in Federal grant funds for Foundation-funded programs' own operating support, represented a total of $67.7 million flowing directly into local communities in the form of salaries, rent and goods, and services purchased from local businesses. Applying a standard economic activity multiplier of 1.54 produces a reliable estimate of $104.3 million in new economic activity and 2,557 jobs resulting from these benefits and grants.

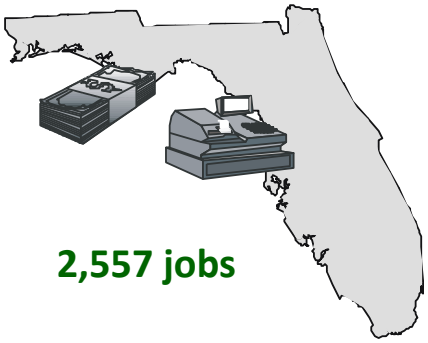
Economic Impact...

$67.7 Million
in Federal grants & benefits obtained for clients…

- Disability
- Supplemental Security Income
- Medicare
- Other

...Circulates **1.54 times** in local economies...

...providing **$104.3 million** income for working Floridians.



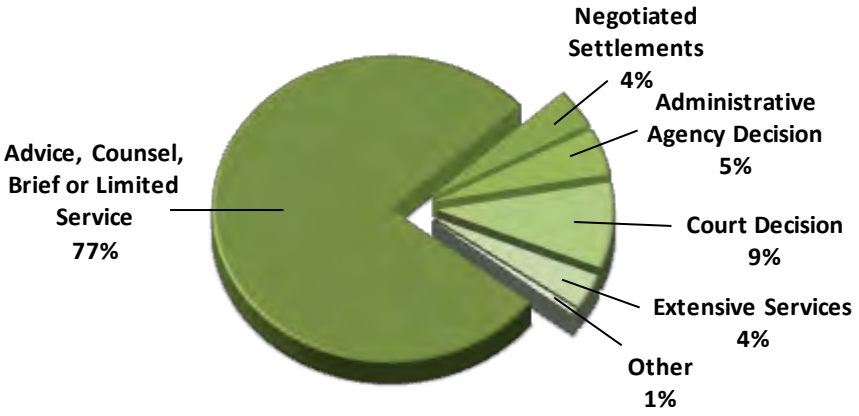
**$27.6 million total includes $17.2 million in Federal Legal Services Corporation (LSC) grants and $10.4 million in other Federal grants.*

Foundation-funded legal services are cost-effective.

Legal Aid lawyers provide services in a compassionate manner, but strive to serve as many clients as they can with limited resources. In 2012, they handled 10 cases for every $10,000 in funding they received.

- **A high proportion of cases are resolved without litigation.**
  As the graph below indicates, 77 percent of the problems handled in 2012 were resolved by advising the client about steps he or she could take, or by providing non-litigation services such as drafting a letter or making phone calls on the client's behalf.
- **Pro bono efforts of the private bar leverage the investment of dollars in Foundation-funded programs.**
  Private lawyers closed 13,444 cases on a pro bono basis in 2012. They donated 105,079 hours of services, valued at $12.6 million.

Total: 89,720 Cases



Legal Aid Promotes and Strengthens Families, Communities and the Futures of Children.

Further, and probably most important, the legal advocacy of legal aid lawyers and paralegals protects low income families from the unlawful loss of their homes and transportation to work, the unfair denial of medical benefits and services and the unjust deprivation of educational services to disabled children. Legal aid lifts the despair of poverty and provides opportunity and justice. This strengthens families, lessens violence in homes and communities and helps to ensure a stronger society, a society which honors its ideals.

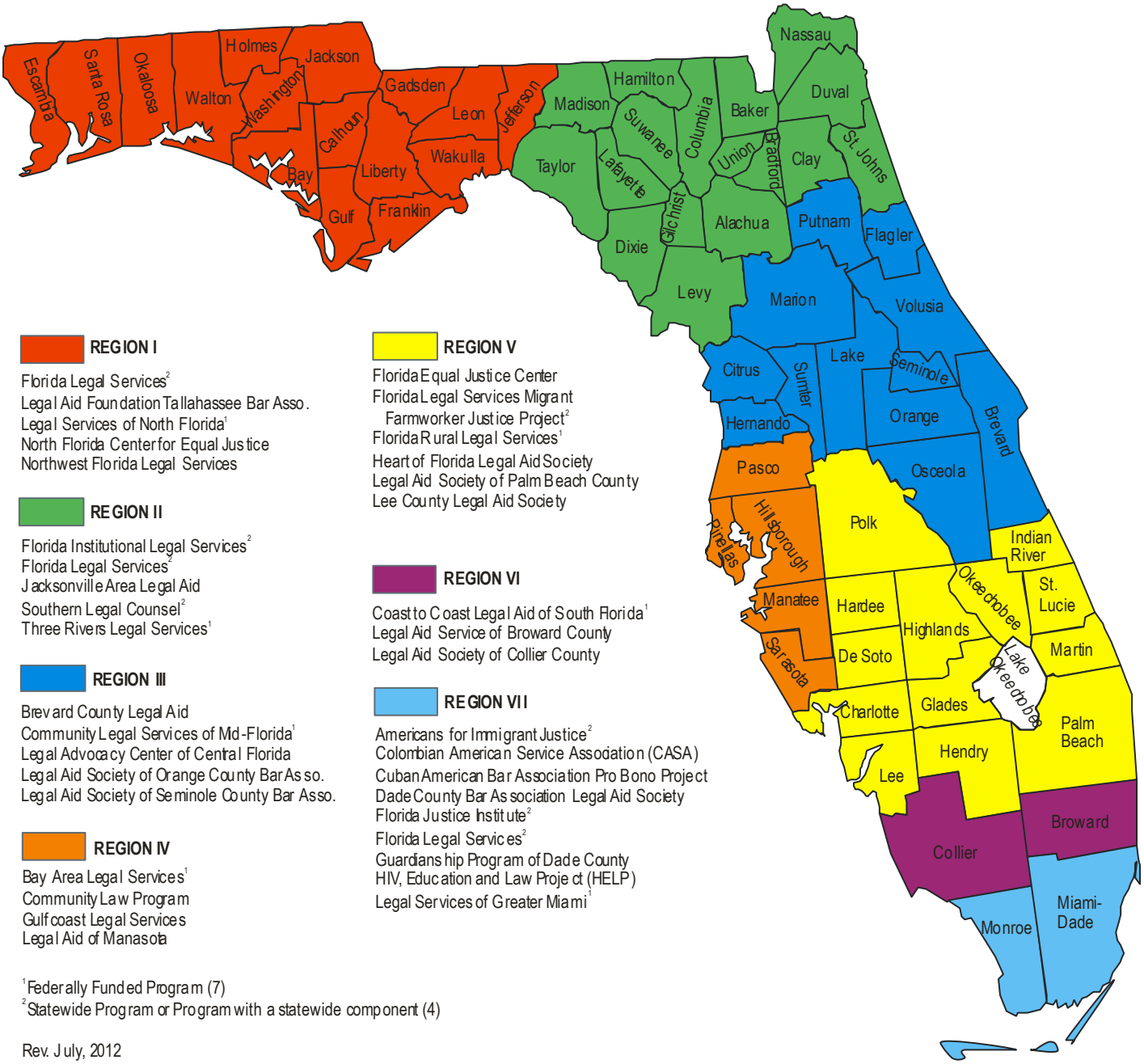
Foundation-funded programs apply technology as a strategy for improving productivity and accessibility of their services.

- A computerized case management system (Legal Server) supplied by the Foundation to 28 general support grantees supports the day-to-day casework of program lawyers and paralegals. This case management system provides grantees the data and communication needed to manage cases, track outcomes and report efficiently to funding sources. The system was installed and operational by September 2009 in grantee programs. The Foundation continues to assist grantees with support through a help desk, additional training and further development of the case management system.
- Local websites provide 24-hour access to legal education and self-help materials for low income clients, and for professionals who pass this information on to their low income clients. A Statewide website, operated by Florida Legal Services and supported by the Foundation, links Florida legal aid advocates and pro bono attorneys to training, community legal education materials, legal research resources and other support services. The website is also available to clients for information on available legal aid services, client community education materials and other resources.
- The Foundation handles the centralized billing for a statewide contract with Westlaw and provides supplemental funding to enable Foundation legal assistance grantees access to full computerized legal research materials and services at a very reasonable rate.
- During 2012,the Foundation adopted the web-based grant management system (LegalServer) which is the companion to the case management system (LegalServer) used by Foundation general support grantees. The grant management system serves as a database of grantee information and allows Foundation staff to solicit and receive electronic grant applications, reports, and outcomes measures from its grantees. Technical support and training is provided by Foundation staff who also support the help desk for grantees using the LegalServer case management system.

Planning for the Future...

Since the collapse of the national economy in the latter half of 2008, the Foundation has experienced significant declines in IOTA revenue. Utilization of a significant reserve by the Foundation has enabled grants to be decreased over a period of several years. However, very significant grant reductions have been necessary. Grant reductions in 2012 resulted in an overall cut in Foundation grants of 30% from the prior year's grants. It is projected that grant reductions will continue over the next two to three years. The Foundation has sought funding from other sources to alleviate these reductions and in several instances the Foundation has been successful in obtaining other funding. However the sources of funding obtained have not been near to the level of revenue lost due to low interest rates on IOTA accounts. The Foundation continues to pursue other funding initiatives and prioritize its funding reductions in order to preserve the core of critical civil legal assistance to low-income families in Florida.

Florida's Regional Legal Services Delivery System



REGION I

Florida Legal Services[2]
Legal Aid Foundation Tallahassee Bar Asso.
Legal Services of North Florida[1]
North Florida Center for Equal Justice
Northwest Florida Legal Services

REGION II

Florida Institutional Legal Services[2]
Florida Legal Services[2]
Jacksonville Area Legal Aid
Southern Legal Counsel[2]
Three Rivers Legal Services[1]

REGION III

Brevard County Legal Aid
Community Legal Services of Mid-Florida[1]
Legal Advocacy Center of Central Florida
Legal Aid Society of Orange County Bar Asso.
Legal Aid Society of Seminole County Bar Asso.

REGION IV

Bay Area Legal Services[1]
Community Law Program
Gulfcoast Legal Services
Legal Aid of Manasota

REGION V

Florida Equal Justice Center
Florida Legal Services Migrant Farmworker Justice Project[2]
Florida Rural Legal Services[1]
Heart of Florida Legal Aid Society
Legal Aid Society of Palm Beach County
Lee County Legal Aid Society

REGION VI

Coast to Coast Legal Aid of South Florida[1]
Legal Aid Service of Broward County
Legal Aid Society of Collier County

REGION VII

Americans for Immigrant Justice[2]
Colombian American Service Association (CASA)
Cuban American Bar Association Pro Bono Project
Dade County Bar Association Legal Aid Society
Florida Justice Institute[2]
Florida Legal Services[2]
Guardianship Program of Dade County
HIV, Education and Law Project (HELP)
Legal Services of Greater Miami[1]

[1] Federally Funded Program (7)
[2] Statewide Program or Program with a statewide component (4)

Rev. July, 2012

TAB 21

NYCOURTS.GOV

The Legal Profession - Attorney Registration

Registration FAQs

What are New York's registration requirements for attorneys?

Section 468-a of the Judiciary Law and 22 NYCRR Part 118 of the Rules of the Chief Administrator of the Courts require the biennial registration of all attorneys admitted in the State of New York, whether they are resident or non-resident, active or retired, or practicing law in New York or anywhere else. All attorneys are required to renew their attorney registration every two years, within 30 days of their date of birth. The fee for this registration is $375.00 (of which $60.00 is deposited in the Lawyers' Fund for Client Protection, $50.00 to the Indigent Legal Services Fund, $25.00 to the Legal Services Assistance Fund, and the remainder in the Attorney Licensing Fund). No fee is required from an attorney who certifies that he or she is retired from the practice of law as defined in 22 NYCRR 118.1(g). Please review the instructions for Section B to determine if you may claim the exemption to the fee.

Note that all New York attorneys are required to file the biennial registration form, either with payment of the $375.00 fee, or with a certification of retirement.

When do I register?

How do I update the information on my record?

What is my New York Bar number?

I'm admitted in New York but practice out-of-state. Do I still have to register in New York?

What about retirement?

How does an attorney resign from the New York bar?

How do I obtain a certificate of good standing?

What if I have another question?

Web page updated: March 6, 2013

TAB 22

Speaking of Justice
Spring 2012

Trial Lawyers and Family Law sections each give $75,000 to alleviate cuts to children's legal services programs

The Trial Lawyers and Family Law sections of The Florida Bar
have each made a $75,000 charitable gift to The Florida Bar Foundation to alleviate cuts in the Foundation's children's legal services grants.

Trial Lawyers Section Chair Craig Gibbs, right, presents his section's $75,000 gift to The Florida Bar Foundation.

The gift from the Trial Lawyers is supporting a Trial Lawyers Children's Legal Services Fellowship, while the gift from the Family Law Section is supplementing the funds that were awarded March 16 to the Foundation's children's legal services grantees generally.

The two donations will effectively prevent the loss of two full-time attorneys serving needy, low-income children. The Foundation is hoping other sections will follow with similar charitable gifts.

INSIDE

- NOW: An urgent appeal to Florida Attorneys
- Trial Lawyers and Family Law sections each give $75,000 to alleviate cuts to children's legal services programs
- Fla. Gov. Rick Scott vetoes $2 million FACLA appropriation
- Foundation suspends law student assistance grants
- Legal aid organizations struggle to retain attorneys cultivated by Bar Foundation and Equal Justice Works
- Foundation thanks its new Fellows

"The Florida Bar Foundation is thrilled to see this tremendous support from the Family Law Section and the Trial Lawyers Section," said Michele Kane Cummings, president of The Florida Bar Foundation and a member of the Family Law Section. "How far we are willing to go to protect and uphold the legal rights of children says a lot about who we are as a profession. The support these two

groups have shown in the midst of this legal aid funding crisis speaks volumes about what lawyers truly stand for. We are so very grateful."

About 120 of the state's 410 legal aid attorney positions are subject to elimination due to a sharp decline in revenue from Florida's Interest on Trust Accounts (IOTA) program, the chief funding source for The Florida Bar Foundation. Of the 29 legal aid attorneys who specialize in children's legal services, the positions of about 10 are still vulnerable.

"The Trial Lawyers Section recognizes the vital role Foundation-funded children's legal services attorneys play in protecting the rights of low-income children," said Craig Gibbs, chair of the Trial Lawyers Section. "We were alarmed when we learned of the potential loss of career children's legal services attorneys due to the slump in IOTA revenue, and we wanted to do our part by enabling one of the Foundation's grantees to retain its children's advocate.

Since the early 1990s, the Foundation has funded special annual grants for legal services to children. The Foundation's priorities for its Children's Legal Services Grant Program include representation of foster-care children and access to special education, medical, developmental and mental health services that are required under law.

"A core mission of the Family Law Section is to be at the forefront of efforts to protect children's rights," said David Manz, chair of the Family Law Section. "It is the essence of who we are as a Section. We are proud to be able to provide this contribution to the Foundation's Children's Legal Services Grant Program as a way to effectuate our mission."

David Manz, Chair
Family Law Section

The Foundation distributed $2.8 million to 23 legal aid programs through its Children's Legal Services Grant Program in 2010, but had to cut those grants by 21 percent in 2011 after low interest rates brought about an 88 percent drop in annual IOTA revenue since 2008. The Foundation used funds from its reserve to prevent even deeper cuts. But with reserve funds running low and interest rates not expected to rise until 2014 or later, the Foundation anticipates that it will have to cut its total children's legal services grant funding to $1.2 million by 2013. This will represent further cuts to the program of 42 percent over three years.

Paul Doyle, director of the Foundation's Legal Assistance for the Poor Grant Program, said the cuts will result in a 40 percent reduction in the number of children being served, which translates to 750 fewer children than the nearly 1,900 served in 2010.
Doyle is hoping to use the gifts from the Trial Lawyers, the Family Law Section and possibly others to prevent the loss of some of the state's most effective children's advocates, particularly those employed by smaller legal aid programs that are least capable of absorbing the loss of grant funds and therefore most likely to eliminate their children's legal services projects altogether.

"A big concern we have is that once these attorneys and projects are gone, they may never come back," Doyle said. "But if we can preserve them for several years until IOTA revenue rises again, we might be able to save these children's legal services projects from extinction."

The Foundation's board of directors March16 approved funding for Jessica Rae of the Community

Law Program in St. Petersburg to be The Florida Bar Trial Lawyers Section Children's Legal Services Fellow. Rae, a graduate of the Washington College of Law at American University, will be serving children through the Transitioning Dependent [Foster] Youth Project, which represents about 30 to 40 needy children a year.

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Kimberly Rodgers, executive director of the Community Law Program, called the gift from the Trial Lawyers section â€œthe most magnificent gesture of support for the importance and impact this project has had in the lives of vulnerable children in Pinellas County since we started it in 2007."

"We are so thankful to the Trial Lawyers Section and to The Florida Bar Foundation for making it possible for us to continue this work," Rodgers said. "And with Jessica's help, I am confident we will be able to help even more children aging out of foster care get better prepared to live on their own."

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