



May 23, 2007

Matthew Eshelman
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MidPenn Legal Services, Inc.
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Harrisburg, PA 17101

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Dear Mr. Eshelman:

As Chairman of the Legal Services Corporation (LSC) Board of Directors, I am proud to share with you the enclosed "Resolution in Support of Enhanced Private Attorney Involvement in the Delivery of Legal Services," adopted by the LSC Board at our April 28, 2007 meeting. This Resolution is the result of a year-long focus by the LSC Board of Directors through the work of its Committee on the Provision of the Delivery of Legal Services, chaired by David Hall.

This Resolution underscores LSC's commitment to encouraging and supporting private attorney involvement with LSC-funded programs as an effective means of expanding the availability of civil legal assistance to eligible clients.

The Resolution builds upon a series of important LSC quality initiatives during the past two years, including: LSC's report entitled *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-income Americans*; the LSC Board's exploration of the opportunities and challenges of private attorney involvement; LSC's release of the revised *LSC Performance Criteria*; and the LSC Board's adoption of the *Action Plan for Private Attorney Involvement: Help Close the Justice Gap, Unleash the Power of Pro Bono*.

I invite you and the other members of the program governing board to join in efforts to enhance private attorney involvement in the work of LSC-funded programs and in so doing, to help close the justice gap. You can join in this effort by having your governing board consider and approve a resolution similar to that adopted by the LSC Board. Once adopted, the resolution can be used in discussions with your state and local bar associations and others in the justice community, as a springboard for discussions of enhancing pro bono and other private attorney involvement activities.

To support your activities, LSC will be issuing a Program Letter to grantees that will include guidance, resources and examples of noteworthy practices related to private attorney involvement. Also, we are reorganizing our on-line resource library to provide web links to private attorney involvement resource materials.

The importance of local involvement in encouraging and supporting private attorney involvement cannot be overstated. It is for this reason that we seek your help. Enclosed is a model resolution that can be adapted for use by your program, along with a set of talking points that can be used either in presenting a draft resolution to your governing board or presenting the local board resolution to a bar association or other entity. We can also provide you with additional background on the LSC Board resolution, suggestions for the content and format of your program's resolution, ideas for dissemination, and examples of creative private attorney involvement with LSC-funded programs. If you would like further information or have any questions, please contact either Guy Lescault (202-295-1549, lescaultg@lsc.gov) or Stephanie Edelstein (202-295-1557, edelsteins@lsc.gov) in the LSC Office of Program Performance.

On behalf of the Board of Directors of the Legal Services Corporation, I thank you and the members of your governing board for joining us in this effort. Together, we can "Help Close the Justice Gap, Unleash the Power of Pro Bono."

Sincerely yours,



Frank B. Strickland
LSC Chairman

cc: Rhodia Thomas, Executive Director

Enclosures: LSC Board Resolution
Model Program Resolution
Talking Points



MODEL RESOLUTION
In Support of Enhanced Private Attorney Involvement
with LSC-Funded Programs

Note to LSC-Funded Program Board Chairs:

The attached Model Resolution parallels the language of Resolution 2007-003, adopted by the Board of Directors of the Legal Services Corporation on April 28, 2007. The LSC resolution underscores LSC's commitment to private attorney involvement with LSC-funded programs as an effective means of expanding the availability of civil legal assistance to eligible clients.

The Model can be adapted to include program-specific information, and includes guidance on how it might be modified to suit the particular circumstances of your program and the area(s) it serves.

LSC can provide you with additional background on the LSC resolution, suggestions for the content and format of your program's resolution, ideas for dissemination, and examples of creative private attorney involvement with LSC-funded programs. Please contact Program Counsel Guy Lescault (202-295-1549 or lescaultg@lsc.gov) or Program Counsel Stephanie Edelstein (202-295-1557 or edelsteins@lsc.gov) for assistance.

**RESOLUTION
OF
BOARD OF DIRECTORS OF [PROGRAM NAME]**

**In Support of Enhanced Private Attorney Involvement
with LSC-Funded Programs**

Whereas, the Legal Services Corporation and the programs it funds, including [**name of program**], have long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital resources, and increased *pro bono* commitment; and

Whereas, at its April 2007 meeting, the Board of Directors of the Legal Services Corporation adopted Resolution 2007-003 supporting and encouraging private attorney involvement and urging governing boards of LSC-funded programs to collaborate with other organizations to effectively engage lawyers in *pro bono* representation and other services that benefit low-income persons; and

Whereas, the LSC Board of Directors resolution builds upon the following national LSC initiatives:

- The October 2005 LSC report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, which found that 50 percent of the potential clients requesting assistance from an LSC grantee were turned away for lack of resources on the part of the program;
- The *LSC Strategic Directions 2006-2010*, which calls upon LSC to increase public awareness of and support for legal services to low-income persons in order to respond appropriately to more of their legal needs;
- The *LSC Performance Criteria*, which consider, in evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area, whether that program effectively integrates private attorneys into its work in order to supplement the amount and effectiveness of its representation and other services;
- The Provision for the Delivery of Legal Services Committee of the LSC Board of Directors 2006 meetings, which highlighted the potential, opportunities and challenges of private attorney involvement and determined ways in which this critical resource can be used more effectively by LSC-funded programs as a means to help close the justice gap;
- The unanimous adoption in January 2007 by LSC Board of Directors of a strategic work plan entitled *Action Plan for Private Attorney Involvement: Help Close the Justice Gap, Unleash the Power of Pro Bono*, which highlights the benefits of engaging private attorneys to help represent clients of LSC-funded programs and

describes ways in which the LSC Board and staff will work to expand private attorney involvement.

- The American Bar Association’s Model Rule 6.1 and similar state bar rules note the professional responsibility of every lawyer to provide *pro bono* legal assistance to persons of limited means;

Whereas, in [name of state] :

**Insert supporting information or initiatives:
legal needs study, access to justice initiatives, applicable pro bono rules, etc.**

Now, Therefore, Be It Resolved that the Board of Directors of [name of program], in an effort to help close the justice gap in [name of state], supports and encourages private attorney involvement with [name of program] and will endeavor to:

- Collaborate with other organizations and entities in [program service area] to develop and facilitate educational efforts that demonstrate the extent of the unmet civil legal need and encourage collective responsibility within [program service area] by both public and private entities to help meet this unmet civil legal need;
- Collaborate with other organizations and entities in [program service area] to develop effective strategies for engaging lawyers in *pro bono* representation and other services that benefit low-income persons;
- Consider including in that collaboration organizations and entities such as [list by name the state and local bar associations, access to justice entities, law firms and corporate law departments, law schools and clinics, government and military law offices, and state and federal courts; and
- Develop strategies that encourage *pro bono*, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers.

Be it Further Resolved that the Board of Directors of [name of program] will promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of [name of program] and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

Adopted by the Board of Directors of [name of program] on [date]

Board Chair

Talking Points for Presentations on Resolutions in Support of Enhanced Private Attorney Involvement with LSC-Funded Programs

Note to LSC-Funded Program Board Chairs:

The following talking points were developed by the Legal Services Corporation to assist board chairs in presenting a draft resolution to a program governing body, and to assist board chairs and others associated with LSC-funded programs in presenting an adopted resolution to bar associations, access to justice entities, and others in the justice community.

These talking points are intended only as a guide. They are designed to be modified to suit the needs and circumstances of individual programs.

LSC can provide additional information on the LSC resolution, ideas for dissemination, and examples of creative private attorney involvement with LSC-funded programs.

What is PAI?

In speaking to bar associations and other groups, it may be necessary to explain the term "Private Attorney Involvement," or PAI.

PAI is derived from the LSC regulations, 45 CFR Part 1614. The regulation requires recipients of LSC funds to devote an amount equal to at least 12.5% of their annualized basic field award to involving private attorneys in their work. The funds used do not have to come from the LSC grant; non-LSC funds can be used.

In the context of PAI, the term "private attorney" includes government or corporate counsel and other attorneys who are not program staff, in the delivery of permissible legal assistance to eligible clients. PAI can include such models as organized *pro bono* projects staffed by the LSC grantee or contracted to the bar association, reduced fee and judicare panels, and private attorney contracts.

Talking Points for Presentations on Resolutions in Support of Enhanced Private Attorney Involvement with LSC-Funded Programs

As Chair of the Board of Directors of **[name of program]**, I am proud to share with you the enclosed "Resolution in Support of Enhanced Private Attorney Involvement with LSC-Funded Programs," adopted by **[name of program]** board on **[date]**.

This Resolution is modeled on the Resolution adopted in April 2007 at the national level by the Board of Directors of the Legal Services Corporation. It underscores our commitment to encouraging and supporting private attorney involvement as an effective means of expanding the availability of civil legal assistance to eligible clients.

In October 2005, the Legal Services Corporation issued a groundbreaking report, *Documenting the Justice Gap in America: the Current Unmet Civil Legal Needs of Low-Income Americans*:

- Report's findings were disturbing, but not surprising: 50% of the people who sought help from LSC-funded programs -- and were eligible to receive it -- were turned away because the programs lacked the resources to serve them.
- Report's analysis was based on very conservative assumptions and, if anything, understated the unmet need.

The need is just as profound here in **[state]**.

Consider inserting local information here, e.g., local poverty statistics or a legal needs study, access to justice entity findings.

For example: The **[name of state] **[name of legal needs study]** found.....**

Who are the people who seek the services of **[name of program]** and others like it?

In our community, clients of **[name of program]** are the most vulnerable among us.

- They generally live at or below 125 percent of the federal poverty level -- an income of about \$25,000 a year for a family of four.
- Three out of four are women; many are mothers struggling to keep their families together and their children safe, fed and housed.
- We serve persons of all races and ethnicities, young and old, the working poor, people with disabilities, single parents, veterans, victims of domestic violence and of natural disasters.

- We help our clients secure basic human needs such as safe and habitable housing, access to health care, a job that pays a living wage, protection from abusive relationships, and assistance in preventing foreclosures.

With our limited resources, **[name of program]** cannot possibly meet the overwhelming need for civil legal assistance in this community.

WE NEED YOUR HELP.

The Resolution adopted by the **[name of program]** Board of Directors underscores our commitment to working with **[name of bar association or other entity]** and other organizations to effectively engage private attorneys as we try to close the justice gap.

- With your help, we can develop strategies that encourage *pro bono* such as
 - creative recruitment methods and innovative delivery models
 - attorney practice rules that allow retired or otherwise inactive attorneys to volunteer with recognized legal services programs in jurisdictions where they are not licensed to practice or are no longer active members of the bar
 - continuing legal education rules that waive fees or offer credit for *pro bono* work
 - training, mentoring, support, and planned recognition of volunteers.
- We will also encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of **[name of program]** and by collaborating with national, state and local organizations to create opportunities for publicity and recognition.

We are joined in our efforts by the Legal Services Corporation, which since issuing the Justice Gap Report has undertaken several initiatives in support of private attorney involvement in the work of the programs it funds.

In 2006, the LSC Board spent many hours learning about the potential, the opportunities, and the challenges of a variety of *pro bono* models. The Board heard from representatives of corporate legal departments, law schools, bar leaders, and legal services programs. The LSC Board considered how LSC and its grantees could be more proactive in promoting creative private attorney involvement in their work.

At its January 2007 meeting, the LSC Board of Directors unanimously adopted an *Action Plan for Private Attorney Involvement*. The message of the action plan is “Help Close the Justice Gap, Unleash the Power of Pro Bono.”

LSC Action Plan Key Points:

- highlights the benefits of using private attorneys to assist clients of LSC-funded programs.

- recognizes that LSC can and should be a national leader in this area, and
- details strategies and activities that LSC is now implementing to support and encourage private attorney involvement in the work of its programs.

LSC's other recent initiatives include:

- LSC's *Strategic Directions 2006-2010*, which calls upon LSC to encourage *pro bono* activities by our grantees, and strengthen collaborations with the bar, courts, law schools and others in state justice communities.
- The revised *LSC Performance Criteria*, which consider how a program integrates private attorneys into its work as one criterion for evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area.

At its April 2007 meeting, the LSC Board of Directors adopted the resolution upon which our resolution builds – *Resolution in Support of Enhanced Private Attorney Involvement with LSC-Funded Programs*. LSC will be promoting and encouraging private attorney involvement initiatives at the national level, as well as at the state and local levels with programs such as **[name of program]**.

Our nation promises justice for all, not just for those who can afford to pay for it.

U.S. Supreme Court Justice Lewis Powell said, "Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society ... it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

[Name of bar association or other entity] is a critical partner in our efforts to close the justice gap.

We appreciate your time and commitment.

We hope that you will, "Help Close the Justice Gap: Unleash the Power of Pro Bono."

We welcome your ideas and your questions.

Thank you.



BOARD OF DIRECTORS

RESOLUTION

In Support of Enhanced Private Attorney Involvement with LSC-Funded Programs

Whereas, the Legal Services Corporation (LSC) has long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital resources, and increased *pro bono* commitment; and

Whereas, the LSC report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, found that 50 percent of the potential clients requesting assistance from an LSC grantee were turned away for lack of resources on the part of the program; and

Whereas, the LSC *Strategic Directions 2006-2010* calls upon LSC to increase public awareness of and support for legal services to low-income persons in order to respond appropriately to more of their legal needs; and

Whereas, the LSC *Performance Criteria* consider, in evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area, whether that program effectively integrates private attorneys into its work in order to supplement the amount and effectiveness of its representation and other services; and

Whereas, the Provision for the Delivery of Legal Services Committee of the LSC Board of Directors focused its 2006 meetings on highlighting the potential, opportunities and challenges of private attorney involvement and on determining ways in which this critical resource can be used more effectively by LSC-funded programs as a means to help close the justice gap; and

Whereas, at its January 2007 meeting, the LSC Board of Directors unanimously adopted a strategic work plan entitled *Action Plan for Private Attorney Involvement: Help Close the Justice Gap, Unleash the Power of Pro Bono*, which highlights the benefits of engaging private attorneys to help represent clients of LSC-funded programs and describes ways in which the LSC Board and staff will work to expand private attorney involvement;

Whereas, the American Bar Association's Model Rule 6.1 and similar state bar rules note the ethical obligation of every attorney to provide *pro bono* legal assistance to those unable to afford legal assistance;

Now, Therefore, Be It Resolved that the Legal Services Corporation Board of Directors, in its efforts to help close the justice gap, supports and encourages private attorney involvement with LSC-funded programs and urges governing boards of LSC-funded programs to:

Collaborate with other organizations and entities in their service area to develop and facilitate educational efforts that demonstrate the extent of the unmet civil legal need and encourage collective responsibility within the service area by both public and private entities to help meet this unmet civil legal need;

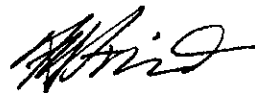
Collaborate with other organizations and entities in their service areas to develop effective strategies for engaging lawyers in *pro bono* representation and other services that benefit low-income persons;

Consider including in that collaboration organizations and entities such as state and local bar associations, access to justice entities, law firms and corporate law departments, law schools and clinics, government and military law offices, and state and federal courts; and


Develop strategies that encourage *pro bono*, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers.

Be it Further Resolved that the Legal Services Corporation Board of Directors, in its national leadership position, will promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of LSC-funded programs and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

Adopted by the Board of Directors
On April 28, 2007



Frank B. Strickland
Chairman



Victor M. Fortuno
Corporate Secretary