

ACCESS TO JUSTICE TASK FORCE

STATEMENT OF MISSION

The civil legal needs of Arizona's indigent and working poor – to include representation in housing disputes, protection from consumer scams and family law representation to guard against domestic violence -- are primarily served by Community Legal Services, Southern Arizona Legal Aid and DNA People's Legal Services, with significant assistance from specialty legal organizations and pro bono assistance from the private bar and public lawyers. These three organizations provide their free legal assistance with funding largely derived from the federal Legal Services Corporation, interest on lawyers' trust accounts, and the patronage of law firms and individual Bar members via the Equal Justice Foundation and a State Bar dues checkoff. Legal aid programs are once again facing major budget cuts in a time where the growing need dictates a budget increase. In these harsh economic times, the existing funding sources cannot meet the challenge, and the Bar can and should do more to help at-risk Arizonans, consistent with the "devotion to the public good"¹ included in every attorney's responsibilities as an Arizona lawyer.

The Arizona State Bar, and its Board of Governors, have consistently upheld the commitment to the underprivileged, including an earlier Task Force in 2003 which resulted in the dues checkoff, a Landlord-Tenant Task Force in 2006-2008 which successfully worked towards uniform procedural rules in housing disputes, and the allocation of a portion of pro hac vice fees to support legal services in 2007. This Task Force will seek to develop additional consensus on funding source proposals and law reform efforts, and will propose a series of solutions, some of which the Bar may be expected to develop on its own, and others of which would require a partnership with the judicial, legislative or executive branches. A list of starting topics based on prior efforts follows, and the Task Force will also be expected to consider additional topics brought forth by its members.

¹ Lawyer's Creed of Professionalism, at D.1.

SUPREME COURT SOLUTIONS

- Pro Hac Vice Fees (S. Ct. Rule 38(a)(3)(A)) – increase the 15% pass-through on pro hac vice fees to the Arizona Foundation for Legal Services and Education (“the Foundation”) to support civil legal services to the indigent.
- Admission on Motion Fees (S. Ct. Rule 38(h) and Admin. Order 2009-102) – create a pass-through on the \$1800 admission on motion fee (and any fee for the required course on Arizona law) consistent with the pro hac vice pass-through.
- In-House Counsel Fees (S. Ct. Rule 38(i)) – create a pass-through on the in-house counsel admission fee consistent with the pro hac vice pass-through.

STATE BAR SOLUTIONS

- Distribute \$400,000 in budget surplus for 2011 to support the legal needs of the indigent, and develop a mechanism for continued use of surpluses to support the working poor
- Dues checkoff – continue to support (and find new ways to encourage) the \$50 opt-out
- MCLE Compliance Fees – create a pass-through on the delinquent compliance fees consistent with the pro hac vice pass-through.
- IOLTA – continued assistance to the Foundation to promote additional revenue from interest-bearing accounts, and continued education and regulatory enforcement to ensure that attorneys place all client funds not expected to earn net interest into IOLTA accounts
- Study and promote a greater use of the working poor tax credit to directly benefit legal aid organizations
- Partner with the Foundation to reinvigorate the Fellows program
- Cy Pres -- Promote a greater use of class or multi-state residuals for the use of legal services providers
- Modest Means – Continue to support the modest means program to lessen the burden on legal services providers
- Recognize the life work of Cecilia Esquer, a presidential appointee to the Legal Services Corporation
- Continue the Bar’s support of technology, to include a Turbo Court system that bridges the digital divide

LEGISLATIVE SOLUTIONS

- Filing Fees – continue the Bar’s support for a filing fee surcharge in civil cases
- Civil and Criminal Fines – support a proposal for additional legal aid surcharges
- IOLTA – consider an effort to route interest on escrow accounts to civil legal aid for the indigent
- Mandatory Arbitration – amend the penalty provision in A.R.S. § 12-133(l)(1) to impose the arbitrator’s fees on an unsuccessful appellant even in the case where the arbitrator does not collect the fee, and in those cases to pass through the uncollected fee to the benefit of legal services for the indigent