



VLP coordinators Lee Ann Pasker (Madison County VLP), Linda Lund (ASB) and Debra Jenkins (Birmingham Bar Association) at the ASB annual meeting, where the plan to celebrate pro bono week (October 25-31) was unveiled.

Access to Justice— Now More than Ever

Alabama ranks last in the nation in legal aid provided to the poor, even behind the territory of Puerto Rico.¹ Fewer than 20 percent of the civil legal needs of Alabama's poor are being served. I know I am not the only one embarrassed by these statistics.

To address this problem, the Access to Justice Commission was established by order of the Alabama Supreme Court. Its goal is to serve as a coordinating entity for the legally underserved, the legal community, social service providers and the private and public sectors. The Alabama State Bar works in cooperation with the commission to find solutions to meet the legal needs of Alabama's poor. Together, we are looking for creative methods to fund and deliver access to justice.

The goals of the commission include improving and expanding the provision of legal assistance to low-income Alabamians, increasing the participation by attorneys and providing various social agencies with tools to assist those in need of legal services. With the encouragement and active participation of Chief Justice Sue Bell Cobb, and under the leadership of Commission Chair Ted Hosp, the program is enjoying significant success.



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In 2008, the supreme court approved an amendment to Rule 1.15 of the *Code of Professional Responsibility*, which implemented a mandatory Interest on Lawyers' Trust Accounts (IOLTA) plan and comparability rule requiring banks to pay a fair rate of interest on IOLTA accounts. As a result, millions of dollars of funding will be available to help improve our efforts to effectively deliver our pro bono services.

Additional funds for pro bono assistance flow as a result of an increase in the bar's *pro hac vice* fee, which had historically been among the lowest in the southern states. The fee was increased from \$100 to \$300, with the additional \$200 earmarked for use by the Alabama Law Foundation to fund access to justice programs. The commission expects that the change will generate an additional \$125,000 per year.

Also in 2008, the commission approached the legislature to request funding for the Access to Justice initiative and secured a \$200,000 appropriation in a very lean budget year. It is clear that we have made a lot of progress in a very short amount of time.

There is still much to do, though, and Alabama is still at the bottom of the list when it comes to funding access to justice.

It is estimated that about 25 percent of Alabama's population, or about one million people, live in poverty. In the current economic climate, it is likely that these numbers may grow. Research indicates low-income Alabama households experience more than 700,000 legal issues on average per year. Common civil problems include consumer issues like creditor harassment and bankruptcy, as well as issues involving family law, housing, health and unemployment.

Even if we double our current funding, we're not even close to providing true, "full access" to justice for a person living in poverty.

So, what can we do to help?

We must increase existing funding sources for Legal Services Alabama (LSA) and must raise money for it to employ more lawyers. We also need to increase awareness of the need for civil justice funding among the public, the members of the bar and the court system.



Tom Methvin with the gavel and case he had just been given by Immediate Past President Mark White at the Grand Convocation, continuing an ASB tradition. Inset: Former presidents White and Sam Crosby share a lighter moment.

The bar also operates a Volunteer Lawyers Program (VLP). Your participation in this program can help fill the gap to provide free legal services to poor and disadvantaged Alabamians seeking access to justice in civil matters. Participation also allows us to fulfill our professional responsibility to make legal counsel available to indigents, consistent with a true sense of professionalism and Rule 6.1 of the *Alabama Rules of Professional Conduct*. Our firm has 100 percent participation in this program by our lawyers. Will you and your firm do the same?

For now, let me leave you with this challenge regarding Access to Justice. Our intention is not to reach the national average, or fall somewhere in the middle. Our goal is to create the *best* access to justice system in the country for the provision of civil legal assistance to the poor. It's going to take all of us, working together, to accomplish this. It is our opportunity, and our responsibility, to raise money for Legal Services Alabama, enlist more volunteer lawyers and to be a part of making Alabama a leader in ensuring true access to justice for all. ▲▼▲

Endnotes

1. This is according to statistics as of 2008. New numbers are not available and we hope we have moved up slightly.