

# **Access to Justice Partnerships State by State**

---

**May 2005**

**Access to Justice Support Project**

**A Partnership of the American Bar Association and  
National Legal Aid and Defender Association**

**[www.ATJsupport.org](http://www.ATJsupport.org)**

bringing total state funding for FY 2004 to \$6.8 million. Bar leaders and the state's chief justice and governor were strong advocates for the increase.

## Court and Bar Funding Successes

- **Oklahoma. Indiana. South Carolina.** In July 2004, Oklahoma shifted to mandatory IOLTA, followed by Indiana and South Carolina early January 2005. In all three states the shift took place by order of the state Supreme Court with the support of the respective state bar associations. There are now 30 state IOLTA programs that are mandatory and 20 that are opt-out. Only South Dakota's program remains voluntary.
- **Arizona.** The Arizona Bar has implemented a \$50 opt-out contribution for legal services with bar dues. This optional contribution has raised at least \$100,000 in its first year. In addition, to increase the yield from the state's IOLTA program, the Arizona Bar and the Arizona Foundation for Legal Services & Education worked with the Supreme Court to revise IOLTA rules by ending negative netting of accounts and giving authority to the Bar and the Foundation to define 'reasonable charges' in an annual agreement with the participating financial institutions. These changes will take effect June 1, 2005.
- **Georgia.** In April 2005, the board of governors of the State Bar of Georgia approved a \$150 opt-out contribution for the Georgia Legal Services Program on annual State Bar dues statements. The contribution will appear on 2005 dues statements.
- **New Mexico. Texas. Mississippi.** At the request of the New Mexico State Bar's Legal Services and Programs Committee, the state Supreme Court adopted a *pro hac vice* fee (paid by out-of-state lawyers to practice in state courts) applying to all cases filed after January 20, 2005. Funds raised will be used for legal aid. In 2004, new *pro hac vice fees* in Texas and Mississippi generated \$400,000 and \$175,000, respectively, for legal aid in their first year. Other states with *pro hac vice* fees benefiting legal aid are Oregon and Missouri.
- **Texas.** Voluntary Access to Justice contributions from the State Bar of Texas dues statement generated \$650,000 in 2004, in addition to the \$1.7 million for civil legal services generated by the mandatory fee of \$65 imposed by the Legislature in 2003.
- **Texas.** In June 2004, the State Bar of Texas board of directors voted a one-time increase in the budget of Texas Lawyers Care of \$300,000 for several legal services initiatives, including increased coverage for the malpractice insurance provided for legal aid and pro bono programs; in January 2005, the board voted to raise the increase to \$365,000.
- **Wisconsin.** In January 2005, the Wisconsin Supreme Court ordered a mandatory \$50 annual fee for Wisconsin lawyers that will generate approximately \$850,000 per year for the state's civil legal aid programs. The court called upon the Wisconsin State Bar and the Wisconsin Trust Account Foundation to find a long-term solution for financing civil legal aid.

### **Bar Dues Increase to Help Fund Legal Aid in West Virginia.**

The West Virginia State Bar has allocated \$100,000 of its recent dues increase to Legal Aid of West Virginia. The bar successfully petitioned the West Virginia Supreme Court to approve a \$55 dues increase for three purposes: disciplinary efforts, legal research services, and legal aid. There are now seven states in which a portion of bar dues or attorney registration fees is used to help fund legal services.