



THE SUPREME COURT *of* OHIO

REPORT *and* RECOMMENDATIONS *of*
THE SUPREME COURT *of* OHIO

Task Force *on Access to Justice*



MARCH 2015

THE SUPREME COURT *of* OHIO

REPORT & RECOMMENDATIONS OF THE

Task Force on Access to Justice

MARCH 2015



MAUREEN O'CONNOR

CHIEF JUSTICE

PAUL E. PFEIFER

TERRENCE O'DONNELL

JUDITH ANN LANZINGER

SHARON L. KENNEDY

JUDITH L. FRENCH

WILLIAM M. O'NEILL

JUSTICES

MICHAEL L. BUENGER

ADMINISTRATIVE DIRECTOR

MINDI L. WELLS

DEPUTY ADMINISTRATIVE DIRECTOR

TASK FORCE ON ACCESS TO JUSTICE

| | |
|-------------------------------------|------------|
| Yvette McGee Brown (<i>Chair</i>) | Columbus |
| Hon. Judith L. French | Columbus |
| Hon. Diane M. Palos | Cleveland |
| Hon. Rosemary Grdina Gold | Cleveland |
| John Holschuh, Jr. | Cincinnati |
| David Alexander | Cleveland |
| Angela Lloyd | Columbus |
| Richard Pogue | Cleveland |
| William Weisenberg | Columbus |
| Karen Wu | Toledo |
| Timothy Young | Columbus |

Staff Liaison

Minerva Elizaga, Esq.

Dear Chief Justice O'Connor and Justices:

On behalf of the Task Force on Access to Justice, I am pleased to present our Final Report and Recommendations. As we addressed the directives laid out by Chief Justice Maureen O'Connor, we focused on recommendations that can be implemented and measured over time. Access to justice is an increasing problem for many Ohioans and it is not a problem likely to be solved with only one approach. We were fortunate to have many different stakeholders at the table as we debated and considered potential solutions. The recommendations that follow are focused, measureable, and doable with leadership and sustained commitment.

Funding for legal aid has decreased significantly since the collapse of the economy in 2008. However, inadequate funding, while a perennial issue, is not the sole reason many Ohioans cannot access legal representation when they need it, and increased funding is not the sole solution. The recommendations we present incorporate education, technology, and a review of the Supreme Court's rules of practice and procedure. Above all, the Task Force concludes that communication, compromise, and collaboration between the stakeholders are absolutely essential for progress to be made in Ohio. The members of the Task Force share the vision of increasing access to justice, and there was much debate on how to achieve it. Ultimately, this Report is a consensus consisting of recommendations that can make a difference.

The members of the Task Force have all come away with a deeper appreciation of access to justice issues and the knowledge that the work in this area must continue beyond this Report. On behalf of the Task Force, thank you for the opportunity to serve the Supreme Court and the citizens of Ohio. We are grateful for your support and we commend the outstanding staff support in Minerva Elizaga. We could not have completed our work so efficiently without her scrupulous attention to detail.

Respectfully submitted,

Yvette McGee Brown

Chair



TABLE OF CONTENTS

| | <u>PAGE</u> |
|---|--------------------|
| EXECUTIVE SUMMARY | i. |
| BACKGROUND | 2. |
| I. DIRECTIVE 1: Identify Gaps in and Obstacles to Accessing the Civil Justice System in Ohio | 4. |
| II. DIRECTIVE 2: Review entities established by other states to address access to justice issues | 7. |
| III. DIRECTIVE 3: Determine whether the creation of a Supreme Court operated or affiliated entity focused upon access to justice would assist in addressing or resolving the gaps in and obstacles to accessing the civil justice system in Ohio | 12. |
| IV. DIRECTIVE 4: Recommendations Concerning the Organizational Structure, Membership, and Responsibilities of the Entity Proposed | 13. |
| V. RECOMMENDATIONS to Address or Resolve Gaps In or Obstacles to Accessing the Civil Justice System in Ohio | 14. |
| 1. General Revenue Appropriation for Civil Legal Aid in Ohio | 16. |
| 2. <i>Pro Hac Vice</i> Funding for Legal Services | 19. |
| 3. Implement an Add-On Fee for Attorney Registration | 21. |
| 4. Create a Supreme Court Access to Justice Director Position | 22. |
| 5. Development of an Access to Justice Impact Statement | 24. |
| 6. Technology | 25. |
| 7. Self-Help Centers | 28. |
| 8. Limited-Scope Representation | 29. |

| | <u>PAGE</u> |
|---|--------------------|
| 9. Revising Ohio’s License Requirements in Support of Military Spouse Attorneys | 32. |
| 10. Emeritus Rule | 33. |
| 11. Forms | 34. |
| OTHER CONSIDERATIONS | 35. |
| APPENDIX A | 41. |
| Ohio Legal Assistance Foundation Information | |
| <i>2014 OLAF Annual Report</i> | |
| APPENDIX B | 75. |
| Michigan Legal Help Program | |
| APPENDIX C | 81. |
| Franklin County Municipal Court Civil Legal Self-Help Center | |
| APPENDIX D | 88. |
| Sample Limited Scope Representation Agreement | |
| Maryland Rule of Civil Procedure (Limited Scope Agreement) | |
| APPENDIX E | 99. |
| Proposed Rule in Support of Military Spouse Attorneys | |
| APPENDIX F | 105. |
| Status Table of Recommendations of the 2006 Task Force on Pro Se & Indigent Litigants | |

EXECUTIVE SUMMARY

The Task Force on Access to Justice was established by Chief Justice Maureen O'Connor in July 2014. In being called to serve, the Task Force was reminded that open and accessible courts are a hallmark of a civilized society, and all citizens must have access to the civil justice system.

Access to justice for all, however, is being threatened by the ever decreasing funds available for civil legal aid organizations in Ohio. The funding crisis has resulted in the loss of 120 legal aid attorneys and the closure of four legal aid offices in Ohio over the past few years. Individuals unable to secure legal representation in their civil matters are left with no choice but to navigate an unfamiliar, complex court system alone.

The goals of the Task Force were outlined in its Operating Guidelines, and each directive was thoroughly examined.

- (1) Identify gaps in and obstacles to accessing the civil justice system in Ohio;
- (2) Review those entities established by other states to address access to justice issues;
- (3) Determine whether the creation of a Supreme Court operated or affiliated entity focused upon access to justice would assist in addressing or resolving the gaps in and obstacles to accessing the civil justice system in Ohio;
- (4) If the creation of such entity is suggested, present recommendations concerning the organizational structure, membership, and responsibilities of the entity.

In Ohio, the gaps in and obstacles to accessing the civil justice system can be classified as funding, structural, and cultural. The main funding sources for legal aid organizations in Ohio are federal funds distributed by the Legal Services Corporation (LSC) and fees generated by the interest trust accounts (IOLTA/IOTA). With the crash of the economy in 2008, low interest rates caused a 90% decline in IOLTA/IOTA revenue. IOLTA/IOTA revenue in 2007 was \$22.3 million. By 2013, it was \$3.8 million. During that period, the population eligible for civil legal aid increased from 1.98 million people in 2009 to 2.28 million in 2013.

Structural and cultural barriers are seen in the lack of standardized forms and information available to Ohioans in need of assistance with civil legal matters, as well as a lack of knowledge regarding the role of attorneys, the judiciary, and organizations that may be available to provide assistance.

The Task Force examined the Access to Justice (ATJ) Commissions of the District of Columbia, Illinois, Maryland, Tennessee, and Texas. Based on our review, the Task Force recommends the following to effectively begin to address access to justice issues in Ohio:

1. A general revenue appropriation for civil legal aid in Ohio.

The decline in funding for civil legal aid is a nationwide phenomenon. In reviewing how other jurisdictions have dealt with the decrease in IOLTA/IOTA fees, the Task Force found thirty-one states that currently provide a legislative appropriation for civil legal aid. We recommend a legislative appropriation to help fund civil legal aid in Ohio.

2. The Supreme Court increase the *pro hac vice* fee from \$150 to \$300 and direct the additional fees to help fund civil legal aid in Ohio. There are currently nine states that direct all or a portion of their *pro hac vice* registration fees to fund legal aid programs.
3. The Supreme Court implement an Add-On Fee for Attorney Registration, which can be directed to fund civil legal aid services.

4. The Supreme Court create an Access to Justice Director Position to coordinate ATJ programs by the Supreme Court, liaison with collaborative agencies, and to ensure that access to justice issues are considered in any policy or rule recommendations submitted to the court.
5. An Access to Justice Impact Statement should be developed and filed with any proposed rule amendment to the Supreme Court. The impact statement should address factors such as how many Ohioans will be impacted by the proposed change; whether the proposal will increase or decrease access to Ohio's courts for low-income Ohioans; and what impact the proposal will have on the ability of Ohioans with limited English proficiency to access justice.
6. Develop and maintain a statewide website that provides free and accurate legal information, including videos describing how to navigate the civil justice system, and standardized forms.
7. Promote Self-Help Centers (SHCs) as an option to respond to the needs of those who are unable to afford legal services. These centers, usually located in the courthouse, have staff who assist pro se litigants with completing forms and preparing for hearings. SHCs have been shown to have a positive impact on court procedure, with pro se litigants filing more complete paperwork.
8. The Board of Professional Conduct provide guidance regarding Rule 1.2(C) of the Rules of Professional Conduct, regarding when a lawyer may provide limited-scope representation. Limited-scope representation, also known as unbundled services, is being successfully used in other states to provide much needed legal services to low and moderate income individuals.
9. Consider revising Ohio's License Requirements in Support of Military Spouse Attorneys.
10. Consider adoption of an Emeritus Rule to permit senior attorneys who are no longer actively engaged in the practice of law to provide pro bono legal services.

The Task Force respectfully submits the Final Report and Recommendations, and requests that the Supreme Court consider the implementation of these recommendations to begin to address the barriers to access to justice in Ohio.

ACCESS TO JUSTICE, access to our courts, access to the resolution of a dispute before a fair, impartial and independent arbiter of justice, and sound legal advice are fundamental to a free and democratic society and instill in the citizenry an understanding and commitment to the rule of law. The establishment of justice is an enduring principle set forth in the preamble to the United States Constitution and refreshes us daily in our recitation of the Pledge of Allegiance when we conclude with the words “and justice for all.”



On July 1, 2014, Chief Justice Maureen O’Connor appointed the Task Force on Access to Justice (ATJ) and charged it as follows:

- (1) Identify gaps in and obstacles to accessing the civil justice system in Ohio;
- (2) Review those entities established by other states to address access to justice issues;
- (3) Determine whether the creation of a Supreme Court operated or affiliated entity focused upon access to justice would assist in addressing or resolving the gaps in and obstacles to accessing the civil justice system in Ohio;
- (4) If the creation of such entity is suggested, present recommendations concerning the organizational structure, membership, and responsibilities of the entity.

In approaching our work, the Task Force was mindful of the challenges and complexity of providing recommendations for systemic change in a state as large and diverse as Ohio with 88 counties, urban and rural, and 382 local courts. However, justice is too important not to address. As Justice Scalia said this year at the 40th anniversary celebration of the Legal Services Corporation (LSC), the largest funder of civil legal aid in the nation:¹

The American ideal is not for some justice, it is, as the pledge of allegiance says, ‘Liberty and justice for all’ or as the Supreme Court pediment has it ‘equal justice.’ I’ve always thought that’s somewhat redundant. Can there be justice if it is not equal, can there be a just society when some do not have justice? Equality, equal treatment is perhaps the most fundamental element of justice.²

What follows are recommendations that will require bi-partisan support and commitment from the general assembly, in collaboration not only with the organized bar associations, legal aid organizations, law schools, and lawyers, but with citizens throughout the State of Ohio. Although absolutely critical, money alone will not solve the problem. The need is vast, and the commitment to provide access to justice to all must be a continual focus with leadership from the Supreme Court if we are to improve access to justice for civil litigants in Ohio.

BACKGROUND

During an Access to Justice Conference held in February 2013, Chief Justice O’Connor identified access to justice as a priority in Ohio and stated: “It is imperative that we, the bench and the bar, work together in these difficult financial times to maintain access to justice. It is imperative that the challenges are met by not only addressing the funding but

¹ About LSC, <http://www.lsc.gov/about/what-is-lsc> (accessed March 22, 2015).

² Justice Antonin Scalia as quoted by John G. Levi, Legal Services Corporation, *Remarks by Chairman John G. Levi at the Pro-Bono Reception*, January 23, 2015, <http://www.lsc.gov/remarks-chairman-john-g-levi-pro-bono-reception-miami-fl-january-23-2015> (accessed March 22, 2015).

by also examining where efficiencies lie, where alternatives can be identified, [and] where solutions can be implemented....”³

The Supreme Court of Ohio submitted a proposal to the ABA Access to Justice Commission Expansion Project and was awarded a grant by the American Bar Association Fund for Justice and Education. The funding has been used to create the Task Force on Access to Justice and to support its activities.

The Task Force is chaired by former Ohio Supreme Court Justice Yvette McGee Brown. The members are: Justice Judith French; Hon. Diane M. Palos, Cuyahoga County Domestic Relations Court; Hon. Rosemary Grdina Gold, Cuyahoga County Domestic Relations Court; John Holschuh, Jr., Partner, Santen & Hughes and President-elect of the Ohio State Bar Association; David Alexander, Partner, Squire Patton Boggs; Angela Lloyd, Executive Director, Ohio Legal Assistance Foundation; Richard Pogue, Senior Advisor, Jones Day; William Weisenberg, Consultant, Ohio State Bar Association; Karen Wu, Attorney, Advocates for Basic Legal Equality, Inc.; and Timothy Young, Ohio Public Defender.

The issue of access to justice for all is not a new one. For decades, states have struggled with providing civil legal aid to the indigent. Ohio is a leader in planning and coordinating statewide funding for civil legal aid. The late Chief Justice Thomas J. Moyer championed the creation of Ohio Legal Assistance Foundation (OLAF) in 1994 in response to a statewide legal needs assessment known as The Spangenberg Report, which found that only 17% of the civil legal needs of the poor in Ohio were being met. OLAF’s purpose is to provide funding to civil legal aid programs and assist with improving the delivery of civil legal aid in Ohio.⁴

³ Chief Justice Maureen O’Connor, speech at Opening Courtroom Doors: Access to Justice in Ohio (February 22, 2013), available at The Supreme Court of Ohio, <http://www.supremecourt.ohio.gov/PIO/Speeches/2013/accessJustice.asp> (accessed March 22, 2015).

⁴ About OLAF, <http://www.olaf.org/about-olaf/> (accessed March 19, 2015).

Since that time, 38 states have created access to justice commissions.⁵ The Task Force looked closely at five – Illinois, Maryland, Tennessee, Texas and the District of Columbia. These commissions were selected to compare structure, initiatives, and success in increasing access to justice. The Task Force also examined the civil legal aid structure in Ohio, including its history, funding, and impact.

The Task Force met five times during the course of its deliberations, methodically addressing the four-part directive issued by Chief Justice O'Connor.

I. IDENTIFY GAPS IN AND OBSTACLES TO ACCESSING THE CIVIL JUSTICE SYSTEM IN OHIO

The barriers to accessing the civil justice system in Ohio can be classified as funding, structural, and cultural.

A. FUNDING

The primary barrier to access to justice is inadequate funding. While funding for civil legal aid services has never been adequate⁶, the crash of the economy in 2008 further exacerbated the civil legal aid funding crisis. In Ohio, civil legal aid is primarily provided by six legal aid organizations that collectively cover all areas of the State. The “legal aid” which they render is funded by interest on lawyers’ trust accounts (IOLTA) and interest on trust accounts (IOTA); by a designated civil filing fee; by federal funds appropriated to LSC; and by private, charitable contributions. At present, legal aid organizations do not receive any general revenue money from the State.

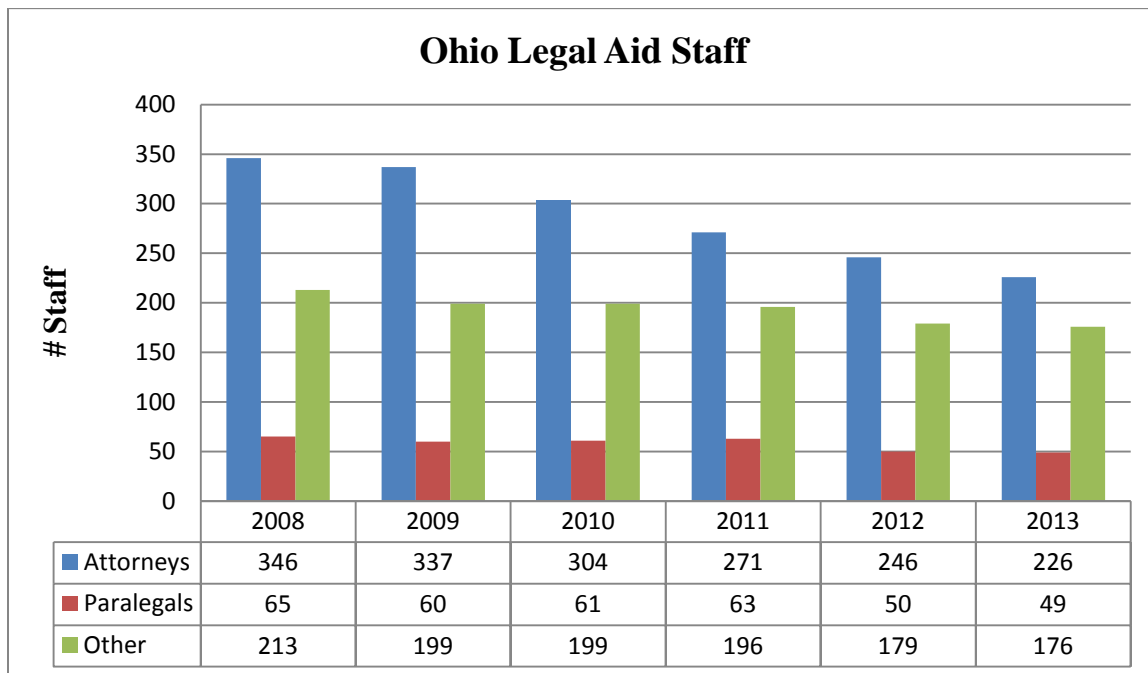
Though the commitment to access to justice for all is high, funding for civil legal aid is at a seven-year low. Revenue from trust accounts has decreased 90% since 2007 due to

⁵ ABA Resource Center for Access to Justice Initiatives, “Chronological Listing of State Access to Justice Commission Launches” http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_omm_launches.authcheckdam.pdf (accessed March 12, 2015).

⁶ Houseman and Perle, “Securing Justice for All: A Brief History of Civil Legal Assistance in the United States,” (Revised December 2013), p. 11.

lower interest rates.⁷ This lack of funding is a trend seen throughout the nation. Due to these limited resources, legal aid organizations turn away approximately three people for every one person served.⁸ Further, the lack of funding has caused legal aid staffing cuts and the closure of legal aid offices in Mansfield, Zanesville, Marietta, Lancaster, and Fremont.

Advocates for Basic Legal Equality/Legal Aid of Western Ohio lost over 35% of its staff and the Ohio State Legal Services Association, which serves low income Ohioans in 30 counties, has also fared poorly over the years. The following graph and chart show the total staff reductions in legal aid organizations throughout Ohio since 2008.



The cases accepted by legal aid organizations all pertain to basic human needs, such as protection from domestic violence, and issues related to housing, schooling, and veterans' benefits. Thus, it is critical that adequate funding be made available to serve these vital needs.

⁷ Minutes of Task Force on Access to Justice Meeting (Aug. 1, 2014) (presentation by Angela Lloyd, Executive Director of OLAF).

⁸ *Id.*

B. STRUCTURAL BARRIERS: FORMS, RULES, AND LACK OF COORDINATION

Many of the legal needs of Ohio's indigent, low, and moderate income population are not being met, even though there are approximately 36,000 active attorneys working in Ohio. Lack of standardized forms is one example of a structural barrier to accessing the civil justice system. Standardized forms exist in connection with domestic relations, probate, and civil protection orders; however, many legal needs still are not addressed by the current forms.

Lack of a coordinated statewide effort to utilize technology is also a structural barrier. While many courts have online dockets and legal aid organizations have their own websites, no one single resource exists to direct Ohioans to legal information, standardized forms, and guidance on navigating the civil legal system.

Further, nothing outside the Rules of Professional Conduct currently addresses limited scope representation, also known as unbundled services, by Ohio attorneys. According to the ABA, at least 29 jurisdictions expressly permit limited scope representation in their civil rules of procedure⁹ as a means to address the needs of low and moderate income individuals who require only very specific legal services at reasonable rates.

C. CULTURAL

Cultural barriers include a lack of knowledge regarding when an attorney is needed, the role of lawyers and the judiciary, the cost of legal services, and what programs may be available to provide assistance. Further, there appears to be a lack of understanding by the public of the role that Ohio's legal aid programs play in the court system.

Despite research indicating virtually unanimous support for the principle that Americans should have access to representation in civil legal matters, there is no demonstrated

⁹ ABA Standing Committee on the Delivery of Legal Services, *Pro Se Unbundling Resource Center*, http://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/court_rules.html (accessed March 22, 2015).

public commitment to ensure that courthouses are open and legal advice is available to the most financially vulnerable citizens.¹⁰

II. REVIEW ENTITIES ESTABLISHED BY OTHER STATES TO ADDRESS ACCESS TO JUSTICE ISSUES

The Task Force carefully reviewed access to justice commissions in five jurisdictions and studied their structure, mission, and demonstrated ability to increase access to justice – Illinois, Maryland, Tennessee, Texas, and the District of Columbia. While the Task Force found that each of these commissions achieved success, the Task Force focused on specific, measurable ways in which the commissions were able to increase access to justice, such as increasing funding, mobilizing pro bono projects in underserved areas, and ultimately increasing the number of people served. The Task Force focused on practical solutions that can be implemented to achieve results.

A. SUPREME COURT ENGAGEMENT

After reviewing other state models across the country, the Task Force determined that a crucial factor leading to success of access to justice initiatives is active engagement by the Supreme Court. Leadership from either the Chief Justice or a designated justice is key to creating systemic change and bringing other stakeholders to the table. For example, in Texas, with leadership from the Court, the ATJ commission created a funding stream through the victims of crime fund and later a general revenue allocation that is now \$17 million annually. In Massachusetts, the Supreme Judicial Court created a new *pro hac vice* rule whereby all fees support legal aid services and the ATJ commission.

In New York, Chief Judge Jonathan Lippmann was instrumental in the implementation of the requirement that all applicants perform 50 hours of qualifying pro bono service before admission to the bar. New York law students enroll in internships to meet this

¹⁰ Minutes of Task Force on Access to Justice Meeting (Aug. 1, 2014) (presentation by Angela Lloyd, Executive Director of OLAF).

requirement, with the hope that being exposed to pro bono at the start of their career may encourage more pro bono services when they become licensed attorneys.

Michigan's Legal Help Program (MLHP) was created following a recommendation from the Solutions for Self-Help Task Force established in 2010 by then Chief Justice Marilyn Kelly.¹¹ MLHP includes a website, www.Michiganlegalhelp.org, which helps pro se litigants access the proper forms and answers standard questions. In 2014, the website assisted 273 individuals per day with legal forms.¹² The program also includes self-help centers that provide assistance to pro se litigants in civil matters.

1. Illinois Access to Justice Commission

The Supreme Court of Illinois created an Access to Justice Commission in 2012, which focuses on three areas: standardized forms; language access; and court guidance and training.¹³ The eleven member commission consists of appointees from the Supreme Court, the Illinois Bar Foundation, the Chicago Bar Foundation, the Lawyers Trust Fund of Illinois, and the Equal Justice Foundation.

The commission, with authority to develop and approve standardized forms, has a forms committee with various subcommittees working on several areas of the law, such as orders of protection, name changes, expungement/sealing, and divorce. After the forms and information sheets are developed, they are shared for 45 days of public comment. Once approved by the Commission's Forms Committee, they are made available on the Illinois Supreme Court's website. According to the website, the forms are "Approved Statewide Forms. The following forms have been approved for use by the Supreme Court

¹¹ *Id.*

¹² Michigan Legal Help News, *What's new on MLH: End of 2014 Edition*, (Dec. 14, 2014), <http://michiganlegalhelp.org/news> (accessed March 22, 2015).

¹³ Illinois State Bar Association, *Illinois Supreme court Access to Justice Commission Begins Work to Improve Access to Justice in Illinois*, <http://www.isba.org/probono/illinoisupremecourtaccesstojustice> (accessed March 23, 2015).

Commission on Access to Justice and are required to be accepted in all Illinois courts.”¹⁴ Currently, there are 12 forms available on the website.

The Commission also held listening conferences in each of the five appellate districts to determine additional access to justice priorities. Issues that were identified included providing legal services to the working poor and modest means clients; mentorship for young lawyers for pro bono cases; and CLE credit for pro bono work. While the commissioners have been actively engaged and have support from the Supreme Court of Illinois, there are also hundreds of volunteers who participate in the various projects spearheaded by the commission, including its forms, language access and court training committees.

2. Maryland Access to Justice Commission

The Maryland Access to Justice Commission was established in 2008 by then Chief Judge Robert Bell to “develop, coordinate and implement policy initiatives to expand access to the [s]tate’s civil justice system.”¹⁵ The commission was comprised of 45 members and brought together representatives of the judiciary, state bar association, and the executive and legislative branches.¹⁶ The commission completed projects through the five following committees: Access & Delivery of Legal Services; Critical Barriers; Definitions, Standards & Awards; Public Education; and Self-Represented Litigants.

To educate and guide the people that use the court system without the assistance of an attorney, the commission created a series of short videos and tip sheets on topics ranging from how to defend against a small claims lawsuit to finding legal help. The commission also assisted with the establishment of self-help centers in district (small claims/municipal) courts, including a virtual help center and a dedicated phone line.

¹⁴ Administrative Office of the Illinois Courts Standardized State Forms

<http://www.state.il.us/court/Forms/approved/default.asp> (last accessed March 10, 2015).

¹⁵ Maryland Access to Justice Commission Interim Report and Recommendations, Fall 2009,

<http://www.mdcourts.gov/mdatjc/pdfs/interimreport111009.pdf> (accessed March 22, 2015)

¹⁶ *Id.*

The commission was instrumental in supporting legislation to continue funding from the Maryland legislature and also helped create a web page for the online pro bono reporting that Maryland attorneys complete each year. The page invites attorneys to make a voluntary contribution to a legal services organization and directs the attorney to the organization's online donation page. In the 2012 Reporting Cycle, approximately \$70,952 in contributions were collected through this webpage for the civil legal aid providers in Maryland.¹⁷

Maryland's high court decided to end the ATJ Commission effective December 31, 2014, and created an Access to Justice Department within the judiciary.¹⁸ The ATJ Department of the Maryland Court of Appeals, which includes the court interpreter program, continues to "support and advance access to justice innovations within the judiciary," and will collaborate with a new external ATJ partner,¹⁹ which has not yet been identified.

3. Tennessee Access to Justice Commissions

The Tennessee commission is a stand-alone commission created by court rule with two court employees. With no source of recurring funds, the commission started with a budget of \$142,000 in Fiscal Year 2015, most of which has been used to support projects such as plain language forms, a video regarding access to justice, and CLE events.

The commission consists of 10 members and a Supreme Court Justice, who serves as a liaison. The commission has 6 advisory committees; each committee is chaired by a commissioner, and the rest of the committee is comprised of volunteers. The volunteers are recommended by legal aid executive directors and include attorneys, paralegals, and non-attorney professionals who can assist with projects, such as IT professionals.

Committees focus on areas including pro bono, outreach to faith based communities, standardized forms, and public awareness. By including volunteers in the various

¹⁷ Maryland Access to Justice Commission 2013 Annual Report, p. 5
<http://www.mdcourts.gov/mdatjc/pdfs/annualreport2013.pdf> (accessed March 23, 2015).

¹⁸ Maryland Judiciary Creates Access to Justice Department, Sept. 15, 2014,
<http://www.courts.state.md.us/media/news/2014/pr20140915.html> (accessed October 2, 2014).

¹⁹ *Id.*

initiatives, the commission is able to have a broad base of stakeholders involved in the ATJ Commission and gain public support.

4. Texas Access to Justice Commission

The Texas Access to Justice Commission, created in 2001 by the Supreme Court of Texas, has 20 commissioners, including a Texas Supreme Court Justice who serves as a liaison. The state bar provides staffing for the commission, including a full-time executive director.²⁰ The commission has educated legislators, the bench, and the bar regarding the importance of civil legal aid, and gained support throughout the community for its various projects.

The commission's primary advocacy issue has been state funding for legal aid. In 2009, it helped secure the first-ever state appropriation for civil legal aid funding to address the shortfall from IOLTA. In 2013, a general revenue appropriation of \$17.6 million was made to civil legal aid programs. In addition, the Texas legislature passed a bill known as the Chief Justice Jack Pope Act, which increased the funds legal aid can receive through the state attorney general's civil penalties from a maximum of \$10 million to \$50 million in a given year.

The commission is also developing new funding sources in the form of bar dues assessments and a *pro hac vice* fee, and monitors the effectiveness of the statewide delivery system. Projects include connecting pro se litigants in rural areas with a pro bono attorney by video conferencing to handle simple divorce cases and providing a framework for corporate counsel to participate in pro bono activities.

5. District of Columbia Access to Justice Commission

The District of Columbia Access to Justice Commission is a stand-alone commission created by court rule and funded by the Access to Justice Foundation. As an independent entity, the commission raised over \$4 million in 2013 through its Raise the Bar

²⁰ Hecht & Kilbride, *Access to Justice Commissions: Lessons from Two States*, Trends in State Courts 2014, National Center for State Courts 43.

Campaign. The commission has secured steady funding from the DC City Council for legal aid and undertook a comprehensive civil legal needs assessment to compare the legal needs in nine practice areas (consumer, education, employment, estate planning, family, public benefits, health/disability, housing, and immigration) with the network's capacity to meet those needs. The report identified that the need in each practice area surpassed the resources available.

Based on the review of the various commissions, a recurring theme emerged amongst all the entities: they each prioritized the commission's efforts based on the needs of the population. While funding is the pervasive barrier, there are also barriers that each commission is working to overcome using technology and rule amendments as a means to close the justice gap. Employing these techniques while examining the barriers in Ohio, the Task Force formulated recommendations that could be implemented and measured for efficacy to determine if the legal needs of the poor are being met.

III. DETERMINE WHETHER THE CREATION OF A SUPREME COURT OPERATED OR AFFILIATED ENTITY FOCUSED UPON ACCESS TO JUSTICE WOULD ASSIST IN ADDRESSING OR RESOLVING THE GAPS IN AND OBSTACLES TO ACCESSING THE CIVIL JUSTICE SYSTEM IN OHIO

The Supreme Court should charge an organization with addressing the gaps and obstacles to accessing the civil justice system in Ohio. However, ensuring access to justice is the shared responsibility of all three branches of government working in collaboration with the organized bar, civil legal aid organizations, law schools, lawyers, and representatives of the general public. In fact, many low-income Ohioans face civil legal challenges that can be resolved without court involvement, but which can be addressed through, for example, administrative advocacy or work with a school to ensure educational supports. As a result, the organization charged with addressing gaps and obstacles should not be a body created by the Supreme Court alone, which means it should not be operated by or organizationally affiliated with the Court. The Task Force believes designating an

independent entity to pursue efforts to increase justice for Ohioans will remove any potential conflicts and allow for seamless continuity in policy direction and program implementation. Therefore the Task Force recommends that the Supreme Court work with an independent organization to lead access to justice initiatives in Ohio and to address obstacles impeding low-income Ohioans from accessing the courts and obtaining legal advice.

IV. RECOMMENDATIONS CONCERNING THE ORGANIZATIONAL STRUCTURE, MEMBERSHIP, AND RESPONSIBILITIES OF THE ENTITY PROPOSED

Improving access to justice will require increased funding and greater collaboration among a broad base of stakeholders, including the Supreme Court, the General Assembly, the Governor, bar associations, law schools, private attorneys, and community leaders. Therefore, the organization chosen to lead this effort must be able work seamlessly with each of these critical stakeholders. The goal is to increase collaboration and partnership among different stakeholders, improve communication, reduce duplication of efforts, and streamline processes. The Task Force does not believe that a new organization should be created for this purpose, as duplication often increases costs, impairs effectiveness, and muddles communication.

The independent organization chosen will also need to have the financial and administrative capacity to operate, report on, and measure the impact of statewide programs, particularly those that will positively impact access to justice such as organizing, administering and promoting pro bono activities; spearheading efforts to increase funding; and funding fellowships and innovative new programs. The Task Force discussed at length the pros and cons of having a Supreme Court Justice sit in an ex officio capacity on the board of the independent organization. Some states have seen success as a result. The Task Force encourages the Supreme Court to consider such an appointment.

The Task Force believes designating an outside entity to pursue these efforts over time will remove potential conflicts and allow for seamless continuity in policy direction and program implementation. Ohio is fortunate to have OLAF in place with significant expertise in this area. (See Appendix A) OLAF can be a great resource, convenor, or the organization that takes on this work. There is strong consensus on the Task Force that OLAF is well suited and positioned to effectuate the recommendations of this report as an access to justice commission. However, the Task Force concluded this is a decision best left to the Court.

The proposals herein are meant to increase collaboration and partnership among the different stakeholders, increase communication, reduce duplication of efforts, and streamline processes with the ultimate goal of providing more access to more people.

V. RECOMMENDATIONS TO ADDRESS OR RESOLVE GAPS IN OR OBSTACLES TO ACCESSING THE CIVIL JUSTICE SYSTEM IN OHIO

FUNDING

Adequate funding of our justice system to insure access to justice is a societal responsibility. The Task Force, therefore, recommends that the Ohio General Assembly include in every biennial budget funds designated to improve and increase access to justice in our state. At a minimum, the Task Force recommends funding for the restoration of 120 legal aid attorneys and their support staff laid off as a result of dramatically declining funds from Interest on Trust Accounts and other funding sources as a result of the recession. It is also recommend that funding is allocated for the re-opening of legal services offices in southeastern and western Ohio.

As an example, drastic reduction in attorney positions and the closure of the Southeastern Ohio Legal Services (SEOLS) offices have resulted in significantly less service to Ohioans needing essential civil legal services as well as a concomitant growth in self-represented litigants that continues to adversely impact court administration and the

timely disposition of disputes. The number of cases opened for SEOLS, which serves 30 counties in southeast Ohio, declined from 2008 to 2014, with a hiring freeze, loss of staff, and ultimate closure of three offices:

2008: 9,886

2013: 5,973

2014: 4,311.

The initial loss of resources begets further loss, as explained by Executive Director James Daniels:

As a result of the office closures, travel time to serve the poor has increased significantly which cuts into time available to help. For example, before we closed our Marietta office, it was only 31 minutes or a 26 mile drive to appear in court to help a poor person in Caldwell, Ohio. Now, it is a 1 hour and 16 minute and 79 mile drive to appear in court to help a poor person in Caldwell from our Athens office.

The SEOLS Marietta office which served Washington, Morgan, Monroe, and Noble Counties closed its doors on January 31, 2014, after 33 years of operation. In 2013, the office assisted 1,088 families. Today, the closest legal aid office is located in Athens, over 45 miles away.

The Task Force further recommends engagement from law firms, foundations, law schools, and the business community to further support access to justice efforts. The Task Force especially urges bar foundations to enhance their fundraising activities by emphasizing access to justice programs and initiatives.

1. GENERAL REVENUE APPROPRIATION FOR CIVIL LEGAL AID IN OHIO

RECOMMENDATION

The Task Force recommends a general revenue appropriation for indigent civil legal aid in Ohio.

Discussion

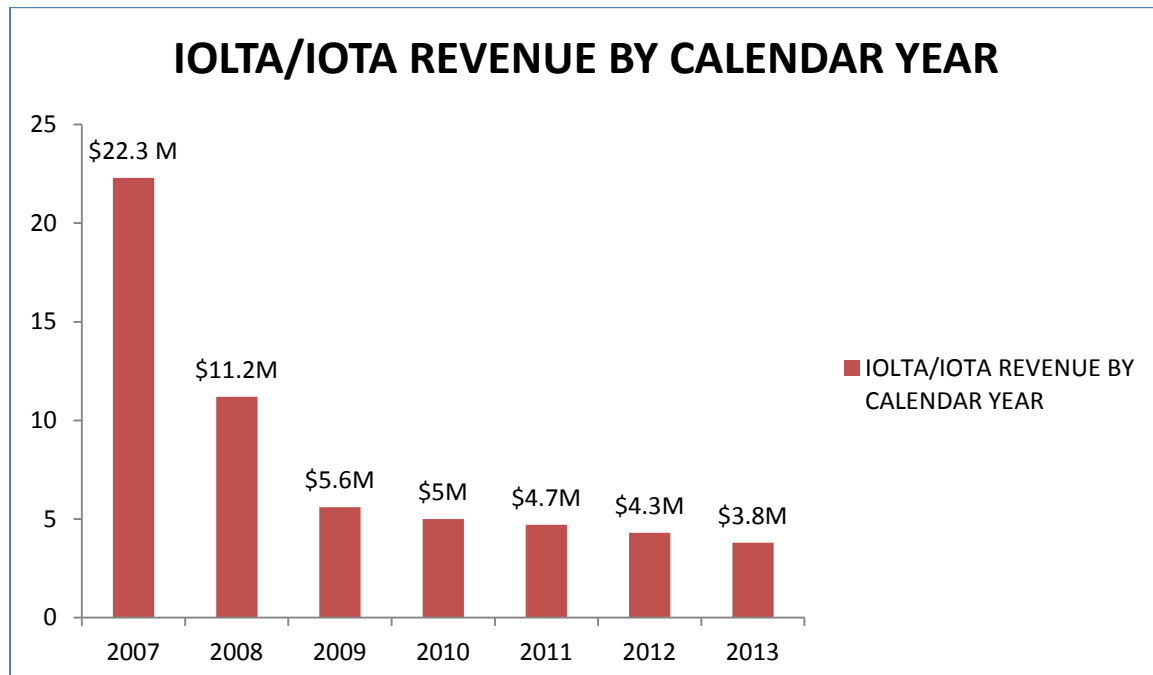
In Ohio, decreased funding for civil legal aid, which includes funds from LSC and IOLTA/IOTA, has resulted in legal aid office closures, staff layoffs, and the corresponding decrease in the amount of people served. In 2010, Ohio legal aid organizations handled 86,541 matters.²¹ By 2013, that number dropped to 57,593,²² despite an increase in the income eligible population for legal aid services.

| Ohio's Qualifying Poverty Population | | Matters Handled |
|---|-----------|------------------------|
| 2009 | 1,984,885 | 84,618 |
| 2010 | 2,053,978 | 86,541 |
| 2011 | 2,138,931 | 76,466 |
| 2012 | 2,216,093 | 64,460 |
| 2013 | 2,281,746 | 57,593 |

This decline in funding for civil legal aid is a nationwide phenomenon. In reviewing how other jurisdictions have dealt with the decrease in IOLTA/IOTA fees, the Task Force recommends a legislative appropriation be sought in order to help fund civil legal aid in Ohio.

²¹ OLAF Presentation, Access to Justice Task Force Meeting, August 1, 2014.

²² *Id.*



In 1991, The Spangenburg Report referred to above found that “more than 590,000 low-income household experienced problems between July 1989 and July 1990. Only 17 percent of these problems received legal attention while 83 percent went without legal help.”²³ One of the recommendations in the 1991 report was that the Ohio General Assembly “should be encouraged to support the provision of free legal services to the poor through the creation of a legal services line item funded with general revenues.”²⁴ The request for a legislative appropriation is neither novel nor unprecedented. According to the ABA, 31 jurisdictions provide funding for civil legal aid by a legislative appropriation.²⁵ Ohio’s civil legal aid organizations continue to be funded by a grant from LSC, IOLTA/IOTA fees, grants, and donations; however, there has never been direct legislative funding for legal services. Ohio should follow the lead of the majority of states to ensure access to justice for its citizens.

²³ *An Assessment of the Unmet Civil Legal Needs of Ohio’s Poor (The Spangenburg Report)*, September 1991, p. 3.

²⁴ *Id.* at p. 8.

²⁵ “State Legislative Funding for Civil Legal Aid,” ABA Resource Center for Access to Justice Initiatives,” http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_legal_aid_funding_state_legislative.authcheckdam.pdf (last accessed March 4, 2015).

The Massachusetts Legislature approved a \$15 million appropriation for its legal aid programs in Fiscal Year 2015. While IOLTA provided \$31.8 million for legal aid in Massachusetts in 2007, it only generated approximately \$4.5 million in 2014. The Massachusetts Access to Justice Task Force is further recommending an additional \$30 million increase over three years, which would still not meet demand, but would begin to address the shortfall. That body found that for every dollar spent on legal aid to keep people in their homes, the state saves \$2 in homelessness benefits.

Civil Legal Aid Programs Generate Dollars and Stabilize Communities

Civil legal aid programs generate funding in communities by securing federal grants to help fund their operations; by assisting clients in securing federal benefits; and by increasing federal, state, and local tax revenues. In 2010, Ohio's civil legal aid activities generated \$5.6 million in total tax revenue.²⁶ There is a 115% return for every dollar invested in legal aid.²⁷ Studies consistently show that investing in civil legal aid programs has a positive economic impact.

Civil legal aid programs provide a framework within which millions of federal dollars come into Ohio in the form of Social Security Disability, Medicare, and other program income. These income sources stabilize families, provide security, and stimulate economic activity in local communities when families spend their income on housing, food and health services.

The Task Force recommends that the General Assembly provide funding to address access to justice for indigent civil litigants that will provide critical services to the state's most vulnerable population, including seniors and children.

²⁶ "Strength In Justice: Ohio's Legal Aids Energizing Our Economy and Building Our Communities," Ohio Legal Assistance Foundation (2010).

²⁷ *Id.*

2. PRO HAC VICE FUNDING FOR LEGAL SERVICES

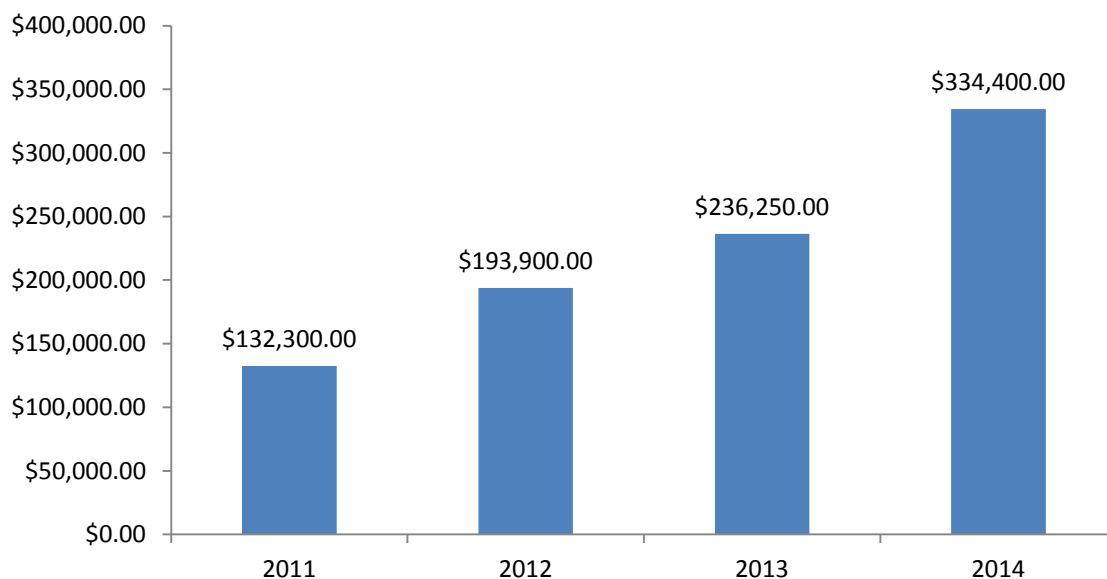
RECOMMENDATION

The Task Force recommends that the Supreme Court increase *pro hac vice* fees and use the additional funds to support access to justice.

Discussion

All out of state attorneys who wish to appear in an Ohio proceeding must register with the Supreme Court and pay an annual registration fee. The *pro hac vice* registration requirement has been in effect since January 1, 2011. The annual fee was raised from \$100 to \$150 in 2014, with the out of state attorney permitted to participate in a maximum of three proceedings per calendar year. In 2014, 2,249 *pro hac vice* applications were submitted, and the Court collected approximately \$334,400.²⁸

Pro Hac Vice Fees Collected in Ohio



²⁸ Fifteen attorneys were granted waivers of the registration fee because they represented an *amicus curiae* in support of an indigent defendant in a criminal matter. Gov. Bar R. XII, Sec. 2(A)(4).

The Task Force recommends the annual registration fee be increased to \$300, with the additional amounts attributable to this increase allocated to OLAF for disbursement to Ohio's civil legal aid programs. Currently, the *pro hac vice* fees are deposited into the Admissions Fund and used for matters relating to the admission of applicants to the practice of law, in accordance with Gov. Bar R. I, Sec. 14. With a fee increase, the Admissions Fund will continue to be supported and additional funds can be used to support critical civil legal aid in Ohio.

Nine states currently direct all or a portion of the revenue generated by *pro hac vice* registration fees to fund legal aid programs.²⁹ For example, Missouri implemented its *pro hac vice* rule in 2002, initially charging a fee of \$100. In 2014, the Missouri Supreme Court raised the *pro hac vice* fee to \$410 per case, per court. Missouri Legal Services receives 100% of the first \$132,700. Thereafter, the receipts are divided with 80% going to Legal Services and 20% to The Missouri Bar. In 2014, Missouri issued 1,520 *pro hac vice* receipts. Approximately \$525,100 of this revenue was directed to Missouri Legal Services.³⁰

The Pennsylvania Supreme Court requires a \$200 admission fee per case, with the payment going directly to the IOLTA Board. The Board uses the fees to fund its Loan Repayment Assistance Program (LRAP) to benefit attorneys who work in IOLTA funded legal services organizations. By court order, the funds must be used toward the LRAP program. The IOLTA Board administers the *pro hac vice* rule and collects the fees directly from the out of state attorneys. Pennsylvania anticipates \$300,000 in *pro hac vice* fees for 2015.

Massachusetts implemented a *pro hac vice* registration rule effective September 4, 2012, with fees of \$101 or \$301 per case, depending on the court where the case is filed. The fees are collected by the Board of Bar Overseers and then distributed to the

²⁹ ABA Resource Center for Access to Justice Initiatives, "Pro Hac Vice Funding For Legal Services," http://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/2013/05/nat_l_mtg_of_accessjusticecmmnchairs/ls_sclaid_atj_pro_hac_vice_revised.authcheckdam.pdf (last accessed March 6, 2015).

³⁰ Email from Rita Schanzmeyer, Missouri Bar Enrollment Director, dated March 17, 2015.

Massachusetts IOLTA Committee quarterly. For calendar year 2013, the IOLTA Committee received \$232,191 and \$193,098 in 2014.

The Task Force recommends that the Supreme Court consider increasing the *pro hac vice* registration fee and direct the additional fees to civil legal aid services. These proceeds can serve as a steady funding source for legal aid organizations.

3. IMPLEMENT AN ADD-ON FEE FOR ATTORNEY REGISTRATION

RECOMMENDATION

The Task Force recommends that the Supreme Court consider instituting a voluntary “add-on” fee suggestion of \$50 in the biennial registration form for attorneys, which can be directed to fund civil legal aid.

Discussion

According to the ABA Resource Center on Access to Justice Initiatives, eight jurisdictions have a voluntary opt out fee and 15 jurisdictions have a voluntary add-on fee to fund legal aid services. While states that employ an “opt out” method already include the suggested fee in the total amount that the attorney can submit, an “add on” method provides a charge or suggested donation amount, which the attorney may then add to the total. Six states currently have a mandatory fee for civil legal aid included in the attorney registration forms. Ohio’s current registration fee is \$350 per biennium. Compared to other U.S. jurisdictions, and adjusting for an annual registration fee, Ohio ranks 47th in the nation, with the average annual registration fee being \$416.³¹

Massachusetts initiated a \$51³² voluntary annual access to justice “opt-out” fee. The fee is already added to the annual attorney registration statement and attorneys may opt out

³¹ International Survey of Attorney Licensing Fees, Compiled July 1, 2014 by Office of Attorney Ethics of New Jersey.

³² The access to justice fee was set at \$51 to avoid administrative confusion with the \$50 late assessment fee. See, Letter from the Chief Justice of the Massachusetts Supreme Judicial Court dated August 2, 2010 at <http://massbbo.org/answerz.htm> (accessed March 18, 2015).

of the voluntary fee when completing the annual attorney registration. The Massachusetts Board of Bar Overseers began collecting the opt-out fee in September 2010. There were 55,266 Massachusetts attorneys registered on active status at the close of the 2011 fiscal year. In 2011, \$1.1 million was raised from the voluntary opt-out fee.

California, with 159,824 attorneys, raised \$878,000 with a \$100 add-on option, with clear instructions for paying or not.³³

Providing attorneys with an option for directing fees to support legal aid programs can serve an important function for raising awareness regarding the legal needs of the poor.

4. CREATE A SUPREME COURT ACCESS TO JUSTICE DIRECTOR POSITION

RECOMMENDATION

The Task Force recommends that the Supreme Court create the position of Access to Justice Director. The job duties of this position would include:

- Coordinating all Access to Justice programs sponsored or supported by the Supreme Court, including the Language Services Program;
- Coordinating with court-supported boards, commissions, and committees to ensure that access to justice issues are considered in any policy or rule recommendations submitted to the court.
- Working with court-supported boards, commissions, and committees to fulfill this report's recommendations;

³³ ABA Resource Center for Access to Justice Initiatives, "State Level Bar Dues and Attorney Registration Fee Opt-Outs and Add-Ons, Most Recent Changes 4/13" http://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/2013/05/nat_l_mtg_of_accesstojusticecmmnchairs/l_sclaid_atj_bar_dues_chart.authcheckdam.pdfhttp://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/2013/05/nat_l_mtg_of_accesstojusticecmmnchairs/l_sclaid_atj_bar_dues_chart.authcheckdam.pdf (accessed March 18, 2015).

- Reporting at least annually to the Supreme Court administration and justices on the current state of Access to Justice in Ohio and the progress made on this report's recommendations;
- Reporting regularly to and working with any justice of the Supreme Court serving on the board of any entity designated by the court as a collaborating organization for ATJ purposes, and to any other justice, as requested;
- Serving as a liaison to any entity designated by the court as a collaborating organization for ATJ purposes and ideally serving on the board of any collaborating organization;
- Serving as a resource to civil legal aid organizations;
- Participating in the review, development, and implementation of fellowships and incubator programs as a means to integrate pro bono service in the transition from law school to law practice.

Discussion

This recommendation is based on two very successful commissions, Illinois and Maryland, which recently decided to create access to justice departments at the Supreme Court level. When the Illinois Access to Justice Commission was created in 2012, the commission consisted of volunteers and an executive director employed by the Chicago Bar Foundation. In 2014, the Supreme Court of Illinois announced the creation of a Civil Justice Division within its administrative structure with the purpose of “supporting the Court’s multidimensional initiatives to improve access to justice throughout the state.” As a result of this change, the assistant director of the Civil Justice Division is the court’s chief liaison with the Commission.

The Maryland judiciary created an Access to Justice Department. The executive director of the Maryland Access to Justice Commission became the director of the department, which will continue to support and advance access to justice initiatives within the

judiciary. The department also includes the Court Interpreter Program and will collaborate with external access to justice entities.

Continued assessment and progress on access issues will require leadership and commitment by the Supreme Court. Creating a position within the Supreme Court dedicated to assessing, coordinating, and directing statewide Access to Justice efforts will help ensure leadership and sustained commitment.

5. DEVELOPMENT OF AN ACCESS TO JUSTICE IMPACT STATEMENT

RECOMMENDATION

The Task Force recommends that the Supreme Court require that an “access to justice impact statement” be filed with any proposed amendment to the Ohio Rules of Court.

Discussion

Ohio law currently provides that a fiscal analysis be submitted to the General Assembly for every proposed bill or resolution.³⁴ This is because fiscal impact statements are critical to ensure that any legislator voting on a particular bill has sufficient information to evaluate the bill’s full impact; for example, whether adopting a bill might require defunding a competing program. Similarly, the Revised Code provides that the Ohio Judicial Conference may prepare a “judicial impact statement” for the General Assembly when a bill or resolution “appears to affect the revenues or expenditures of the courts of Ohio, to increase or decrease the workload or caseload of judges or members of their staffs, or to affect case disposition.” R.C. 105.911. Through these measures, the General Assembly ensures that its members have the fullest information available on the full impact of a bill before they vote on its passage.

Similarly, the Supreme Court should require that the Access to Justice Director prepare an “access to justice” impact statement for any proposed change to the Ohio Rules of

³⁴ R.C. 103.14

Courts. In the same manner that the legislative budget office may seek information from any department, institution, board, commission, authority or other instrumentality or officer of the state, county or other governmental entity,³⁵ so too may the Access to Justice Director request information from any state or local governmental entity, court, nonprofit entity, for-profit entity or any proponent of a change to the Ohio Rules of Courts. The “access to justice” impact statement shall address the likely number of Ohioans impacted by the proposed change; whether the change will increase or decrease access to Ohio’s courts for low-income Ohioans; what impact, if any, the proposed change will have on Ohio’s minority populations’ access to the courts; and, what impact, if any, the proposed change will have on the ability of Ohioans with limited English proficiency to access justice. In this way, the Court and its boards and commissions will have the fullest information possible as to the effect of a proposed rule change prior to adopting or rejecting it.

6. TECHNOLOGY

RECOMMENDATION

In order to address structural obstacles to access to justice, the Court should encourage the development and maintenance of a statewide website devoted to providing free and accurate legal information to Ohio residents who find themselves in the civil justice system.

Discussion

Several other states have committed the time and resources necessary to develop such web sites, resulting in measurable positive increases in access to justice in those states. Using the State of Michigan’s “Michigan Legal Help” website (www.MichiganLegalHelp.org) as an example (See Appendix B), the Ohio website could include self-help tools in the areas of family law, protection from abuse, housing issues, consumer debt collection, and expungement of criminal convictions or juvenile

³⁵ R.C. 103.14(C)

adjudications. It would also be a central clearinghouse for easy to find information on all courts in Ohio with direct links to the court's individual web sites where the public and legal aid or pro bono attorneys can find court rules and forms, hours of operation, directions, etc. Finally, lists and descriptions of local community service organizations, legal aid organizations, and bar associations could be accessed from the web site to assist people needing legal representation.

Development of the website will require leadership by the Supreme Court and collaboration with courts, bar associations, and the legal aid community. This would likely be an expansive and long-term effort as all of the courts in Ohio's 88 counties would need to participate and contribute to the information on the web site. Unfortunately, not all of Ohio's courts are presently at equal levels of technological development (which includes online dockets, online access to forms, and e-filing). Therefore, the Supreme Court's leadership and assistance will be crucial in helping Ohio's individual courts achieve these recommended goals.

A. Self Help Tools (for People to Handle Simple Civil Legal Matters Themselves)

The recommended website should allow anyone to find articles with FAQs on specific areas of the law and toolkits to help someone prepare to represent himself in court. There should also be videos or podcasts describing the different areas of the civil justice system and how to navigate them without an attorney. These short videos could be developed by law students or legal aid organizations. It is important that the information be stated in simple, sixth grade level language and be easy to follow and understand.

B. Remote Access to Courts and Forms

A statewide website should also provide access to court information and forms. Providing this information online would assist pro se litigants, court staff, legal aid attorneys as well as pro bono attorneys who may have difficulties getting information from multiple courthouses. Information on each county's local court rules, access to online dockets, courthouse directions, and hours of operation could be included. It should also include

downloadable [and standardized] court forms relating to a wide range of substantive areas including family law, landlord-tenant law, and consumer debt collection.

C. Links to Local Community Service Organizations, Legal Aid, and Bar Associations for Assistance with Legal Matters

In this area of the website, links could be provided to lawyer referral services, self-help centers, and community service providers. Through these links, Ohioans involved in the civil justice system would be able to locate resources within their community to help them evaluate the complexity of their particular legal issue and determine whether they need a lawyer to help them navigate the civil justice system. The lawyer referral section of the website can include links to both local legal aid organizations and bar association lawyer referral numbers. The links for self-help centers can direct people to local court resources able to review pleadings or answer questions regarding whether an attorney is necessary in a case. The links for community service providers can be organized geographically by county and include everything from the local Department of Job and Family Services Office to the local, nonprofit domestic violence shelter.

Through a unified, statewide website, Ohioans struggling to achieve justice in our civil court system can access the fullest array of resources without having to expend unnecessary dollars or time to drive to a court house or independently evaluate the value of possible legal help. Other states have undertaken similar efforts and achieved appreciable increases in access to and satisfaction with their civil justice system. Ohio should endeavor to join those states that have successfully harnessed such technology to more widely open the court house doors.

ALTERNATE LEGAL SERVICES

7. SELF-HELP CENTERS

RECOMMENDATION

The Task Force recommends a review of self-help centers (SHC) as a means to respond to the unmet needs of those who are unable to afford legal services.

Discussion

The Franklin County Municipal Court, through the use of a special assessment fund, will launch a Civil Legal Self-Help Center in Fall 2015 (See Appendix C). The center will be staffed by one attorney and offer information to pro se litigants. Services will include assistance with completing forms, answering questions regarding the court system, and making referrals when necessary.

The Maryland Judiciary initiated SHC to assist with domestic and juvenile matters. The centers are staffed with a combination of court staff, contracted private attorneys, contracted legal services providers, and some volunteer attorneys.

In 2014, the Maryland centers assisted 49,082 pro se individuals with domestic case issues. In addition to operating during court hours, the self-help centers are open two evenings a month from 6 pm to 8 pm, and use meeting rooms in the local public library. By partnering with the public library, the self-help center has been able to offer extended hours and reach the “working poor who are unable to pay for legal services.”³⁶

Counties are required to track demographic and statistical information from individuals they serve to provide the judiciary with a record of who is being served and identify trends or need for services. Information such as assistance type, income level, education, race, and gender provide a portrait of the users. Courts determine the criteria for accessing the services. Out of the 24 counties with self-help centers, 8 counties limit access to those who are income-eligible for legal aid services.

³⁶ Brewer, Sandy, “Howard County Circuit Court’s Self-Help Program Growing by Popular Demand,” *Justice Matters*, Vol. 13, No. 1, Winter-Spring 2010.

SHCs provide limited legal services for pro se litigants. Services are focused on providing assistance with completing forms, answering questions about legal problems, and preparing for trial.

The Maryland centers were evaluated for their effectiveness in providing satisfactory services to clients, increasing the user's knowledge of the judicial system, and removing barriers to accessing the justice system. The study revealed the following:

- a) SHCs are used heavily, with most centers running at or near full capacity.
- b) Client satisfaction rate of SHCs is high, regardless of region, demographics, case type or services provided. Criteria included whether the client's questions were answered, if the client experienced a long wait time, and whether the experience increased their trust in the judicial process.
- c) Court administrative staff reported that SHCs have a positive impact. For example, pro se litigants file more complete paperwork and gain a better understanding of the law.

8. LIMITED-SCOPE REPRESENTATION (UNBUNDLED LEGAL SERVICES)

RECOMMENDATION

The Task Force recommends the promotion of limited-scope representation, also known as unbundled services, as a way to provide legal representation to litigants who may have the means to hire an attorney for a limited purpose, even if not for an entire legal matter. That limited purpose could include drafting a document, appearing at a hearing or negotiating on the client's behalf.

Discussion

Many unrepresented litigants require legal assistance for only limited phases of civil litigation. For instance, a divorcing couple with children but with no real estate,

retirement accounts, or other assets may require only the preparation of a shared parenting plan that complies with statutory requirements. Most lawyers in Ohio are unwilling to take on representation of a client for a limited task. Moreover, they are unsure whether the Rules of Professional Conduct permit such limited representation.

Rule 1.2(C) of the Ohio Rules of Professional Conduct states: “A lawyer may limit the scope of a new or existing representation if the limitation is reasonable under the circumstances and communicated to the client, preferably in writing.” Neither this rule nor any other rule defines “reasonable under the circumstances,” however. Without definition, lawyers find it difficult to discern when or whether the rules allow limited representation on specific matters. Compounding this difficulty is the tendency of some Ohio judges to reject the notion of limited representation altogether and insist on the continued appearance of an attorney hired only for a limited purpose.

The Dispute Design Workshop³⁷ of The Ohio State University Moritz College of Law, led by Professor Nancy Rogers, conducted a preliminary survey of Ohio attorneys regarding unbundled legal services. Attorneys in Columbus, Ohio (urban area) and a rural county were invited to participate in a voluntary survey. Attorneys reported they were more likely to provide unbundled services if the limited scope representation was in writing and if there were safeguards regarding malpractice and ethics complaints.

Twenty-nine other states have addressed the issue of the permissibility of providing unbundled legal services in their states by amending rules of civil procedure to specifically include provisions regarding unbundled legal services in addition to having a provision similar to Rule 1.2(C).

To address the lack of clarity in Rule 1.2(C), the Task Force recommends issuance of a more definite statement of what constitutes “reasonable under the circumstances.” In conjunction with the Board of Professional Conduct, the Court should consider providing

³⁷ Jumelle, Mott, & Tse, *A Proposal for the Education and Expanded Referrals to Mediation of Pro Se Civil(Non-Domestic Relations Litigants in Columbus, Ohio*, The Ohio State University Moritz College of Law (January 28, 2015).

comments or guidance on Rule 1.2(C) that addresses common questions about when a lawyer may provide limited representation.

To address ongoing questions about limited scope representation, we recommend the development of Continuing Legal Education courses to educate lawyers about limited scope representation and how, ethically, to provide unbundled services.

And finally, to address the concerns and questions judges may have about limited representation, the Task Force recommends the development of courses within the Judicial College to educate judges about limited-scope representation and its benefits to litigants and the legal system.

By encouraging the use of unbundled services, Ohio will join several other states that have addressed limited-scope representation in statutes or rules of procedure. In Maryland, the Court of Appeals adopted amendments to its rules of civil procedure to permit attorneys to enter an appearance limited to participation in a discrete matter or judicial proceeding. When filing the notice of appearance, the attorney is required to attach an acknowledgment signed by the client that sets forth the purpose and scope of the representation.³⁸ Further, once the attorney has completed the services outlined in the agreement, the rules of civil procedure allow for the attorney to withdraw by filing a notice of withdrawal.

Florida's Family Law Rules of Procedure contain several provisions regarding limited scope representation, including one that requires that pleadings filed by pro se litigants and prepared with the assistance of an attorney must contain a certification that the party received assistance from an attorney.

And in Georgia, a firm called The Justice Café offers limited scope services in criminal law, juvenile law, and family law at a rate of \$75 per hour. The services include negotiation, drafting, and court appearances.

³⁸ Maryland Rules of Procedure, Title 2 – Civil Procedure – Circuit Court, Rule 3-131.

Use of limited-scope representation could give litigants legal representation where and when they need it most. It can only be successful, however, if lawyers know the circumstances under which they can provide unbundled services and judges know the limitations of those services. As immediate steps toward those ends, the Task Force recommends clarification of Rule 1.2(C) and education for lawyers and judges.

9. MILITARY SPOUSE ATTORNEY RULE

RECOMMENDATION

The Supreme Court should adopt a rule allowing attorneys who are licensed elsewhere and are spouses of an active duty member of the United States Uniformed Services, stationed within this jurisdiction, to obtain a license to practice law (See Appendix D). From, *Proposed Rule: Revisions to Ohio's License Requirements in Support of Military Spouse Attorneys*, May 15, 2014, and updated September 4, 2014.

Discussion

In October 2014, the Military Spouse JD Network and Ohio Women's Bar Association submitted to the Supreme Court a proposed rule that would permit attorney spouses of service members stationed within Ohio to readily obtain a license to practice law in Ohio. The proposed rule would permit "military spouses" to be admitted to practice law in Ohio outside the normal admissions channels. Proponents of the rule believe that such a rule will support military families by making the admissions process less cumbersome and lengthy for military attorney spouses.

The Task Force is aware that, if adopted, a military spouse rule would have limited effect on meeting the unmet civil legal needs of Ohio residents. However, a majority of the Task Force believes that, by eliminating licensure barriers for military spouse lawyers, access to justice is furthered for military personnel and their families.³⁹ As military spouse attorneys have unique skills and experience concerning military life, they are

³⁹ Jack P. Sahl, *Cracks in the Profession's Monopoly Armor*, 82 Fordham L. Rev. 2635, 2641 (2014).

better equipped to serve clients who are in the military, either through paid or volunteer work. Many military personnel lack adequate resources to obtain legal services. Qualified military spouse attorneys, if given the opportunity to gain admission to the practice of law in Ohio, would be uniquely situated to assist the many Ohioans who are military personnel and their families.

Veterans, active-duty service members, and their families represent segments of the population needing and consuming pro bono and legal aid services. Their needs, however, are unique and best served by individuals who understand them.

10. EMERITUS RULE

RECOMMENDATION

The Supreme Court should explore adopting an “emeritus rule” that would permit senior attorneys who are no longer actively engaged in the practice of law to provide pro bono legal services through a legal aid organization.

Discussion

In 2011, the Ohio State Bar Association (OSBA) submitted to the Court recommendations from its Masters at the Bar Task Force. The Task Force recommended that the Court adopt a rule permitting “emeritus” attorneys to engage in a limited practice of law for pro bono service and mentoring under certain circumstances. Under the OSBA proposal, “emeritus” attorneys would be required to meet their continuing legal education requirements, but would not be required to pay the biennial attorney registration fee. The Court declined to adopt this recommendation, noting that because the proposed emeritus rule did not have an age demarcation, attorneys of any age could register as an “emeritus.” The Court further noted that, unlike emeritus rules adopted by other professions, the OSBA’s proposal was not a permanent status and emeritus attorneys could return to active practice at any time. Lastly, the Court cited the possible financial impact of waiving the registration fee.

The Task Force on Access to Justice urges the Supreme Court to revisit the emeritus rule as a way to meet some of the unmet civil legal needs in Ohio. It was brought to the Task Force's attention that an emeritus rule proposal is currently being considered by the Ohio State Bar Association Section on Senior Lawyers. The Task Force believes that many senior attorneys would be eager to perform pro bono legal work but are precluded from doing so because they are on "inactive" registration status. The Task Force further believes that many senior attorneys register for inactive status not only because they are no longer practicing but also because they no longer wish to take minimum continuing legal education hours and pay the biennial attorney registration fee.

Therefore, the Task Force encourages the Supreme Court to consider adoption of an emeritus rule that would allow senior attorneys to provide pro bono legal services to persons of limited means.

11. FORMS

RECOMMENDATION

The Task Force encourages the Supreme Court to continue to lead the effort in developing and implementing standardized forms. As a critical part of this effort, the Task Force recommends that the new Access to Justice Director be responsible for facilitating, prioritizing, and development, of standardized forms by working with the appropriate court committees.

Discussion

The Task Force on Pro Se and Indigent litigants recommended in 2006 that the court take the lead in developing standardized forms for Ohio courts (See Appendix E). Since then, with significant effort by attorneys, judges, and other stakeholders, the court has approved standardized forms for Probate, Domestic Relations, and Juvenile matters. Nevertheless, the Task Force recognizes that additional forms in other practice areas are needed.

The lack of standardization of court forms and instructions across Ohio counties constitutes a lack of access to useful and reliable information. Pro se litigants who have more than one pending legal matter in different counties must file distinct documents for each case. To properly file the documents, they must decipher a separate set of court forms and instructions for each county, often while possessing limited skill or understanding. In addition, the lack of standardized forms becomes an impediment not only for pro se litigants, but also for attorneys who practice in multiple jurisdictions, particularly those working with pro bono organizations and volunteering their time. For these reasons, the lack of standardized court forms and instructions prevents those with limited financial means from accessing the justice system.

Recognizing that many standardized forms have been developed in recent years, but also recognizing that additional standardization would improve litigants' and lawyers' access to the judicial system, the Task Force recommends that the Court direct the new Access to Justice Director to assess the current needs for standardization and lead the development of more standardized forms that best address those needs.

OTHER CONSIDERATIONS

Fellowships and Incubator Programs to Employ New Attorneys

A growing number of Ohioans have no ability to procure legal representation in civil matters. At the same time, hundreds, and perhaps thousands, of recent law graduates, have been unable to obtain employment in the legal field. This current failure of professional and market forces to match potential legal capacity with desperate need for legal services warrants serious review, analysis and recommendations by a collaborative effort of deans of Ohio law schools, the Ohio State Bar Association new lawyer's committee, representatives of legal aid organizations, and representatives of the judiciary. Once convened, this study group should make recommendations for potential new methods of: 1.) transition to practice for new lawyers; 2.) appropriate training; 3.) strategies for mitigating potential financial barriers to enhanced service to low income

Ohioans; and 4.) greater integration of pro bono service with the transition from law school to law practice.

Cleveland-Marshall College of Law

The Solo Practice Incubator Program at Cleveland-Marshall College of Law provides new attorneys with a means of starting their own law practice with the guidance from the law school's faculty and experienced practitioners. The program provides office space with discounted rent, basic office amenities, and free secure wireless internet. Tenants are provided guidance in the practical management of their firms and their cases.

There are many types of incubator programs available. Law schools, bar associations, and legal aid organizations are establishing incubator programs to support new attorneys who intend to begin a solo practice and meet the needs of moderate and low-income individuals. These programs focus on training attorneys to handle client matters while building an economically sustainable practice.

There are approximately two dozen incubators currently operating throughout the nation. It is expected that the number will increase rapidly, as the model is an inexpensive way to provide a guided entrance into the legal practice for newly admitted attorneys.

Rutgers Law Associates Fellowship Program

Providing legal services to low and moderate income New Jersey residents at below-market rates, the Rutgers Law Associates Fellowship Program hires newly licensed New Jersey attorneys. The fellows devote two-thirds of their time to client matters, and the rest is spent participating in seminars and classes related to business development and management and professional responsibility. Funding to start the program included a \$100,000 gift to the law school intended to fund clinics specifically for this population.

The program, which began operations in 2014, provides new lawyers with training and an opportunity to practice in a collaborative setting, while also meeting a critical need of serving the portion of the population that is not income eligible for legal aid but is unable

to afford a private attorney. The fellows work under the supervision of an experienced practitioner to meet the needs of those unable to afford legal services. The firm charges a reduced fee of \$50 per hour and provides legal assistance in landlord/tenant disputes, divorce, consumer fraud, veterans' issues, and others.

During the first eleven months of the program, the fellowship undertook more than 100 matters for moderate or low-moderate New Jersey residents, generating more than \$115,000 in attorney fees. The majority of clients served by the program were referred by legal aid organizations or by the courts. Without representation from the program, these clients presumably would have proceeded in their matters pro se or abandoned their claims or defenses. Many of the clients needed assistance with family court matters, but other practice areas addressed include consumer protection, education law, and employment discrimination. It is anticipated that as the program continues, the fellows will be able to cover their stipends (currently at \$30,000 per year) and malpractice insurance from the work generated from the firm.

Skadden Fellowship Program

Skadden, Arps, Slate Meagher & Flom LLP established a fellowship program in 1988 to commemorate the firm's 40th anniversary and as a way to acknowledge "the dire need for greater funding for law students who wish to devote their professional lives to providing legal services to the poor (including the working poor), the elderly, the homeless and the disabled, as well as those deprived of their civil or human rights."⁴⁰

With an initial fund of \$10 million to sponsor 125 fellowships over five years, the program has remained an important source of projects that highlight access to justice issues. Including its 2015 class, the Skadden Foundation has funded 733 fellows to work in the public interest, including representation for low-income tenants, access to mental health services, and systemic advocacy in education.⁴¹

⁴⁰ Skadden Foundation, <http://www.skaddenfellowships.org/about-foundation> (accessed March 23, 2015).

⁴¹ <http://www.skaddenfellowships.org/statistics?year=&sort=school>

The stipend given each fellow is approximately \$46,000, with the foundation paying for healthcare and law school debt, if the law school from where the applicant graduated does not offer a loan repayment program for those who go into public interest work. Fellows work on a project of their design with a sponsoring organization. It is the firm's mission that through their efforts, Skadden Fellows increase and improve access to justice to those who are disadvantaged.

90% of all Skadden fellows have stayed in public interest. 100% of those who stayed in public interest stayed within their area of interest.

When interviewed by the New York Times about the firm's decision to begin the foundation, then executive partner Peter P. Mullen stated, "This will tend to contradict the view that the established bar has about large law firms, the view that we take from society and do not give back. We have been successful, and we have made money, and we have decided to put some of it back."⁴²

Squire Patton Boggs Foundation

The Squire Patton Boggs Foundation has a strong record of public contributions and achievements. Its origins are rooted in a history of civil rights advocacy. To endow the Foundation, the Firm dedicated attorneys' fees from a 25-year pro bono case, the Ironworkers Case. In the case, a federal court in Washington D.C. struck down racial barriers faced by African-American construction workers. The Foundation's endowment continued to grow through partner contributions and the proceeds of a second large pro bono victory, the Yachtsman Case, won by Rick Talisman who successfully settled a federal racial discrimination suit against a hotel resort that discriminated against African-American bikers during Black Bike Week in Myrtle Beach.

Since its formation, the Foundation has funded Public Policy Fellowships for more than 150 law students at 15 U.S. law schools, as well as the College of Law in Qatar. These

⁴² Labaton, "Big Law Firm to Help Poor In Civil Cases," *New York Times* (June 8, 1988).

Fellowships have enabled students to work during the summers of their law school years at public interest organizations and government offices in the US and in many other countries. The Fellows work on a range of issues including domestic, civil and international human rights, women and children, legislative policy, immigration, election law, business and finance.

The Foundation is making grants this year to 14 law schools in the United States – George Washington, Georgetown, Brooklyn, Yale, Howard, Virginia, Texas, Catholic, Washington College of Law (American University), SMU, Denver, Colorado, Case Western Reserve, the University of California at Hastings, and the College of Law in Qatar.

In identifying the financial, structural, and cultural barriers to accessing the civil justice system in Ohio, the Task Force recommends the consideration of these recommendations and an annual evaluation of the progress and effectiveness of the initiatives. Through increased funding, alternative legal services, and technology, Ohio can improve access to justice for all.



APPENDIX A

- Ohio Legal Assistance Foundation Information
- *2014 OLAF Annual Report*



The Ohio Legal Assistance Foundation (<http://www.olaf.org/>)

Ohio has been fortunate to have in place an organization that addresses access to justice issues with more than just funding. The Ohio Legal Assistance Foundation, “OLAF,” created in 1994, works to enhance and improve the delivery of civil legal aid. Its board is composed of appointees from the Supreme Court, the Executive, and Legislative leadership, as well as leaders from the Bar Association, law schools, community leaders from around the state and practicing attorneys. It currently operates statewide fellowship programs; supports statewide pro bono efforts; and operates a loan forgiveness program for civil legal aid attorneys to ensure that the best and brightest can pursue such work regardless of law school debt.

In addition, OLAF supports and improves civil legal aid in Ohio by funding and assessing Ohio’s legal aids to ensure that the highest quality work is being done to serve the legal needs of low-income Ohioans. Since its creation, OLAF has distributed to Ohio legal aids over \$314.7 million to help enable them to provide the best possible civil legal aid for Ohio’s poor and disadvantaged. OLAF has significant expertise in these areas. It reports to the General Assembly and the Governor annually, and to the Supreme Court quarterly. It has more than 20 years of experience and is a great resource, convenor and innovator. OLAF regularly serves as a voice for justice issues in the state.

Some ways in which OLAF and Ohio’s legal aids have innovated to improve access to justice in Ohio area as follows. OLAF partners with AmeriCorps and Equal Justice Works (“EJW”) to sponsor newly admitted attorneys as fellows at legal aid programs around the state. These highly competitive fellowships bring some of the most talented law school graduates into Ohio’s legal aid delivery system to focus on specific and urgent issues facing low-income individuals and families. Through AmeriCorps Fellowships, fellows work on an area identified nationally such as foreclosure prevention or veterans’ legal issues. In traditional, EJW fellowships, OLAF Fellows identify a substantive legal need being underserved and create a project to redress the issue. Traditional fellowships address everything from housing to children and school to aiding victims of violence.

In addition, OLAF supports Ohio’s legal aids in their innovative medical-legal partnerships which partner legal aid lawyers and children’s hospitals’ medical staff in Akron, Cleveland, Toledo, Dayton and Cincinnati to identify medical issues that may have legal determinates. Ohio’s medical-legal partnerships integrate the expertise of healthcare, public health and legal professionals to address and prevent health-harming conditions for clients. A classic example of this is asthma and mold. Low-income Ohio children can make repeated trips to an emergency room for treatment for asthma that may, in part, be exacerbated by living conditions in which mold is unchecked. Doctors cannot address the mold in the child’s home, but a legal aid lawyer can. By referring the family to legal aid and legal aid redressing the poor living conditions, Ohio’s children achieve better health outcomes; hospitals save money; the children perform better in school; and our communities are stronger and healthier.

Similarly, projects like Cincinnati’s Family Law Mentoring Project serve to redress unmet civil legal need in domestic court and to help new lawyers begin careers. The project is a

Similarly, projects like Cincinnati's Family Law Mentoring Project serve to redress unmet civil legal need in domestic court and to help new lawyers begin careers. The project is a collaborative endeavor between Legal Aid of Greater Cincinnati, the Cincinnati Bar Foundation and Hamilton County Domestic Court. It creates an opportunity for new attorneys who wish to enter domestic relations practice to receive training and mentorship from legal aid's experienced attorneys and Hamilton County's Domestic Bench in order for them to be able to establish their own domestic practice. In return for the training and mentorship, the new attorneys agree to handle five to six cases for indigent litigants, two on a pro bono basis and three to four at the Volunteer Lawyers Project (VLP) reduced fee rate. In this way, clients who so desperately need legal help but cannot afford it can receive well-trained and supervised legal assistance and new lawyers who want to open their own practice can do so in a supportive environment. As an added bonus, the Hamilton County Domestic Relations Court sees fewer unrepresented litigants.

Thus, OLAF and Ohio's legal aids work to improve and increase access to justice throughout the state.

Attached:

1. 2014 OLAF Annual Report



A *Voice* FOR JUSTICE

2014 ANNUAL REPORT



Ohio Legal
Assistance Foundation
FUNDING LAWYERS WHO CHANGE LIVES

FOUNDATION MISSION STATEMENT

The Ohio Legal Assistance Foundation is committed to equal access to justice and works to ensure that resources, programs and services exist statewide to serve the unmet civil legal needs of Ohio's low-income population.

DEAR COLLEAGUES:

As a trial attorney, I rely on my *voice* to tell my client's story in the courtroom. My goal is to effectively communicate to the judge and jury the critical facts and issues of the case. My *voice* guides the judge and jury as they learn about the case and how events have impacted my client. In this way, I help my client to secure a solution to a legal problem and achieve peace of mind.

For those who cannot afford an attorney, facing a serious legal problem – unsafe housing, a child struggling in school, or inability to secure benefits earned through military service – may feel like having no *voice*.

Legal aid enables individuals to find solutions to critical life issues and live self-sufficient, safe and productive lives. Legal aid lawyers represent Ohioans in all 88 counties, providing a legal *voice* and access to the justice that is guaranteed for all, regardless of income. Legal aid strives to create communities where fairness and justice are available to all.

The following pages describe how individuals and the communities in which they live both were improved after legal aid gave those individuals a legal *voice*. The Ohio Legal Assistance Foundation supports these efforts through funding and other resources and support.

As the economy slowly recovers, the Foundation is committed to continuing its work to ensure that Ohio's legal aids have the resources and support necessary to give a legal *voice* to low-income and disadvantaged Ohioans who want to move up and out of poverty.



Albert Einstein said, "In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same." Please join me in pledging your own support for Ohio's legal aids as we rededicate ourselves to the promise of justice for all.

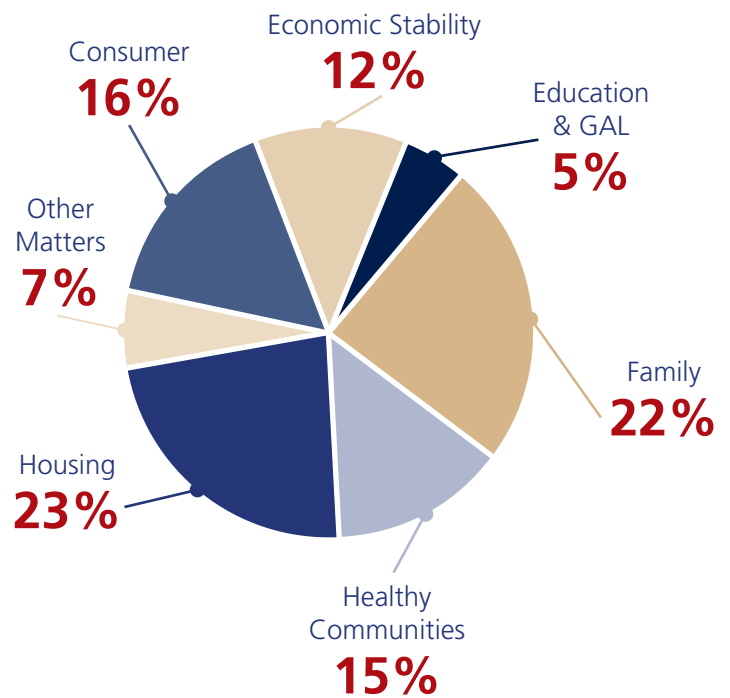
A handwritten signature in black ink, reading "Kathleen M. Trafford". The signature is fluid and cursive.

Kathleen M. Trafford
President, 2014-2015

Disbursements Made to Ohio Legal Aid Year Ended June 30, 2014

| | |
|---|---------------------|
| Advocates for Basic Legal Equality | \$3,181,308 |
| Community Legal Aid | \$1,731,762 |
| The Legal Aid Society of Cleveland | \$2,053,517 |
| Legal Aid Society of Greater Cincinnati | \$1,492,274 |
| Ohio State Legal Services Association - Ohio Poverty Law Center | \$361,481 |
| Ohio State Legal Services Association - Southeastern Ohio Legal Services | \$1,713,451 |
| Ohio State Legal Services Association - The Legal Aid Society of Columbus | \$1,362,070 |
| Legal Aid of Western Ohio | \$14,850 |
| Pro Seniors | \$225,760 |
| Total Disbursements | \$12,136,473 |

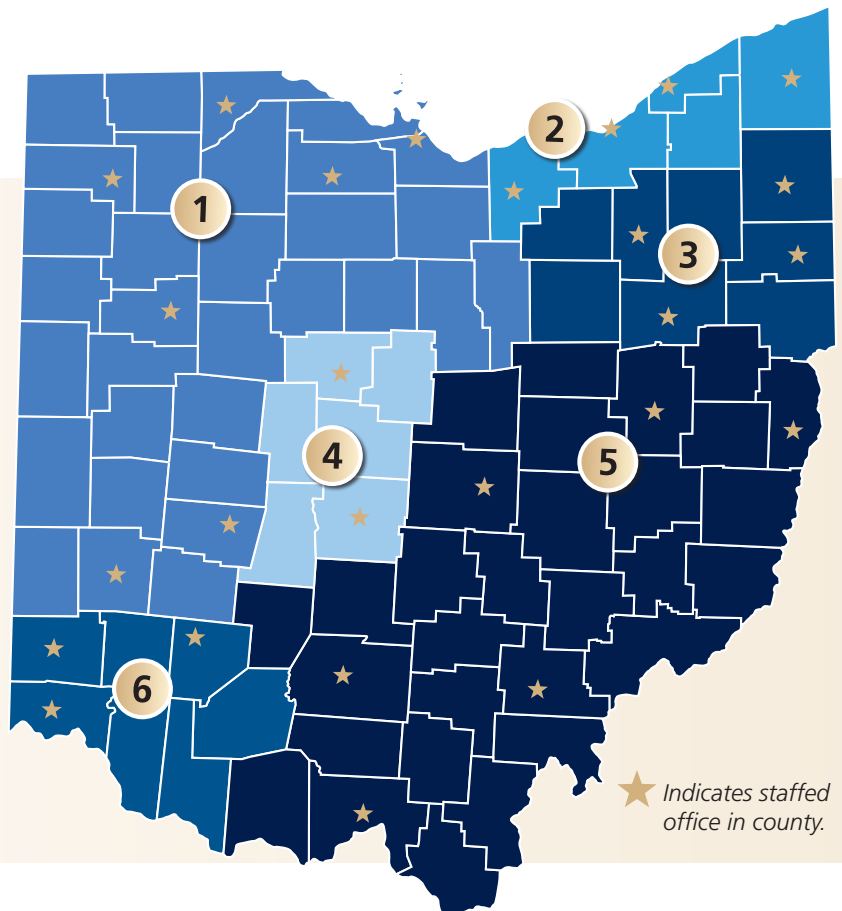
TYPES OF LEGAL AID CASES



OHIO LEGAL AID SERVICE AREAS

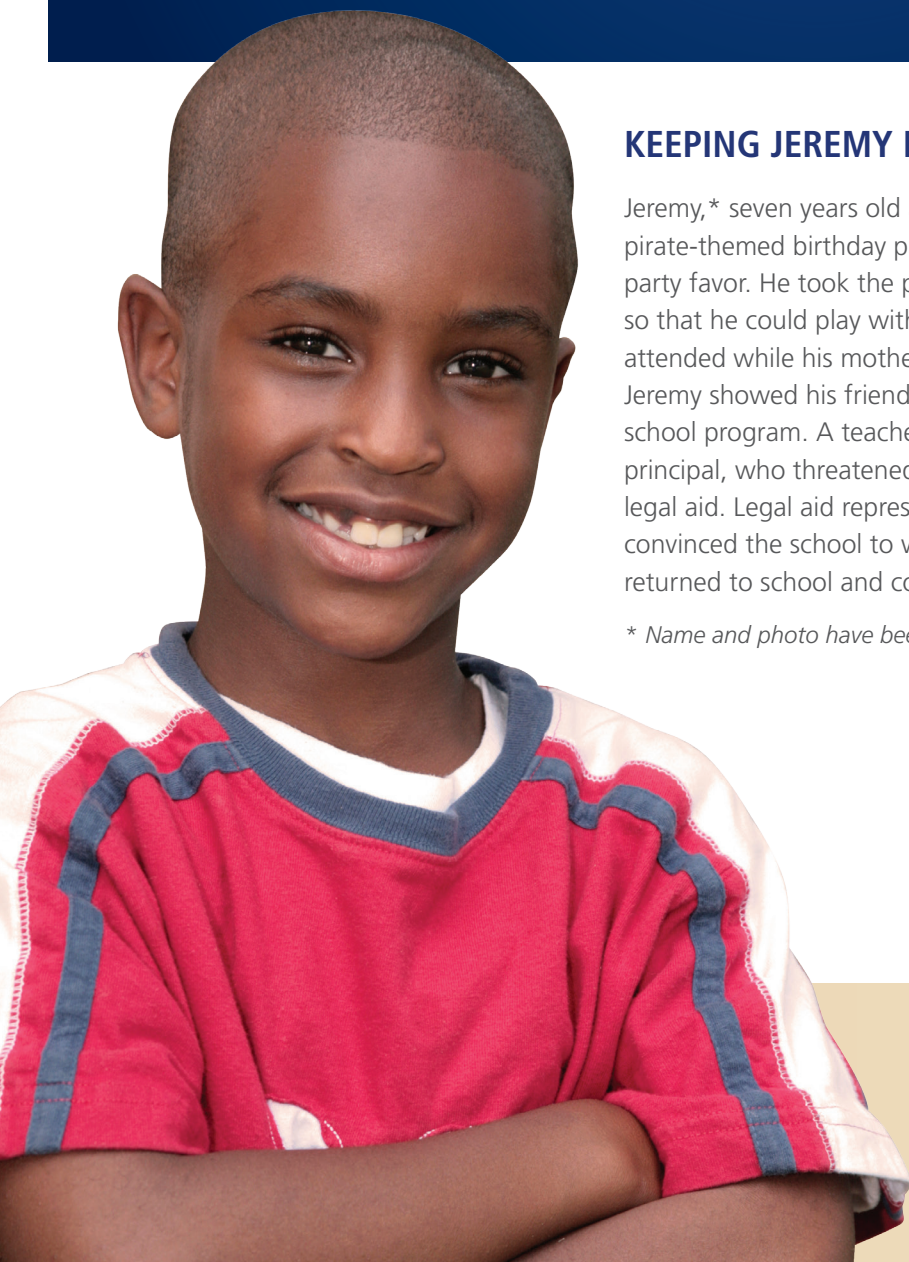
- 1 Advocates for Basic Legal Equality
Legal Aid of Western Ohio
- 2 The Legal Aid Society of Cleveland
- 3 Community Legal Aid
- 4 The Legal Aid Society of Columbus
- 5 Southeastern Ohio Legal Services
- 6 Legal Aid Society of Greater Cincinnati
Legal Aid Society of Southwest Ohio

STATEWIDE: Pro Seniors
Ohio Poverty Law Center



A *Voice* FOR OHIO'S CHILDREN

By providing grants and other resources and support to Ohio's legal aids, the Foundation ensures that all in-need Ohioans have a legal voice. For children, a legal voice helps them achieve success in school, live safely and securely at home, and access critical medical care. Through innovative partnerships, legal aid collaborates with other community stakeholders such as children's hospitals and school districts to ensure children's voices are being heard.



KEEPING JEREMY IN SCHOOL

Jeremy,* seven years old and in second grade, attended his cousin's pirate-themed birthday party and received a small, plastic sword as a party favor. He took the plastic sword home and put it in his backpack so that he could play with the toy in an after-school program he attended while his mother worked. At the end of the school day, Jeremy showed his friend the party favor before going to the after-school program. A teacher noticed the sword and took Jeremy to the principal, who threatened to expel Jeremy. Jeremy's mother called legal aid. Legal aid represented Jeremy in an expulsion hearing and convinced the school to withdraw the expulsion. Jeremy happily returned to school and continues to succeed in the second grade.

** Name and photo have been changed to protect client privacy.*

In 2014,

912 

children were maintained
and supported in school;

PROTECTING RACHEL'S HEALTH

Rachel,* the youngest of three siblings, suffers from asthma as well as other chronic lung and heart problems. Her doctor at the local children's hospital referred Rachel to the medical-legal partnership between the hospital and legal aid. Legal aid discovered that Rachel's family was living in an apartment with substantial mold and moisture problems. The mold was exacerbating Rachel's asthma, causing severe and frequent attacks. Legal aid worked with the landlord to remedy the moisture problems and the mold was eliminated. Rachel's health dramatically improved and her family and neighbors are thankful that legal aid is there to ensure they all live in a healthy environment.

** Name has been changed to protect client privacy.*



SAVING SEAN'S LIFE

Sean,* 16 years old, has cerebral palsy and scoliosis and requires the support of a customized wheelchair. Sean's doctor told him that the wheelchair he was using needed to be modified in order to accommodate physical changes related to his scoliosis. Sean's mother submitted a request to Medicaid so that his wheelchair could be properly modified, but Medicaid denied the request.

For almost a year, Sean developed multiple pressure sores due to poor positioning in the wheelchair. As his condition worsened, Sean's doctor informed him that without a modified wheelchair, his rib might break and puncture his lung. Sean's mother, fearing for her son's life, repeatedly called Medicaid and sent pictures of him in his wheelchair. Medicaid did not respond.

Sean's nurse referred Sean's mother to the medical-legal partnership between his local children's hospital and legal aid. Legal aid worked with Medicaid to resolve the issue and provide Sean with an appropriate, properly modified wheelchair. Sean now uses a customized wheelchair that keeps him safe and mobile.

** Photo has been changed to protect client privacy.*

1,692

children received Guardians ad Litem who protected their best interests;



2,604

children achieved justice as a result of legal aid's help.

A *Voice* FOR OHIO'S SENIORS

Through its funding and support of Ohio's legal aids, the Foundation provides a legal voice to vulnerable older Ohioans. For seniors, a legal voice helps to preserve financial stability and security, maintain safe housing, and access medical care and benefits. Legal aid works with other organizations serving seniors such as senior centers and area agencies on aging to ensure that Ohio's seniors live independently and with dignity.

KEEPING MRS. ORTON IN HER HOME

Mrs. Orton,* an 82-year-old retired schoolteacher, wanted nothing more than a secure, stable home, and to provide educational opportunities for her granddaughter. Mrs. Orton fell behind on her mortgage payments after paying for unexpected but necessary repairs to her home. When she contacted her mortgage lender for help, the lender refused to work with her. Unable to keep up with the mortgage payments on her home, Mrs. Orton faced foreclosure.

Mrs. Orton contacted legal aid for help. Legal aid worked with her mortgage lender so that she was able to pay her mortgage with her teacher's pension and her small Social Security check. Mrs. Orton happily resides in her home and is able to help with her granddaughter's education.

** Name and photo have been changed to protect client privacy.*



In 2014,

3,150

seniors received legal help to maintain their housing;



2,185

seniors secured assistance with health care;



15,254

seniors achieved justice as a result of legal aid's help.

PROVIDING MRS. WALLACE WITH FINANCIAL SECURITY

Mrs. Wallace,* a 69-year-old widow, was having trouble locating her deceased husband's pension. Mr. Wallace had worked for a trucking company for 16 years before he died at the age of 46. The company promised her that she would be paid her husband's pension benefits on his 66th birthday. With 20 years having passed, Mrs. Wallace tried to contact the trucking company, but the company had gone out of business.

Mrs. Wallace contacted legal aid for help. Legal aid was able to find the pension and assist Mrs. Wallace in obtaining the pension benefits. Mrs. Wallace is now being supported by her husband's hard work.

** Name has been changed to protect client privacy.*



RESTORING PEACE OF MIND TO MRS. MOORE

Mrs. Moore*, an 80-year-old homeowner, was frail and in poor health. She was solicited by a debt settlement company that promised to negotiate with her creditors and cut her debt in half. Mrs. Moore, believing what the company promised, paid them to settle her debt. The company failed to deliver on their promises and one of Mrs. Moore's creditors sued. The judge on the case referred Mrs. Moore to legal aid. Legal aid defended Mrs. Moore and got the case dismissed. Legal aid also got her money back from the debt settlement company and successfully negotiated down her other debt. Mrs. Moore is now financially stable and her peace of mind is restored.

** Name and photo have been changed to protect client privacy.*

A *Voice* FOR OHIO'S VETERANS

By funding and supporting Ohio's legal aids, the Foundation empowers veterans with a legal voice. For veterans, a legal voice helps them obtain safe housing, access health and veterans' benefits, and fight consumer fraud. Legal aid proudly serves our veterans who have bravely served and sacrificed for us.

In 2014,

1,533

veterans preserved their financial stability;

1,139

veterans received legal help to maintain their housing;



5,428

veterans achieved justice as a result of legal aid's help.

KEEPING THE PAUL FAMILY IN THEIR HOME

Mr. Paul* is a 34-year-old disabled Army veteran with four young children. After Mr. Paul's wife lost her job, the family was unable to keep up with payments on their mortgage. The mortgage company initiated a foreclosure. Afraid that he and his family would become homeless, Mr. Paul went to legal aid for help. Legal aid worked with the family's mortgage company to reduce their monthly payments by almost \$100. Mr. Paul and his family were able to save their home.

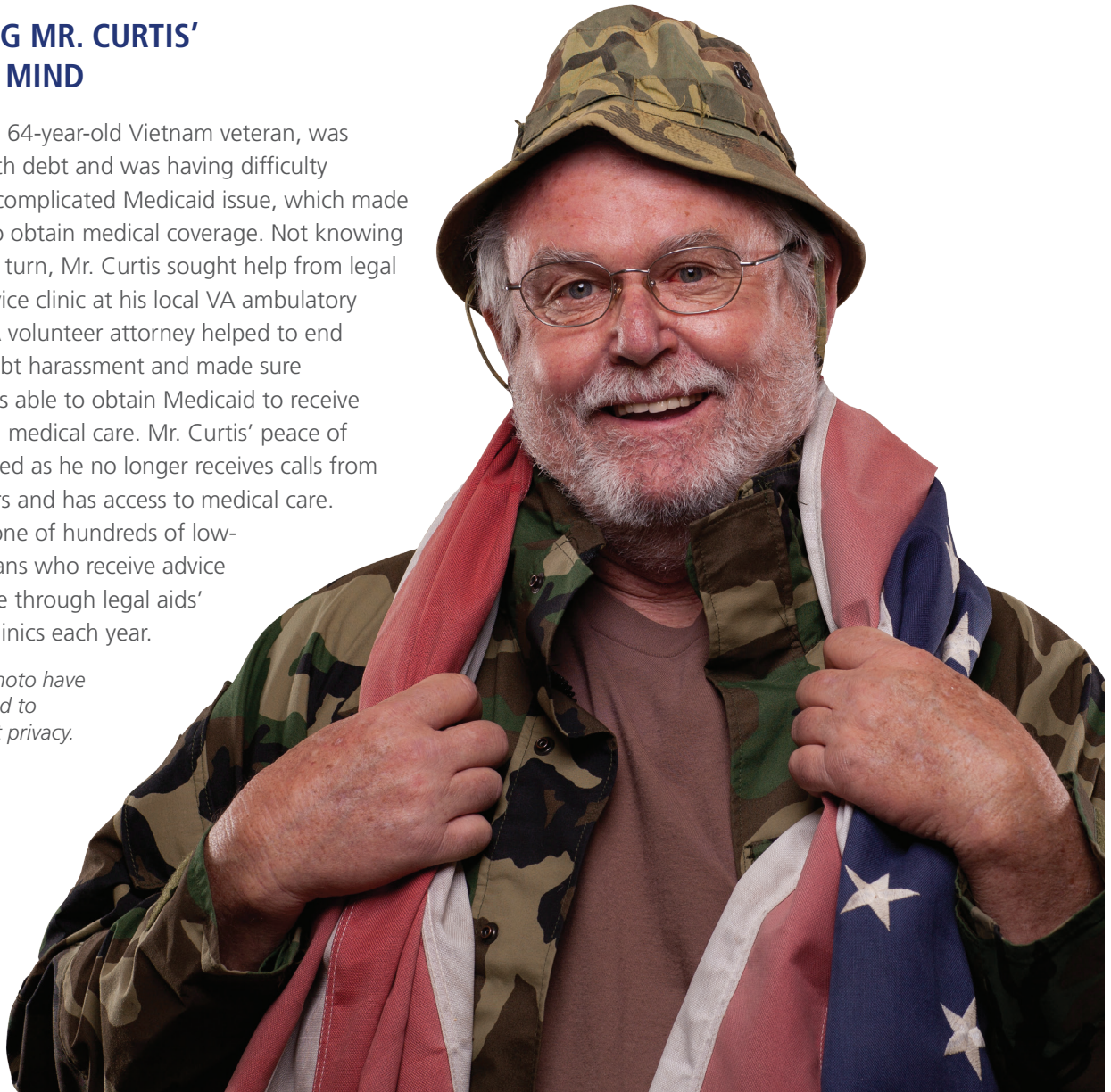
** Name and photo have been changed to protect client privacy.*



RESTORING MR. CURTIS' PEACE OF MIND

Mr. Curtis,* a 64-year-old Vietnam veteran, was struggling with debt and was having difficulty navigating a complicated Medicaid issue, which made him unable to obtain medical coverage. Not knowing where else to turn, Mr. Curtis sought help from legal aid's brief advice clinic at his local VA ambulatory care center. A volunteer attorney helped to end Mr. Curtis' debt harassment and made sure Mr. Curtis was able to obtain Medicaid to receive much needed medical care. Mr. Curtis' peace of mind is restored as he no longer receives calls from debt collectors and has access to medical care. Mr. Curtis is one of hundreds of low-income veterans who receive advice and assistance through legal aid's brief advice clinics each year.

** Name and photo have been changed to protect client privacy.*



PRESERVING MR. GOODMAN'S DIGNITY

Mr. Goodman,* a Marine Corps veteran, developed a brain tumor. As a result, he became dependent on his wife for his basic needs. Unfortunately, his wife was verbally and physically abusive with him. Mrs. Goodman eventually threw Mr. Goodman out of the house and filed for divorce. Mr. Goodman was ordered to pay her spousal support, attorney's fees, and other debts. Mr. Goodman reached out to legal aid for help. Legal aid helped Mr. Goodman leave the marriage debt free. Mr. Goodman received treatment for his brain tumor and is now independent and free from abuse.

** Name has been changed to protect client privacy.*

A *Voice* FOR OHIO'S VICTIMS OF DOMESTIC VIOLENCE

In funding and supporting Ohio's legal aids, the Foundation provides a legal voice to victims of domestic violence. For these victims, a legal voice protects them from their abusers, stabilizes their employment, and secures their finances. Legal aid supports victims of domestic violence and their families so they can live free from fear and abuse.



PROTECTING ANNA FROM PHYSICAL AND FINANCIAL ABUSE

Anna* met her husband when they were serving together in Iraq. Both suffer from PTSD. Anna sought help to cope with her symptoms, but unfortunately her husband did not. Suffering from PTSD symptoms and frequently under the influence of drugs and alcohol, Anna's husband threatened her with knives and guns. Fearful for her life, Anna fled with her daughter and called legal aid for help. Legal aid was able to get a Civil Protection Order and later, secured Anna's divorce from her husband with full custody of their daughter and child support. Anna and her daughter are now physically and financially safe.

** Name and photo have been changed to protect client privacy.*

In 2014,
11,479

Ohio families were
stabilized by legal aid;

RESTORING MR. GAMON'S DIGNITY AND INDEPENDENCE

Mr. Gamon,* 67-years-old and suffering from dementia, lived with his son. Despite being a caretaker for his father, Mr. Gamon's son repeatedly abused him. During one violent incident, the police were called. The police cited the son for domestic violence and took Mr. Gamon to a local domestic violence shelter for vulnerable, older adults. Mr. Gamon's son, still trying to exercise control over his father, sued Mr. Gamon for half the rent. Mr. Gamon, terrified of his son, traumatized from the last incident, and not knowing what to do, called his daughter. His daughter called legal aid for help. Legal aid was able to get the suit dismissed. Mr. Gamon now lives happily with his daughter, who takes very good care of him.

** Name has been changed to protect client privacy.*

ENSURING SAFETY AND SECURITY FOR SANDY

Sandy* was married to her husband for twenty years, and for twenty years, her husband threatened and abused her. During a violent incident, Sandy's husband threatened to kill her and seriously injured her. Sandy, fearing for her life, called 911. Her husband was charged with a felony but remained free on bond. Sandy, scared and not knowing what to do, turned to legal aid. Legal aid helped Sandy obtain a Civil Protection Order. When the threats did not stop, legal aid was able to get her husband's bond revoked which put him in jail. Legal aid also helped Sandy obtain a divorce. Sandy now lives free of the threats and the abuse.

** Name and photo have been changed to protect client privacy.*



14,877
children obtained
safety and security;

 **10,387**
victims of domestic violence achieved
justice as a result of legal aid's help.

FELLOWS: A *Voice* FOR OHIOANS

Outstanding law school graduates with a passion for public service provide a voice for in-need Ohioans through Equal Justice Works and Veterans Legal Corps Fellowships sponsored by the Foundation. The Equal Justice Works fellows address urgent legal problems facing Ohioans and the Veterans Legal Corps fellows provide holistic legal assistance to veterans and their families. The fellows give a voice to Ohioans and their families who need legal aid in order to attend and succeed in school; access critical medical care; sustain housing and prevent homelessness; and, remove barriers to employment.

SECURING A HEALTHY HOME FOR CONNIE

Connie Platt, the widow of a Marine, faced standing water in her basement, mold, and a hole in the sewer line of her rental home. The place was drafty, damp and cold, and she coughed constantly. Connie tried repeatedly to get the landlord to fix the problems, but he would not comply. She cried, not knowing what to do, and prayed for a new home. When the landlord demanded money for repairs that predated her stay, Connie reached out to legal aid for help. Robert Abdalla, a Veterans Legal Corps Fellow, and himself a veteran, worked out an agreement with the landlord which enabled Connie to get her security deposit back and move to a new home. Connie stopped coughing, got better, and began a new chapter of her life in a dry, warm home.

Connie Platt and attorney Robert Abdalla



AMERICORPS VETERANS LEGAL CORPS FELLOWS

Robert Abdalla

Southeastern Ohio Legal Services

Jami Altum-McNair

The Legal Aid Society of Cleveland

Erica Helmle

Pro Seniors

Michael McGuire

The Legal Aid Society of Columbus

Kenneth Mirkin

Community Legal Aid

Alisé Pilson

Advocates for Basic Legal Equality

Elizabeth Zak

Legal Aid Society of Greater Cincinnati

In 2014, the Ohio Veterans
Legal Corps achieved

\$1.2 Million

in economic benefits
for veterans;

1,273

veterans achieved justice
as a result of the Ohio
Veterans Legal Corps.



Pictured left to right are Micah's sister Kendell Watkins, Micah Litton, Micah's mother Kristina Davis, and attorney Sara Wheeler.

ALLOWING MICAH TO ACHIEVE IN SCHOOL

Micah Litton, a 4-year-old preschool student, has type 1 diabetes. He needs several injections a day in order to manage his condition. When Micah's mom, Kristina, reached out to his preschool to request that they administer his necessary injections, the preschool refused. Kristina was stressed and worried that Micah would not receive the medical attention he needed to keep him healthy and safe while at preschool. She repeatedly asked the school to accommodate Micah's medical condition, but the school refused. The preschool suggested to Kristina that she sit in the parking lot at the school so she could administer Micah's injections. This was impossible for Kristina, as she needed to work to support her family. Not knowing what to do, Kristina reached out to legal aid for help. Equal Justice Works fellow Sara Wheeler met with Micah's preschool to advocate for his medical needs. The school agreed to work with Sara to create a plan that would give Micah the medical care he needed to manage his diabetes. Micah is now doing well in preschool and his mom has peace of mind that her son is healthy and safe at school.

EQUAL JUSTICE WORKS FELLOWS

Kimberly Adams

Community Legal Aid

Melissa Baker Linville

The Legal Aid Society of Columbus

Matthew Barnes

Pro Seniors

Danielle Gadowski-Littleton

The Legal Aid Society of Cleveland

Katherine Holley

Legal Aid Society of Greater Cincinnati

Holly Hillyer

Advocates for Basic Legal Equality

Kathleen Kersh

Advocates for Basic Legal Equality

Melissa Salamon

Legal Aid Society of Greater Cincinnati

Sara Wheeler

Southeastern Ohio Legal Services

In 2014, the Ohio Equal Justice Works Fellows achieved justice for over

700

seniors, veterans, children and families.



A Voice FOR OHIO'S FAMILIES

In 2013 and 2014 Ohio's legal aids helped vulnerable Ohioans remain in their homes through a Moving Ohio Forward grant generously awarded by Ohio Attorney General Mike DeWine. By providing a legal voice to vulnerable Ohioans, legal aid prevented foreclosures; increased family and neighborhood security and safety; and improved economic security.

During the two years of the Attorney General's Moving Ohio Forward Grant:

**LEGAL
AID
SAVED:**



955 Homes and
\$2,700,000
in home values

LEGAL AID SERVED:

23,387 families



1,271
Ohio
families



received extended
stays in their homes
so that the families
could transition with
dignity and as little
disruption as possible

1,230
Children

were able
to remain in
their homes



364
Ohio
families

lowered or
maintained their
interest rates

372
Ohio
families

reduced
mortgage
arrearages, fees,
and penalties



3,040
Veterans

received help on the homefront



9,938 Seniors
got the legal help they needed

691
Ohio families

received legal assistance with
foreclosure issues related to
rental or mobile homes



1,521
Victims

of domestic
violence obtained
safety and stability



434

foreclosures were resolved using other
legal tools such as deed in lieu of
foreclosure, cash for keys, and short sales

7,220
Ohioans with
disabilities

received legal assistance

617
Ohio families

retained the equity
in their homes

GRANT FROM THE SOUTHERN DISTRICT OF OHIO

The judges of the U.S. District Court for the Southern District of Ohio awarded legal aid a generous grant to improve access to justice in the 48 Ohio counties served by the court. Divorce clinics developed by the Legal Aid Society of Greater Cincinnati in six counties served 422 clients, including 55 victims of domestic violence who escaped their abusers, and provided an opportunity for third-year law students to participate in the work of the clinics. More than 400 veterans received legal assistance through clinics offered by Southeastern Ohio Legal Services and The Legal Aid Society of Columbus. Pro bono attorneys volunteering for the Greater Dayton Volunteer Lawyers Project and Legal Aid of Western Ohio provided legal information and advice from their offices to clients in six different counties through virtual office clinics.



In FY 2014, the
Foundation provided
\$392,898
in loan repayment
assistance to
77
legal aid attorneys



Through a generous grant from the
Supreme Court of Ohio, the Foundation
provides legal aid grants to improve
access to justice throughout the state.



In May, GE Aviation lawyers were honored
for their pro bono service with the Foundation's
Presidential Award for Pro Bono Service.

STATEMENT OF FINANCIAL POSITION

| ASSETS | JUNE 30, 2014 | JUNE 30, 2013 |
|--|----------------------|----------------------|
| Current Assets | | |
| Cash and cash equivalents | \$778,321 | \$730,110 |
| Accounts receivable | \$278,272 | \$311,356 |
| Investments | \$1,006,043 | \$990,742 |
| Prepaid expenses | \$31,238 | \$32,545 |
| Total current assets | \$2,093,874 | \$2,064,753 |
| Other Assets | | |
| Beneficial interest in The Columbus Foundation | \$6,518,419 | \$5,875,483 |
| Property and Equipment - Net | \$31,949 | \$33,400 |
| Total assets | \$8,644,242 | \$7,973,636 |
| LIABILITIES AND NET ASSETS | JUNE 30, 2014 | JUNE 30, 2013 |
| Current Liabilities | | |
| Accounts payable | \$18,818 | \$35,405 |
| Grants payable | \$428,380 | \$61,086 |
| Accrued liabilities and other: | | |
| Deferred revenue | \$60,000 | - |
| Deposits held | - | \$96,467 |
| Accrued expense | \$245,790 | \$290,576 |
| Total liabilities | \$752,988 | \$483,534 |
| Net Assets - Unrestricted | | |
| Board-designated | \$7,524,462 | \$6,866,225 |
| Undesignated | \$366,792 | \$623,877 |
| Total net assets | \$7,891,254 | \$7,490,102 |
| Total liabilities and net assets | \$8,644,242 | \$7,973,636 |

STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS

| | JUNE 30, 2014 | JUNE 30, 2013 |
|---|--------------------|----------------------|
| Revenue, Gains, and Other Support | | |
| Administrative | \$615,075 | \$729,985 |
| State support and special populations | \$652,662 | \$848,606 |
| Ohio Legal Assistance Foundation Fund | \$1,834,209 | \$2,182,065 |
| Ohio Supreme Court Grant | \$350,000 | \$330,000 |
| Other grants | \$115,000 | \$152,670 |
| Other income | \$23,517 | \$29,642 |
| Investment income (loss) | \$15,652 | (\$9,917) |
| Change in fair value of beneficial interest in The Columbus Foundation | \$837,936 | \$553,771 |
| Total revenue, gains, and other support | \$4,444,051 | \$4,816,822 |
| Expenses | | |
| Program services | | |
| Pro bono | \$146,467 | \$178,192 |
| Legal services support | \$421,438 | \$378,139 |
| Public funds compliance | \$276,908 | \$323,167 |
| Grant administration | \$172,477 | \$307,160 |
| Fundraising | \$143,875 | \$128,005 |
| Management and general | \$185,404 | \$212,326 |
| Total program services | \$1,346,569 | \$1,526,989 |
| Other | | |
| Loan repayment assistance | \$392,898 | \$429,357 |
| Grants awarded | \$2,033,391 | \$2,421,636 |
| Total expenses | \$3,772,858 | \$4,377,982 |
| Increase in Unrestricted Net Assets | \$671,193 | \$438,840 |
| Cy Pres Award (Disbursed) Received from Class Action Judgment | (\$270,041) | (\$1,241,054) |
| Net Increase (Decrease) in Net Assets | \$401,152 | (\$802,214) |
| Net Assets - Beginning of year | \$7,490,102 | \$8,292,316 |
| Net Assets - End of year | \$7,891,254 | \$7,490,102 |



**Ohio Legal
Assistance Foundation**
FUNDING LAWYERS WHO CHANGE LIVES

10 West Broad Street, Suite 950
Columbus, Ohio 43215
www.olaf.org

NON-PROFIT
ORGANIZATION
U.S. POSTAGE

PAID

Permit #6668
Columbus, Ohio

OFFICERS

Kathleen M. Trafford
President
Porter Wright

David A. Kutik
Vice President
Jones Day

Joseph L. Mas
Secretary
330 Lawyers Group

Mary Mertz
Treasurer
Office of the Ohio
Attorney General

BOARD

Mary Amos Augsburg
Ohio State Bar Association

Sally W. Bloomfield
Bricker & Eckler LLP

Stephen R. Buchenroth
Vorys

Julie Davis
James E. Arnold & Associates, LPA

Jennifer Day
Office of the Ohio Treasurer

Michael Deemer
Downtown Cleveland Alliance

Robert E. DeRose
Barkan Meizlish, LLP

William D. Dowling
Dowling Mediation

Hon. Ben E. Espy
Ben Espy Co. LLC

Scott T. Greenwood
Attorney at Law

Michael Grodhaus
Office of Governor John Kasich

Hon. Cheryl L. Grossman
Ohio House of Representatives

H. Ritchey Hollenbaugh
Carlile Patchen & Murphy

Sharon Sobol Jordan
Office of the Cuyahoga
County Executive

Hon. William A. Klatt
Tenth District Court of Appeals

Gary J. Leppla
Leppla Associates

Janet Green Marbley
Supreme Court of Ohio

G. Scott McComb
Heartland Bank and
Heartland BancCorp

Michael H. Mearan
Michael H. Mearan, LLC

Dean Alan C. Michaels
The Ohio State University
Moritz College of Law

Hon. Larry J. Obhof
Ohio Senate

John B. Pinney
Graydon Head

Richard W. Pogue
Jones Day

Carmen V. Roberto
Niekamp, Weisensell, Mutersbaugh
& Mastrantonio, LLP

Kimberly C. Shumate
The Ohio State University

Steven H. Steinglass
Cleveland-Marshall College of Law

Hon. Mark D. Wagoner, Jr.
Shumaker, Loop & Kendrick, LLP

David C. Weiner
Dinn, Hochman & Potter, LLC

William K. Weisenberg
Ohio State Bar Association

EMERITUS

Thomas V. Chema
The Gateway Group

Frederick L. Oremus
Eslocker & Oremus

Hon. James M. Petro
Shumaker, Loop & Kendrick, LLP

EX OFFICIO

Theresa L. Nelson
Strauss Troy Co., LPA

Joseph R. Tafelski
Advocates for Basic Legal Equality

John S. VanNorman
Supreme Court of Ohio

Timothy Young
Office of the Ohio Public Defender

STAFF

Angela M. Lloyd, Esq.
Executive Director

Susan A. Choe, Esq.
Deputy Director and
General Counsel

Ty Acker
IT Director

Myrna Burga
Controller

Karen McCall
Financial Manager

Tammy Ringhiser
Services Manager

Jane Taylor, Esq.
Director for Pro Bono
and Communications

Marissa Weldon, Esq.
Legislative Liaison and
Special Projects Manager

Rebecca Woods
Executive Assistant

APPENDIX B

- Michigan Legal Help Program



MICHIGAN LEGAL HELP

Helping Michigan residents solve their legal problems

- Free and Accurate Legal Information
- Help and Referrals for Michigan Residents

Self-Help Tools



Family

Divorce, Custody, Parenting Time, Child Support, Annulment, Separate Maintenance, Paternity.



Protection from Abuse

Domestic Violence, Stalking, Personal Protection Orders (PPO).



Housing

Leases, Landlord/Tenant matters; Mobile Homes; Eviction; Security Deposits; Subsidized Housing.



Consumer

Debts and Debt Collection; Garnishment; Small Claims; Installment Payment Plans.



Expungement

Setting Aside an Adult Criminal Conviction; Setting Aside a Juvenile Adjudication.



Public Benefits

Food Stamps, Cash Assistance, Medicaid, Disability Benefits, Social Security, and others.

Michigan Legal Help is funded by the Michigan State Bar Foundation, Legal Services of South Central Michigan, and the Legal Services Corporation.

Organizations and Courts



Find A Lawyer

Find a lawyer in your area to help you with your legal matter.



Self-Help Centers

Find a Self-Help Center near you to get additional help representing yourself in court.



Community Services

Find a local community service organization for other assistance.



Court Information

Contact information and what you need to know before you go to court.

The **Michigan Legal Help** website helps people who have to handle simple civil legal problems without a lawyer. It contains articles about specific areas of the law and toolkits to help you prepare to represent yourself in court. Some forms are completed automatically once you answer simple questions. The website does not provide legal advice, and it is not a substitute for having a lawyer. If you need more help, you can search the website for a lawyer, a self-help center, or community services in your area. The website does not cover all areas of law, but new tools and information are added regularly.

www.MichiganLegalHelp.org



Frequently Asked Questions about the Michigan Legal Help Website

www.MichiganLegalHelp.org

1. What is the Michigan Legal Help website?

The Michigan Legal Help website contains free information about Michigan law for people who need to represent themselves in simple legal matters. It contains articles, automated forms, toolkits and checklists to help guide you through common legal processes. The website can also help you find a local attorney and self-help center where you can obtain more assistance.

2. Can I get legal advice from the website?

No. The website can provide you with information and not legal advice. Only lawyers can provide legal advice. The website is not a substitute for hiring a lawyer. If you need more help than you can get on the website, you may want to talk to a lawyer. The website cannot refer you to a specific lawyer, but it has links to help you find a lawyer in your area.

3. Can the website also help the opposing party in my case?

Yes. Because the website does not provide legal advice and is open to the general public, the party on the other side of your case may also use the website to get legal information.

4. What kind of help can I get from the website?

You can get information about Michigan laws and procedures from the website. The website cannot tell you how you should complete your court documents, but it contains information and instructions that are helpful. The website can also help you understand court processes and direct you to other resources, such as shelters for victims of domestic violence or other community organizations.

5. What legal areas are covered by the website?

The website includes information about family law, protection from abuse, housing issues, consumer law problems, income tax, setting aside a criminal conviction or juvenile adjudication, and public benefits. The website does not cover all areas of law, but more content is being added regularly.

6. Does the website have content in any languages besides English?

Not yet. In the future, there may be other language content.

7. Do I have to download the website or sign in? Will it work on my mobile device?

This is a website, not an application, so you do not have to download anything. You can use the website anytime you have access to the Internet by going to michiganlegalhelp.org. There is no need to sign in or register – just visit and begin browsing. The site is accessible on a mobile device, such as a smart phone or a tablet.

8. What if I do not have a computer or device that connects to the Internet?

You can use a computer at a self-help center, a library or any local organization that provides computers for the community to use.

9. What if I have trouble navigating the website?

The welcome video and tutorial on the home page will introduce you to the website and everything it provides. There is also a User's Guide that you can view by clicking the link at the bottom of the website. Live Help is expected to be added in 2013, and you will be able to chat online with a navigator to get help using the website. If your community has a self-help center, staff there may also be able to help you.

10. How do I know that the information on this website is accurate?

The information on this website has been reviewed by attorneys, and all automated forms have been tested to make sure everything works correctly. If you find a problem or have a suggestion for improvements, please use the feedback links on the website to share your thoughts.

11. Who sponsors the website?

The Michigan Legal Help website and affiliated local self-help centers are part of the Michigan Legal Help Program. The Program works with judges, bar associations, legal aid, local self-help centers, libraries and others to promote coordinated and quality assistance for self-represented persons in Michigan.

The Michigan Legal Help Program is funded by the Michigan State Bar Foundation, Legal Services of South Central Michigan, and the Legal Services Corporation.



APPENDIX C

- Franklin County Municipal Court Civil Legal Self-Help Center



TO: Supreme Court of Ohio Task Force on Access to Justice
FROM: Gene Edwards, FCMC Legal Research Supervisor; FCMC Judge Carrie Glaeden
RE: FCMC Assisted Civil Self-Help Center
DATE: March 13, 2015

The Franklin County Municipal Court Assisted Civil Self-Help Center is expected to begin operating later this year during August or September. The purpose of this memorandum is to briefly narrate how this project began, explain how it is being funded, and describe its essential details.

In 2012, members of the Columbus Bar Association New Lawyer's Committee were asked to think of projects the Columbus Bar Foundation could provide start-up funding to that would further the CBF's mission of promoting access to justice. With the Legal Aid Society of Columbus having lost 40% of its staff since 2008,¹ and approximately 80% of the legal needs of low-income persons going unmet,² the group focused on providing assistance to those who cannot afford legal counsel and therefore have no choice but to navigate the civil court system on their own. The group identified lack of basic information about how the civil court system operates as a significant barrier to those attempting to help themselves. The group further noted that cases involving pro se litigants clog court dockets and burden clerk and law library staff who are invariably consulted for basic information.

Based on those considerations, and with Judge Carrie Glaeden having joined the initial group, a project proposal was developed to create a self-help center where pro se civil litigants in the Franklin County Municipal Court can go to receive accurate legal information about the court system, obtain court forms, and learn about available resources.³ To best help pro se litigants help themselves, the group proposed staffing the center with at least one attorney. Although the attorney will not give legal advice or provide representation, someone who is knowledgeable about the law, as well as court and clerk procedures, will be essential to achieving the center's goals. Also, while remaining careful not to provide legal advice, the attorney will assist indigent pro se litigants understand how to fill out and complete their own forms and applications.

¹ Diana Parker Howie, Pro Bono Coordinator, Legal Aid Society of Columbus.

² Barbara Peck, *Access Crisis: Ohio and other states struggle to provide liberty and justice for all*, All Rise (OSU Mortiz College of Law magazine), Summer 2013.

³ The center will not provide services relating to criminal matters.

Research revealed that self-help centers staffed by attorneys – such as the Self-Service Center in Arizona’s Maricopa County court system and the Self-Help Centers in Nevada’s Clark County court system – have been successful in furthering pro se access to the courts in the last 25 years. Moreover, the American Bar Association recently completed a national survey that identified approximately 500 help centers and concluded they are “a vibrant and effective resource addressing the needs of court-users throughout the country.”⁴

In the summer of 2014, the Judges of the Franklin County Municipal Court adopted and implemented the CBF’s proposal by voting to create a special projects fund to pay for the project’s ongoing costs – staffing the center with an attorney. Pursuant to R.C. 1901.26(B)(1), the court added a \$1 court cost for all civil, criminal, and traffic cases.⁵ Assuming conservatively in terms of how much of the amount assessed will be collected, the Court estimates the fund will generate approximately \$90,000 annually.

The Franklin County Court of Common Pleas Domestic Relations and Juvenile Branch has had a successful help center for several years, and the Municipal Court has developed its project using the DR center as a model. The DR center is also funded by a special projects fund. R.C. 2303.201(B)(1). Further, although the DR center attorneys do not give legal advice, the DR court contracts with Capital University Law School to staff its center to avoid even the appearance of a conflict in the form of a court employee assisting a litigant.⁶ The DR court pays Capital out of its special projects fund and Capital hires the attorneys, as employees of Capital, to provide services to the DR court by staffing its help center. Similarly, the Municipal Court invited Capital and the Moritz College of Law to submit contract proposals to provide services to the Municipal Court center. Moritz was excited to participate, and has submitted a final proposal. The Municipal Court is now in the process of finalizing its contract with Moritz through Columbus City Council and the Columbus City Attorney’s office.

Due to lack of adequate space in the Municipal Court building at 375 S. High St., the center will be located on the 10th floor of the newly renovated 369 S. High St., adjacent to the Franklin County Law Library. Consistent with its initial role in developing the idea for this project, the CBF has committed to providing one time start-up funds to pay for building out the space, as well as initial equipment and supplies. In addition to providing services regarding topics such as landlord-tenant, consumer, and small claims, the center will have a particular emphasis at the outset on assisting with sealing of records and expungement. Franklin County

⁴ American Bar Association, *The Self-Help Center Census: A National Survey* (August 2014), Executive Summary, 6.

⁵ A municipal court may “determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court” and “charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.” R.C. 1901.26(B)(1). See 2009 Ohio Atty.Gen.Ops. No. 2009-001, at 3 (under R.C. 1901.26(B)(1), although courts may not “donate” money to unaffiliated programs, they may “receive something of value in return for moneys paid * * * from the special projects fund” such as “goods or services rendered to the court” that benefit its efficient operation).

⁶ Capital also includes the center attorneys within its clinical program’s professional malpractice insurance coverage.

was especially interested in furthering the provision of such “re-entry” services, and therefore agreed to provide the space for the center rent-free.⁷

Furthermore, to alleviate concerns that the center will negatively impact private practitioners, the center will screen persons seeking services for indigency at 200% of the federal poverty level. Those who do not qualify will be able to access resources such as forms and informational materials, but will not be provided the additional assistance of the center’s attorney.

In the future, assuming successful outcomes based on measurable results, the Municipal Court would like the center expand to provide other services, such as facilitating brief advice clinics in collaboration with the Legal Aid Society of Columbus, and coordinating representation either by referral to Legal Aid or to the Columbus Bar Association’s pro bono services in situations where only providing legal information would not be adequate to meet an individual’s needs.

In its recent survey and report, the American Bar Association found that a majority of the 500 help centers across the country are funded by court budgeting, while funding via filing fees is rarer.⁸ Thus, although funding via special projects fund proved most expedient, the Municipal Court continues to actively explore alternative funding methods for its center.

The Municipal Court is excited to be implementing the Supreme Court of Ohio’s 2006 Indigent & Pro Se Litigants Task Force recommendation to increase pro se litigants’ access to information by developing self-help centers. The Court welcomes any input the current Task Force on Access to Justice might have to give regarding this project, and would be happy to address any issues not discussed in this memorandum upon request.

Prepared by Gene Edwards, Franklin County Municipal Court

⁷ The center will only provide services to those appearing before the Municipal Court, but as a narrow exception, it will also provide services to those needing to file expungement applications before the Court of Common Pleas. The Foreclosure Mediation Program is an example of a successful program that was operated by the Municipal Court but provided services to persons appearing before the Court of Common Pleas, pursuant to an intergovernmental agreement.

⁸ American Bar Association, *The Self-Help Center Census: A National Survey* (August 2014), Executive Summary, 9 (less than 10% of help centers are funded by filing fees, whereas approximately 47% are funded in court budgets).



APPENDIX D

- Sample Limited Scope Representation Agreement
Maryland Rule of Civil Procedure (Limited Scope Agreement)



LIMITED SCOPE REPRESENTATION AGREEMENT

TO THE CLIENT: THIS IS A LEGALLY BINDING CONTRACT. PLEASE READ IT CAREFULLY AND MAKE CERTAIN THAT YOU UNDERSTAND ALL OF THE TERMS AND CONDITIONS. YOU MAY TAKE THIS CONTRACT HOME WITH YOU, REVIEW IT WITH ANOTHER ATTORNEY IF YOU WISH, AND ASK ANY QUESTIONS YOU MAY HAVE BEFORE SIGNING.

EMPLOYMENT OF A LAWYER FOR LIMITED SCOPE REPRESENTATION REQUIRES THAT THE LAWYER AND CLIENT CAREFULLY AND THOROUGHLY REVIEW THE DUTIES AND RESPONSIBILITIES EACH WILL ASSUME. ANY LIMITED REPRESENTATION AGREEMENT SHOULD DESCRIBE, IN DETAIL, THE LAWYER'S DUTIES IN THE CLIENT'S INDIVIDUAL CASE.

To help you in litigation, you and a lawyer may agree that the lawyer will represent you in the entire case, or only in certain parts of the case. "Limited representation" occurs if you retain a lawyer only for certain parts of the case. When a lawyer agrees to provide limited scope representation in litigation, the lawyer must act in your best interest and give you competent help. However, when a lawyer and you agree that the lawyer will provide only limited help,

- the lawyer DOES NOT HAVE TO GIVE MORE HELP than the lawyer and you agreed.

- the lawyer DOES NOT HAVE TO help with any other part of your case.

Date: _____

1. CLIENT, _____, retains LAWYER, _____, to perform limited legal services only in the following matter:

_____.

2. Client seeks only the following services from Lawyer (check appropriate box):

- ☐ Legal advice: office visits, telephone calls, fax, mail, e-mail
☐ This is a one time consultation.
 - ☐ Advice about availability of alternative means to resolving the dispute, including mediation and arbitration including helping you prepare for mediation or arbitration.
 - ☐ Evaluation of client self-diagnosis of the case and advising client about legal rights and responsibilities.
 - ☐ Guidance and procedural information for filing or serving court documents.
 - ☐ Review pleadings and other documents prepared by Client.
 - ☐ Review pleadings and other documents prepared by opposing party/counsel.
 - ☐ Suggest documents for you to prepare.
 - ☐ Draft pleadings, motions, and other documents
- List the documents to be prepared: _____

- ☐ Factual investigation: contacting witnesses, public record searches, in-depth interview of client.
If checked Client understands that Lawyer will not make any independent investigation of the facts and is relying entirely on Client's limited disclosure of the facts given the duration of the limited services provided
- ☐ Assistance with computer support programs.
List the programs to be used _____
- ☐ Legal research and analysis.
List the issues to be researched and analyzed: _____
- ☐ Evaluate settlement options.
- ☐ Prepare discovery documents such as: interrogatories, and requests for document production.
List the discovery documents to be prepared: _____
- ☐ Help you prepare for depositions.
- ☐ Planning for negotiations.
- ☐ Planning for court appearances.
- ☐ Standby telephone assistance during negotiations or settlement conferences.
- ☐ Referring Client to expert witnesses, other counsel or other service providers.
- ☐ Counseling Client about an appeal.
- ☐ Procedural assistance with an appeal and assisting with substantive legal argument in an appeal.
- ☐ Provide preventive planning and/or schedule legal check-ups.
- ☐ Representing you in Court but only for the following specific matters: _____
- ☐ Other: _____

3. Client shall pay the attorney for those limited services as follows (check agreed options):

- ☐ Hourly Fee. Client agrees to pay Lawyer for the agreed limited services at an hourly rate. The current hourly fee charged by Lawyer or Lawyer's law firm for services under this agreement is as follows:
 - i. Lawyer: \$ _____
 - ii. Associate: \$ _____
 - iii. Paralegal: \$ _____
 - iv. Law Clerk: \$ _____

Unless a different fee arrangement is established in clause "b" of this paragraph, the hourly fee shall be payable at the time of the service. Time will be charged in increments of one-tenth of an hour, rounded off for each particular activity to the nearest one-tenth of an hour.

- ☐ Flat Fee. Client will pay Lawyer a flat fee for the limited services listed of \$ _____
- ☐ Retainer/Payment from Deposit. Client will pay to Lawyer a retainer/deposit of \$ _____, to be received by Lawyer on or before _____, and to be applied against attorney fees and costs incurred by Client. This amount will be deposited by Lawyer in attorney trust account. Client authorizes Lawyer to

withdraw funds from the trust account to pay attorney fees and costs as they are incurred by client. The deposit is refundable. If, at the termination of services under this agreement, the total amount incurred by client for attorney fees and costs is less than the amount of the deposit, the difference will be refunded to client. If the deposit is not enough to pay for the services provided by the attorney, Client shall pay any additional costs within thirty days of billing.

- Costs. Client shall pay Lawyer all out-of-pocket costs incurred in connection with this agreement, including long distance telephone and fax costs, photocopy expense, postage, filing fees, investigation fees, deposition fees, and the like unless paid directly by client. Lawyer will not advance costs to third parties on Client's behalf and Lawyer will not pay filing fees, court costs, or other costs to any court unless specifically requested by Client and agreed upon in advance by Attorney. Advances will be repaid to Lawyer in addition to any attorney's fee charged as set forth above. Lawyer may request that the amount to be advanced or paid on behalf of client be paid to Lawyer before any payment is made to a third party.

4. Lawyer representation begins with the signing of this Agreement and it terminated at the completion of the services requested and identified above or _____, whichever happens first.
5. Additional Services/Representation: Lawyer and Client may later determine that the Lawyer should provide additional limited services or assume full representation. Lawyer has no further obligation to Client after completing the above described limited legal services unless and until both Lawyer and Client enter into another written representation agreement. Lawyer may decline to provide additional services.
 - a. If Lawyer agrees to provide additional services, those additional service should be specifically listed in an amendment to this agreement, signed and dated by both the Lawyer and Client.
 - b. If Lawyer and Client agree that Lawyer will serve as Client's attorney of record on all matters related to handling Client's case, Client and Lawyer should indicate that agreement in an amendment to this agreement, signed and dated by both the Lawyer and Client.
 - c. NEITHER LAWYER NOR CLIENT SHOULD RELY ON VERBAL DISCUSSIONS OR VERBAL AGREEMENTS WHEN CHANGING THE TERMS OF THE LAWYER'S RESPONSIBILITY FOR REPRESENTATION.
6. If any dispute between Client and Lawyer arises under this agreement concerning the payment of fees, Client and Lawyer will submit the dispute for fee dispute resolution.
7. Client has read this Limited Scope Representation Agreement and understands what it says. Client agrees that the legal services specified above are the only legal help Lawyer will provide. Client understands and agrees that:
 - the Lawyer who is helping me with these services is not my lawyer for any other purpose and does not have to give me any more legal help;
 - Lawyer is not promising any particular outcome

- because of the limited services to be provided, Lawyer has limited his or her investigation of the facts as set out in specifically in this agreement;
- if Lawyer goes to court with me, Lawyer does not have to help me afterwards, unless we both agree in writing.

Client understands that it is important that Lawyer, the opposing party and the court handling my case be able to reach me at this address. I therefore agree that I will inform Lawyer or any Court and opposing party, if applicable, of any change in my permanent address or telephone number.

WE HAVE EACH READ THE ABOVE AGREEMENT BEFORE SIGNING IT.

Client

Lawyer

Printed Name: _____

Firm: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

MARYLAND RULES OF PROCEDURE

TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 3-131 to permit the entry of a limited appearance under certain circumstances, to add a form of acknowledgment of the scope of limited representation, and to add a cross reference pertaining to limited appearances, as follows:

Rule 3-131. APPEARANCE

(a) By an Attorney or in Proper Person

Except as otherwise provided by rule or statute: (1) an individual may enter an appearance by an attorney or in proper person and (2) a person other than an individual may enter an appearance only by an attorney.

(b) Limited Appearance

(1) Notice of Appearance

An attorney, acting pursuant to an agreement with a client for limited representation that complies with Rule 1.2 (c) of the Maryland Lawyers' Rules of Professional Conduct, may enter an appearance limited to participation in a discrete matter or judicial proceeding. The notice of appearance (A) shall be accompanied by an Acknowledgment of Scope of Limited Representation substantially in the form specified in subsection (b) (2) of this Rule and signed by the client, and (B) shall specify the scope of the limited representation, which shall not

exceed the scope set forth in the Acknowledgment.

(2) Acknowledgment of Scope of Limited Representation

The Acknowledgment of Scope of Limited Representation
shall be substantially in the following form:

[CAPTION]

ACKNOWLEDGMENT OF SCOPE OF LIMITED REPRESENTATION

Client: _____

Attorney: _____

I have entered into a written agreement with the above-named
attorney. I understand that the attorney will represent me for
the following limited purposes (check all that apply):

- ☐ Arguing the following motion or motions:
_____.
- ☐ Attending a pretrial conference.
- ☐ Attending a settlement conference.
- ☐ Attending the following court-ordered mediation for
purposes of advising the client during the proceeding:

_____.
- ☐ Acting as my attorney for the following hearing or
trial:

_____.
- ☐ With leave of court, acting as my attorney with regard
to the following specific issue or a specific portion

of a trial or hearing: _____
_____.

I understand that except for the legal services specified above, I am fully responsible for handling my case, including complying with court Rules and deadlines. I understand further that during the course of the limited representation, the court may discontinue sending court notices to me and may send all court notices only to my limited representation attorney. If the court discontinues sending notices to me, I understand that although my limited representation attorney is responsible for forwarding to me court notices pertaining to matters outside the scope of the limited representation, I remain responsible for keeping informed about my case.

Client

Signature

Date

Cross reference: See Maryland Lawyers' Rules of Professional Conduct, Rule 1.2, Comment 8. For striking of an attorney's limited appearance, see Rule 3-132 (a).

~~(b)~~ (c) How Entered

Except as otherwise provided in section (b) of this Rule,
~~An~~ an appearance may be entered by filing a pleading, motion, or notice of intention to defend, by filing a written request for

the entry of an appearance, or, if the court permits, by orally requesting the entry of an appearance in open court.

~~(c)~~ (d) Effect

The entry of an appearance is not a waiver of the right to assert any defense in accordance with these rules. Special appearances are abolished.

Cross reference: Rules 1-311, 1-312, 1-313; Rules 14 and 15 of the Rules Governing Admission to the Bar. See also Rule 1-202 (t) for the definition of "person", and Code, Business Occupations and Professions Article, §10-206 (b) (1), (2), and (4) for certain exceptions applicable in the District Court.

Source: This Rule is in part derived from former Rule 124 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 3-132 to permit an attorney who has entered a limited appearance to file a notice of withdrawal under certain circumstances, as follows:

Rule 3-132. STRIKING OF ATTORNEY'S APPEARANCE

(a) By Notice

~~When the client has another attorney of record, an~~ An attorney may withdraw an appearance by filing a notice of withdrawal when (1) the client has another attorney of record; or (2) the attorney entered a limited appearance pursuant to Rule 3-131 (b), and the particular proceeding or matter for which the appearance was entered has concluded.

(b) By Motion

~~When the client has no other attorney of record, an~~ an attorney is not permitted to withdraw an appearance by notice under section (a) of this Rule, the attorney wishing to withdraw an appearance shall file a motion to withdraw. Except when the motion is made in open court, the motion shall be accompanied by the client's written consent to the withdrawal or the moving attorney's certificate that notice has been mailed to the client at least five days prior to the filing of the motion, informing the client of the attorney's intention to move for withdrawal

and advising the client to have another attorney enter an appearance or to notify the clerk in writing of the client's intention to proceed in proper person. Unless the motion is granted in open court, the court may not order the appearance stricken before the expiration of the time prescribed by Rule 3-311 for requesting a hearing. The court may deny the motion if withdrawal of the appearance would cause undue delay, prejudice, or injustice.

(c) Automatic Termination of Appearance

When no appeal has been taken from a final judgment, the appearance of an attorney is automatically terminated upon the expiration of the appeal period unless the court, on its own initiative or on motion filed prior to the automatic termination, orders otherwise.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 125 a.

Section (b) is in part derived from former M.D.R. 125 a and is in part new.

Section (c) is derived from former M.D.R. 125 b.

APPENDIX E

- Proposed Rule in Support of Military Spouse Attorneys



PROPOSED RULE
REQUIREMENTS FOR MILITARY SPOUSE APPLICANTS

Due to the unique mobility requirements of military families who support the defense of our nation, an attorney who is a spouse or a registered domestic partner of a member of the United States Uniformed Services (“service member”), stationed within this jurisdiction, may obtain a license to practice law pursuant to the terms of this rule.

Section 1. Eligibility.

A person not admitted to the practice of law in Ohio may become certified to practice law and provide legal services if that person satisfies all of the following:

- (a) have been admitted to practice law in another U.S. state, territory, or the District of Columbia;
- (b) hold a J.D. or LL.B. degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time the applicant matriculated or graduated;
- (c) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;
- (d) establish that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (e) establish that the applicant has not taken and failed the Ohio bar examination;
- (f) establish that the applicant possesses the character and fitness to practice law in this jurisdiction;
- (g) demonstrate presence in this jurisdiction as a spouse of a member of the United States Uniformed Services;
- (h) certify that the applicant has read and is familiar with Ohio’s Rules of Professional Conduct;
- (i) pay the prescribed application fee;
- (j) within 60 days of being licensed to practice law, complete a course on Ohio law, the content and method of delivery of which shall be approved by the Office of Bar Admissions of the Ohio Supreme Court; and
- (k) comply with all other ethical, legal, and continuing legal education obligations generally applicable to attorneys licensed in this jurisdiction.

Section 2. Application.

An applicant for certification under this rule shall file with the Office of Bar Admissions of the Supreme Court an application. The application shall be on a form furnished by the Office of Bar Admissions and shall include all of the following:

- (a) A copy of the United States Military Orders of the spouse of the applicant, establishing that they are in the State of Ohio due to military orders;
- (b) A certificate from the applicant’s law school certifying that the applicant has received a law degree;

- (c) A certificate of admission as an attorney at law from another state, the District of Columbia, or a territory of the United States;
- (d) A certificate of good standing from each jurisdiction in which the applicant is admitted to practice law;
- (e) An affidavit that the applicant has read, is familiar with, and agrees to be bound by the Ohio Rules of Professional Conduct and to submit to the jurisdiction of the Supreme Court for disciplinary purposes pursuant to Gov. Bar R. V;
- (f) A questionnaire, in duplicate, for use by the National Conference of Bar Examiners and the Board of Commissioners on Character and Fitness in conducting a character investigation of the applicant;
- (g) A fee in the amount charged by the National Conference of Bar Examiners for its report;

Section 3. Approval.

If after such investigation as the Office of Bar Admissions of the Supreme Court may deem appropriate, it concludes that the applicant possesses the qualifications required of all other applicants for admission to practice law in this jurisdiction, the applicant shall be licensed to practice law and enrolled as a member of the bar of this jurisdiction. The Office of Bar Admissions of the Ohio Supreme Court shall promptly act upon any application filed under this rule.

Except as provided in this rule, attorneys licensed under this rule shall be entitled to all privileges, rights, and benefits and subject to all duties, obligations, and responsibilities of active members of bar of this jurisdiction, and shall be subject to the jurisdiction of the Office of Bar Admissions of the Supreme Court and agencies of this jurisdiction with respect to the laws and rules of this jurisdiction governing the conduct and discipline of attorneys, to the same extent as members of the bar of this jurisdiction.

Section 4. Duration and Termination of License.

The license and authorization to perform legal services under this rule shall be limited by the earliest of the following events:

- (a) the service member is no longer a member of the United States Uniformed Services;
- (b) the military spouse attorney is no longer married to the service member;
- (c) a change in the service member's military orders reflecting a permanent change of station to a military installation other than Ohio, except that if the service member has been assigned to an unaccompanied or remote assignment with no dependants authorized, the military spouse attorney may continue to practice pursuant to the provisions of this rule until the service member is assigned to a location with dependants authorized; or

(d) the lawyer is admitted to the general practice of law under any other rule of this Court

(e) the attorney is suspended or disbarred in any jurisdiction of the United States, or by any federal court or agency, or by any foreign nation before which the attorney has been admitted to practice.

In the event that any of the events listed in subparagraph (a)-(e) occur, the attorney licensed under this rule shall promptly notify the Office of Bar Admissions of the Ohio Supreme Court of the event in writing within 60 days of the date upon which the event occurs and upon such notification, the license and authorization to perform services under this rule shall be terminated.



APPENDIX F

- Status Table of Recommendations of the 2006 Task Force on Pro Se & Indigent Litigants





STATUS TABLE: RECOMMENDATIONS

THE SUPREME COURT OF OHIO TASK FORCE ON INDIGENT & PRO SE LITIGANTS

| Recommendation No. | Recommendation | Status |
|--------------------|--|--|
| 1-11 | Improve indigent criminal defense | Not pertinent to Access to Justice Task Force as constituted |
| 12 | Require mandatory pro bono reporting | Rejected |
| 13 | Obtain periodic measurement and evaluation of pro bono activity in Ohio | Implemented (via annual voluntary pro bono reporting) |
| 14 | Supreme Court to encourage all law schools to present pro bono service as part of their educational programs | Implemented (In 2013 & 2014 the Chief Justice signed and the Ohio Legal Assistance Foundation distributed certificates to graduating law students in recognition of pro bono service in law school; some justices also give speeches @ law schools at the start of academic year.) |
| 15 | Supreme Court to encourage all trial courts to facilitate pro bono representation by scheduling clinic dockets & accommodating court appearances by pro bono lawyers who appear through organized pro bono programs | (The Supreme Court has never formally offered this type of encouragement.) |
| 16 | Supreme Court to identify ways to recognize attorneys and law firms making a substantial commitment to pro bono representation, and that it encourage other courts, bar associations and pro bono programs to recognize outstanding volunteers | Implemented (The Chief Justice presents Elam Award @ OSBA Convention; Court News Ohio now regularly profiles legal aid lawyers, pro bono volunteers and others who have been positively impacted by legal aid,) |
| 17 | Supreme Court to issue appropriate guidance to the Ohio judiciary concerning their important role in promoting pro bono legal services and volunteer recruitment | Implemented (via enactment of Code of Judicial Conduct Rule 3.7(B) and its supporting Comment) |
| 18 | Adopt limited admission to practice for corporate attorneys licensed in another state | Pending Proposed rule submitted to Court on 2/13/14 |

| | | |
|----|--|---|
| 19 | Supreme Court to adopt limited admission to practice for law professors licensed in another state | (The Supreme Court has never formally considered this.) |
| 20 | Encourage law firms, bar associations and legal aid programs to replicate effective pro bono projects | Limited Implementation (The Court articulates encouragement in its <i>Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers</i> ; the Court also supports this function through its grant to the Ohio Legal Assistance Foundation.) |
| 21 | Take the lead in developing standard forms | Limited Implementation (Uniform Domestic Relations Forms – Affidavits 1-5 and Uniform Domestic Relations Forms 6-28 adopted 2013; available on the Supreme Court’s website and downloadable as fillable pdfs or Word documents.) |
| 22 | Disseminate forms and make available on a web site | Limited Implementation (5 affidavits and 23 standard forms have been accepted as official forms) |
| 23 | Ensure that all local rules; local standards; and, required forms are posted on a web site accessible to Ohio attorneys and pro se litigants | Implemented (the Court’s website has a page listing links to all local rules available online; it does not appear that the Supreme Court required online access but most courts now post local rules online) |
| 24 | Design forms for use by both pro se litigants and attorneys | Limited Implementation (A2J templates developed by the Ohio’s legal aids meet the goal of the recommendation; forms limited to: advanced directives in English and Spanish; civil protection order; financial power of attorney; juvenile affidavit of compliance; and, simple wills) |
| 25 | Develop plain language instructions to accompany standardized forms (for use by pro se litigants) | Limited Implementation Court forms are generally include brief instructions suitable for use by pro se litigants; though, the Supreme Court has never formally required this) |

| | | |
|----|--|---|
| 26 | Ensure standardized forms are available in a format that allows the forms to be completed on a computer and printed by the person preparing the form or, alternatively, created by document assembly software | Limited Implementation (A2J templates developed by the Ohio's legal aids meet the goal of the recommendation; forms limited to: advanced directives in English and Spanish; civil protection order; financial power of attorney; juvenile affidavit of compliance; and, simple wills) |
| 27 | Consider innovative ways to support access to forms and courts, such as kiosks, libraries and computer terminals in courthouses | Pending (The following two (2) projects are currently proposed: a kiosk at the Franklin County Court as a collaboration between the CBA and Columbus Legal Aid; a computer terminal at the Fairfield County Court as a collaboration between the OSBF and Southeastern Ohio Legal Services; and, nascent interest in Hamilton County for a kiosk) |
| 28 | Adopt of a "safe haven" approach in which standardized forms are not required in local courts but must also be accepted | Limited Implementation (Only adopted with respect to the Uniform Domestic Relations Forms) |
| 29 | Recommend a list of forms that might be appropriate for standardization | Limited Implementation (Only with regard to the Uniform Domestic Relations Forms) |
| 30 | Assign responsibility for the tasks outlined in this report and develop a reasonable timeline to ensure prompt action | (No specific action taken by Supreme Court) |
| 31 | Evaluate alternative means for pro se litigants to access information regarding court procedures and practices; possibly self-help centers; develop an automated phone system providing general court information; courthouse signage; and develop of a videotape that provides an overview of court processes and procedures available to the public (at the library or elsewhere) | (No specific action taken by Supreme Court) Obsolete Implemented (Video courthouse tours are available through an OSBF Fellows project) |
| 32 | Sponsor training for court staff on how they (court staff) should assist pro se litigants | Implemented |

| | | |
|-------|---|--|
| 33 | Develop written guidelines for court staff who interact with pro se litigants, providing specific direction on how to distinguish permissible information from impermissible legal advice | Implemented (Such guidelines are not available publicly) |
| 34 | Endorse a local system to review cases filed by pro se litigants; help pro se litigants complete forms; identify issues; and, understand processes and procedures – consider using something similar to that used by family court in New Hampshire | Limited Implementation (partially implemented through collaborations between local courts and assisted pro se legal aid clinics) |
| 35 | Utilize the Rules of Superintendence to support the principles articulated in this report and its recommendations and to limit the ability of local rules to impede or undercut those principles | (No specific action taken by Supreme Court) |
| 36 | Ensure clients with special needs have access to meaningful legal services and to the courts | Limited Implementation (The Supreme Court required the use of qualified interpreters effective 1/1/13) |
| 37 | Require the utilization of qualified interpreters | Implemented (The Supreme Court required the use of qualified interpreters effective 1/1/13) |
| 38 | Expand & increase the use of fee shifting provisions to maximize the likelihood that indigent litigants can secure counsel, including a “review” of current law to identify opportunities for fee shifting provisions; Encourage judges to utilize fee shifting provisions, particularly in domestic and consumer cases | (No specific action taken by Supreme Court) |
| 39 | Adopt appropriate rule amendments to facilitate limited representation | Implemented (The Supreme Court formalized the acceptance of limited representation with adoption of the Rules of Professional Conduct in 2007) |
| 40 | Increase and support increased funding for both indigent criminal defense and civil legal aid; Recommend funding at \$148.7 M for indigent criminal defense and \$144 Million for civil legal aid (2007 amounts) | (No specific action taken by Supreme Court; though the Supreme Court has increased attorney registration grant dollars to civil legal aid) |
| 41-45 | Recommendations for funding criminal indigent defense | Not pertinent to Access to Justice Task Force as constituted |

| | | |
|----|---|---|
| 46 | Direct the reopening fee for closed civil cases to fund civil legal aid | (No specific action taken by Supreme Court) |
| 47 | Seek legislative change to authorize a portion of punitive damage awards to be directed to fund civil legal aid | (No specific action taken by Supreme Court) |
| 48 | Direct <i>pro hac vice</i> admission funds to fund civil legal aid | (Not implemented with the <i>pro hac vice</i> rule in 2009) |
| 49 | Encourage trial courts to direct <i>cy pres</i> awards to civil legal aid and consider making mandatory distribution of a portion of <i>cy pres</i> awards to civil legal aid | (No specific action taken by Supreme Court) |
| 50 | Maintain current funding streams exclusively for civil legal aid (civil filing fee surcharges, IOLTA, and IOTA) | Implemented |
| 51 | Maintain separate funding streams for indigent criminal defense and civil legal aid to maximize total funding available to all Ohioans | Implemented |
| 52 | Create an Implementation Committee to implement the recommendations in the Report | (No specific action taken by Supreme Court) |

