

ACTION ITEM #5

RESOLUTION OF BOARD OF DIRECTORS OF THE LEGAL AID SOCIETY OF SAN DIEGO, INC.

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

Whereas, the Legal Services Corporation and the programs it funds, including The Legal Aid Society of San Diego, Inc, have long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital resources, and increased *pro bono* commitment; and

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

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

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

attorneys to help represent clients of LSC-funded programs and describes ways in which the LSC Board and staff will work to expand private attorney involvement.

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

Whereas, in California, the April 2007 California Commission on Access to Justice report documented that California has by far the largest low-income population of any state. Since 1980, California's population has increased by 40percent while the number of Californians in poverty has increased by 60 percent.

Growing income inequalities, the failure of wages to keep up with inflation, the escalating cost of housing, and the widening income divide between the rich and poor, keeps many basic necessities beyond the reach of many in our state, even the middle class. The result is that the majority of Californians do not have the resources to obtain legal representation for the myriad legal problems affecting them every year, such as divorce, child support, child custody, domestic violence, loss of housing and employment, and discrimination.

The Access to Justice report clearly calls for increasing and supporting Pro Bono. It calls for the increase of the depth and breadth of pro bono involvements, by increasing statewide support for the local and regional efforts to encourage more pro bono; develop ongoing judicial support for pro bono; establish the principles of ABA Model Rule 6.1 to encourage attorneys to do pro bono work; and adopt ABA Model Rule 6.5 to facilitate attorney participants in advice and counsel clinics.

On a local level, the Legal Aid Society of San Diego, Inc. has a long history of effective collaborations with the local bars, including the San Diego County Bar Association, minority bar associations, law schools, law firms, San Diego County Superior Court and even on the state-wide level with the California Bar.

The Pro Bono Program at the Legal Aid Society of San Diego, Inc. has taken a leadership role in the San Diego community in the recruitment and involvement of Pro Bono attorneys and has and continues to expand the diversity of programs for those volunteers, as well as collaborations in order to ultimately meet the large needs of the low-income population in San Diego county.

Now, Therefore, Be It Resolved that the Board of Directors of The Legal Aid Society of San Diego, Inc, in an effort to help close the justice gap in California, supports and encourages private attorney involvement with the Legal Aid Society of San Diego, Inc. and will endeavor to:

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

- Collaborate with other organizations and entities in **San Diego County** to develop effective strategies for engaging lawyers in *pro bono* representation and other services that benefit low-income persons;
- Consider including in that collaboration organizations and entities such as La Raza Lawyers Association, Earl B Gilliam Association, Fillipino Lawyers Association, Pan Asian Laywers Association, San Diego County Bar Association, California Western School of Law, University of San Diego School of Law, Thomas Jefferson School of Law, Southwestern Community College, University of San Diego Paralegal School. San Diego County Superior Court, California State Bar Association, small, medium and large law firms, including sole practitioners, corporate legal departments, all San Diego County and City governmental agencies.
- Develop strategies that encourage *pro bono*, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers.

Be it Further Resolved that the Board of Directors of The Legal Aid Society of San Diego, Inc. will promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of The Legal Aid Society of San Diego, Inc. and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

Adopted by the Board of Directors of The Legal Aid Society of San Diego, Inc. on January 26, 2008.



Don Rushing, Esq., Board President