

PENNSYLVANIA INTEREST ON LAWYERS TRUST ACCOUNT BOARD

Grant Application Procedures, 2010 Pro Bono Initiative

The Pennsylvania Interest on Lawyers Trust Account Board (Board) was established by the Supreme Court of Pennsylvania on July 17, 1996. The Supreme Court amended Rule 1.15 of the Rules of Professional Conduct to establish the Interest on Lawyers Trust Account (IOLTA) program under its jurisdiction. The rule amendment requires attorneys to place all fiduciary funds they receive in their capacity as attorneys into interest bearing status to benefit the owner of the funds, or for qualified funds, to benefit the IOLTA program.

Qualified funds are those which are expected to generate less interest than expense if the funds were maintained in a segregated account or accounted for separately. The depository institutions transfer IOLTA interest earnings, net of appropriate service charges, to the Board. The Board uses these IOLTA funds to make grants to not-for-profit corporations which operate in Pennsylvania, whose primary purpose is to provide without charge, civil legal services to low income and disadvantaged clients in Pennsylvania, for law school clinical and internship programs, and to improve the administration of justice.

The Board also has been entrusted to administer pro bono initiative funds (described below). The pro bono funds will be awarded to organizations identified by county based pro bono committees that administer the county's pro bono plan.

Organization

The Board is an organization of the Supreme Court of Pennsylvania and is composed of nine members entrusted with the administration of the IOLTA program. All nine members of the Board are appointed by the Supreme Court of Pennsylvania.

Pro Bono Initiative

In June 2001, the then Chief Justice of the Supreme Court of Pennsylvania asked lawyers licensed to practice law in Pennsylvania to voluntarily contribute at least \$50 each to help fund the infrastructure necessary for organized county-based pro bono programs. Until 2009, voluntary contributions for this purpose were solicited in conjunction with the annual attorney fee form process conducted by the Disciplinary Board of the Supreme Court of Pennsylvania. Due to the \$25 increase in the attorney registration fee that benefited IOLTA, the request for an additional contribution was not

included in the 2009-2010 attorney registration materials. The Board took action in May 2009 to reinstate the request in 2010-2011. Therefore, the Board has about \$50,000 in residual monies to award for the 2010-2011 grant year.

Given the limited amount of funds, the IOLTA Board has established the following priorities for their distribution: First, grants will be awarded to meritorious applicants that seek to establish pro bono programs where none currently exists. Next, grants will be awarded to meritorious applicants to fund existing pro bono programs with definitive plans to increase pro bono participation. Lastly, to the extent that there are remaining funds, grants will be awarded to meritorious applicants that propose to enhance existing pro bono programs to maintain existing levels of pro bono volunteers.

The objective of this pro bono initiative is to mobilize organized pro bono efforts in counties such that every actively licensed attorney has an opportunity to volunteer his/her help in a way that he/she feels competent and supported. County pro bono programs may include volunteer opportunities such as the following:

1. Representing persons of limited means through case referral;
2. Representing persons of limited means through direct contact with a lawyer when the lawyer, before undertaking the representation, first determines client eligibility based on standards substantially similar to those used by legal assistance providers;
3. Representing community groups serving persons of limited means through case referral;
4. Interviewing and determining eligibility of prospective pro bono clients;
5. Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers;
6. Providing consultation services to civil legal assistance providers for case reviews and evaluations;
7. Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;

8. Making presentations to persons of limited means regarding their rights and obligations under the law;
9. Providing legal research;
10. Providing guardian *ad litem* services;
11. Serving as a mediator or arbitrator of the client-eligible party; and
12. Providing such other pro bono service opportunities as appropriate.

Restrictions

Pro bono initiative funds may not be used to:

1. Provide legal assistance with respect to any fee-generating case;
2. Provide legal assistance with respect to the defense of any criminal prosecution;
3. Provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act and the action is brought against an official of the court or against a law enforcement official for the purpose of challenging the validity of the criminal conviction;
4. Contribute to or be made available to any political party or association, or the campaign of any candidate for public or party office or similar political activities or to support or oppose candidates for public or party office or to support or oppose any ballot questions; or
5. Provide for capital expenditures.

In addition, pro bono funds may not be used directly or indirectly to:

1. Support activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the introduction, amendment, passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, except that: (a) qualified recipients may engage in such activities in response to a request from a governmental agency, legislative body, committee, member or staff thereof

made to the qualified recipient, consistent with the Code of Professional Responsibility, and (b) qualified recipients may engage in such legal services to an eligible client on a particular application, claim or case, which directly involves that client's legal rights and responsibilities.

2. Advocate the freedom to choose abortion or the prohibition of abortion, provide legal assistance with respect to any proceeding or litigation which seeks to procure or prevent, or procure or prevent public funding for, any abortion; or provide legal assistance with respect to any proceeding or litigation which seeks to compel or prevent the performance or assistance in the performance of any abortion, or the provision of facilities for the performance of any abortion. However, this restriction shall not be construed to prevent the rendering of advice to a client with respect to that client's legal rights nor preclude representation in a proceeding to procure or prevent public funding for abortion where the funding is allowed by law.

Who May Apply

Grant applications from pro bono committees will be considered for funding. The IOLTA Board suggests these committees be organized by local county bar association leadership, or by the county president judge, and that the committee membership include representation from the bar association, the court system, legal aid organizations, bar foundations and/or existing pro bono programs, and if applicable, law school(s).

The committee leadership is requested to recruit two community-at-large representatives, one of whom should be a present or past recipient of legal aid.

How to Apply

County based pro bono committees are encouraged to submit an application for funding in concise form. Committees are encouraged to collaborate with other counties for joint proposal submissions. Committees may make grant requests for up to two years, providing the committees can demonstrate increasing local financial support for the pro bono program in the second year. If a multiple year grant is requested, formats 2/10 and 3/10 (see below) must be completed for each year.

Each application must contain:

1. Grant application cover form. (See Format 1/10);
2. Grant Proposal. The grant proposal should be in narrative form and to the extent possible contain the following information:

- a. The process by which the pro bono committee will oversee the implementation of the pro bono plan and monitor the plan results;
- b. The evaluation process and results used to identify the current civil legal needs of the county;
- c. The identification of the plan administrator who will provide the necessary coordination and administrative support for the county's pro bono plan. (The IOLTA Board anticipates the plan administrator will be an employee or under contract with the local legal aid or pro bono organization, the local bar association, or the county court. The plan administrator's organization will be expected to execute a grant agreement covering such matters as grant activities and fiscal reporting.)
- d. A narrative of the county's pro bono plan that discusses how lawyers will be enrolled to participate in pro bono activities, the various support and educational services that will be made available for participating pro bono attorneys, which to the extent possible should include:
 - i. Providing intake, screening, and referral of prospective clients;
 - ii. Matching cases with individual attorney expertise, including the establishment of specialized panels;
 - iii. Providing resources for significant litigation and out-of-pocket expenses for pro bono cases;
 - iv. Providing legal education and training for pro bono attorneys in specialized area of law useful in providing pro bono civil legal services;
 - v. Providing the availability of consultation with attorneys who have expertise in the areas of law with respect to which a volunteer lawyer is providing pro bono civil legal service;
 - vi. Providing malpractice insurance for volunteer pro bono lawyers with respect to their pro bono civil legal service;
 - vii. Establishing procedures to ensure adequate monitoring and follow-up for assigned cases and to measure client satisfaction;
 - viii. Recognizing pro bono civil legal service by lawyers; and

- ix. Providing other support and assistance to pro bono lawyers.

3. Pro Bono Program Activity Summary (See Format 2/10). Complete the statistical activity summary for the past full year. Also project pro bono activities for the period of the IOLTA grant, 7/1/2010 to 6/30/2011. If the county has no prior pro bono activities, best efforts should be made, none-the-less, to project expected activities for the grant period.
4. Pro Bono Budget (See Format 3/10). Complete a total budget for the county pro bono program, with a separate column for the pro bono funds requested from the IOLTA Board, and a separate column for funds raised, or to be raised, from other sources.

After Submitting a Proposal

Once the grant request has been received, applicants will be notified in writing of the receipt of the application. If further information is required, the Board's staff will contact the applicant contact person. A personal interview with the applicant's representative(s) may be required at the discretion of the Board.

When and Where to Apply

Five (5) copies of the completed application (one copy of attachments if applicable) must be sent* and postmarked by **January 15, 2010** to the:

**Pennsylvania Interest on Lawyers Trust
Account Board
P.O. Box 62445
Harrisburg, PA 17106-2445**

* If sending via Federal Express or other courier service, delivery address is:
Pennsylvania Interest on Lawyers Trust
Account Board
601 Commonwealth Ave, Suite 2400
Harrisburg, PA 17120-0901

Questions concerning the application process or the distribution of grants may be directed to Stephanie S. Libhart, Assistant Executive Director of the PA IOLTA Board, at (717) 238-2001 or 888-PAIOLTA (724-6582), or stephanie.libhart@pacourts.us.

The Board expects to announce its grants in late-May 2010.

**PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD**
Pro Bono Grant Application Procedures, 2010
Format 1/10

Applicant County: _____ Date: _____

Name of Intended Grantee: _____

Contact Person: _____

Address: _____

Telephone Number: (____) _____ Fax Number: (____) _____

E-Mail: _____ Amount Requested: _____

Estimated Pro Bono Volunteers: _____
(for the grant period)

Pro Bono Committee Membership (indicate name and affiliation (e.g. Jane Doe, (county) Bar Association, etc.)

Proposal Executive Summary

Submitted on behalf of the Pro Bono Committee by:

Chairperson

**PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD**
Pro Bono Grant Application Procedures, 2010
Format 2/010

Applicant County: _____

Date: _____

Pro Bono Program Activity Summary		
	Prior Year	Projected for 7/1/2010 to 6/30/2011
Total Active Volunteers¹		
Case Representation		
Volunteers ²		
Cases Pending Beginning		
New Cases		
Closed Cases		
Cases Pending Ending		
Closed Case Statistics		
Housing		For Projected Closed Case Statistics, please provide an estimate of Total. Breakdown of case categories is not necessary.
Government Benefits		
Consumer		
Employment		
Family		
Education		
Health		
Miscellaneous		
Total Closed Cases		
Other Pro Bono Activities		
Clinics Offered		
Volunteers ²		
Number of Attendees		
Other Activities ³		

- Notes:
1. Total active volunteers is a count of each individual volunteer only once, even if the volunteer accepted multiple cases or helped in multiple activities.
 2. 'Volunteers' refers to the number of individual persons who have actually participated in the activity identified. Count each person once within the pro bono activity being reported.
 3. List activity, volunteers and indicators of persons served if applicable.

**PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD**
Pro Bono Grant Application Procedures, 2010
Format 3/10

Applicant County: _____ **Date:** _____

	Proposed Budget 7/1/2010 – 6/30-2011		
	Pro Bono Grant	Other Sources	Total Proposed Budget
Revenues (list)			
Total Revenues			
Expenditures			
Personnel (list)			
Fringe Benefits			
Consultants and Contract Svcs. ¹			
Travel			
Space			
Consumable Supplies			
Insurance and Bonding			
Postage			
Telephone			
Other (list) ²			
Total Expenditures			
Excess Revenues over Expenditures (Revenues minus expenditures)			
Capital Expenditures (list)³	Capital Expenditures cannot be funded by pro bono grant funds.		

- Notes:
1. Separately list any contracts for services with sub-recipients. (Use a separate page if necessary).
 2. Other expenditure line items may be used if those displayed are not appropriate for the applicant's operations.
 3. Capital expenditures include such items as equipment, furniture or other property acquisitions (i.e., purchases or capitalized leases). Capital expenditures cannot be funded by pro bono grant funds.