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H. Thomas Wells Jr.

University of Alabama School of Law

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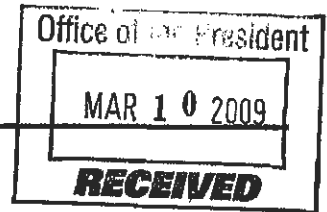
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CORRESPONDENCE LOG

H. Thomas Wells, Jr.

March 13, 2009

Origin	Correspondence	Date	Revd	Status (All suggested dispositions subject to review by TW)	CCs (Informational copies)
IL	Andrew F. Susko Pennsylvania Bar Association Copy of letter to Robert B. Casey, Jr. requesting his participation in a news conference highlighting ABA Day in Washington's theme: adequate funding for access to legal services.	3/4	3/10	NRN	
IL	Edolphus Towns, Chairman Committee on Oversight & Gov't Reform Congress of the United States Ltr -- seeking individuals interested in being considered for the position of the Comptroller General of the U.S.	2/27	3/10	NRN	
AL	Harvey Faurholt Kennewick, WA (member # 00615798) Ltr -- membership complaint re affirmative action; best way to object is to withdraw from the ABA	3/6	3/10	<i>Beverly Curd to draft response for HTW.</i>	
DC	A US Army Colonel The Secretary of Defense Washington, DC Anonymous Ltr -- re: ABA resolution issued on Feb. 16, 2009 re protection of child custody	3/5	3/13	NRN	cc: Paula Nessel, Paul Haskins, Ken Goldsmith



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March 4, 2009

The Honorable Robert P. Casey, Jr.
United States Senate
B40C Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Casey:

Over the past two years, I have had the privilege, along with other lawyers from Pennsylvania, to meet with you and members of your staff in connection with the ABA Day in Washington. I write at this time to ask you to participate in a news conference, along with Senator Arlen Specter, to highlight the reoccurring theme of ABA Day in Washington: adequate funding for access to legal services.

More than 300 ABA, state, local, territorial and specialty bar leaders from around the country, including many Pennsylvanians, are expected to attend ABA Day, April 21 through April 23, 2009, and will meet with their own Senators and Representatives on this topic. You should also know that we have received confirmation that Senator Specter is planning to attend the news conference and speak on behalf of this effort and we hope you can attend and speak as well.

We believe that your participation in particular, along with Senator Specter, will be instrumental in helping focus public and Congressional attention on the need for access to legal assistance, especially during this time of economic crisis when families are losing their homes, jobs, health care, and more. You have been an important advocate for adequate funding of The Legal Services Corporation and, noteworthy, was your co-sponsorship of the bipartisan Specter/Casey amendment, which would have added to the stimulus bill \$30 million dollars for foreclosure-related representation. Although ultimately this was not included in the final stimulus package, your bipartisan leadership alongside Senator Arlen Specter, was deeply appreciated by the organized Bar.

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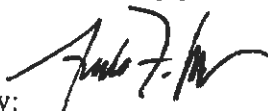
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services. Although I know this goes without saying given your advocacy and support for access to justice, our justice system requires, as an aspect of its fundamental fairness, that the system be accessible to all. We truly believe the inspirational words of Dr. Martin Luther King, Jr., written from a jail cell in Alabama, that "injustice anywhere, threatens justice everywhere."

I should add that the news conference is being modeled, in concept, on a news conference held in Harrisburg during the year I served as President of the Pennsylvania Bar Association (PBA) and which we believe was very successful in focusing public attention on the need and the value of increased state funding for legal services. During that news conference, one critical component was having members of the legislature speak to this most important issue. H. Thomas Wells, Jr., President of the ABA, Senator Specter, and a representative client served through legal services, would be the expected to attend and speak at the news conference. The plan would be, assuming you are willing to participate, to give you a front line role in presenting the case at the news conference of the importance of legal services to our justice system. We are in the process of setting the exact date, time, and location during ABA Day for the news conference and your input is welcomed.

I greatly appreciate your consideration of this request and hope that you are willing to assist the legal profession in making the case publicly for access to justice.

Very truly yours,

By: 
Andrew F. Susko

AFS:lab

cc: H. Thomas Wells, Jr., ABA President ✓
Thomas M. Susman, ABA Gov't Affairs Office Director
Barry M. Simpson, PBA Executive Director
Richard D. Siegelman, Counsel and Legislative Director, Sen. Casey



Legal Services Corporation

ABA Urges FY 2009 Funding Increase

The Preamble to the U.S. Constitution states that the first enumerated function of government is to “establish justice.” A bipartisan Congress and the Nixon Administration in 1974 created the Legal Services Corporation (LSC) to provide low-income persons access to the justice system through civil legal services. Today, 50 million Americans qualify for federally funded legal assistance. Many of these individuals have significant legal needs and may suddenly be poor because of natural disaster, loss of a job, the break-up of their family, housing loss or uninsured medical care. While the need for civil legal services has increased, LSC funding and our ability to ensure access to the justice system falls far short.

For FY 2009, the House and Senate Appropriations Committees approved \$390 million, a much-needed \$40 million increase. No further action was taken; instead, Congress deferred finalization of most FY 2009 appropriations bills to the 111th Congress and the Obama Administration. As a result, LSC will be funded at its current level of \$350.49 million until the FY 2009 appropriations process is completed.

The ABA urges the Obama Administration and Congress to approve, at a minimum, the \$40 million increase. However, dramatic losses incurred by private foundations and cuts in funding from Interest on Lawyer Trust Accounts (IOLTA) programs in some states have resulted in legal aid lawyer lay-offs, thus increasing the number of qualified clients who are turned away. **Therefore, the ABA urges the Administration to address this crisis by providing significantly more funding for LSC, closer to the LSC Board recommended amount of \$471.7 million because:**

- **A crisis exists for the millions of low-income persons who are unable to access the justice system.** The 2005 study, “*Documenting the Justice Gap in America*,” reports that one in every two eligible clients who seeks assistance from a federally funded legal aid program is turned away because of lack of resources. A 1993 ABA study and recent state studies consistently report that despite the combined efforts of LSC-funded programs, state, local and private funding and pro bono efforts, between 70 and 80 percent of the legal needs of the poor are unmet.
- **LSC-funded programs provide assistance to those who suddenly qualify for and need legal assistance, such as when natural or national disaster strikes.** September 11th families, flood victims, and hurricane evacuees have received legal assistance ranging from identity verification to family law issues. There are continually new issues that require legal assistance that disproportionately affect low-income families, including consumer fraud and now the mortgage foreclosure crisis; foreclosures are forcing both low-income home owners and renters from their homes.
- **LSC-funded legal aid lawyers preserve and protect American families; many low-income military families qualify for legal aid.** Local legal aid programs make a real difference in the lives of millions of low-income American families by helping them resolve everyday legal matters, including family law, housing, and consumer issues, and by helping them obtain wrongly denied benefits such as social security and veterans’ pensions. Soldiers and their families most often seek help with estate planning, consumer and landlord/tenant problems and family law.
- **LSC-funded programs prevent a long-term reliance on other government programs, many of which have also suffered funding cuts.** People who are unable to resolve basic legal problems are more likely to experience greater hardships and require assistance from public social services programs.
- **LSC-funded programs are the nation’s primary source of legal assistance for women who are victims of domestic violence.** Legal aid programs identify domestic violence as one of the top priorities in their caseloads. While domestic violence occurs at all income levels, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Recent studies also show that the only public service that reduces domestic abuse in the long term is a woman’s access to legal aid.

ABA Contact: Julie M. Strandlie, (202) 662-1764; jstrandlie@staff.abanet.org

January 2009

The Preamble to the U.S. Constitution states that the first enumerated function of government is to “establish justice.” A bipartisan Congress and the Nixon Administration in 1974 created the Legal Services Corporation (LSC) to provide low-income persons access to the justice system through civil legal services. Today, 50 million Americans qualify for federally funded legal assistance. Many of these individuals have significant legal needs and may suddenly be poor because of natural disaster, loss of a job, the break-up of their family, housing loss or uninsured medical care. While the need for civil legal services has increased, LSC funding and our ability to ensure access to the justice system falls far short.

For FY 2007, LSC is funded at \$348 million, the highest level since LSC’s funding was severely slashed in 1996 from \$415 million to \$278 million. For FY 2008, the Administration proposed a \$37 million funding cut, reducing LSC’s funding to \$310.2 million – *an amount less than LSC received in 1981*. The bipartisan LSC Board of Directors recommends that Congress fund LSC at \$430 million, an \$82 million increase over FY 2007, as an essential step toward improving access to justice for low-income persons. **The ABA urges Congress to fund LSC at no less than \$430 million because:**

- **A crisis exists for the millions of low-income persons who are unable to access the justice system.** The 2005 study, “*Documenting the Justice Gap in America*”, reports that one in every two eligible clients who seeks assistance from a federally funded legal aid program is turned away because of lack of resources. A 1993 ABA study and recent state studies consistently report that despite the combined efforts of LSC-funded programs, state, local and private funding and pro bono efforts, between 70 and 80 percent of the legal needs of the poor are unmet.
- **LSC-funded programs provide basic legal services for low-income persons in every Congressional district in the country.** LSC disburses 95 percent of its annual federal appropriation to 138 local legal aid programs nationwide. Boards consisting of leaders in the local business and legal communities set the priorities for and oversee these programs, which provide basic civil legal services to the poor.
- **LSC-funded programs provide assistance to those who suddenly qualify for and need legal assistance, such as when natural or national disaster strikes.** September 11th families, flood victims, and hurricane evacuees have received legal assistance ranging from identity verification to family law issues.
- **LSC-funded legal aid lawyers preserve and protect American families; many low-income military families qualify for legal aid.** Local legal aid programs make a real difference in the lives of millions of low-income American families by helping them resolve everyday legal matters, including family law, housing, and consumer issues, and by helping them obtain wrongly denied benefits such as social security and veterans’ pensions. Soldiers and their families most often seek help with estate planning, consumer and landlord/tenant problems and family law.
- **LSC-funded programs prevent a long-term reliance on other government programs, many of which have also suffered funding cuts.** People who are unable to resolve basic legal problems are more likely to experience greater hardships and require assistance from public social services programs. LSC-funded programs, for example, assist parents by enforcing child support payments, reducing reliance on public assistance programs while waiting to receive support payments.
- **LSC-funded programs are the nation’s primary source of legal assistance for women who are victims of domestic violence.** Legal aid programs identify domestic violence as one of the top priorities in their caseloads. While domestic violence occurs at all income levels, low-income women are significantly more likely to experience violence than other women, according to the U.S. Bureau of Justice Statistics. Recent studies also show that the only public service that reduces domestic abuse in the long term is a woman’s access to legal aid.

CAPITOL HILL HIGH POINT

After a Decade, ABA Day Continues to Grow as a Key Lobbying Effort by the Bar

RHONDA McMILLION

NEARLY 300 BAR LEADERS VISITED Capitol Hill on May 3-4 to meet with members of Congress on issues of concern to the legal profession, making this year's ABA Day in Washington, D.C., the largest ever.

The chance to meet face-to-face with congressional delegations is crucial to getting across the organized bar's views on key issues, says H. Thomas Wells Jr. of Birmingham, Ala., who has participated in every ABA Day in Washington since the event began in 1997.

"Participating in ABA Day and in the ABA's legislative advocacy program really makes a difference," says Wells, who co-chaired the planning committee this year with Carolyn B. Lamm of Washington, D.C.

"As a result of ABA Day contacts, members [of Congress] have changed their position on the Legal Services Corp.—one of the ABA's most important issues—and are now strong supporters of LSC funding," Wells says.

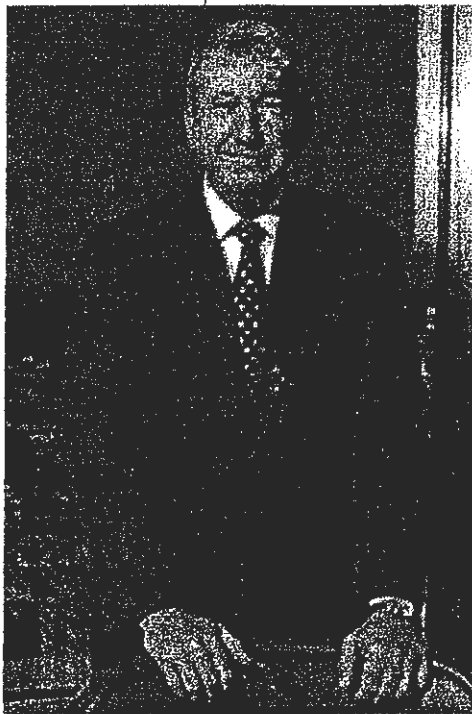
Increased funding for the LSC was one of four issues on which this year's ABA Day participants focused their efforts. In October, the LSC issued a report concluding that at least 80 percent of the civil legal needs of low-income Americans are not being met—a gap that may have widened even more since Hurricane Katrina. Meanwhile, President Bush has asked Congress to cut the LSC's funding in fiscal year 2007 by 5 percent, from \$326.5 million to \$310.2 million. The bipartisan LSC board of directors has requested \$411 million.

Rhonda McMillion is editor of Washington Letter, an ABA Governmental Affairs Office publication.

This column is written by the ABA Governmental Affairs Office and discusses advocacy efforts by the ABA relating to issues being addressed by Congress and the executive branch of the federal government.

These issues also were on the ABA Day agenda:

- Attorney-client privilege. The ABA is seeking congressional support for its efforts to reverse government policies that encourage federal prosecutors to pressure companies and other entities to waive attorney-client privilege and work product protections as a condition for receiving cooperation credits during investigations.
- Medical liability. The ABA opposes three medical liability bills in the Senate on grounds that they would pre-empt state laws and restrict damages for patients.
- Immigration. The ABA supports comprehensive immigration policy reform that enhances border protections and national security while providing a path to permanent residence for undocumented laborers currently in the United States. The ABA opposes elimination of administrative and judicial review for immigrants, criminalization of civil immigration violations, and mandatory and/or indefinite detention.



Thomas Wells has participated in ABA Day from its inception.

NAME RECOGNITION

IN CONJUNCTION WITH ITS lobbying efforts, the association recognized Sen. Mike DeWine, R-Ohio, for his long record of improving the justice system's approach to child abuse, neglect cases and foster care, and for his strong advocacy for the Violence Against Women Act.

The ABA also recognized Sen. Barbara Ann Mikulski, D-Md., for her long-standing support for the LSC, including her determined effort in 2005 to restore funding for the corporation.

The ABA presented the first Grassroots Advocacy Awards to lawyer John D. Robb of Albuquerque, N.M., the Lawyers' Campaign for Equal Justice in Oregon, and the Texas Access to Justice Commission. The awards recognize their work with the

ABA on federal legislative issues.

At the annual ABA Day breakfast session, Senate Judiciary Committee Chairman Arlen Specter, R-Pa., and Sen. Edward M. Kennedy, D-Mass., praised the ABA's new policy on domestic electronic surveillance and reiterated their support for the LSC. Rachel L. Brand, assistant attorney general in the Justice Department's Office of Legal Policy, described department priorities. ■

A HEARING ON CAPITOL HILL

ABA Day Offers the Profession a Chance
to Make its Case Before Congress

ROBERT A. STEIN

AS THE NATIONAL REPRESENTATIVE of the legal profession, the American Bar Association is actively involved in public policy discussion and advocacy before Congress, the executive branch and other governmental bodies on issues and legislation that directly affect lawyers and the administration of justice. Spearheading this activity is the ABA Governmental Affairs Office based in Washington, D.C.

The ABA lobbies on more than 100 issues in each session of Congress, and these efforts have been highly successful. We have consistently achieved an 85 percent or higher success rate each year in our legislative advocacy, despite the fact that the ABA is a nonpartisan organization, does not endorse candidates and does not make political campaign contributions. An essential part of the association's legislative program is our annual ABA Day in Washington.

ABA Day—co-sponsored this year by the Section Officers Conference and the Young Lawyers Division along with the National Conference of Bar Presidents and the National Association of Bar Executives—provides an opportunity for organized-bar representatives to meet with members of Congress and address issues vital to the justice system. This year's hugely successful ninth annual program, chaired by ABA President-elect nominee Karen J. Mathis, saw a record number of more than 250 bar leaders converge on Capitol Hill in late April.

Attendees participated in more than 250 meetings with members of Congress and their staffs. Awards were presented to Reps. Frank R. Wolf, R-Va., and José E. Serrano, D-N.Y., for their efforts to improve the American justice system as chairman and ranking minority member, respectively, of the House Appropriations subcommittee that provides funding for programs such as

the Legal Services Corp., as well as the federal judiciary and the U.S. Patent and Trademark Office.

This year's ABA Day targeted three primary issues: funding for the LSC, federal pre-emption of state medical malpractice laws, and student loan forgiveness for public interest attorneys. In addition, the GAO offered consultation on several other issues, including bankruptcy reform, immigration, the Lawsuit Abuse Reduction Act and funding for the Thurgood Marshall Legal Educational Opportunity Program.

ABA Day provides important support for the association's lobbying efforts by encouraging bar leaders to be direct advocates for the profession and the justice system before members of Congress. Hearing from lawyers—who implement and work with enacted laws and regulations every day—enables elected officials to more clearly appreciate the impact of their decisions.

AN IMPRESSIVE LINEUP

TO PROMOTE THE MOST EFFECTIVE INTERACTION BETWEEN participants and members of Congress, ABA Day offers a superb lineup of activities. These include an interactive lobbying session for legislative newcomers on current issues and how to most successfully present them; an in-depth analysis of three key focus issues for the session; assistance for participants in arranging visits with as many members of their congressional delegations as time permits; advice on developing and maintaining relationships with elected officials; and an opportunity for participants, on a first-come, first-served basis, to be admitted to the U.S. Supreme Court. Attendees also receive briefings from congressional leaders on their legislative agendas for the upcoming Congress and on the issues they see as key for the organized bar.

To ensure broad nationwide participation, the GAO conducts targeted outreach to state and local bar associations in advance of the meeting. On-site, the GAO assists participants in setting specific issue-oriented meetings in such areas as criminal justice, patent law and family law. This year, for example, meetings were arranged for 11 members of the Intellectual Property Law Section with the chairman and ranking

member of the House subcommittee on intellectual property and with key House and Senate staff members.

Participating in ABA Day is one of the best ways to keep the channels of communication open with members of Congress, executive branch officials and their staffs, and to learn how to effect change in the legislative arena. Save the dates—May 3-4, 2006—and plan to participate in the next ABA Day in Washington.

For more information, contact Julie M. Strandlie, the outstanding staff director of ABA Day, at 202-662-1764 or via e-mail at strandlj@staff.abanet.org.

*The
ABA is
actively
engaged in the
national debate
on public policy.*



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4

Law Practice Management
Prepare Now for Increased
Competition Ahead

PBA on the Hill Event Focuses on 'Pennsylvania Lawyers Taking Their Case to Capitol Hill' May 5-6 in Harrisburg

Editor's Note: The following is excerpted from a speech PBA President Andy Susko gave at the recent PBA on the Hill event, which was held May 5-6 in Harrisburg.

Today, lawyers from across the commonwealth have joined together here in Harrisburg to bring to the General Assembly issues and concerns of the legal profession. Principal among the issues we will be addressing at PBA Day on the Hill is the accessibility of our justice system to hard-working, low-income Pennsylvanians.

Every year, one million low-income Pennsylvanians benefit from the services of legal aid; thousands more receive free legal services from volunteer Pennsylvania attorneys. Yet estimates from a national study of unmet legal needs commissioned by Legal Services Corp., titled "Documenting the Justice Gap," reveal the depth of the challenge that still remains and that has been identified as the "justice gap" in America. Eighty percent of low-income Americans see their legal needs go unmet. One in every two people who actually go to a legal aid office with a legal problem do not receive representation because the resources are not sufficient to make a lawyer's services available to

them. In Pennsylvania, these national statistics have been confirmed; for nearly every person who is helped by a legal aid entity, one is turned away.

Our justice system is only as fair as it is accessible to all. A justice system that is only available to those who have the means undermines the integrity, the legitimacy and the fundamental fairness of the system. There are landmark legal decisions that set forth critically important legal rights, like *Brown v Board of Education*, holding that separate educational facilities were inherently unequal. But although this landmark decision — along with other significant decisions — creates important rights for our citizens, these important legal rights do not have full meaning and their promise cannot be fully realized when ordinary citizens do not have effective access to our justice system because they cannot meaningfully access a lawyer's services.

So today lawyers have joined with me and the Pennsylvania Bar Association to take our case to the Hill; we seek legislative support of increased state funding for legal services. Because the need is great and state funding has been flat in modern times, cur-



PBA members showed their support for an additional \$1 million in state funding for civil legal aid during a state Capitol Rotunda rally on May 5. The increase, which would bring state funding for legal aid to \$3.6 million, is currently included in Gov. Ed Rendell's 2008-09 budget proposal. Part of the PBA on the Hill activities, the rally included remarks by PBA President Andrew F. Susko (center), Pennsylvania Legal Aid Network Executive Director Sam Milkes, Sen. Andrew E. Dinniman, Sen. Stewart J. Greenleaf, Sen. Michael O'Park, Rep. Kathy M. Manderino and Dorchina Davala Urrutia, a client of MidPenn Legal Services. The rally also brought attention to two bills that would create a law school student loan repayment program for public service lawyers.

PBA on the Hill *Continued from Page 1*

rent shortfalls in legal services funding undermine the fundamental fairness of our justice system. Martin Luther King Jr. wrote, from a jail cell in Birmingham, Ala., that "injustice anywhere threatens justice everywhere." Every time justice is denied, the fabric of the justice system is damaged; every time justice is reached in a case for a legal aid client — even in one case — the justice system is greatly enhanced.

Our nation is dedicated to the principle that our justice system is for everyone, and what we as lawyers know is that access to a lawyer's services often makes the difference between justice and injustice, between heartache and happiness. In the context of protecting a woman from abuse, protecting against the loss of one's housing or providing representation on behalf of children whose safety and welfare are at risk, the legal system must be fair and accessible to all. Indeed, this is the principle upon which our very government was founded, and the principle that is embodied in the words concluding our Pledge of Allegiance to our flag: "with liberty and justice for all."

That is why lawyers and legal aid clients are here today; that is why we rally on the Hill in support of increased funding for legal services. Lawyers across this state are deeply committed to the justice system and to its fairness and to the principle that equal justice under the law must be for everyone. This is the promise of our nation's founders — a promise we must as a legal community stand up and fight for every day.

In a few moments you will hear from Sam Milkes, executive director of the Pennsylvania Legal Aid Network. You will also hear from legal aid client Darchina Urrutia, Rep. Kathy Manderino, Sen. Andrew Diuniman and Sen. Stewart Greenleaf.

Before I call on Sam, I want to share a story with you that provides a powerful illustration that legal services can be a positive sum gain, not only for those Pennsylvanians who directly benefit from the program but for all Pennsylvanians.

Legal aid client Susan F., a single mother of three children ages seven, three and one, applied for a job driving a bus. The job offered the prospect and hope of working perfectly with her children's schedules, and the resulting income would have allowed her family to live on her income instead of public assistance. But she had been charged — not convicted — of an offense as a juvenile. She needed her record expunged to be able to drive the bus. Although Neighborhood Legal Services filed a petition to expunge her record, the district attorney's office initially objected. Legal Services had the client provide the letter of hire from her new employer stating that she would not be able to work unless her record was cleared. As a result of the work of Neighborhood Legal Services, the DA's office withdrew the objection, the court, on petition, agreed to expunge Susan's record and she is now happily able to support her three children. This is one of hundreds of success stories that vividly demonstrates that legal aid benefits not only the client but in many cases every Pennsylvanian. Our justice system is only as fair as it is accessible to everyone, and these stories and many others dramatically demonstrate that increased funding for legal services is both necessary and justified.

And now it is my pleasure to call on Sam Milkes, executive director of the Pennsylvania Legal Aid Network, who will document the legal services funding needs here in Pennsylvania. Sam Milkes is responsible for coordinating and making effective the legal aid program in Pennsylvania. He, along with eight regional legal aid program directors and six special program directors, provides individualized legal services to nearly 100,000 clients annually. Sam has been a tremendously effective executive director and is a proven and spirited advocate for legal services and legal services funding here in Pennsylvania.

CENTRAL PENN BUSINESS JOURNAL

STATE

Lawyers: Aid gap hinders justice

BY DAVID DAGAN
davidd@journalpub.com

Lawyers say they cannot keep up with the growing demand for free assistance in civil cases dealing with issues such as child custody, home foreclosures and medical bills.

"It's an issue about fairness of our justice system," said Andrew F. Susko, president of the Pennsylvania Bar Association. "It's not a pocketbook or bread-and-butter issue for lawyers, but it is an issue that the legal community is deeply concerned about."



Susko

Society pays for the failures of legal assistance through its safety-net programs, Susko said.

Anybody who watches cop shows knows that criminal defendants have the right to a government-funded lawyer, said state Rep. Kathy Manderino, D-Montgomery, Philadelphia counties. That's not true in civil cases, even though the stakes there can be just as high, she said. Manderino spoke at a May 5 event in which various legal groups called on the state to do more for legal aid.

The growing gap between the capacity of the legal-aid system and the

please see **GAP**, page 26

GAP: Legal groups want Pa. to increase support for aid programs

continued from page 23

demand is also a business concern, said Samuel W. Milkes, executive director of the Pennsylvania Legal Aid Network.

Lawyers can help antagonists solve disputes without litigating, he said.

"Disputes get resolved much more readily if each side ... is getting advice, you know — 'You're being reasonable here, you're not being reasonable here,'" Milkes said.

Legal-aid organizations make contact with almost 1 million Pennsylvania residents annu-

ally, and law firms provide free services to thousands more, according to the Pennsylvania Bar Association. Some 100,000 people are represented annually by legal-aid lawyers, and the same number is turned away for lack of resources, Susko said.

More people do not even ask for help, advocates say. By some accounts, only 20 percent of the need for free legal assistance is being met, Milkes said.



Milkes

"It's a life-balance question for them," Durkin said.

Gaetano D'Andrea, who graduated from Widener this year, is not working in legal aid, but he has taken a public-service job with a limited salary. D'Andrea, 27, will work for the Philadelphia district attorney at an annual salary of about \$49,000. By comparison, D'Andrea estimates he could earn between \$65,000 and \$100,000 at a private law firm, depending on the location. With the lower salary, D'Andrea said he will struggle to pay off his \$120,000 in student debt.

"It's going to literally be paycheck to paycheck," he said.

D'Andrea stretched his loan term from 10 to 30 years, dropping his monthly payments to about \$800. He plans to get rid of his 2005 Chevy Cobalt and to limit how much he spends on food and going out.

D'Andrea plans to stick around the prosecutor's office as long as he can.

"You actually see the people you help," he said. "My goal is to make a career out of it." ■

To help close the gap, legal groups are calling for the state to bump up its support for legal-aid programs by \$1 million, to \$3.6 million annually. The groups also want the state to offer student-loan repayment programs that would help more lawyers get into public service, where salaries are lower than in the private sector.

But direct state funding is only a fraction of the roughly \$70 million spent annually on legal aid in Pennsylvania, according to the groups. Other sources include the federal government and a program that collects interest

on funds that attorneys hold temporarily for their clients. The bar association sought a \$4 million increase in state funding, but Gov. Ed Rendell's administration agreed to bump the figure by only \$1 million in its budget proposal for the next fiscal year, Susko said.

The bar association is doing other things to ease the crunch. The association cooperates with other groups to run www.palawhelp.org, a self-help Web site. The association also wants to make it easier for lawyers to provide informal assistance for as a little as

a day. The idea is to create official programs through which lawyers can offer limited representation, which is otherwise difficult to do. If clients consult with a lawyer who can say how a court might act, they will navigate the system more easily, Susko said.

"That information is power," he said.

The legal groups also want the state to help lawyers in public service pay off their law school loans. Chances are that more young graduates are weighing this problem.

"I see more and more students who would be candidates for large firms opt to go into government service," said Karen Durkin, director of career development at the Dauphin County campus of Widener University School of Law. That partly reflects a commitment to public service by this generation, but it is also a lifestyle choice, she said. Public-sector lawyers have steadier hours and generally work less than those who join the private sector.

"It's going to literally be paycheck to paycheck."

Gaetano D'Andrea, graduate of Widener University School of Law

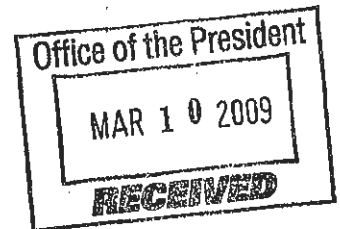
ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

February 27, 2009

Mr. H. Thomas Wells, Jr.
President
American Bar Association
321 North Clark Street
Chicago, IL 60654-7598



Dear Mr. Wells:

On behalf of the Comptroller General Commission, I am writing to inform you that the Commission plans to begin the formal review of applications from individuals interested in being considered for the position of the Comptroller General of the United States on March 31, 2009. As you know, the application process has been open for a number of months and it is time for the nomination process to move forward. I urge you to share this letter and its description of the application process with individuals you believe may be qualified to serve as Comptroller General and to inform them of the Commission's schedule for reviewing applications.

The Comptroller General is the head of the Government Accountability Office, the audit and investigative arm of Congress. As you may know, the Comptroller General is appointed by the President with the advice and consent of the Senate. Under statute, a ten-member congressional commission is established upon the vacancy of the position to recommend at least three individuals to the President. The chair of the commission, House Speaker Nancy Pelosi, has asked me to manage the administrative functions of the commission.

Interested applicants should submit a resume and a cover letter explaining their qualifications to the Committee on Oversight and Government Reform, 2157 Rayburn House Office Building, U.S. House of Representatives, Washington DC, 20515. They should also complete the enclosed questionnaire, which is also available through the Committee website (www.oversight.house.gov). These materials should be sent to me and directed to the attention of Mark Stephenson, the Committee's Senior Policy Adviser.

An announcement describing the position and application process is also enclosed with this letter.

Mr. H. Thomas Wells, Jr.
February 27, 2009
Page 2

If you have any questions, please do not hesitate to contact Mr. Stephenson at (202) 225-5051 or Mark.Stephenson@mail.house.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edolphus Towns', written in a cursive style.

Edolphus Towns

Enclosure

cc: Nancy Pelosi, Speaker of the House
Robert C. Byrd, President Pro Tempore of the Senate
Steny H. Hoyer, Majority Leader of the House
John Boehner, Minority Leader of the House
Harry Reid, Majority Leader of the Senate
Mitch McConnell, Minority Leader of the Senate
Darrell Issa, Ranking Member, House Committee on Oversight and Government Reform
Joseph I. Lieberman, Chairman, Senate Committee on Homeland Security and Governmental Affairs
Susan M. Collins, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs

CANDIDATE QUESTIONNAIRE
COMPTROLLER GENERAL, GOVERNMENT ACCOUNTABILITY OFFICE

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.)
2. **Address:** (List current place of residence and office addresses.)
3. **Date and place of birth:**
4. **Marital status:** (Include maiden name of wife or husband's name.)
5. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
6. **Employment record:** List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.
7. **Military Service:** List any military service, including dates, rank, and type of discharge.
8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, other than those listed above, and the dates of such positions.
9. **Security Clearance:** Have you ever held a U.S. government security clearance? If so, please provide details on the dates and type of clearance.
10. **Previous Appointments:** Have you ever been nominated for a position requiring confirmation by the Senate? If so, please list each such position, including the date of nomination, Senate confirmation, and Committee hearing, if any.
11. **Business relationships:** List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution, and the dates of such positions.
12. **Memberships:** List all memberships and offices held in professional, business, fraternal, scholarly, civic, public, charitable, and other organizations.
13. **Political affiliations and activities:**
 - (a) List all offices with a political party which you have held or any public office for which you have been a candidate.

- (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last five years.
- (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past five years.

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.
15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
16. **Congressional testimony:** Have you ever testified before a Committee of the Congress? If so, please provide details, including date(s).

B. FINANCIAL INFORMATION

The position of Comptroller General is subject to the disclosure requirements of the Ethics in Government Act, P.L. 95-521. Accordingly, the nominee for this office will be required to make extensive financial disclosures pursuant to that Act. As the Commission proceeds with its work, you may be asked to provide a financial disclosure statement.

C. POTENTIAL CONFLICTS OF INTEREST

1. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.
2. Describe any business relationship, dealing or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.
3. Describe any activity during the past ten years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.
4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

2. Have you ever been investigated, arrested, charged, or held by any federal, state, or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in conjunction with your candidacy.

AFFIDAVIT

_____ being duly sworn, hereby states that he/she has read and signed the foregoing Candidate Questionnaire and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public

POLICY QUESTIONS

1. How would you describe the mission of the Government Accountability Office?
2. What do you believe are the most important functions and role of the Comptroller General?
3. Why are you interested in serving as the Comptroller General, and what would you hope to accomplish?
4. What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?
5. Some analysts have suggested the next Comptroller General be well-versed in business management practices and information technology. Others maintain that the position demands a thorough background in auditing and accounting. What are your views?
6. How do you envision the relationship and responsibilities of GAO to (a) the President, (b) the Congress, and (c) other executive branch agencies?
7. GAO's reputation for integrity through the years has depended upon its objectivity, independence, and non-partisanship. How will you carry on this tradition, and what specifically in your background demonstrates your ability to do so?
8. What do you believe are the most important accomplishments of GAO in the recent past, from an organizational and operational perspective?
9. Where do you see the greatest need for improvement with respect to GAO's organization and operations? How would you propose they be addressed?
10. What would your top priorities be as Comptroller General? How would you maintain GAO's vitality while attracting and retaining a competent work force?
11. In recent years, there have been several bills introduced which would make changes to GAO's statutory authority. What, if any, statutory modifications do you think Congress should give serious consideration to at this time?
12. If nominated and confirmed, do you expect to serve out the full 15-year term?

The Application Process for Comptroller General Candidates

The Congressional Comptroller General Commission is now seeking applications from individuals interested in filling the position of the Comptroller General of the United States, which is currently vacant.

The Comptroller General leads the independent, nonpartisan United States Government Accountability Office, an agency with over 3,000 employees and an annual budget of over \$500 million. GAO supports Congress by investigating the use of public money; evaluating programs and activities of the United States government; and auditing the accounts and operations of federal agencies and the District of Columbia government. The Comptroller General has a term of 15 years.

The Comptroller General is appointed by the President with the advice and consent of the Senate. Under statute, a ten-member congressional commission is established upon the vacancy of the position to recommend at least three individuals to the President. Current Commission members are Nancy Pelosi, Speaker of the House; Robert C. Byrd, President Pro Tempore of the Senate; Steny H. Hoyer, Majority Leader of the House; John Boehner, Minority Leader of the House; Harry Reid, Majority Leader of the Senate; Mitch McConnell, Minority Leader of the Senate; Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform; Tom Davis, Ranking Member, House Committee on Oversight and Government Reform; Joseph I. Lieberman, Chairman, Senate Committee on Homeland Security and Governmental Affairs; and Susan M. Collins, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs.

Interested applicants should submit a resume and a cover letter explaining their qualifications to the Commission and also complete a Commission questionnaire. The questionnaire is available on the website of the House Committee on Oversight and Government Reform at www.oversight.house.gov. These materials should be sent for distribution to the Commission to Edolphus Towns, Chairman, House Committee on Oversight and Government Reform, US House of Representatives, 2157 Rayburn House Office Building, Washington, DC, 20515, Attention: Mark Stephenson, Senior Policy Advisor.

RECEIVED

MAR 10 2009

Harvey Faurholt
Attorney at Law
P.O. Box 7000
7025 Grandridge Blvd., Suite A
Kennewick, Washington 99336

March 6, 2009

H. Thomas Wells, Jr., President
American Bar Association
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203

Re: Member #00615798
Member since 1968

Dear President Wells:

Over the years the American Bar Association has done many good things. However, it has also done some things to which I have really objected. The ABA deciding to support abortion was one of the obvious. No organization always reflects an individual's beliefs all of the time, and I have continued to maintain my membership in the association despite my objections. However, at this point I believe I will be giving up my membership.

The last thing that has pushed me over the top is that the American Bar Association is pushing Affirmative Action. I have adopted four Korean children and I believe in diversity. I do not believe in discrimination. The end does not justify the means.

In the 60's when I was going to school and someone or some organization would ask what race I was, I would put down "human". When the Elks Lodge to which I belonged would not allow minorities, I quit the organization. I have always been against discrimination. I do not believe that decisions should be made on the basis of race, color or creed.

I have a son who is thinking about going to law school. A letter from the law school told of all of the wonderful things they were going to do for

Phone: 509.783.4704

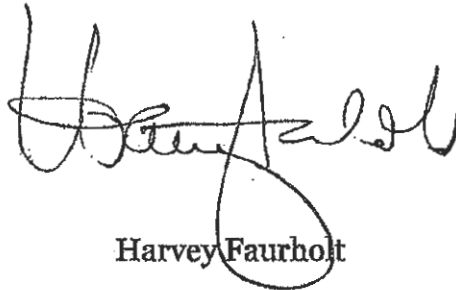
email: hfaurholt@aol.com

Fax: 509.783.9196

minority students. My son is not a minority. He is not included. Why should my law school do more for one person and less for another because of the color of his or her skin.

At this point I have decided that the best way to object is to withdraw from the American Bar Association. You do not represent the beliefs upon which I live and practice law. This is a very difficult decision for me to make. I have been a member since 1968.

Sincerely,

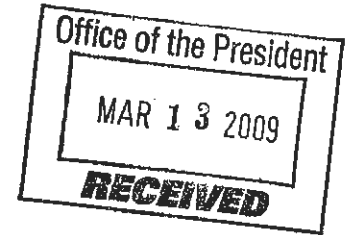
A handwritten signature in cursive script, appearing to read "Harvey Faurholt". The signature is written in black ink and is positioned above the printed name.

Harvey Faurholt

HF:vf



THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301



H Thomas Wells Junior
ABA President

5 March 2009

I am writing to express my deep disappointment in your recent resolution ref the protection of Child Custody for those of us who defend your liberty and those of your organization.

I am an active duty senior officer who gained custody of both of my children years ago. I have been happily remarried for several years and both children are thriving. One is nearly complete with College and the other is in junior high school.

I have had hundreds of soldiers under various commands in the past two decades of service to this Nation who have either been single parents or remarried soldiers who have custody of their children. Like the society we serve, 60% of us are also divorced.

Our typical situation involves a divorced service member with joint legal custody of his children, with the primary physical care being with the service member. The service member then receives orders to deploy (or to activate and mobilize in the case of a member of the Reserve Components). As part of a Family Care Plan, (2) the service member arranges for a relative, such as a grandparent, to take care of the children during the deployment or even a new spouse or step parent. Then, while the service member is deployed, the other parent sues for permanent physical custody of the children. Since laws in most states favor natural parents over any other guardian, the non-service member parent has a good chance of prevailing, especially if the court denies the service member's request to delay the proceedings and moves forward with the case in the service member's absence. (3) Furthermore, when the service member returns from deployment, he faces an uphill battle to regain custody of the children since most state laws forbid modification of child custody decrees unless there has been a significant change in circumstances. (4) To make matters worse, even if the service member obtains a hearing upon return from deployment, there is a risk that the court will view the service member's military profession, and the possibility of future deployments, as a detrimental factor when determining what custody solution would be in the "best interest" of the child.

Those of us in uniform, in particular active duty servicemen and women find ourselves in states where posts and bases are at the time of a deployment that are most often not the states the divorce occurred in with ex spouses living in yet a third state. Most often those three states are not aligned at all in their thinking or in their legislation. We need the protection of a federal law as we are federal soldiers. Recently, the American Bar Association on February 16th 2009 issued a resolution against our brave men and women in uniform. You focused on states versus Federal rights and are concerned about our

Federal Courts system – you missed the whole point of the legislation introduced in the 2009 NDAA for Child Custody Protection. Yet, you also urged states to “enact legislation prohibiting denial of child custody to a service member based solely on absence due to military deployment”

We all fully expected the protection in the House Version of the NDAA on Child Custody protection to pass and were deeply let down and disappointed that it was not included in the resultant public law derived from the Duncan Hunter NDAA 2009. The simple phrase, **“A service man or woman’s service to this Nation, potential deployment or actual deployment cannot be considered in determining the Best Interests of the Child, and certainly will not be considered in any modification of existing custody, unless there is clear and convincing evidence to the contrary and any working custody arrangement existing at the time deployment orders are received when coupled with the military family care plan should be assumed to be right and proper.....”** would fix our issues. **Congress and the President should immediately support this.**

We are pleased that there is a resolution to make 2009 the year of the Military Family but if Congress and the President are really serious about helping our families then immediately re-introduce and pass into law Child Custody Protection for the tens of thousands of families this affects. The American Bar Association is improperly focused on the prevention of federal court red tape instead of on what is right and proper for the military family, a very small segment of our society and by definition, “federal officers and soldiers” and therefore deserve the protection of the federal government.

Our military posts and bases offer safe havens for our children in our absences while we fight for you, we have good DOD schools and family readiness groups when we deploy. These are federal installations and we are Federal service men and women. I cannot fathom why anyone in this country, in particular lawyers at the BAR association, the majority of whom have never served this Nation in a war, would think that pulling children out of our environment just as a parent is leaving for war is a good thing – frankly its egregious.

Those of us in uniform are lobbying congress and the president to make this law and I ask your respectful reversal of a resolution of non support for those of us who have given everything in the defense of this Country.

Respectfully

A US Army Colonel