Public Comments Regarding Access to Justice (due January 5, 2015)

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OCT 01 2014
CLERK SUPREME COURT

Justices of the Iowa Supreme Court:

I am writing to express my support for imposing a $250 pro hac vice fee and a mandatory $100 per attorney annual fee in order to provide Iowans with better access to justice. I think it is important for the legal community to take notice of those low-income Iowans who are unable to afford legal services and to take action to ensure that we are doing all that we can to afford them access to those services.

Although it is not preferable for attorneys to incur more costs in order to practice law in the State of Iowa on top of the fees already imposed, I believe that these funds would be going to an important and necessary cause. Certain exceptions should be made for those attorneys who cannot feasibly afford to pay this additional fee, but I do not think a $100 annual fee would be overly burdensome to most attorneys in our state.

Respectfully,

Katy Lang

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OCT 02 2014
CLERK SUPREME COURT

Dear Justices of the Supreme Court of Iowa,

My only comment is that you do not make the $100.00 per attorney annual fee mandatory. I support your third recommendation—making the fee optional. While it may not seem like a lot of money, it is a burden to young lawyers who already pay fees upon fees just to be licensed and maintain their licensure, in addition to all of the other non-mandatory (but expected) fees associated with bar memberships, Inns of Court dues, etc.

It is especially difficult for lawyers in the public and non-profit sectors. I would not be surprised if new legal aid attorneys would have difficulty paying this fee. As a law clerk for the Fifth Judicial District, I am grateful for my job and salary, but it is by no means "comfortable." A starting attorney at any Legal Aid office in Iowa would make even less.

Please just consider those of us who are recent graduates with exorbitant loan payments to make on humble salaries.

I otherwise support the $250.00 pro hac vice fee.

Sincerely,
Joe Fraioli

P.S. While I have absolutely no qualms about the court publishing these comments, the previous round of public comments included *phone numbers, personal e-mail addresses, and personal residential addresses* of commenters. Please ensure that any such sensitive information is censored before these comments are published to the public. ☺.

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OCT 03 2014
CLERK SUPREME COURT

STEVEN J. SWAN, ATTORNEY
401 Main Street, Suite 4
Keokuk, IA 52632
319-526-8479

To the Honorable Mark S. Cady, Chief Justice and the Iowa Supreme Court

RE: Access to Justice

Dear Justice Cady:

As an attorney who has practiced in Southeast Iowa since 1990, I have observed the cases that Legal Aid takes on in the 8th Judicial District. I have often been disappointed at how Legal Aid will be present at landlord tenant cases but turn away the custody cases that can devastate families and children other than a few where domestic abuse has been alleged. I am curious as to how many of the 13,500 clients legal aid turns away are turned away not for lack of staffing but instead of due to the nature of the cases presented.

I have no problem with the pro hac vice fee of $250 or the voluntary fee of $100.

As a member of the Volunteer Lawyer's Project and a member of the bar who feels that he should have an open VLP case at all times, I often end up with the custody or divorce cases that Legal Aid refuses to handle. If the Court determines that a mandatory fee should be imposed, I suggest that it be waived if the lawyer is a member of the Volunteer Lawyer's Project.

I have consciously chosen not to donate to Legal Aid as I do not believe that they adequately serve the citizens who reside in the 8th Judicial District. The answer is not to give money to Legal Aid . The answer would be to require pro bono hours.

I do not believe that a mandatory fee upon the lawyers should be imposed for the above reasons.

Respectfully,

Steve J. Swan

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OCT 08 2014
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I disapprove of a fee for the Iota account, for Legal Aid; we shouldn't be asked to contribute through our dues to a nonprofit organization, thus making a contribution mandatory. It isn't the American way. Who will be next? I prefer to pick my charitable organizations that I give my money to the amounts and when and how I contribute.

Thanks for considering this position.

Mark E Mershon

Access to Justice
Steven Gardner
to:
rules.comments
10/09/2014 03:57 AM
Hide Details
From: "Steven Gardner" <sgardner@lisco.com>
To: <rules.comments@iowacourts.gov>,

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OCT 09 2014
CLERK SUPREME COURT

I oppose the recommendations. Iowa Legal Aid spends the majority of their time deciding to turn down cases and I oppose giving more money to this endeavor.

Thank you.

Steven Gardner
Denefe, Gardner & Zingg, P.C.
104 South Court Street
P.O. Box 493
Ottumwa, Iowa 52501
Telephone: (641) 683-1626
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OCT 20 2014
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From: "John D. Sens" <jsens3@gmail.com>
To: rules.comments@iowacourts.gov,

1 Attachment

Access to justice doc

See attached.

--
John

For more secure communication
Postal mail John D. Sens, 101 E 6th St. Newfolden, MN 56738
Landline: 218 874 2525 Cell 952 212 8000

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OCT 20 2014
CLERK SUPREME COURT

Clerk of Supreme Court

October 20, 2014

RE: Access to justice comments

In his president's letter in the last issue of the Iowa Lawyer, Joe Feller, Esq. hit the nail on the head when he wrote, "More than any other profession, we lead the way in taking care of the less fortunate and yet the need seems to grow." Governmental and quasi-governmental agencies by their nature are never, in their view, adequately financed or staffed. In my 40 plus years as a member of the Iowa bar I do not recall even one year in which Legal Services reported itself to be adequately financed and staffed.

In principle, I am against taxation by courts because it diminishes their aura of impartiality – to tax someone requires a decision adverse to those being taxed. Access to the courts is a matter that affects all Iowans and taxation to enhance such access is properly a matter for the legislature.

However, I realize that my view is not shared by many and that the various suggested fees are going to be adopted. Since, that is undoubtedly the case I suggest that the measures being considered (for licensure enhancement and pro hac vice fees) do not go far enough. Specifically I suggest the following:

1. Fees to support access to the courts should be paid by all who use and profit from the courts. All licensed attorneys, in whatever capacity, who are legally entitled to practice law in Iowa should be assessed the fees without exemption. (This includes all judicial officers and newly minted attorneys.)
2. Also, all court staff – reporters, court administrators and staff, and clerks of court should likewise be assessed.
3. There should be a pro hac vice fee for each matter in which the pro hac vice attorney appears.
4. There should be an expert witness fee for each appearance of an expert witness in each case in which he or she appears. This includes any witness defined as an expert under the rules and cases, and the interpretation should be broadly and liberally applied. The fee would be payable as soon as the expert is listed in any document filed with the court.
5. There should be a fee for each non-governmental investigator who appears to testify in any proceeding. Like experts, such investigators make substantial sums of money gathering facts for use in the courts.
6. The court could consider Minnesota's practice of charging a separate fee for each motion filed and for each opposition to such motions. This can turn a tidy profit of a hundred dollars or so on a motion for summary judgment, and it holds down, a little, the filing of frivolous motions.

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OCT 29 2014
CLERK SUPREME COURT

The Honorable Mark S. Cady
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

Re: In the Matter of Request for Public Comment Regarding Access to Justice Recommendations

Dear Mr. Cady:

Please be mindful of the many young attorneys (0 to 7 years of practice). Specifically, please consider the young solo practitioners in rural communities. So many of these attorneys make ends meet as contract attorneys for the State Public Defender at a billable rate that is around 1/3 of the market rate. They often represent low or no-income clients who (at best) do not appreciate their hard work and some who berate them and harass them. They do this while attempting to support young families and keep the lights on in the office. Added to that are the will-crushing amortization schedules for their student loans that remind them that their punishing monthly payments will end on around their 62nd birthday. For many, $100 (of their after-tax income) means the difference between paying the bills for the month or using a credit card to buy groceries.

Also, from the perspective of the young attorney, please consider the timing of this additional fee. Currently, to keep their license in Iowa, they will need to pay the new special assessment for IOLTA along with their dues by March 1, 2015. Now, consider those on our borders who must maintain a multi-jurisdiction practice to survive. The licensure dues for many of adjacent jurisdictions come due in the spring months. Finally, many of these practitioners, it will cause them to forego their memberships in organizations (e.g. the ISBA) and to seek free CLE courses that have no relation to their area of practice—simply to survive.

I would suggest that attorneys within the first 5 to 7 years of their practice be exempt from this new assessment.

Sincerely,

/s/ Thomas L. Hillers

Thomas L. Hillers
Attorney-at-Law

FILED
OCT 29 2014
CLERK SUPREME COURT

Iowa Supreme Court
Request for Comment
Order of October 1, 2014
Access to Justice Proposals

Having reviewed the materials on the Court website, the Access to Justice Committee's recommendations generally are more eloquent than I will manage. With regard to the Court's questions numbered 2 and 3, I have a couple additional observations:

A) The matter of pro bono service has historically been entirely voluntary, and this change would alter that somewhat. In addition to the Committee's reasoning, it seems to me that this assessment follows somewhat from the reality that Iowa lawyers have become increasingly specialized, and that a number of the specialty areas needed by low income persons in Iowa are not generally provided or in the expertise of most Iowa lawyers, but are within the expertise of Iowa Legal Aid. That literally means that access to the courts in those areas requires funding Iowa Legal Aid, and is not likely to be adequately or economically replaced by volunteer service by Iowa attorneys in private practice. On that basis, a historic change in the entirely voluntary nature of pro bono service may be a reasonable result of a historic change in the nature of practice. For that reason, it makes sense that this would generally apply to all lawyers. A reasonable valuation of the suggested standard of 50 hours of pro bono service in a year would indicate that this is a very small fraction of that amount.

B) There could be a tax consequence for some lawyers if the fee is optional (whether it is a positive checkoff or a negative checkoff). Specifically, and depending on how the checkoff (or opt out) is implemented, the IRS and the Iowa Department of Revenue could take the position that it is a charitable donation, rather than a required fee. Particularly for those attorneys who are self-employed, an itemized deduction is considerably less valuable than a deduction which reduces the net amount of business income, since the latter generally reduces the amount of self-employment tax paid, and is not dependent on the ability to itemize deductions.

As a matter of full disclosure, I am a member of the advisory board for the Dubuque Office of Iowa Legal Aid, and have been for a number of years.

Respectfully submitted,

Brian W. Peters, Atty.
100 West 12th Street
Dubuque, IA 52001

FILED
NOV 10 2014
CLERK SUPREME COURT

RE: Request for Public Comment Regarding Access to Justice Recommendations

To the Supreme Court of Iowa:

I am a newly licensed attorney trying to establish a private practice legal career in Iowa City, Iowa. As many commentators and legal experts have discussed in recent times, it is a hard uphill climb for young attorneys. Opportunities for mentorships or employment without legal experience are few and far between. Law school debt is oppressive. The cost of attorney fees, taxes, and continuing education can be a burden to new attorneys.

I have been lucky enough to find a mentor who contracts with me for almost all of my work. My monthly income almost always covers my loan payments and child care costs. My hope is that by gaining experience (and hopefully more clients) I will be able to either remain in private practice for myself or have the experience necessary to be hired by a firm. However, I cannot discount the possibility of moving to a non-legal career as many of my former classmates have.

I entered into the legal profession to try and make a difference. I believe in the mission of the providing legal services to low-income Iowans. However, I am struggling financially myself and my opinions on the three proposals reflect this.

1. There should be a pro hac vice fee of $250 per attorney per case with the proceeds deposited into the Client Security Trust Fund.
2. There should <u>not</u> be a mandatory $100 per attorney annual fee.
3. There should be a $100 per attorney annual fee, which an individual attorney may affirmatively elect not to pay. This is a good option so that established attorneys with a positive cash flow are encouraged to pay, and those of us struggling to remain in the profession can opt out.

Thank you for the opportunity to be heard on this issue.

Very truly yours,

Emily Alward
Emily Alward

Access to Justice
Monica Cameron
to:
rules.comments
11/10/2014 11:56 AM
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From: Monica Cameron <cameronlawpc@gmail.com>
To: rules.comments@iowacourts.gov,
Please respond to monica@cameronpc.com

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NOV 10 2014
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1. There should be a pro hac vice fee of $250.00 per attorney per case. These attorneys do not have ties to Iowa. As such, they are not subject to our mandatory annual fees and option giving to various programs to assist individuals accessing justice. The fees that they earn do not benefit Iowa. There should be a pro hac vice fee of $250.00 assessed so that Iowa's legal system gets a financial benefit.

2. There should not be a mandatory $100.00 per attorney annual fee. I am a solo practitioner. My firm has been open for less than 2 years. I am already struggling to keep my doors open. If this fee becomes mandatory, I will not be able to continue offering a payment plan for low-income clients, whom I do not charge my full retainer fee; in some cases, I am working pro bono and only asking that the client pay for filing fees and costs.

3. The court could implement a $100.00 per attorney annual fee that is optional. If I want to help a colleague, who is struggling financially to keep his/her doors open, that should be my decision. The extent that I am willing to help financially should also be my decision.

Thank you for the opportunity to comment.

Sincerely,
Monica L. Cameron
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David James Hanson
Robert L. Anthony
(1920 - 1990)

November 12, 2014

The Honorable Mark S. Cady, Chief Justice
And Justices of the Iowa Supreme Court
c/o Clerk of Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

Re: *Oppose* extracted subsidies to Iowa Legal Aid

Your Honors:

October's *Iowa Lawyer* "President's Letter" showed us that a wretchedly bad idea once again resurfaces. "Iowa Legal Aid Executive Director Dennis Groenenboom is . . . requesting that the court impose a mandatory $100.00 per year assessment on all attorneys . . . with the funds generated allocated toward [civil legal services for the poor]." ILA also desires to take all fees from out-of-state pro hac vice admissions, which the Court considers imposing at $250.00 per attorney.

Translation: Iowa Legal Aid wants the court to order all of us "private" lawyers to pay salaries for Dennis Groenenboom and his underlings.

According to this Court's Order filed October 1, 2014, page 1, funds for "legal assistance for low-income individuals" comes from five sources. Number three on the Court's list is "private donations". According to the Iowa Secretary of State's database, Iowa Legal Aid organizes as a "Code [Chapter] 504 Revised Domestic Non-Profit". ISOS also reveals that ILA possesses its own "foundation". With such a legal structure I fairly presume that ILA holds status as a charitable corporation under Internal Revenue Code section 501(c)(3). (If ILA does not hold such status, then why not?)

Charitable corporations organized for charitable, tax deductible purposes do all kinds of good work. They also justify their existence to the public at large: they ask for donations from members of the public convinced of the value of their services. If the public believes the social work is worthwhile then the corporation fostering it receives donations. If the public is not convinced then the corporation goes out of business. I have never seen ILA make an effort to attract public support. It's high time ILA submitted its work to the public for a vote of financial confidence.

But instead Mr. Groenenboom writes his July 3, 2014 letter to you, Mr. Chief Justice. He seeks that $100-per-attorney fee - totaling $800,000.00. He seeks to offset "loss" of taxpayers' moneys from other sources now drying up. Mr. Groenenboom justifies his request for Court taxation thus: 1) ILA must maintain its employment ('staff') level; 2) court access is somehow "especially" important to people who don't earn much (i.e., ILA seems to believe in special entitlement for its clients, 14th Amendment notwithstanding); 3) the Bar Association originally "was for this proposal before they were against it"; 4) Everyone else (other States) is doing it so that makes it right; and 5) if you don't fund us then poor people go "un-served" (and by implication Iowa's courts lose business).

Here lies the nub of the problem: ILA's perception of public need for "free lawyers"; i.e., themselves. I got my start as a legal aid lawyer (1988 -1990). I quickly learned that even "needy" clients **must** be required to **pay something** for their cases – courts costs, bonds, whatever – or they simply do not value our work for them. But I don't charge charity cases for my time. I've no idea how many hundreds of hours of no-charge legal time I have since 1990 devoted to the Volunteer Lawyers Project. I have several VLP clients today. At present the bulk of my compensated legal work is $60-per-hour criminal court appointments. Providing legal assistant to the poor is my ethical and Christian duty. I will continue to perform it regardless of this ILA insult.

Mr. Groenenboom exhibits the welfare state mentality: "entitlement" to other peoples' money. I find Mr. Groenenboom seeking to use Court power to make me pay him (so he needn't justify his existence) even as I do work he claims needs doing. Mr. Groenenboom wants to take from me money that I need to feed my own family. I'll bet that he takes home way more money than I do. Adjusted for inflation, I earn less today from private law practice than my $24,000.00 1989 salary as a legal aid lawyer. "Low-income status" of lawyers gets no special treatment in Mr. Groenenboom's demand. Never should "low-income status" receive special treatment – to do so denies equal protection of the law to all. But Mr. Groenenboom asks the court to wield State power to tax attorneys for his own private benefit. That's no equal protection either, but a taking of private property for purported public (but actually private) use without just compensation.

Iowa Legal Aid should receive the same "equal" protection of law as does the Church, the Cancer Society, the Boy Scouts, the United Way, etc. and etc. ILA should be told to seek funding from the public at large, not Court-coerced extractions on a claim that this little tax will somehow satisfy my ethical duty. I'll deliver the same message to my legislators, about ILA's petitions for appropriation of taxpayer funds.

Please deny ILA's request to extract $100.00 per attorney per year, and the pro hac vice fees not actually needed for genuine Court expenses. Thank you for your consideration, your Honors.

Very truly yours,

David James Hanson

Access to Justice Recommendations
Cynthia Sueppel
to:
rules.comments@iowacourts.gov
11/14/2014 04:17 PM
Hide Details
From: Cynthia Sueppel <csueppel@scheldruplaw.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

FILED
NOV 14 2014
CLERK SUPREME COURT

I agree with the recommendation of a pro hac vice fee with the funds then being used for Legal Aid.

I also agree with a mandatory licensure fee, although I have no opinion as to the amount (other than it should not exceed the requested fee of $100) or who should be exempt. I feel that it should be mandatory for those it would apply to, as any opt-out provision would result in what attorneys do now - which is make voluntary contributions. That obviously is not sufficient.

Cynthia Scherrman Sueppel
Attorney

SCHELDRUP BLADES

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Cedar Rapids, Iowa 52401

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Access to Justice proposed rules
Bernard L. Spaeth Jr.
to:
'rules.comments@iowacourts.gov'
11/14/2014 04:43 PM
Hide Details
From: "Bernard L. Spaeth Jr." <Spaeth@whitfieldlaw.com>
To: "'rules.comments@iowacourts.gov'" <rules.comments@iowacourts.gov>,

FILED
NOV 14 2014
CLERK SUPREME COURT

Justice Cady:

I very much appreciate the hard work of the committee and I am fully committed to assisting those who, because of economic circumstances, do not have full access to our courts. I have demonstrated my commitment by contributing financially and with my time to organizations like Iowa Legal Aid and the Polk County Volunteer Lawyers. To the extent they are able, all attorneys should make such contributions. However, I am opposed to a blanket $100 assessment of all lawyers in the State to provide such resources. Why don't we assess the bankers, the landlords, the collection industry and businesses who access the court and sue people who can't afford legal representation. Why single out the lawyers? The lawyers didn't create this problem. It is a societal problem and the legislature should allocate additional funds from the public coffers to address same. Maybe the members of the State House and Senate and the Governor's Office should be assessed for refusing to allocate the resources necessary to address this need. Just because the court has the power to impose this tax/fee and there is a need (and there is) does not mean it is right to impose same. What about the newer lawyers burdened with huge law school and undergraduate loans, who are struggling to build a practice? Do they get exempted? If so, who else gets exempted? How about lawyers that are struggling financially, who become disabled or ill? Do they get a pass.

I vote NAY.

Respectfully submitted,

Jerry

Bernard L. (Jerry) Spaeth, Jr.
Attorney at Law
317 6th Ave.,Suite 1200
Des Moines, Iowa 50309-4195
Direct: 515-246-5571

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NOV 14 2014
CLERK SUPREME COURT

Fees

Steve Avery's to: rules.comments@iowacourts.gov 11/14/2014 05:46 PM

The pro hoc fee could easily be $500. Those appearance are in the most part significant cases

Sent from my iPad

$250 pro hac vice proposal and mandatory $100 per attorney annual fee requested by Iowa Legal Aid
Brad J. Brady
to:
'rules.comments@iowacourts.gov'
11/15/2014 09:35 AM
Hide Details
From: "Brad J. Brady" <BBrady@bradyprestonbrown.com>
To: "'rules.comments@iowacourts.gov'" <rules.comments@iowacourts.gov>,

FILED
NOV 15 2014
CLERK SUPREME COURT

I am in favor of both of these proposals.

Brad J. Brady
Brady Preston Brown, PC
2735 First Ave SE
Cedar Rapids, Iowa 52402
Phone: (319) 866-9277
Fax: (319) 866-9280
Cellular: (319) 651-6884
e-mail: bbrady@bradyprestonbrown.com
website: www.bradyprestonbrown.com

FILED
NOV 15 2014
CLERK SUPREME COURT

access to justice
Bob Rush
to:
rules.comments@iowacourts.gov
11/15/2014 11:09 AM
Hide Details
From: Bob Rush <bob@rushnicholson.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

I support $250/pro hac vice/lawyer

And $100 for every person licensed to practice in Iowa.

Bob Rush
Rush & Nicholson PLC
101 Second Street SE, Suite 100
P. O. Box 637
Cedar Rapids, IA 52406-0637

Phone: 319-363-5209
Fax: 319-363-6664

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P.O. BOX 679
MASON CITY, IOWA 50402-0679
Telephone (641) 423-6223
Toll Free (877) 457-7180
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ROBERT S. KINSEY III
Retired
DAVID E. FUNKHOUSER
Retired
ROBERT S. KINSEY, JR.
(1918-1994)
JAMES R. BROWN
(1918-2011)

FILED
NOV 18 2014
CLERK SUPREME COURT

November 18, 2014

HONORABLE MARK S. CADY
IOWA SUPREME COURT
111 EAST COURT AVENUE
DES MOINES IA 50319

RE: Support for recommended pro hac vice fee of $250.00 per case and an increase in attorney licensure fees to $100.00 annually with appropriate exemptions

Dear Chief Justice Cady:

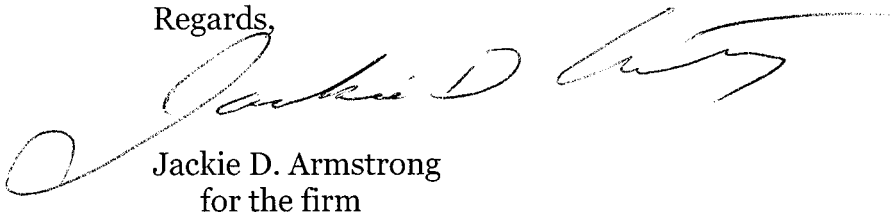
I had the pleasure of meeting you briefly when you attended the EDMS CLE in Mason City, Iowa in September organized by the YLD and I.O.W.A. with the help of Judge Weiland. In the years I have practiced law in rural north Iowa I have been impressed with the integrity of our judicial system but distressed by the challenge of providing access to that system for all Iowans. I therefore enthusiastically support the proposed fee increases for the following reasons:

1. It is fair. Access to our civil courts and enforcement of justice should not be limited to those who have the money to pay a private attorney. Low income Iowans must have access to legal representation in order to have real access to courts that make decisions on matters critical to their security such as foreclosures, domestic abuse, protection orders and disability benefits.
2. It is appropriate to ask attorneys to pay a fee to support fairness in the system. My entire career has been devoted to pride at being part of an objective system that views all citizens as equal before courts of law. If my career is to have meaning and value, it is important that all Iowans have access to the courts. This vested interest is manifested in our ethical duties spelled out in the Rules of Professional Conduct to provide services for persons of limited means.
3. Iowa must adapt to change. Iowa Legal Aid once enjoyed a solid income stream from IOLTA funds but that funding has dropped by 79% in five years along with a decrease in federal funding from the Legal Services Corporation. At the same time, more Iowans are living in poverty, the census data from 2000-2010 indicates an increase of 39% of Iowa families living in poverty. Although the legislature had tried to offset some of these losses, the combined funding from

IOLTA federal and state funding is nonetheless $1,119,253.00 lower than it was in 2010.

I enthusiastically support the proposed increased fees for Iowa attorneys to $100.00 and the pro hac vice fee of $250.00 in order to support Iowa Legal Aid's legal services to the poor.

Regards,



Jackie D. Armstrong
for the firm

JDA:bst

FILED
NOV 19 2014
CLERK SUPREME COURT

My name is Kale Knisley and I respectfully submit my opinion on this matter.

As a newly minted attorney (sworn in just this fall), I believe that imposing another cost on new attorneys is unfair. I believe there will be plenty of commentary, both for and against the annual fee, which is why I would simply like to add this additional point.

There must be a way for new attorneys to opt out of the annual fee for at least their first few years of practice. Getting started as a young professional, you're immediately met with the challenges of networking, acquiring equipment (phones, computers, programs, books), finding a job or starting a practice, paying for $100,000+ of loans, and also the same challenges faced by other young persons; starting a family, buying a home, feeding yourself, buying health insurance for the first time, etc.

I can't imagine taking $100 dollars out of my own pocket, when I already owe the federal government and my private bank over $xxx,000.00, solely so that a person who can't pay an attorney can find help. Yes, I'd love to do my part and help those in need be granted access to legal help. In fact, I strive to do that on a daily basis by reaching out to those individuals who I come across who are in need of help who I know cannot pay for it.

So while I believe a fee on pro hoc vice cases would be okay and other fees on attorneys would be okay, please be cognizant of the struggles that some recent graduates face.

Sincerely,

Kale Knisley

FILED
NOV 19 2014
CLERK SUPREME COURT

Access to Justice
Jennifer L. Zahradnik
to:
'rules.comments@iowacourts.gov'
11/19/2014 04:34 PM
Hide Details
From: "Jennifer L. Zahradnik" <Jennifer@kszlaw.net>
To: "'rules.comments@iowacourts.gov'" <rules.comments@iowacourts.gov>,

1 Attachment

Document1.docx

Sincerely,
Jennifer L. Zahradnik
Kollmorgen, Schlue & Zahradnik, P.C.
920 12th St, PO Box 283
Belle Plaine, IA 52208
319-444-3285 / 319-444-2644 f
Jennifer@kszlaw.net
www.KSZLaw.net
Click here to upload files.

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NOV 19 2014
CLERK SUPREME COURT

Access to Justice

1) I agree that if Attorney's from out of state want to be admitted pro hac vice should have a fee that they pay for the ability to use our courts and our resources. I see no problem with those funds being directed to the Client Security Trust Fund.
2) I do not agree that that Court should implement a mandatory $100.00 per attorney annual fee with the proceeds deposited in the IOLTA fund. Attorneys already pay each year to keep their license in good standing. There are a lot of attorneys that practice in small communities that cannot afford additional fees to maintain their license.
3) I further do not agree that that Court should adopt a $100.00 annual fee per attorney to support civil legal assistance. There are many attorneys in Iowa that support access to Justice through work that they do in their office that they do not bill for and for which they do not get credit for as pro bono even thought that is what is it. My concern about this fee is the way that legal aid handles their cases. They are very selective in what types of cases that they are willing to take and are willing to refer out to people that have agreed to accept pro bono cases. I have sent low income person to legal aid when I did not have the ability to assist them only to be informed by the party that legal aid wouldn't handle their type of case. In addition, the Court has been very proactive in producing forms that the general public can use to access justice and use the Court systems. They continue to expand the list of available forms every year. Not all people are entitled to legal representation and therefore there should not be a requirement that Iowa Attorneys be required to fund such programs. The judiciary should not create potential conflicts by funding programs that are not run by they judiciary and should avoid creating the slippery slope of other non-profit organizations requesting funding.

Access to Justice
Cameron Leehey
to:
rules.comments@iowacourts.gov
11/19/2014 05:39 PM
Hide Details
From: Cameron Leehey <cleehey@leeheylaw.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

FILED
NOV 19 2014
CLERK SUPREME COURT

I agree with the Arthur A. Neu's comment published in the Iowa Lawyer Weekly, insofar as he expresses the need for Legal Aid and the Volunteer Lawyers Projects. The need is great and it is worthy, and current resources are insufficient to meet it.

I oppose the mandatory $100 assessment because the assessment is essentially a lawyer tax to be used for the benefit of the general public.

Why just lawyers? It has been mentioned that we are officers of the court, and therefore ideally positioned for this mandatory assessment. Anybody with a wallet is ideally positioned to pay $100.

It has been mentioned that part of our role in the justice system is to assure quality of justice. Is this a role that we do not share with clerks, court reporters, or at least with police officers? I get the sense that this mandatory assessment (an excessive number of syllables to express the same idea that "tax" expresses), is also an effort to improve the image of our profession. I doubt, however, that any person who would notice this lawyer tax would lack the ability to perceive that there is no altruism in a forced hand.

Finally, I am uncomfortable with what is arguably a general welfare tax, specific to lawyers, originating in the judiciary and not in the legislature.

Sincerely,
Cameron Copper Leehey

FILED
NOV 19 2014
CLERK SUPREME COURT

Mandatory Assessment
Dean Konrardy
to:
rules.comments
11/19/2014 05:47 PM
Hide Details
From: Dean Konrardy <dean.konrardy@kintzlaw.com>
To: rules.comments@iowacourts.gov,

I am strongly opposed to the proposal of a $100 mandatory assessment.

Our firm provides a large amount of pro bono services each year; not only through VLP but also to various local committees, churches and other organizations. Recently one of our members received the Rolle Grefe Pro Bono Award for thousands of hours donated.

These are issues for the citizens of Iowa, not just the attorneys. The proposal amounts to nothing more than shifting a tax burden from all Iowans to a very small subset. **All** Iowans have an interest in the quality of justice provided in Iowa.

I have no objection to being asked to volunteer my time. I choose to do so willingly. But obligating me to pay a fee or tax for this is inappropriate.

If I am required to pay an assessment, I will discontinue my VLP work.

--
Dean J. Konrardy
Attorney at Law
Kintzinger Harmon Konrardy, PLC
100 W. 12th St., Box 703
Dubuque, IA 52004-0703
Ph. (563) 588-0547
Fax (563) 588-1981
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Iowa Friends of Legal Services

P.O. Box 41803
Des Moines, Iowa 50311-1103

Advisory Board

Dean Gail Agrawal
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Phillip Barrett
Atlantic

Leila Carlson
Des Moines

Joy Corning
Des Moines

Gilbert Cranberg
Des Moines

Jerry Crawford
Des Moines

Robert Downer
Iowa City

Lois H. Eichacker
Iowa City

N. William Hines
Iowa City

G. David Hurd
Des Moines

Rabbi David Kaufman
Des Moines

Mark McCormick
Des Moines

Attorney General Tom Miller
Des Moines

Arther A. Neu
Carroll

Charles Palmer
Des Moines

Alfredo Parrish
Des Moines

Sally Pederson
Des Moines

Don Rowen
Des Moines

Rev. Sarai Schnucker Rice
Des Moines

John D. Shors
Des Moines

Brent Siegrist
Council Bluffs

H. Richard Smith
Des Moines

Bishop Julius C. Trimble
Des Moines

Dean Allan Vestal
Des Moines

David S. Walker
Des Moines

George Wittgraf
Cherokee

FILED
NOV 21 2014
CLERK SUPREME COURT

November 13, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Ave.
Des Moines, Iowa 50319

Dear Clerk:

I am writing on behalf of the Board of Directors of Iowa Friends of Legal Services (IFLS) in reference to the public comments solicited by the Court about pending access to justice questions. Specifically, IFLS is offering comments about the adoption of court rules extending a mandatory $100 per attorney annual fee and a $250 per attorney per case pro hac vice fee on out-of-state attorneys practicing in the State of Iowa. Our organization strongly supports the adoption of both court rules.

By way of background, IFLS was organized by a group of volunteers in 1996 to engender grass roots support for continued federal funding for civil legal aid programs in Iowa and to encourage state legislators to appropriate funding to offset the losses of federal funding that were occurring at that time. In 1996, Congress took action to cut federal legal services funding by 30% resulting in a reduction of federal funding from $400 million to $278 million. In Iowa, this resulted in an immediate loss of nearly $1 million in federal support, plus additional lost funding of over $100,000 resulting from new restrictions on legal aid programs claiming attorney fees from opposing parties. The combined restrictions on client services and funding cuts posed the greatest risk to our nation's legal aid programs since the early 1980s. The newly founded Board of IFLS, along with those who joined us in support of our efforts, were successful in persuading the Iowa General Assembly to make its first annual appropriation to support civil legal aid with an appropriation of $950,000 for FY 1997.

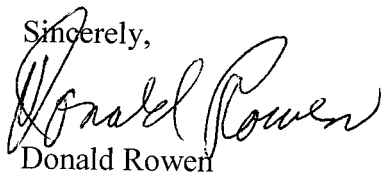
Over the ensuing years, state funding has gone up and down with the current appropriation of $2.4 million being only $400,000 more than the state appropriation in 2008. From 2009 to the present, IOLTA funding has plummeted downward by 85%. While other new sources of funding have helped support legal aid, notably funds from the Iowa Finance Authority to support foreclosure defense work, nearly all of them are of limited duration or scope.

With this history of stagnant and unstable funding, it has been very difficult for Iowa Legal Aid to provide critical legal assistance to the thousands of low-income Iowans who desperately need the help of a lawyer. That is why it is so important for the program to receive support from a potentially stable and reliable funding source.

Our organization supports a mandatory $100 annual licensing fee for all lawyers with the funds going to Iowa's IOLTA program. This fee is a nominal sum and it will underscore the legal profession's commitment to access to justice as articulated in the Rules of Professional Conduct. We also support the $250 pro hac vice fee that would help strengthen the client security trust fund.

Those of us who serve as volunteers with Iowa Friends of Legal Services have had direct firsthand experience with Iowa Legal Aid's work. As a labor leader in Iowa for several years, I witnessed how legal aid staff helped low-income working people and provided legal education materials and training to a much broader segment of the population. The legal challenges facing lower income Iowans are more complex than ever requiring the time and experience of lawyers who have chosen legal aid as their profession. As a community of lawyers, they deserve the support of their colleagues and we believe that the clear majority of their peers are willing to make this modest contribution toward sustaining access to justice.

Sincerely,



Donald Rowen
Board President

DR

Mandatory Assessment for Iowa Legal Aid
Sandee Lyons
to:
rules.comments
11/22/2014 12:21 PM
Hide Details
From: "Sandee Lyons" <sandeelyons@q.com>
To: <rules.comments@iowacourts.gov>,

FILED
NOV 22 2014
CLERK SUPREME COURT

To whom it may concern:

While I support Legal Aid, increasing the mandatory fees would likely result in many lawyers such as myself considering an exemption or lapse of licensure. For example, I work for non-profits and my positions no longer require a law license. Each year lawyers in this position make their year end filings and try to justify the continuing costs as a necessary contribution to support the Justice System itself. If the total cost of maintaining licensure rises significantly, it may no longer make sense for us to maintain that licensure. And we would have to plan for costs to continue to increase, as our experience with the Legislature is that once they feel comfortable moving from general tax revenues to what they consider "industry assessments" that they do not stop.

If mandatory assessments are increased in number and amount, it will make the annual decision to maintain licensure harder for many lawyers. Please understand that we would continue to support the Justice System (and Legal Aid) but the contributions would be a personal choice rather than a default choice of licensure, and likely more local than statewide.

Thank you for considering this opinion.

David Lyons

FILED
NOV 24 2014
CLERK SUPREME COURT

Access to Justice
Brendan T. Quann
to:
rules.comments@iowacourts.gov
11/24/2014 02:11 PM
Hide Details
From: "Brendan T. Quann" <BQuann@OCTHOMASLAW.COM>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

I am in favor of a mandatory $100 per lawyer per year contribution. It appears to be the only way to insure funding.

Brendan T. Quann, J.D.
Licensed in Iowa
O'Connor & Thomas P.C.
700 Locust Street, Suite 200
Dubuque, IA 52001
P: 563-557-8400 Ext. 234
F: 563-556-1867
e-mail: bquann@octhomaslaw.com

"Best Law Firms" - 2014 by U.S. News & World Report.
"U.S. Top Ranked Law Firms" - 2014 by Martindale Hubbell.

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FILED
NOV 24 2014
CLERK SUPREME COURT

$100 yearly assessment for legal aid
Dan Gildemeister
to:
rules.comments@iowacourts.gov
11/24/2014 02:28 PM
Hide Details
From: Dan Gildemeister <gdg@siouxcityattys.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

I respectfully am opposed to the referenced assessment, especially as it pertains to mostly retired attorneys such as myself. I think we pay enough into the system as it currently stands.

G. Daniel Gildemeister
Gildemeister & Keane, L.L.P.
600 Fourth Street, Ste. 702
P O Box 1379
Sioux City, IA 51102
712/234-3088
712/234-3077 fax

FILED
NOV 24 2014
CLERK SUPREME COURT

Access To Justice
Ron Oostra
to:
rules.comments@iowacourts.gov
11/24/2014 02:44 PM
Hide Details
From: Ron Oostra <oostra@sc-law.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

A mandatory $100 fee should not be assessed. I endorse the comments of Joe Holland. Needs that exist were not created by attorneys and cannot be or will be solved by a "tax" on attorneys. If needs exist the legislature, not the judicial branch of government, must address the needs and provide funding from all taxpayers.

Ronald Oostra
32 Sixth Street NW
Sioux Center, IA 51250
Ph: (712) 722-2424
Fax: (712) 722-2480

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FILED
NOV 24 2014
CLERK SUPREME COURT

Re:Access to Justice
Darin Harmon to: rules.comments 11/24/2014 03:03 PM

To Whom it May Concern: I oppose the proposed mandatory legal aid assessment of $100 to every Iowa attorney as another form of unconstitutional taxation without representation. While I support and our firm supports Iowa Legal Aid and do our part for pro bono representation, this is a societal issue and not one that should just fall on the backs of attorneys. If our legislature will not fund Legal Aid, then that is a choice they have made based on representative government, the way it is supposed to work. Taxes are not to be decreed and it is happening far too often.

--
Darin S. Harmon
Attorney at Law
Kintzinger Harmon Konrardy, PLC.
100 W. 12th St., Box 703
Dubuque, IA 52004-0703
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NOV 24 2014
CLERK SUPREME COURT

Access to Justice
Justin Hockenberry
to:
rules.comments@iowacourts.gov
11/24/2014 03:08 PM
Hide Details
From: Justin Hockenberry <jdh@cambridgelawfirm.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

I am writing to express my opposition to an across the board assessment of $100 per attorney per year to support legal services for low-income Iowans. Many young attorneys like myself come out of law school carrying record high student-loan balances. For those of us who are not lucky enough to land a six figure salary in our beginning years, monthly payments on our student loans can leave us struggling to make ends meet. While $100 / year may not seem like much, it can be to many young attorneys.

The views expressed above are my individual views and do not necessarily represent the views of the other attorneys in my law firm. I do not wish my name to be shared with other members of the bar and/or the general public without first obtaining my express written permission.

Justin D. Hockenberry, Attorney
jdh@cambridgelawfirm.com
707 Poplar Street
PO Box 496
Atlantic, IA 50022
Phone: (712) 243-1663
Fax: (712) 243-3799

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Access to Justice
Megan Claypool
to:
rules.comments@iowacourts.gov
11/24/2014 04:10 PM
Hide Details
From: Megan Claypool <MClaypool@athene.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

FILED
NOV 24 2014
CLERK SUPREME COURT

1 Attachment

ILA.docx

I fully support the pending proposal before the Iowa Supreme Court that would require a mandatory assessment of $100 per attorney per year to support legal services for low income Iowans. It is essential that all Iowans have equal access to the justice system.

Thank you,

Megan Claypool

Please note my new email address: mclaypool@athene.com

Megan A. Claypool
Chief Compliance Officer & Senior Vice President
Athene USA
7700 Mills Civic Parkway |8B-8144 | West Des Moines, IA 50266
T: 515.342.4672 | www.athene.com
Email: mclaypool@athene.com

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I fully support the pending proposal before the Iowa Supreme Court that would require a mandatory assessment of $100 per attorney per year to support legal services for low income Iowans. It is essential that all Iowans have equal access to the justice system.

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NOV 24 2014
CLERK SUPREME COURT

Thank you,

Megan Claypool

FILED
NOV 24 2014
CLERK SUPREME COURT

Access to Justice
Brett Beattie
to:
rules.comments@iowacourts.gov
11/24/2014 04:15 PM
Hide Details
From: Brett Beattie <brett.beattie@beattielawfirm.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

To Whom it May Concern:

As an attorney in a four-member law firm, I strongly support the proposal of the Iowa Legal Aid to create a mandatory fee of $100 per attorney. Thank you for the opportunity to comment.

Sincerely,

Brett Beattie

Sent from my Verizon Wireless 4G LTE smartphone

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NOV 24 2014
CLERK SUPREME COURT

Mandatory attorney assessment to support Iowa Legal Aid
Deb Skelton
to:
rules.comments
11/24/2014 04:17 PM
Hide Details
From: "Deb Skelton" <dskelton@southslope.net>
To: <rules.comments@iowacourts.gov>,

While I support Iowa Legal Aid, I vehemently oppose a mandatory assessment that requires all Iowa licensed lawyers to subsidize Legal Aid as a condition of licensure. My reasons are the same as those set out by Attorney Joe Holland in his article in the November 19th Iowa Lawyer Weekly.

Iowa Legal Aid funding
Tom Stamets
to:
rules.comments
11/24/2014 04:19 PM
Hide Details
From: "Tom Stamets" <swpctom@qwestoffice.net>
To: <rules.comments@iowacourts.gov>,

FILED
NOV 24 2014
CLERK SUPREME COURT

11242014

Good day,

I am opposed to an assessment of any amount against Iowa lawyers in order to fund Iowa Legal Aid. I support the mission of legal aid. I reject the idea of funding its mission by lawyers only. Access to legal assistance for low income Iowans is something which should be an expense to be shared by all of us receiving income from Iowa sources. If we as Iowans are to approach funding Iowa Legal Aid by assessment, let's assess all persons receiving income from Iowa, exempting only a limited number of Iowans from the assessment – those whose gross incomes fall below amounts specified by the legislature. We have a system in place to provide medical assistance to low income persons, certainly we can design a similar system to provide legal aid for these same persons.

Thomas E. Stamets
STAMETS & WEARIN, P.C.
508 N. Fourth Street
Red Oak, IA 51466
712-623-5484
FAX 712-623-2334
swpctom@qwestoffice.net

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NOV 24 2014
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$100 ASSESSMENT
Karen Hart
to:
rules.comments@iowacourts.gov
11/24/2014 04:20 PM
Hide Details
From: Karen Hart <karen.hart@drake.edu>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

I am all for supporting legal aid, but I think it is ridiculous to assess every attorney in the state of Iowa $100. Why not ask the law schools to contribute? Law firms? Kaplan and Barbri? What upset me about this is getting your legal degree is so ridiculously expensive and a lot of us feel like we will never get out of the crushing debt our education has put us under. It seems like more and more is asked of us every year, while the benefits of being an attorney get less and less. $100 may not seem like a lot, but I'm trying to pay off my debt as quickly as possible, finally get married and buy a house after sacrificing all of that to get through law school with the least amount of debt possible. To me, $100 is a lot to ask of me on top of everything else. There are other organizations, schools and businesses that should feel responsible for supporting legal aid, not the individual attorneys who should be able to do pro bono work and donate their time and their expertise in their own way.

Karen M. Hart, J.D.
karen.hart@drake.edu
515-783-4460

Access to Justice,
Daniel Herting
to:
rules.comments
11/24/2014 04:21 PM
Hide Details
From: Daniel Herting <daniel@hertinglaw.com>
To: rules.comments@iowacourts.gov,

FILED
NOV 24 2014
CLERK SUPREME COURT

1 Attachment

Access to justice.docx

--

Daniel Herting

Herting Law, PLLC
P.O. Box 12262
Des Moines, IA 50312

Cell: (515) 423-0342
Fax: (515) 318-6040

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This fee would disproportionally affect younger attorneys and smaller firms. There are substantially more fair ways to drive revenue for access for low-income Iowans.

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I fully support the job Iowa Legal Aid does and the service they provide, but the idea of imposing a $100 per year fee upon the attorneys of this state to pay for it is simply put not right. I have in the past and am currently working on cases that Legal Aid did not have time to take so I took them pro-bono so that the client was able to receive representation. The idea of this fee brings up many problems in my mind, the first one that jumps in there is how can I zealously represent a client against a Iowa Legal Aid Attorney when I am in part helping to pay for their clients legal fees. This is a ethics question straight out of a Law School final. Would not every attorney that represented a client against a Legal Aid Attorney be in violation of the ethics rules? So now all attorneys are going to be forced to pay a fee that they may or may not agree with and have to worry about one more ethics related issue that could cost them their license and this time they have no say in the matter. The idea of having to pay a fee to support those we may have to practice against is not only wrong but in my mind unethical.

FILED
NOV 24 2014
CLERK SUPREME COURT

James W. Ries

Kollmorgen, Schlue & Zahradnik, P.C.

Belle Plaine, IA 52208

319-444-3285

FILED
NOV 24 2014
CLERK SUPREME COURT

I write in support of Iowa Legal Aid and a mandatory yearly attorney assessment to support legal services for low income Iowans.

In my practice, I am fortunate to appear in cases involving landlord/tenant and constitutional issues arising between governmental entities and low income Iowans. In my experience involvement by Iowa Legal Aid has proven to be beneficial for their clients. Often times, when Iowa Legal Aid is involved we can amicably resolve issues without having to unnecessarily involve the court.

It is my understanding that the Bar Association has not reached a collective decision on this issue. While I am a representative to the Iowa State Bar Association Board of Governors, I take this advocacy position in an entirely separate role as citizen, lawyer, and member of the local Iowa Legal Aid Advisory Board. I write for personal and practical reasons.

As members of the Iowa legal community, we should commit our efforts and pocket books to the support of the legal system and access for those in need.

Please consider imposing a mandatory assessment on all lawyers for support of legal services to low income Iowans.

Very truly yours,

/s/ Robert M. Livingston

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NOV 24 2014
CLERK SUPREME COURT

Mandatory legal services fee
Jack Wharton
to:
'rules.comments@iowacourts.gov'
11/24/2014 04:25 PM
Hide Details
From: Jack Wharton <Jack.Wharton@Peddicord-law.com>
To: "'rules.comments@iowacourts.gov'" <rules.comments@iowacourts.gov>,

Ladies & Gentlemen, I write to oppose the imposition of a mandatory fee for legal services on Iowa lawyers. Briefly, I agree with Joe Holland; please see his comments in opposition to the fee posted on the ISBA website. The lawyer in private practice in Iowa is now subject to a plethora of fees for client security, CLE reporting, etc. & there seem to be a number of carve-outs to each so that only those of us who are private practitioners (as opposed to corporate counsel, professors, state employees, etc.) have to pay the full freight. This is not equitable. One more fee on top of those already imposed is unjust.

Jack Wharton
Attorney at Law
6800 Lake Dr, Suite 125
West Des Moines, IA 50266
515-243-2100

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NOV 24 2014
CLERK SUPREME COURT

Mandatory assessments on attorneys
Mark Wiedenfeld
to:
rules.comments@iowacourts.gov
11/24/2014 04:26 PM
Hide Details
From: Mark Wiedenfeld <mark@8400law.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

Dear Justice Cady and members of the Court,

I subscribe to the arguments against the proposal expressed by C. Joseph Holland in his letter published by the ISBA on this issue. Joe very cogently explained why this proposal is not a good idea.

Mark J. Wiedenfeld
Attorney at Law

Wiedenfeld & McLaughlin, L.L.P.
8400 Hickman Road
Des Moines, IA 50325-4320
Email: mark@8400law.com
515.278.9977 (Fax)
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NOV 24 2014
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Access to Justice
Sean Pelletier
to:
rules.comments
11/24/2014 04:31 PM
Hide Details
From: Sean Pelletier <Sean.A.Pelletier@EMCIns.com>
To: rules.comments@iowacourts.gov,

I am not in favor of a mandatory assessment of attorneys to support legal services for low income Iowans. I believe that attorneys *should* provide pro bono legal services or donate to their provision, but I do not believe it should be mandatory any more than I believe doctors should be required to provide free medical services or help fund them. I believe that it would be a misuse of the Supreme Court's power to attempt such a requirement.

Sincerely,

Sean Pelletier

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Low Income Iowa Legal Aid
Chris Coppola
to:
rules.comments@iowacourts.gov
11/24/2014 04:34 PM
Hide Details
From: Chris Coppola <ChrisCoppola@csmclaw.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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NOV 24 2014
CLERK SUPREME COURT

To whom it may concern:

I am opposed to taxing Iowa Lawyers $100 per year for Iowa Legal Aid. The fact is, we trial lawyers already volunteer our time and energies through the VLP and other means - at least I volunteer.

I don't feel that taxing the "lawyers" is the proper avenue. In fact, it would make more sense to tax everybody.

I feel as though this would be an unfair tax.

Analogy: Iowa Doctors are not required to pay for low income Iowans for medical care?

Respectfully,

Christopher Coppola, Attorney at Law
Coppola, McConville, Coppola, Carroll, Hockenberg & Scalise, P.C.
2100 Westown Parkway, Suite 210
West Des Moines, Iowa 50265
Phone 515-453-1055
Fax 515-453-1059
chris@coppolalawfirm.com

FILED
NOV 24 2014
CLERK SUPREME COURT

COMMENTS RE: PROPOSAL TO ASSESS LICENSED ATTORNEYS IN THE STATE OF IOWA AN ANNUAL FEE TO FUND LEGAL AID

I am opposed to the proposal to assess licensed attorneys in the State of Iowa an annual fee to fund Legal Aid. I agree with the viewpoints expressed by C. Joseph Holland found in the Iowa State Bar Association Newsletter. I believe there is an obligation to fund Iowa Legal Aid, but the obligation is that of the Legislature; not members of the Iowa Bar. The funding of Legal Aid may be a moral obligation of Iowa attorneys; but if it is to be a legal obligation, it should be borne by all the taxpayers of Iowa.

A mandatory fee assessed against members of the Bar might spur attorneys that have retired or are nearing retirement age to recoup the costs by dropping their Bar membership. It is my belief that overall, this would be an unfortunate result.

Jeffrey A. Sar

FILED
NOV 24 2014
CLERK SUPREME COURT

$100 fee for legal aid
Cynthia Letsch
to:
rules.comments@iowacourts.gov
11/24/2014 04:45 PM
Hide Details
From: Cynthia Letsch <cynthia@letschlawfirm.com>
To: "rules.comments@iowacourts.gov"
<rules.comments@iowacourts.gov>,

I understand that legal aid is important for Iowans. However, I already provide a lot of pro bono work for clients who come directly to my office and cannot afford to pay (with no recognition from any agency... and I am sure many other lawyers do this) and officially through the volunteer lawyers project.

I am not in favor of "taxing" attorneys to fund or partially fund legal aid. I am also aware that it is frequently used as a tool in litigation, whereby one attorney will advise the client to first go to legal aid, knowing that the client will be turned down. But, the client's name goes on record and creates a conflict when the other party shows up at legal aid to try to obtain a lawyer. It is outrageous conduct, in my opinion, but I know it is routine practice for some attorneys, especially some practicing in family law.

If legal aid needs funding, they should do it the way every other agency has to do it, lobby for it, solicit volunteer contributions, and hold a fundraiser gala. Now that we are so Republican, I can see that lobbying will not be effective. Perhaps when the person who goes to legal aid for representation gets turned down for lack of funding, that person should also be told that Republicans do not like to fund programs for people who lack money and that if they would like for there to be social programs, they should be sure to vote for people who will agree to fund them.

Warmest regards,
Cynthia Letsch, J.D.

Letsch Law Firm
112 NE Ewing Street
Suite D
Grimes, IA 50111
Ph.: 515.986-2810
Email: cynthia@letschlawfirm.com
www.letschlawfirm.com

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Access to Justice
Saffin Parrish-Sams
to:
rules.comments
11/24/2014 04:48 PM
Hide Details
From: Saffin Parrish-Sams <saffinspslaw@aol.com>
To: rules.comments@iowacourts.gov,

FILED
NOV 24 2014
CLERK SUPREME COURT

I think it is an excellent idea to impose a mandatory assessment of $100 per attorney per year to assist low income Iowans. We as lawyers are privileged, and should absolutely support access to the civil justice system for everyone in Iowa, not just the privileged few. There are only so many hours in the day to get everything done (personally and professionally) and the majority of us can afford the money far more than the amount of time it takes to learn the law in the specific areas in which there is most often a need. However, some consideration should be given to exempting those attorneys who have only been out of law school for a few years (perhaps less than 5?) as those first few years are the most financially challenging for practicing attorneys.

I also highly support the idea that an equivalent filing fee be imposed on any defendant who files an answer in civil litigation, and that the defendants' filing fee goes to assisting low income Iowans. My experience in civil cases is that far more often a defendant is better off financially than a plaintiff, or covered by insurance, yet they do not have to pay a filing fee when the person (many times low income) seeking access to the justice system does have to pay. In addition, civil cases often get filed because defendants will not take responsibility for the matter at hand when they should be, which creates the access to civil justice problem in the first place. This would not work an injustice to defendants who may be forced to defend a meritless case, because in the event that the defendant prevails, the filing fee can be taxed as costs to the party who files. However, some consideration should be given the exempting respondents in family law cases, as it would all come out of the same family's pocket in the end, or to allowing a waiver of the filing fee by defendants when they can establish that it would be a financial hardship.

R. Saffin Parrish-Sams
Soldat, Parrish-Sams & Gustafson, PLC
3408 Woodland Ave, Suite 302
West Des Moines, IA 50266
PH: 515-222-3133
Fax: 515-223-6656
Email: SaffinSPSlaw@aol.com

"You have to learn the rules of the game. And then you have to learn to play better than anyone else." - Albert Einstein

Access to Justice
David N. May
to:
'rules.comments@iowacourts.gov'
11/24/2014 04:49 PM
Hide Details
From: "David N. May" <May.David@bradshawlaw.com>
To: "'rules.comments@iowacourts.gov'" <rules.comments@iowacourts.gov>,

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NOV 24 2014
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I have no problem with a $100/year assessment. If there are concerns about the regressive nature of a flat fee, an alternative might be to base it on years of practice. Also, for newer/lower income lawyers, perhaps there could be a way to avoid the fee by agreeing to take a pro bono case each year.
Thanks,
Dave May

David N. May
Bradshaw, Fowler, Proctor & Fairgrave, P.C.
801 Grand Avenue, Suite 3700
Des Moines, IA 50309-8004
Phone: (515) 246-5888
Fax: (515) 246-5808
E-Mail: may.david@bradshawlaw.com
Web: www.bradshawlaw.com

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ROBERT R. ANDERSON
Attorney at Law

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Huxley, IA 50124
515-597-4000
888-688-4136 (fax)
Bobanderson7@msn.com

FILED
NOV 24 2014
CLERK SUPREME COURT

November 24, 2014

Supreme Court of Iowa

Re: Attorneys assessed $100 per year for legal aid

Honorable Justices:

I am quite supportive of providing pro bono legal services. I've been considering commencing the Christian Legal Aid Office of Iowa for many months; I directed such an entity in California for 3 years prior to moving to Iowa in 2006. It depended 100% on private donations and provided a needed service.

I found the voluntary nature of providing the legal services deeply satisfactory; one big reason why I'm seriously considering doing it again. However, the forcing of every attorney to pay a breath-taking $100 per year will have unintended results. One could be to reduce, if not eliminate, the interest of many to lend the poor a hand—why should I when I'm already paying someone else to do it—could be a typical thought, if not a verbal statement.

I would hope that instead of forcing attorneys to pay a large fee, the Court would focus on seeking better ways to motivate attorneys to help those who can't afford legal services.

Finally, whenever I have represented someone pro bono, or have heard of another attorney doing the same, there's always generated an appreciation for such unselfish kindness by all those involved, including judges and attorneys. I know that such example has touched my life at times in a wonderful way and has served to motivate me to do the same for others. Simply paying a fee for someone else to do it would have a tendency to lessen such motivation which would probably be felt most by those who are poor, but for some reason, might not qualify for a government legal aid office. It would be easier to ignore the needy. That would be sad.

Sincerely,

Robert R. Anderson

RE: Access to Justice
Robert Anderson
to:
mailto:
12/02/2014 02:39 PM
Hide Details
From: Robert Anderson <bobanderson7@msn.com>
To: "mailto:" <rules.comments@iowacourts.gov>,

FILED
DEC 02 2014
CLERK SUPREME COURT

Additionally, please see this attached article re pro bono incentives in Colorado, which follow the example in several other states: http://www.cobar.org/tcl/tcl_articles.cfm?articleid=4031

From: bobanderson7@msn.com
To: rules:comments@iowacourts.gov
Subject: Access to Justice
Date: Mon, 24 Nov 2014 17:36:26 -0600

Please see attached.

FILED
NOV 24 2014
CLERK SUPREME COURT

Mandatory fees to support Legal Services

Brauch, William [AG] to: rules.comments@iowacourts.gov 11/24/2014 05:36 PM

Thank you for seeking input. I am a strong supporter of Iowa Legal Aid and try hard to make a substantial contribution every year. However, I cannot support what is, in essense, a tax only upon attorneys of a flat amount to support Legal Aid. Iowa Legal Aid, and the Legal Services Corporation are of great benefit to the public at large. It benefits all Iowans to provide access to the courts to those who cannot otherwise afford it. Support for legal aid should come via broad-based taxes, not upon a fee imposed only on attorneys. In addition, imposing a flat fee per attorney fails to recognize the differing impacts a $100 annual fee might have on attorneys who do not work in big law firms and do not have as substantial an income. Public defenders, other government attorneys, small town practitioiners and others may find it difficult to make this payment every year. Its impact might be to drive down bar membership and might even cause younger attorneys to think twice about practicing in Iowa. Again, I strongly support legal aid. I worked two summers at a legal aid office in Milwaukee for near nothing during law school. It was a great experience and I came to have tremendous respect for the wonderful people who choose to work there. But, I cannot support a flat fee impopsed only on attorneys. A lower fee, graduated based upon an attorney's annual income, would be much more acceptiable, in lieu of what for many would be in essence a regressive tax. Please consider alternatives. Thank you. Bill Brauch

FILED
NOV 24 2014
CLERK SUPREME COURT

Personal Freedom
Brian Campbell to: rules.comments@iowacourts.gov 11/24/2014 06:15 PM

While supporting access to legal services is a laudable general goal , coercing lawyers into donating to a specific cause as a condition of pursuing their profession is not only overhanded and excessive but also arguably illegal . There are many uses of legal devices that some would promote as a social good , eg. Environmental causes, advocacy for child abuse etc. Donating to any cause should not be a condition of earning a living. The Supreme Court has a legitimate interest in promulgating minimal standards of professional competency. It has no right or interest in compelling members of the bar to accept and contribute to their vision of political correctness . Will the contribution fund defense of drug charges, fund a divorce or help a quixotic class action? The State has no right to condition my continuing right to practice law on either the adoption of your charitable priorities or providing anyone the money to fund litigation. This idea is tyrannical and anti American !

Sent from my iPhone

FILED
NOV 24 2014
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Personal freedom

Brian Campbell to: rules.comments@iowacourts.gov

11/24/2014 06:23 PM

There is no rational nexus to my ability to practice law in Iowa and a requirement that I support free legal services for the "poor". Any attempt to condition my license on a forced contribution should and will be challenged
Sent from my iPhone

FILED
NOV 24 2014
CLERK SUPREME COURT

Access to Justice
Brian Campbell to: rules.comments@iowacourts.gov

11/24/2014 06:32 PM

There is no nexus to the States legitimate interest in requiring minimal competence of those wishing to practice law in Iowa and the compulsion to make a charitable contribution to any cause. Should Catholic lawyers be required to fund poor people who want a divorce? Am I required to assist a drug dealer in getting a lighter sentence upon pain of losing my profession? This idea is misplaced altruism or political correctness run amok . If adopted, it will be challenged .

Sent from my iPhone

Access to Justice
McRoberts Law Office to: rules.comments

FILED
NOV 24 2014
CLERK SUPREME COURT

11/24/2014 09:02 PM

1 attachment

11.24.14IALegalAid.docx

Comments regarding the Iowa Legal Aid proposal, by Pete McRoberts, Des Moines attorney.

Pete McRoberts
McRoberts Law Office
307 E. 5th St.
Des Moines, IA 50309
Tel: (515) 984-0277
Fax: (515) 864-0102
pete.mcroberts@lawyer.com
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This is a proposal with immediate and long term deficiencies.The Court should avoid singling out even a venerable organization like Iowa Legal Aid for a subsidy like this. The practical effects of the subsidy are likely no more than $800,000 a year to Iowa Legal Aid. This is a rough equivalent to ten experienced, full time, public attorneys statewide. A strong public case can be made that there should be ten more attorneys in Iowa's legal community who spend the entirety of their time on assisting Iowans with low incomes.

Every version of this proposal negates that case. It suggests that a hundred dollars or a prescribed number of hours per year checks that box. At current public defender rates, that hundred dollars is not quite two hours of work. If an attorney is doing any pro bono work at all, I am comfortable suggesting that for most of us, it's more than the one hour and forty minutes per year as represented by the one hundred dollars. To tie these things together, via a "pay or play" scheme, reduces volunteerism to a transactional relationship between a lawyer and the Court. To further tie that funding stream to Iowa Legal Aid's operating budget means "pro bono" is not for the public good, but for the good of that organization first, and then public good as defined by its spending of those funds. This is a demotion of Iowa Legal Aid.

State revenues are up. This means that people are earning more money and spending more money. So, salaries are rising and the legislature has some freedom to make allocative decisions which in recent years weren't possible. If there were ever a time to make a public case for low income legal services, it's now. A public case for raising not even a thousand dollars per Iowa County - per Courthouse - is a remarkably powerful image.

The alternative of limiting the ask and the effort strictly to the legal community is poor planning, even as it is attractive. Opening the door to such a fee means later on, the only question is one of degree, and not substance. A hundred dollars today could be a hundred twenty in five years - and that's fine. The amount is not the issue - but the limitation on scope of the funding scheme itself is. In plain English, if we in the legal community can't make the case for personal and other financial supports at this level, then our alternative is to get better at making the case, and not to limit our audience of supporters to the attorneys in Iowa. By limiting the scope, this idea places distance between the legal community and the public.

There is a fine example as to how public outreach can work. For example, in recent years, the Court has taken great care to remedy a perception of distance between itself and the public. I encourage the legal community to apply the same principle, and therefore consider the problem of limited access to legal services as not something to which we simply look internally. Instead, we should consider ourselves as a vehicle to not only remedy the funding stream but to also raise the perception of the field of service to people with low incomes as a whole.

There are people in need in each county. A thousand dollars per county each year - raised or appropriated - is a million dollars to Iowa Legal Aid. Why would we limit our appeal to just the lawyers, when we could get better at our ask, and honestly, make some friends? It is not enough to simply assume that what we do is justified on its merits. Merits aren't enough! If merits were enough, there would not ever be a shortage in services or funds. Small business owners, attorneys, politicians - the Court - remedy these things every day. Doing it properly and expansively creates a solid foundation for support.

So, I encourage the Court to send this idea back to the drawing board, and also encourage the legal community to follow the Court's lead, and work deliberately and thoughtfully to expand its own base within the public.

Access to Justice
Traci Comstock
to:
rules.comments@iowacourts.gov
11/24/2014 09:55 PM
Hide Details
From: Traci Comstock <tc@comstocklawoffice.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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Please respond to <tc@comstocklawoffice.com>

I am writing in regard to the proposed assessment of $100 for each member of the bar association to support legal services for low income Iowans. I disagree with this proposal and believe that it will have a negative impact in providing legal services to the poor.

Every year many attorneys, including myself, provide pro bono services. If I am given the option to just pay $100--I believe that attorneys will feel that the system is taking over this professional requirement and you will see less pro bono work accomplished by individual attorneys, who are now giving far in excess of $100. Pro bono work, is personal. It is not something to be regulated in this way. It takes away from the true gift that it is.

Traci M. Comstock
COMSTOCK LAW OFFICES, P C
24308 Hunt Avenue
Council Bluffs, IA 51503-7990
Tel. 712-566-2100 / Facsimile 712-566-9014
website: comstocklawoffice.com
email: tc@comstocklawoffice.com

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Access to justice
Kevin Hitchins
to:
rules.comments@iowacourts.gov
11/25/2014 08:13 AM
Hide Details
From: Kevin Hitchins <Kevin@gbsbhlaw.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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I am opposed to the mandatory fee. The Iowa state bar association should be advocating for its members to stop this fee.

While lawyers owe a responsibility for getting access to the court system this fee is wrong. I like the statement that no other profession has a fee like this to help the under privileged. This fee will take away from what lawyers voluntarily do.

Lawyers individually should not be required to pay for what our state legislature refuses to adequately fund.

The judiciary should not expect any future sympathy or help on funding if they proceed with this fee.

Sent from my U.S. Cellular® Smartphone

Iowa Legal Aid
Art Gilloon
to:
rules.comments
11/25/2014 08:14 AM
Hide Details
From: "Art Gilloon" <agilloon@dbqlaw.com>
To: <rules.comments@iowacourts.gov>,

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I support Iowa Legal Aid and its work for the poor. Their attorneys do a great job, and have helped many who otherwise would have no help.

I also participate in the Volunteer Lawyers Project.

I am not in favor of mandatory contributions.

Arthur F. Gilloon

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Arthur F. Gilloon
Gilloon, Wright & Hamel, P.C.
770 Main Street
Dubuque, IA 52001-6820
Ph: 563-556-6433
Fax: 563-556-7706

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Access to Justice
Art Gilloon
to:
rules.comments@iowacourts.gov
11/25/2014 08:16 AM
Hide Details
From: "Art Gilloon" <agilloon@dbqlaw.com>
To: "rules.comments@iowacourts.gov" <'rules.comments@iowacourts.gov'>,

I support Iowa Legal Aid and its work for the poor. Their attorneys do a great job, and have helped many who otherwise would have no help.

I also participate in the Volunteer Lawyers Project.

I am not in favor of mandatory monetary contributions.

Arthur F. Gilloon

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Arthur F. Gilloon
Gilloon, Wright & Hamel, P.C.
770 Main Street
Dubuque, IA 52001-6820
Ph: 563-556-6433
Fax: 563-556-7706

Mandatory assessment of $100 per attorney per year to support legal services for low income Iowans

Schuling, Mark [OCA]

to:
rules.comments@iowacourts.gov
11/25/2014 08:38 AM
Hide Details
From: "Schuling, Mark [OCA]" <Mark.Schuling@oca.iowa.gov>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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I have been a practicing attorney for thirty-four years, twenty-one years in private practice and thirteen years in public practice. I am in favor of the assessment as recommended by staff with the exceptions noted in the staff report. Access to legal assistance is an issue that we as attorneys must help address.

Thanks.

Mark Schuling

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TO: Iowa Supreme Court

RE: Access to Justice, Mandatory $100 Fee

As a licensed attorney who works in an alternative career, it is financially difficult for me to maintain my bar fees. I have chosen a lower paying career for personal reasons, however, my employer does not support my license fees. As such, I must pay out of pocket for these fees. Although I support Legal Aid and have worked as a volunteer in the office and taken some pro bono work through them, I must agree that asking lawyers to fund Legal Aid is inappropriate. I support Joe Holland's comments, "Iowa lawyers did not create the need for funding Iowa Legal Aid. That is a societal problem, not a lawyer problem. The availability of legal services to everyone needs to be addressed, but a Court imposed mandatory fee on Iowa lawyers is not the answer. I do not know of any other profession which imposes a mandatory fee on its members to provide professional services to indigents. In other professions, for example medical and dental, help is provided through donations of time, services and funds, exactly as it is now handled in the legal profession. The funding is not involuntarily extracted from members of the professions."

We need to keep license fees affordable for those who do not work in high paying jobs. When attorneys are affordable that also improves access to justice for the lower middle class who often do not qualify for Legal Aid services. Again, I think Legal Aid needs to be funded by the general public and not by attorneys alone. If attorneys must bear this burden, we are increasing the cost of being an attorney and pushing rates even higher.

Thank you,

Helen Leong

Mandatory $100 Assessment for Legal Aid
Denis Faber
to:
rules.comments
11/25/2014 09:06 AM
Hide Details
From: Denis Faber <faberlawyer@gmail.com>
To: rules.comments@iowacourts.gov,

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Please record that I strongly oppose the propose assessment. This burden will fall most heavily on the solos and small firms who, in my experience, provide more than their fair share of the volunteer work in our state. In addition, the work Legal Services Corp. currently provides is highly circumscribed. I can't support a tax on lawyers unless it includes a mandate to LSC to expand the types of services provided.

--
Denis D. Faber, Jr.
Faber Law Office
300 Main St., #321
Dubuque, IA 52001

Access to Justice
Chad Zenisek
to:
rules.comments@iowacourts.gov
11/25/2014 09:10 AM
Hide Details
From: Chad Zenisek <CZenisek@krflawfirm.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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1 Attachment

141125let to iasupct.Docx

Please see comments attached. Thank you for soliciting our opinions.

Chad Zenisek, Attorney
KLINGER, ROBINSON & FORD, LLP
(319) 395-7400

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From: district6-owner@iabar.org [mailto:district6-owner@iabar.org] **On Behalf Of** Matthew J. Brandes
Sent: Monday, November 24, 2014 3:46 PM
To: 'district6@iabar.org'
Subject: [ISBA District6] Proposed $100 Mandatory Attorney Assessment to Support Iowa Legal Aid

Dear District 6 Members,

While we endeavor to limit unsolicited email, ISBA President Joe Feller has asked us to make sure our members are aware of the Iowa Legal Aid proposal mentioned above and opportunities to share your opinion with regard to same. At the request of Iowa Legal Aid, a proposal is pending before the Iowa Supreme Court that would require a mandatory assessment of $100 per attorney per year to support legal services for low income Iowans. The court invites your opinion on this issue, either by mailing to the court or filing your comments electronically at **rules.comments@iowacourts.gov**. The email must state, "Access to Justice," in the subject line and the comments must be attached to the email in Microsoft Word format.

In addition to providing the court your comments, the ISBA is also asking you, if you have not previously done so, to take a few minutes to complete our short survey concerning this topic. This survey will help us as your board representatives better understand your position and concerns regarding funding access to justice in this manner. **Take the survey now. https://www.research.net/s/ATJIssues**
Below are two letters from esteemed members of the ISBA providing differing views on this proposal.

Thank you for your attention to this matter and thank you for allowing me to serve as your board representative.

Matthew J. Brandes
Simmons Perrine Moyer Bergman PLC
115 3rd Street SE, Suite 1200
Cedar Rapids Iowa 52401
Tel: (319)366-7641; Fax: (319)366-1917
mbrandes@simmonsperrine.com

Supporting View	Opposing View
Arthur A. Neu - Carroll Partner in the firm of Neu, Minnich, Comito & Neu, P.C.; has served as a state senator, lieutenant governor and as a member of the Board of Regents.	**C. Joseph Holland** - Iowa City Currently practicing in the firm of Holland Law Office, P.L.C.; served on our Board of Governors and also served as president of the ISBA in 2001-02; served on many different boards including the National Conference of Bar Presidents and the Iowa Council of School Board Attorneys.
Why lawyers? Why do we need to give $100 per year to provide legal help to low-income Iowans? Perhaps why the Iowa Supreme Court has asked for comments on this fee is that we, as lawyers, have a special responsibility for the quality of justice. Our rules of professional conduct urge us to do so. Unrepresented parties negatively impact the quality of justice, not just for themselves, but for others involved in the judicial system. This contribution to support access to justice will improve the system for lawyers, our clients and for all Iowans. *Iowa Legal Aid and the Volunteer Lawyers Projects in Iowa provide critical legal assistance to low-income Iowans that ensures they are treated fairly. Iowa Legal Aid and the volunteer lawyers to whom it refers cases handled 18,127 cases ...* ***Click here to read more.***	*For those of you who may not know, a proposal is before the Iowa Supreme Court to assess every Iowa licensed attorney a $100 annual fee to fund Iowa Legal Aid. The deadline for submitting written comments to the court is 4:30 p.m. on Jan. 5, 2015. This is not an ISBA proposal and ISBA has not taken a position in favor of this proposal. Iowa Legal Aid took the request to the court.* *I believe in Iowa Legal Aid. My firm and I have donated time and money in support of its mission. I have lobbied, in person, members of both the Iowa Legislature and the United States Congress, for support for Legal Aid on state and national levels. However, I see court imposed funding for Legal Aid as unacceptable for many reasons. Here are a few....* ***Click here to read more.***

Iowa Supreme Court Resources:

Request for Public Comment Regarding Access to Justice Recommendations (Oct. 1).

- **Order** (1091 kb)
- **ISBA Report** (576 kb)
- **Letter from Iowa Legal Aid** (3155 kb)
- **Staff Report** (680 kb)

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KLINGER, ROBINSON & FORD, LLP

PHILLIP D. KLINGER
JEFFREY P. TAYLOR
JONATHAN B. HAMMOND
STEPHEN A. SWIFT
CHAD ZENISEK

ROBERT E. FORD, Retired
GARY L. ROBINSON (1947–'98)

401 OLD MARION RD NE
CEDAR RAPIDS IA 52402

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CEDAR RAPIDS IA 52410-0020

TELEPHONE
(319) 395-7400
FACSIMILE
(319) 395-9041
WEBSITE
www.krflawfirm.com

November 25, 2014

The Iowa Supreme Court

Re: Proposed $100 Mandatory Attorney Assessment to Support Iowa Legal Aid

This letter is in response to an e-mail sent out to Iowa State Bar Association members, requesting comments on a proposed mandatory assessment against all Iowa lawyers to support Iowa Legal Aid. I am opposed to this mandatory assessment. These views are my own and do not necessarily represent the views of my law firm.

Many Iowa lawyers have delicate net incomes, after student loan repayment, professional association contributions, CLE expenses, and books to continue our development as lawyers. $100 sounds like an inconsequential amount. However, it can mean the difference between whether or not someone joins the local bar association, or the Inns of Court, or another organization that supports our profession. I know this because I've been in those conversations with young attorneys when trying to recruit them for our groups. I myself graduated law school with six-figures of student loan debt. I put well over $10,000 towards my student loans each year, making only the regular payments, and I am on a standard repayment plan. If you take money from lawyers for Iowa Legal Aid, then you are taking lawyers out of other activities.

Iowa Legal Aid is a community service. The community should support it: not just lawyers. To my knowledge, community health clinics are not supported by a mandatory assessment on individual doctors; volunteer income tax assistance is not supported by a mandatory assessment on accountants; homeless shelters are not supported by a mandatory assessment on real estate professionals; food banks are not supported by a mandatory assessment on farmers and chefs; public transportation is not supported by a mandatory assessment on car salespersons; public schools are not supported by a mandatory assessment on private school teachers. Naturally, free legal services should not be supported by a mandatory assessment on lawyers.

Sincerely,

Chad Zenisek

Access to Justice
Anthony Osborn
to:
rules.comments@iowacourts.gov
11/25/2014 09:12 AM
Hide Details
From: Anthony Osborn <OsbornA@goosmannlaw.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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I do not support a mandatory assessment of a $100/year per lawyer to support Iowa Legal Aid. While I am a supporter of Iowa Legal Aid, I do not believe a mandatory assessment is warranted and believe there are other, non-mandatory ways to support Iowa Legal Aid. I would encourage all attorneys to volunteer their resources and energy to support Iowa Legal Aid and its mission to provide legal assistance to low-income Iowans.

Sincerely,

Anthony Osborn, Attorney
Goosmann Law Firm, PLC
410 5th Street
Sioux City, IA 51101
P: (712) 226-4000
Anthony@Goosmannlaw.com

www.goosmannlaw.com
Licensed in Iowa, Nebraska and South Dakota

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Lugg, Elizabeth
to:
rules.comments@iowacourts.gov
11/25/2014 09:39 AM
Hide Details
From: "Lugg, Elizabeth" <etlugg@ilstu.edu>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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I agree that lawyers have priced many individuals out of the courts, especially in the area of family law. I also realize that Iowa is in the forefront in attempting to aid individuals, especially in the area of family law, who wish to represent themselves *pro se*. My area of expertise is education law, and I spend many hours per year providing *pro bono* services to public schools who are facing reduced state aid and administrators who need advice. I would prefer that my colleagues whose expertise is in family law and financial planning/probate (which I have noticed are the lion's share of *pro bono* cases listed on the ISBA website) would provide those *pro bono* services at a higher rate. However, something must be done to make the courts a realistic option for ALL Iowans. For that reason, I reluctantly would support an additional assessment to fund legal aid for the poor.

Elizabeth T. Lugg, J.D., Ph.D.
Associate Professor, Education Law
College of Education
Illinois State University
Campus Box 5900
Normal, Illinois 61790-5900
309-438-8989 (campus office)
309-451-9095 (home office)

"Es ist nichts schrecklicher als eine tätige Unwissenheit." J.W. von Goethe

Access to Justice
Allan Halvorsen
to:
rules.comments
11/25/2014 09:50 AM
Hide Details
From: "Allan Halvorsen" <ahalvorsen@goldmansturtzhalvorsen.com>
To: <rules.comments@iowacourts.gov>,

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FIRST: I suggest that it would not be fair to out of Iowa attorneys holding an Iowa license. I hold both an Minnesota and Iowa license because I live in Minnesota, two miles from the Iowa border. I am already being assessed a fee for Minnesota. When the State of Minnesota was having financial problems meeting the budget, we Minnesota attorneys were assessed a fee to help pay for access to justice.

SECOND: Assessing attorneys a fee for access to justice enables the State to not follow through with the State's duty to provide for this.

Allan L. Halvorsen
Goldman, Sturtz & Halvorsen, Chartered
137 N Broadway, PO Box 1009
Albert Lea MN 56007
Phone: 507-373-1409
Fax: 507-373-8660
Email: ahalvorsen@goldmansturtzhalvorsen.com

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Morain, Steve M.
to:
rules.comments@iowacourts.gov
11/25/2014 09:50 AM
Hide Details
From: "Morain, Steve M." <SteveMorain@davisbrownlaw.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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I know I cannot speak for every attorney in the State, but I am certainly willing to contribute $100 per year to assist those in need to have access to competent counsel. I would hope that opinion would be shared by most of my brothers and sisters in the Iowa Bar. I would be in favor of rules which insure that the funds are used to represent individual clients in individual cases, rather than being spent on class actions or political causes.

DAVISBROWN
Stephen M. Morain | Attorney | 515-288-2500 | www.DavisBrownLaw.com
The Davis Brown Tower | 215 10th Street, Suite 1300 | Des Moines, Iowa 50309 | Fax: 515-471-7947

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Against the $100 Assessment
Statement of Mark Quandahl
November 25, 2014.

I affirm the reasoning of Joe Holland's essay.
Any such assessment should be purely voluntary.

Three other quick points to consider:

1. First Amendment. Impingement of free speech. An assessment of this sort would coerce Iowa attorneys to contribute money and support a cause that may be contrary to their beliefs.
2. Fifth Amendment. The Iowa Supreme Court is a branch of government. Requiring attorneys to involuntarily contribute to a private organization as a requirement to engage in employment would constitute a "taking" by the government under the due process clause.
3. Conflict of Interest. Legal Aid often takes positions (particularly in civil cases) that are contrary to the interests of the opposing attorney's client. Requiring an attorney to contribute money to fund opposition to his/her own client's position would cause a conflict of interest for the attorney.

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Proposed Mandatory Assessment (UNCLASSIFIED)
Wherry, James C CIV USARMY MCOE (US)
To: rules.comments@iowacourts.gov

11/25/2014 09:54 AM

Classification: UNCLASSIFIED
Caveats: FOUO

Your Honors,

I support the support for Legal Aid and I was just about to put my $100 check in the mail to them - and I still will.

However, as a Federal employee, the DoD reimburses me for my annual dues for one bar association. If you make it an "assessment," they may not do so. Please just up the bar fee and alot $100 of it to Legal aid.

V/r,

James C. Wherry
Legal Assistance Attorney
U.S. Army Maneuver Center of Excellence
Fort Benning, Georgia
706-545-3967

YOUR INPUT is important to us! For our clients, please take a moment and complete the ICE comment for Fort Benning Legal Assistance. This can be found at:
https://ice.disa.mil/index.cfm?fa=card&sp=131068&s=256&dep=*DoD&sc=1

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Classification: UNCLASSIFIED
Caveats: FOUO

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Darrell Jesse
to:
'rules.comments@iowacourts.gov'
11/25/2014 09:55 AM
Hide Details
From: Darrell Jesse <Djesse@craryhuff.com>
To: "'rules.comments@iowacourts.gov'" <rules.comments@iowacourts.gov>,

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I would not support the $100 assessment as a mandatory requirement of bar membership. Nor do I believe it is legally enforceable against members of the Bar.

Darrell Jesse

Access to Justice
Kroger, Lisa
to:
'rules.comments@iowacourts.gov'
11/25/2014 09:56 AM
Hide Details
From: "Kroger, Lisa" <L.KROGER@gwccnet.com>
To: "'rules.comments@iowacourts.gov'" <rules.comments@iowacourts.gov>,

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I understand that the funds are needed and that this is a good cause in which to donate. Unfortunately, there are a lot of good causes available to donate your time and money. We should have a choice. This should be a VOLUNTARY choice rather than a mandatory requirement. There is some point that the passing along of these costs to the members without any choice in the matter has stop.

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"Access to Justice"
Jaime.F.Borcic
to:
rules.comments
11/25/2014 10:00 AM
Cc:
Jaime.F.Borcic
Hide Details
From: <Jaime.F.Borcic@wellsfargo.com>
To: <rules.comments@iowacourts.gov>,
Cc: <Jaime.F.Borcic@wellsfargo.com>

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1 Attachment

Access to Justice.docx

Please see Microsoft Word attachment.
Thanks.

Jaime F. Borčić, MPA, JD

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NOV 25 2014
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Access to Justice- Opposing the $100 Assessment

First and foremost, I believe in Iowa Legal Aid and over the past two years since I became licensed I have contributed countless hours of my time to the PCBA VLP as a pro bono attorney.

However, imposing this new mandatory additional fee on Iowa attorneys is wrong and should not be the responsibility of Iowa attorneys who already pay into the Iowa Trust Fund and contribute pro bono hours to the state.

I agree that imposing a mandatory fee to support Iowa Legal Aid puts at risk the relationship between Iowa lawyers and Iowa Legal Aid. The mandatory fee could have the effect of reducing both volunteer hours and monetary contributions to Iowa Legal Aid. People, not just lawyers, do no not like having contributions to organizations imposed as mandatory fees, no matter how worthy the cause. If this new fee is imposed many Iowa lawyers may stop donating time or money to the organization. Others may see the court imposed fee as having satisfied all pro bono obligations.

Iowa lawyers did not create the need for funding Iowa Legal Aid and it should not be the responsibility of Iowa lawyers to financially support Iowa Legal Aid. Our responsibility is to provide service through pro bono, not financial stability. We have our own families, student loans and obligations to financially be responsible for.

Mandatory Contribution
David Dohms
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11/25/2014 10:06 AM
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From: "David Dohms" <dohms@cox.net>
To: <rules.comments@iowacourts.gov>,

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Gentlemen and Ladies-

Please stop telling me what I must fund and support.

David B. Dohms

Access to Justice
Steven M Egli
to:
rules.comments
11/25/2014 10:39 AM
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From: "Steven M Egli" <stevenmegli@gmail.com>
To: <rules.comments@iowacourts.gov>,

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While I don't believe a mandatory assessment is appropriate for many of the reasons stated by Mr. Holland, I think it is incombant upon the Bar Associated to promote our wide support of adequate funding for Legal Services from tax revenue and private sources and to promote volunteering our time. We should be outspoken about this every year particularly considering the extent to which support has withered. We are failing to provide adequate help to all.

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to:
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To: rules.comments@iowacourts.gov,

The proposal to tax lawyers to cover part of the cost of legal aid is well intentioned but misses the mark. The reasons given for the proposal are all correct. In the end I am more persuaded by Joe Holland who questions whether the proposal is a solution to the problem. I would add one though to what Mr. Holland says. There is evidence that price fixing of any kind can limit economic behavior. Conspiracies to fix minimum prices and maximum prices are both illegal. The proposal sets a minimum price on lawyer contribution to legal services. Once a lawyer has contributed $100 through the fee, there is a risk that not only will the lawyer not contribute more to legal aid but that, in addition, the lawyer will feel he or she has met her societal obligation to fund legal services and be less inclined to forgo personal income to provide pro bono services. The proposal is a social experiment. The potential benefit is so immaterial to the problem that that it is not is not worth the risk of a bad outcome.

Access to justice and to legal services generally for people whose budget does not include very much disposable income should be a major public concern. I see this daily in my law practice which is focused on securing for families with special needs children the free appropriate public education promised by state and federal law. Disabilities strike families without regard to financial resources. Most families who need my services have average of below average income. Because so many disabilities are genetic and interfere with successful employment, this population tends to have more financial need than others. Most parents cannot afford a reasonable fee. A large percentage can afford only a token fee.

My practice gives me a window into the obstacles the general population faces in order to secure necessary legal services. The education of children, the protection of parental rights, estate planning, marriage dissolution, defense of unjustified creditor demands (most recently, for example, demanding payment on a discharged debt to remove it from a credit report) and many other legal needs are sometimes no less necessities than warm clothing or transportation to work. A family of four with two wage earners and a total income of less than $60,000 a year is not likely to have the "disposable" income or savings to purchase legal services in time of need. There is a high risk that emergency legal service needs will exhaust retirement savings. All of this is not a new discovery, but creates the context for my view of the proposed rule.

The services of legal aid are valuable and important to the state, but they are provided arbitrarily based upon income and availability of lawyer resources. They are not provided based on need. For example, legal aid will not help a parent whose child is being expelled from school and whose income is above the low limit for legal aid. All lawyers are able to highlight examples from their practices. The legal aid system is totally broken because most of the population is priced out of the legal market. The number of lawyers is not sufficient to create the competition necessary to bring down the cost of services. This is complicated by the scarcity of lawyers altogether in many areas of the state. In the past newly admitted lawyers filled part of the gap. My grandfather, admitted to practice in Chicago in 1917, began his practice by by charging minimal fees to hookers as they were delivered to court each morning. Today education debt makes starting out by offering similar low priced services to the poor impossible.

The proposed rule is an attempt to put a bandage of gushing artery. The rule will raise about $900,000 a year. An overly optimistic estimate of its outcome is that legal aid could fund 18 more lawyers. That will relieve some of the pressure on legal aid, but will not do no more. What is needed is an entirely new

approach to legal services for working people and people who wish they could work but can't. The medical community has successfully approached a similar problem with nurse practitioners and physicians assistants. The Supreme Court needs to look at that experience and apply it to the legal profession. There is evidence that it can work successfully.

I can think of four specialties in which non-lawyer can practice law: federal income tax, immigration, patents and special education. There may be others. I am most familiar with special education because of my own law practice. Parents are permitted by federal law (and therefore state law) to bring to a school meeting or to a special education administrative hearing any person familiar with their child's needs who can assist the parent. Totally outside of any regulation there is a cottage industry of special education advocates who provide wonderful services to parents. These four areas of the law provide different approaches to the problem. The patent system is probably the most regulated and the education system functions reasonably well with no regulation at all.

The growth of trained paralegals might have been the first step toward solving the problem. The requirement that paralegals work for lawyers and not practice law independently is still a barrier. Money for legal aid is not going to solve the problem. The legislature is not going to provide sufficient funds to meet the need. The court is not going to be able to impose meaningful fees on the state's lawyer to do so. The court needs to totally rethink the concept of "unauthorized practice of law." The court should look at different areas of law and determine the extent to which non-lawyers can provide needed services. A simple example: a title abstractor can tell whether there are documents in the chain of title of a subdivision lot that are out of the ordinary and require attention of a lawyer. When there are none, why can't the public rely on the opinion that created the subdivision and let abstractors issue Title Guaranty certificates. Another example would be dissolution of marriage. This is largely an administrative proceeding for most people. The issues are are less complicated than some special education disputes. Drafting wills and trusts for most people does not require training in civil procedure, contract, tort and criminal law and income tax that is required for the "authorized practice of law."

My proposal is that the Court reject the $100 fee proposal and instead establish committees of lawyers in different specialties who will determine the extent to which non-lawyers can provide legal services in their specialty. The operating assumption should be that the legal problems encountered by most people can be adequately handled without the broad legal training required to hang out a shingle that says, "I can handled all legal issues." We need to know what training is necessary. We need to know whether, like the medical profession, the non-lawyers need to establish mentoring/supervising relationships with a lawyer skilled and experienced in the area of specialization. There should be another committee to work in cooperation with the legislature to consider the minimum regulation of the non-lawyer professionals. The Court needs to think creatively about the broad problem instead of focusing on the narrow needs of legal aid.

Regards,
David Roston
--
DAVID C. ROSTON
Attorney at Law
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Coralville, IA 52241
319-321-5646
david@rostonlaw.com
Admitted in Iowa and Illinois

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To: <rules.comments@iowacourts.gov>,

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I am totally opposed to this.

James L. Tappa
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Rock Island, IL 61204-3908
Telephone: (309) 794-1476
Fax: (309) 794-1487
Email: stn@nbsmail.net

Access to Justice
Amy Kretkowski
to:
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From: "Amy Kretkowski" <amyk@hoeferlaw.com>
To: <rules.comments@iowacourts.gov>,

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I am writing in response to the proposed mandatory assessment of $100 per attorney per year to support legal services for low income Iowans.

At the risk of sounding like Scrooge at Christmastime, I oppose this mandatory assessment. I personally provide hundreds of hours of pro bono work to indigent veterans and their survivors throughout the state, and across the country, through the Veterans Consortium Pro Bono Program (a division of the National Veterans Legal Services Program in Washington, DC). I also hold monthly veterans legal clinics at the Shelter House here in Iowa City, where I provide free legal service to veterans seeking VA disability and/or pension benefits. In addition, I provide legal clinics and workshops at Stand Down/Project Homeless events throughout the state and take referrals for pro bono work from various congressional offices and veterans' service organizations. My contribution of legal services to low income Iowans far exceeds $100 in value per year – and I am opposed to a mandatory assessment on top of the work that I already do.

Attorneys should be encouraged to do pro bono work – and a mandatory assessment might have the unintended effect of making attorneys believe that their $100/year contribution is enough. It is not. Nevertheless, attorneys should be able to choose the organizations to which they make charitable contributions (of time and/or money) – and should not be "forced" to donate to one specific organization.

Amy B. Kretkowski
Veterans Law Attorney
HOEFER LAW FIRM, PLLC
332 S. Linn St., Ste. 300
Iowa City, IA 52240
319-338-5343 (tel); 319-358-2163 (fax)

"True patriotism . . . is loyalty to the Nation all the time, loyalty to the Government when it deserves it." –Mark Twain

Access to Justice
JoAnn Barten
to:
rules.comments
11/25/2014 11:31 AM
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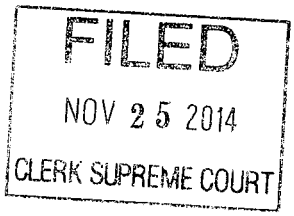
From: "JoAnn Barten" <jbarten@bartenlawoffice.com>
To: <rules.comments@iowacourts.gov>,



1 Attachment

image001.png

The proposal assumes Iowa attorneys are not donating already or enough. I disagree and I am offended. I believe it is grossly underestimates how much is actually donated by Iowa attorneys for Iowa legal access. Instead Iowa attorneys are generous with their time and money.

Even if an attorney is not donating to legal aid directly, s/he is still donating other ways. The funds we provide to legal organizations are donated to legal aid. By way of example, the Story County Bar which I belong donates a considerable amount to Legal Aid, thousands in fact. I wonder how much the Iowa State Bar Association and the Iowa Association for Justice which I also belong and pay dues also donate to legal aid. I ask that you add up all the funds donated through the organizations and divide by the number of lawyers in the state and let me know per lawyer, how much is already being donated.

Further, how many cases have been handled through VLP by lawyers donating their time yearly already? The lawyers in my office have one low-bono or pro-bono case going typically at all times. We don't report these hours and don't wish to be told how much to report. Further in the past twelve months our office has donated directly to low cost services. Further we provide free legal advice to legal aid attorneys and public defenders who contact us. I also have served on various non-profit board/commissions. I know I am not alone in this.

Iowa attorneys are graduating with $75K - $150K in students loans and their incomes are not high. They themselves would qualify for legal aid if their student loans were taken into consideration. It is going to take most of them 20+ years to repay. Asking them to give more is unfair.

Best regards,

JoAnn L. Barten
Attorney

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Offices
1212 McCormick Avenue, Suite 100 701 East Court Avenue, Suite A

Ames, Iowa 50010 USA Des Moines, Iowa 50309 USA

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Re: Access to Justice

To whom it may concern:

While I understand the need for a mandatory assessment, I am against it. I am a government attorney. I have to pay for all of my bar memberships out of my own pocket. The government does not reimburse me, and I do not get to deduct those payments as business expenses. Additional fees are a hardship on government attorneys like me. (I pay bar fees in three states and one federal court.) As a government attorney I am dedicated to public service and access to justice. Because of this commitment, I take a lower salary than private attorneys. To pay an additional fee is difficult.

Thanks for seeking my input.

Charles W. Gordon, Jr.

$100 Assessment for lawyers
Rothpatent
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11/25/2014 12:05 PM
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From: Rothpatent@aol.com
To: rules.comments@iowacourts.gov,

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Legal aid should be the obligation of the State Legislature. There is no reason it should fall on the backs of lawyers. Assessing each lawyer is an inefficient way to collect a tax that should be assumed by the State Legislature. Each year each of thousands of lawyers would be required to spend time reviewing the payment and ultimately paying the assessment. Even if costs are passed on to clients and ultimately all of the people of Iowa the collection process is inefficient. The legislature can provide the funds with a single payment.

Access to Justice
emeka
to:
rules.comments
11/25/2014 12:12 PM
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From: <emeka@bi-law.com>
To: rules.comments@iowacourts.gov,

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2 Attachments

Iowa Legal Aid Funding.pdf

Iowa Legal Aid Funding.docx

RE: Proposed $100 Mandatory Attorney Assessment to Support Iowa Legal Aid

I do not support the mandatory $100 Assessment fees.

Both systems - Iowa Civil Legal Aid and Volunteer Lawyer Project need to work in tandem and interdependently to better use limited resources rather than duplicating similar efforts. Also, many lawyers take their pro bono obligations seriously and do plenty of pro bono work. Charging this mandatory fee may cause many to reduce or terminate their yearly pro bono efforts resulting in an increase in the demands on Iowa Civil Legal Aid anyways. This could also increase need for more funding - and the "dearth" spiral in funding continues.

On the other hand, the need for access to justice for the indigent is tremendous, alarming and growing. It can lead to wider societal problems in Iowa. The fall in federal funding and the laudable State of Iowa efforts to stem the decline in funding by providing some funding is important and impressive.

As a part of a comprehensive solution, in certain areas, Iowa Civil Legal Aid should be limited to making advisory opinions based on facts provided by indigent clients, and research performed by Iowa Civil Legal Aid. Afterwards, the Iowa Civil Legal Aid should attempt to engage attorney(s) through the Volunteer Lawyers Program with a copy of their advisory opinion and research for the prospective attorney to represent the indigent party.

It is important to avoid creating the moral hazard with vexatious litigants over-utilizing this limited resource.

An area that is important where the Iowa Legal Aid may earn some money to increase its revenue or budget is to design services and programs, in conjunction with the ISBA, for retiring attorneys, attorneys conflicted out of certain cases and winding down their businesses. Iowa Legal Aid can provide some for-profit services to attorneys in order to reduce the cost of their non-profit services to the indigent and low-income families.

As a compromise, if the program is set as a pilot program, and assessed a $25.00 fee, and reviewed after a few years, that may provide some necessary data to evaluate the will and desire of members to go to a permanent mandatory $100 fee.

I hope this little comment helps or contributes to this difficult task. Thanks to Joe Holland and Arthur A. Neu, for their insightful and concise articles on point.

Kind Regards,

Emeka Igbokwe, Esq.,
BANWO & IGBOKWE LAW FIRM, LLC
3568 Dodge Street,
Suite 100
Omaha, NE68131
Phn: (402) 345-5759
Fax: (402) 345-6404

"*I usually solve problems by letting them devour me.*" Franz Kafka to Max Brod.

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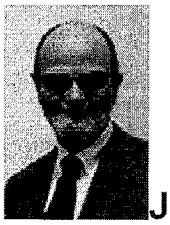
Kind Regards.

Opposing the $100 Assessment



Joe Holland - Iowa City, Iowa

Currently practicing in the firm of Holland Law Office, P.L.C.; served on our Board of Governors and also

served as president of the ISBA in 2001-02; served on many different boards including the National Conference of Bar Presidents and the Iowa Council of School Board Attorneys.

The $100 Per Attorney Licensing Fee Should Be NOT Approved

For those of you who may not know, a proposal is before the Iowa Supreme Court to assess every Iowa licensed Attorney a $100 annual fee to fund Iowa Legal Aid. The deadline for submitting written comments to the Court is 4:30 p.m. on Jan. 5, 2015. This is not an ISBA proposal and ISBA has not taken a position in favor of this proposal. Iowa Legal Aid took the request to the Court.

I believe in Iowa Legal Aid. My firm and I have donated time and money in support of its mission. I have lobbied, in person, members of both the Iowa Legislature and the United States Congress, for support for Legal Aid on State and national levels. However, I see court imposed funding for Legal Aid as unacceptable for many reasons. Here are a few.

Requiring all Iowa licensed lawyers to subsidize Iowa Legal Aid as a condition of licensure sends the wrong message to the Iowa Legislature, and to other sources of funding for Iowa Legal Aid. No longer would the Legislature need to provide <u>any</u> funding to Legal Aid. Funding could be defaulted to the Court, which can increase the mandatory fee as legislative funding declines. I don't particularly like "slippery slope" arguments, but this is an opportunity ripe for the Legislature to shift responsibility for funding for Legal Aid to the Court, to be collected from Attorneys.

This funding mechanism could place Legal Aid in the awkward position of going to the Court on a regular basis to justify its budget, and to request regular increases in the fee to be imposed upon Iowa lawyers. This is a risk regardless of the level of legislative funding, so long as any funding is collected and administered by the Court.

Court funding carries with it the prospect of the Court becoming involved in the methods of operation and administration of Iowa Legal Aid, to a degree perhaps inappropriate to the independence of Iowa Legal Aid. An example - what happens when Iowa Legal Aid is a party to an appeal - to its funding source - of a lower court decision?

A fee for Legal Aid might cause other groups to "jump on the bandwagon" and attempt to secure fees through assessments by the Court. An example might be the State Public Defender seeing this as a funding mechanism. I don't know of any such prospect yet in Iowa, but in Minnesota a mandatory "pro bono" fee was followed by a mandatory fee to help fund the public defender. There could be other law related programs which see a similar opportunity.

A mandatory fee to support Iowa Legal Aid puts at risk the relationship between Iowa lawyers and Iowa Legal Aid. The mandatory fee could have the effect of reducing both volunteer hours and monetary contributions to Iowa Legal Aid. Many people, not just lawyers, do not like having contributions to organizations imposed as mandatory fees, no matter how worthy the cause. As a result many Iowa lawyers may simply stop donating time or money to the organization. Others may see the court imposed fee as having satisfied all *pro bono* obligations. While this would be a Court imposed fee, Iowa Legal Aid made the request to the Court and whatever lawyers' sentiments may be they will likely impact Iowa Legal Aid.

A mandatory fee of this nature may damage the relationship between the Iowa Supreme Court and lawyers in Iowa. Imposing a licensing fee to fund an organization outside the Court is an unprecedented step in Iowa. The Court has made efforts in recent years to solidify a positive relationship with lawyers in Iowa, and with members of the Iowa State Bar Association. The potential negative effect of this fee on those relations should not be underestimated. It would be sad to see the Court's work undermined by the resentment such a fee might well cause.

I cannot help but be concerned about the effect of this on The Iowa State Bar Association. It is a voluntary association. Membership is not a condition to a license to practice law in Iowa. Some Iowa lawyers are price sensitive about becoming and remaining members.

I am not quite as concerned about overall membership, as I am about how the demographics of ISBA might change. Historically ISBA has had a hard time recruiting and retaining members from the ranks of government lawyers, at both state and local levels, from corporate counsel and from judges. Any loss of members from those demographic groups would erode the invaluable perspectives those members bring to the Association. I also fear that some small firm members would see the costs of the voluntary bar, tacked on top of the Court's licensing fees, as too costly and pay only the mandatory fees. That is another practice perspective I would not like to see eroded.

The most recent polling of ISBA members, which dates from 2006, indicates that a mandatory fee has little support. In that survey 0.5 percent - yes ½ of 1 percent - of the lawyers responding favored a "state imposed tax on lawyers" to fund "civil services to the poor." Only 29 percent supported a mandatory "play or pay" *pro bono* requirement,

fulfilled by *pro bono* hours or by contribution of a designated amount of money directly to legal service agencies.

Iowa lawyers did not create the need for funding Iowa Legal Aid. That is a societal problem, not a lawyer problem. The availability of legal services to everyone needs to be addressed, but a Court imposed mandatory fee on Iowa lawyers is not the answer. I do not know of any other profession which imposes a mandatory fee on its members to provide professional services to indigents. In other professions, for example medical and dental, help is provided through donations of time, services and funds, exactly as it is now handled in the legal profession. The funding is not involuntarily extracted from members of the professions.

As I said at the outset of this article, I support Iowa Legal Aid and the efforts to provide legal services to Iowans who cannot afford those services. I expect that no matter what the Court does with this request ISBA will continue to support mechanisms for delivering legal services to those in need but unable to afford the cost. However, I simply cannot support the Legal Aid request for a mandatory fee. I am going to submit my comments to the Iowa Supreme Court and I encourage others to do the same, whatever their position on this proposal.

Supporting the $100 Assessment

Arthur A. Neu - Carroll, Iowa

Partner in the firm of Neu, Minnich, Comito & Neu, P.C.; has served as a state senator, lt. governor and as a member of the Board of Regents.

The $100 Per Attorney Licensing Fee Should Be Approved

Why lawyers? Why do we need to give $100 per year to provide legal help to low-income Iowans? Perhaps why the Iowa Supreme Court has asked for comments on this fee is that we, as lawyers, have a special responsibility for the quality of justice. Our rules of professional conduct urge us to do so. Unrepresented parties negatively impact the quality of justice, not just for themselves, but for others involved in the judicial system. This contribution to support access to justice will improve the system for lawyers, our clients and for all Iowans.

Iowa Legal Aid and the Volunteer Lawyers Projects in Iowa provide critical legal assistance to low-income Iowans that ensures they are treated fairly. Iowa Legal Aid and the volunteer lawyers to whom it refers cases handled 18,127 cases in 2013 that helped over 43,191 people, 18,580 of whom were children. Despite the number of people who were helped, 13,500 other people were turned away or provided fewer services than they needed. Those people, who had nowhere else to turn, did not get help with domestic abuse protection orders, divorces, illegal evictions, foreclosures, consumer frauds and the improper denial of Medicaid, Medicare, food stamps, SSI and unemployment benefits. They often lost their safety, their homes, their children and the basic necessities of life, all because they could not get the legal assistance they needed to protect their rights and understand their responsibilities.

The lack of resources for civil legal aid is the result of inadequate government funding. Federal funding for legal aid is less now than it was in 1981 in real dollars. Adjusted for inflation, Iowa Legal Aid would be receiving $6,907,912 in federal funding if it were receiving the same federal support that it received in 1981. Instead, its federal funding for 2014 is only $2,454,108, which is $250,138 less than it was in 2010. Meanwhile, IOLTA funding for Iowa Legal Aid and HELP Legal Assistance in Davenport has decreased by 83% in the last five years, from $935,195 in 2010 to $163,290 in the current year.

The state of Iowa has increased funding for legal aid during the last two years, providing needed and significant assistance. The lack of sufficient funding, however, has resulted in a reduction in Iowa Legal Aid's staff to the extent that the number of cases handled by Iowa Legal Aid and the volunteer lawyers decreased by 32% between 2010 and 2013. Current estimates indicate that it would cost at least $2,700,000 in additional funding to return Iowa Legal Aid's staff and services to 2010 levels.

But why lawyers? Why do we need to pay $100? Along with the courts, we are the guardians of justice in this state. We have an obligation to support justice and to make sure that the system works for everyone. Our ethics code says we should provide pro bono services and should financially support legal aid organizations. This commitment is exemplified by the comment on the Iowa State Bar Association website that one of the reasons for its high membership rate is that Iowa lawyers are committed to justice and dedicated to their profession. As the staff of the Iowa Supreme Court noted in its report, however, only a small percentage of Iowa lawyers provide pro bono services. The number of lawyers who accept pro bono case referrals is not increasing. In adding this fee, Iowa would join four neighboring states that already have a similar fee.

Lawyers' contributions to improving access to justice are critical. Without lawyers, people are not able to protect their rights in court. Without lawyers, pro se litigants make the court system less efficient and effective for lawyers and their clients.

The proposed fee (which has some exemptions, including newly licensed lawyers) will not provide all of the additional resources that are needed to provide access to justice to low-income Iowans, but it will show other Iowans, and other sources of funding for legal aid and the Volunteer Lawyers Projects, that Iowa's lawyers are committed to access to justice for low-income Iowans.Paying $100 to support legal aid for our low-income neighbors is surely the minimum that we can do to improve access to justice. If we do not support access to justice, who will?

Mandatory Assessments
Bonnie Heggen
to:
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11/25/2014 12:54 PM
Hide Details
From: Bonnie Heggen <bjheggenlaw@gmail.com>
To: rules.comments@iowacourts.gov,

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I am in agreement with Attorney Holland's opinion. The Iowa legislature should take the steps necessary to provide access to the legal system in our state to those who need it, regardless of ability to pay.

Court appointed attorney work deserves a higher rate of compensation that it currently receives. In addition, the requirements for submission of documentation to receive payment on fees should be streamlined and made much more transparent, thus making compliance easier and ensuring each attorney may be paid for the work performed and reimbursed for expenses incurred in providing representation.

--

PLEASE NOTE NEW CONTACT INFORMATION:

Bonnie J. Heggen
Attorney at Law
P.O. Box 859
Ankeny, IA 50021
Phone: 515-988-8132
bjheggenlaw@gmail.com

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Assessment of $ 100.00 for services for low income Iowans.
© 2013 Email Support Team
to:
rules.comments@iowacourts.gov
11/25/2014 01:35 PM
Hide Details
From: © 2013 Email Support Team <hoffmanlegal@yahoo.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,
Please respond to © 2013 Email Support Team <hoffmanlegal@hotmail.com>

FILED
NOV 25 2014
CLERK SUPREME COURT

I'm opposed to such an assessment. Right now I give away 25% to 30% of my time, some pro bono, some without fee for those without much money, which is a rapidly growing number of people and families. I suggest the committee concentrate on how to increase overall wealth in this country and reduce regulation, not increase if. It seems to me attorneys are increasingly becoming aware of the fact they cannot make a living in Iowa. That is why there has been a migration out of the state and reduced interest in obtaining a legal education in Iowa.

Thomas J. Hoffman
AT0003647
20 Central Avenue NE
Le Mars, IA 51031-3538
TEL: (712) 540-7579

Access to Justice
Carolyn J. Beyer
to:
rules.comments
11/25/2014 02:18 PM
Hide Details
From: "Carolyn J. Beyer" <beyerlaw@gmail.com>
To: rules.comments@iowacourts.gov,

FILED
NOV 25 2014
CLERK SUPREME COURT

I do NOT support the proposed $100 mandatory assessment to support Legal Aid.

Carolyn J. Beyer
Attorney & Counselor at Law
BEYER LAW FIRM, P.C.
P.O. Box 3016
Iowa City, Iowa 52244-3016
(319) 354-6700 Office
(319) 354-6703 Fax
beyerlaw@gmail.com

Access to Justice
Andrew Petrovich
to:
rules.comments
11/25/2014 02:47 PM
Hide Details
From: "Andrew Petrovich" <andrewpetrovich@aol.com>
To: <rules.comments@iowacourts.gov>,

FILED
NOV 25 2014
CLERK SUPREME COURT

I think in theory this assessment sounds good but It does overlook the fact that there are many attorneys in this state who offer lots of pro bono services and assist low income Iowans and this seems unfair to them. For example, the majority of my practice consists of providing low cost services to indigent clients and paying $100 would be a big loss to me and others in my situation. We struggle in our own lives due to our dedication to help the less fortunate and now we will have to pay for that privilege to boot. It doesn't seem fair. Those are just my 2 cents. Have a great day.

Andrew Petrovich

Petrovich Law Firm, PLLC
309 Court Avenue, Suite 821
Des Moines, IA 50309
515-875-4828
www.PetrovichLawFirm.com

Access to Justice
Mark Smith
to:
rules.comments
11/25/2014 03:35 PM
Hide Details
From: Mark Smith/District7/JUDICIAL
To: rules.comments@iowacourts.gov,

FILED
NOV 25 2014
CLERK SUPREME COURT

1 Attachment

Bar assessment.docx

Mark J. Smith
Judge, Seventh Judicial District of Iowa
Scott County Courthouse
400 W. 4th St.
Davenport, Iowa 52801
(563)326-8708

FILED
NOV 25 2014
CLERK SUPREME COURT

To whom it may concern:

I am writing in support of the $100.00 assessment to each bar member for the support of legal services in the State of Iowa.

Legal service to the underprivileged has been a hallmark for this State since I began practicing law in 1975. The lawyers and staff who are in this organization have been suffering for years with the low IOLTA interest rates as well as being underfunded by the federal government. The assessment would allow the continuation of this vital service to the unrepresented poor. Thank you for allowing public comment on this issue.

Legal Aid Assessment
H.J. Dane
to:
rules.comments@iowacourts.gov
11/25/2014 03:36 PM
Cc:
Janelle Swanberg
Hide Details
From: "H.J. Dane" <hjdane@hjdane.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

Cc: Janelle Swanberg <jswanberg@iowalaw.org>

FILED
NOV 25 2014
CLERK SUPREME COURT

I would be very opposed to a mandatory assessment for attorneys as it will create more ill will than it is worth. I have worked at raising over $100,000 for our local office and have contributed several thousand dollars personally. I have made provision for HELP Legal Aid in our permanent charitable fund. Our local bar has sponsored myriad events and contributed significantly to our local office. Presently, we are attempting to raise money voluntarily among our local bar. If legal aid becomes the child of a lawyer tax, I don't think anyone will be motivated to do more. As it is, the timing of this possible rule change will likely result in a much less favorable response for our current fund raising appeal.

Best Regards,

H. J. Jack Dane, Attorney at Law
1111 E. River Drive, Davenport, IA 52803
Phone: 563.326.0006 ; Fax: 563.326.6204

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Access to Justice
Paul Bieber
to:
rules.comments@iowacourts.gov
11/25/2014 03:39 PM
Hide Details
From: Paul Bieber <bieberp@gomezmaylaw.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

FILED
NOV 25 2014
CLERK SUPREME COURT

The annual mandatory assessment is a horrible idea.
There are many many Iowans who cannot afford quality legal counsel.
To require an assessment that benefits only Legal Aid would be a travesty.
If there is going to be such an assessment it should benefit ALL Iowans who need assistance.

"Access to Justice"
Erie.D.Johnson
to:
rules.comments
11/25/2014 04:02 PM
Cc:
eriej
Hide Details
From: <Erie.D.Johnson@wellsfargo.com>
To: <rules.comments@iowacourts.gov>,
Cc: <eriej@ymail.com>

FILED
NOV 25 2014
CLERK SUPREME COURT

1 Attachment

Iowa SBA - Access to Justice comment.docx

Erie D. Johnson

Trust and Fiduciary Specialist

Wells Fargo Private Bank | 203 West Third Street | Davenport IA 52801
MAC N8236-020
Tel 563-383-3440 | Cell 563-424-0627 | Fax 563-383-3344

erie.d.johnson@wellsfargo.com

Wells Fargo Private Bank provides products and services through Wells Fargo Bank, N.A. and its various affiliates and subsidiaries.

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Access to Justice

The proposal pending before the Iowa Supreme Court that would require a mandatory assessment of $100 per attorney per year to support legal services for low income Iowans seems like an extra tax specifically for Iowa attorneys. The assumption that attorneys have extra money to pay for services potential clients would normally pay an attorney to perform appears a bit unfair and illogical.

In practice I had the opportunity to represent very wealthy people and people who did not have much wealth at all. Those who lacked wealth and truly desired the services appreciated the work I did and obtained the money to pay for the services.

A mandatory payment, such as the proposed assessment, may also reduce the donations attorneys make to legal aid services, assuming they can afford to make such donations presently.

If legislation was passed that provided attorneys a tax deduction, similar to what teachers or nurses receive, for their clothing this assessment may be easier to accept.

Access to Justice
William J. Acosta-Trejo (Law)
to:
rules.comments
11/25/2014 04:13 PM
Hide Details
From: "William J. Acosta-Trejo (Law)" <william.acosta-trejo@cityofomaha.org>
To: rules.comments@iowacourts.gov,

FILED
NOV 25 2014
CLERK SUPREME COURT

I recently saw an email indicating that the Iowa Supreme Court has been asked to look into a mandatory assessment of $100 for low income legal services. I feel compelled to provide a response.

First, I am an out of state attorney who was ready to drop my Iowa license because paying fees for something that I do not use made no sense. However, I joined the Iowa National Guard and as a result I have been forced to keep my license since I enter the state for about 36 hours a month. I still take extreme issue with the fact that I can provide the exact same services I provided while I was on active duty but have now decided to do so in a National Guard status and because of that I have to pay the full fee as any regular member of the state even though my employment and protections and coverages are all issues under title 10 of the USC and not issues for the state of Iowa. I state this because asking me to pay more for services which I do not participate in or receive benefit from is too much.

Second, as we have learned from the state of Nebraska, when it comes to voluntary things and mandatory things, the Supreme Court (at least in Nebraska) drew a line and simply stated that the two shall not meet. If members in the bar or otherwise feel that additional fees should be added to support a program then those are not mandatory and are fees that can be added on a voluntary basis by or through the bar. They will not be mandatory assessments no matter how good the idea or how beneficial. I think this is opening an issue that at least the Nebraska Supreme Court did get right. Mandatory items are those needed to practice law in the state, that is all. Everything else is voluntary and members should have the say on whether to charge for it and whether to pay for it. This seems like a no brainer that it should not have even been presented to the Supreme Court for consideration.

Finally, I don't think that this is the answer. Asking people to pay money or in the alternative threatening them to either provide pro bono work or pay a fee is wrong. Offering pro bono services is something we should all do because its beneficial to the profession and to the practice of law. These two tenets are in our rules of professional responsibilities. When I did practice in Iowa I gladly accepted cases from the VLP providing work for people who I could help and who needed it. It seems that a bigger push on Active, In-State members is what needs to be done not taking money from all the lawyers regardless of the situation.

Thank you for your time.

William Acosta-Trejo
Assistant City Attorney
City of Omaha - Law Department
1819 Farnam Street, Suite 804
Omaha, NE 68183
Telephone: (402) 444-5115
Facsimile: (402) 444-5125
E-Mail: william.acosta-trejo@cityofomaha.org

Access to Justice
jean ingrassia to: rules.comments 11/25/2014 04:13 PM

I have maintained my Iowa Bar membership despite the fact that I moved to Louisiana in 2006 and retired from the practice of law at that time. I do not support another fee attached to my dues. As with any business, Iowa Legal aid must find a way to be self-supporting or dissolve the corporation. Jean Ingrassia

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NOV 25 2014
CLERK SUPREME COURT

Access to Justice
Sisk, Gregory C.
to:
'rules.comments@iowacourts.gov'
11/25/2014 04:24 PM
Hide Details
From: "Sisk, Gregory C." <GCSISK@stthomas.edu>
To: "'rules.comments@iowacourts.gov'" <rules.comments@iowacourts.gov>,

FILED
NOV 25 2014
CLERK SUPREME COURT

I write against the proposed $100 assessment for Iowa Legal Aid. While I have long admired the work of Iowa Legal Aid and its associated lawyers, I have chosen to contribute hundreds of dollars each year to pro bono projects and devote hundreds of hours of pro bono time each year (including taking on pro bono court appointments for two complex federal appeals each year) for other projects that have attracted me to their cause. I do not believe it is appropriate to require all lawyers admitted to practice in Iowa to provide support to a single designated organization, when many of us provide our pro bono monetary and legal representation support in other ways. Moreover, I do believe lawyers have a powerful moral obligation to provide public service, with a special emphasis on granting access to the legal system for those who cannot afford it. But that moral aspiration is not appropriately converted into an individual legal obligation as part of the licensing fee. Finally, as a longstanding and continuing member of the Iowa bar and Iowa State Bar Association although residing outside of the state for more than a decade now, I raise a particular objection to being assessed as an out-of-state lawyer for a transfer of money to a designated in-state organization, however worthy its cause.

Gregory Sisk
Laghi Distinguished Chair in Law
University of St. Thomas School of Law (Minnesota)
MSL 400, 1000 LaSalle Avenue
Minneapolis, MN 55403-2005
651-962-4923
gcsisk@stthomas.edu
http://personal.stthomas.edu/GCSISK/sisk.html
Publications: http://ssrn.com/author=44545

FILED
NOV 25 2014
CLERK SUPREME COURT

"Access to Justice"

To the Iowa Supreme Court:

I oppose the $100 mandatory license fee for all the reasons cited by Joe Holland.

Most importantly, if you impose a mandatory fee, the Iowa legislature will pull back its funding and adopt the attitude of "let the lawyers and the Supreme Court worry about it."

Sincerely,

Thomas N. Kamp
833 Canal Shore Dr SW
LeClaire, Ia 52753

November 25, 2014
Des Moines, Iowa 50309

FILED
NOV 25 2014
CLERK SUPREME COURT

Re: Proposed Imposition of a Fee for Iowa Legal Aid

Mr. Chief Justice Cady, Associate Justices of the Iowa Supreme Court,

I believe in equal access to the justice system for all Iowans and those who find themselves within our boarders. I believe in equal justice. I believe in Iowa Legal Aid. I have worked hard to provide access to hundreds of clients who could not afford to pay for my services. I have performed hundreds of pro bono hours each year since I was admitted in 1995. I have asked my partners and associates in my firm to contribute funds and provide hours of pro bono work.

Having said all of that, in my view the notion that the Supreme Court could levy a fee for all Iowa lawyers for Iowa Legal Aid is absolutely repugnant and it should be considered an anathema for a wide variety of reasons. It takes away the responsibility for insuring access to justice from the appropriate branch of government, it requires the Court to undertake a superfluous deleterious responsibility (fraught with difficulty), and in my view it will result in less pro bono time provided.

Let's look more closely. The imposition of a fee/tax/payment removes responsibility from General Assembly and the Congress, the very people whose responsibility it is to insure equal justice for all. No legislative or executive body will provide allocations for equal justice in the future and advocates for the poor will be in the strange position of hearing the same chorus from all sides of the political spectrum on the same issue: legal aid receives funding, it is being addressed, go and ask the Court for additional funding.

It puts Iowa Legal Aid and the bench in a very precarious position. Is this fee/tax/payment constitutional? Will litigants believe they will have an unbiased judiciary if they are involved in a case with any involvement from Iowa Legal Aid? Will judges who have contributed have to recuse themselves? Will Legal Aid be back next year with additional requests? What is to stop other groups from asking the Court for additional fees? Why does Legal Aid get to ask the Court to impose a fee/tax/payment system when other advocacy groups do not? If other groups ask and are denied does that expose the Court to any liability? What deliberations, criterion, debate were considered? Was the debate public? Does this violate Iowa law? Does the practice violate other important constitutional provisions like equal protection? Isn't justice also avoiding the appearance of injustice? How can imposing a fee/tax/payment system for one group not appear to be favoring that group over others?

A mandatory fee drives a wedge between Iowa Legal Aid lawyers and all other lawyers and the bench. It will, no doubt, reduce the amount of time and effort others give to pro bono cases (I already gave, go see Iowa legal aid). What if Iowa Legal aid is unable to handle its own cases after the mandatory fee funding increase? Would an Iowa attorney have standing to sue Iowa Legal aid after the imposition of a fee if they refuse to take a case that has been referred? Would that same Iowa lawyer have a cause of action against the Court? If the Court imposes the fee, would the court be responsible for the payment, implementation, auditing etc. of the fees after

they are provided? What if the auditor finds irregularities in the fee administration? What does that look like?

Iowa lawyers did not create this need nor would the fee be any panacea. In fact, how and why is the fee only $100.00? What the real cost to insure access for all? If the fee is $100.00 this year it will be $ 200.00 next? What other profession requires mandatory payments for the poor and indigent? It appears our brothers and sisters in medicine, business, and the arts work to provide equal access by the donation of time, services and funds, and by creative programs and public service campaigns. Exactly the way access is handled now and, in my view, the way it should be handled – responsibility on the appropriate governmental branch, and private altruistic volunteerism.

This appears to be a strange unprecedented request by an organization that looks like it has lost its step and has only thought about additional funding sources that only require four votes. It is obvious they have made the request without considering any of the other ramifications.

This fee should be summarily rejected out of hand. If you have any further questions or comments, please do not hesitate to contact me.

Sincerely,

J. Campbell Helton

Re: "Access to Justice" proposed fee
John A. Templer Jr.
to:
J. Campbell Helton
11/25/2014 05:31 PM
Cc:
"rules.comments@iowacourts.gov", LAWYERS, Jill Nepper
Hide Details
From: "John A. Templer Jr." <Templer@whitfieldlaw.com>
To: "J. Campbell Helton" <Helton@whitfieldlaw.com>,
Cc: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>, LAWYERS <LAWYERS1@whitfieldlaw.com>, Jill Nepper <Nepper@whitfieldlaw.com>

FILED
NOV 25 2014
CLERK SUPREME COURT

Well said.

Sent from my iPad

On Nov 25, 2014, at 5:28 PM, J. Campbell Helton <Helton@whitfieldlaw.com> wrote:

<image001.gif>
Honorable Members of the Iowa Supreme Court: In response to your solicitation of comments, please see my thoughts and comments about the proposed "access to justice" fee. If you have any questions or comments, please do not hesitate to contact me. J. Helton.

J. Campbell Helton
Attorney at Law
<image002.png> Whitfield & Eddy, P.L.C.
317 Sixth Ave. Suite 1200, Des Moines, Iowa 50309-4195
Main: (515) 288-6041 | Fax: (515) 246-1474 | Direct: (515) 246-5502
Email: Helton@whitfieldlaw.com | Bio | Map | Website

<Letter to Iowa Supreme Court 11 25 14.doc>

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NOV 25 2014
CLERK SUPREME COURT

Access to Justice
Jamie Splinter to: rules.comments

11/25/2014 09:52 PM

To whom it may concern,

I do not support the $100 fee for this. I complete a significant portion of pro bono services myself. I screen those clients to ensure that intent is good, moral, and not harming to children. If that is the case, I will not deny them free or sometimes significantly reduced legal fees. However, I have had opportunities where Iowa Legal Aid has helped someone where intent was not good and then abused the process. For instance, two parties that were in a divorce slapped each other. A 14-year old child's custody was pending. Wife filed with Iowa Legal Aid for a protective order. Both parties admitting slapping the other although they disagreed who slapped first. This was a one incident thing, nothing severe (i.e. no injuries, no history of abuse). Solely because wife filed the 236 petition and hubby did not, wife got the order of protection, regardless of who slapped first. My client was put out of the home, denied contact with the child, and has to pay for the house to protect his credit. For scheduling problems that occurred with the court's calendar, I have not been able to get him into court for relief for some time. We hope to not get bumped at the next hearing.

I realize that Iowa Legal Aid is not able to screen and deny as us private practice attorneys, which is part of the problem. I support Iowa Legal Aid for those persons who truly need free legal services, who are the true abuse victims, and are not abusing the system.

Additionally, we are already so regulated in our ethics and the new discovery rules further tell us how to handle our cases. For family law especially, those rules make little sense, and combined with the required mediation, clients who have limited funds lose their access to the courts. Attorneys are left to take on work without pay and hope to get some attorney fees in the end. It should not be the attorneys who risk payment or not, but the judicial system has created this. Getting back to the issue at hand, no rules are going to make any person or attorney moral or more 'of service' to others. Many of us serve through our churches, local organizations, help the poor, or do tremendous work for non-profits. I don't understand why attorneys should be taxed to pay for free legal services over any other person in this state. We should be the last since we do provide free legal services well beyond the $100 per year.

Thank you for your time in reading these comments. I hope I haven't bored you, rattled on, or wasted your time.

Blessings,
Jamie

Jamie A. Splinter
Splinter Law Office
1660 Embassy W. Dr., Ste. 125
Dubuque, Iowa 52002
563.556.0512
Fax: 563.556.0513

Access to Justice
Christine Sand
to:
rules.comments
11/26/2014 08:30 AM
Hide Details
From: Christine Sand <lawoffice.christinesand@gmail.com>
To: rules.comments@iowacourts.gov,

FILED
NOV 26 2014
CLERK SUPREME COURT

To whom it concerns:

I am opposed to the proposal to assess all attorneys $100 to pay for legal aid to indigent citizens. As a partner in a very small rural firm, I donate many services to indigent persons on a regular basis. I take pro bono cases through Iowa Legal Aid, take pro bono cases to assist the Iowa Department of Services in achieving permanency for indigent families, and for local indigent families who need assistance. Approximately 50% of my practice is providing services to indigent persons through the State Public Defender's Office. As you can imagine, these choices have drastically reduced the income that I COULD be earning. This is a choice I have made because I know that the indigent population needs assistance and representation. An additional $100 mandatory assessment would be burdensome to me, and,I imagine would be burdensome to many rural attorneys and many urban attorneys as well. I can appreciate Legal Aid's position - the need is there and maybe some attorneys are not doing all they can to help the indigent population but a blanket assessment is overreaching. Frankly, the assessment request is somewhat offensive to me as someone who is personally very dedicated to assisting the indigent population. Perhaps Legal Aid could conduct some research regarding who they feel is not "pulling their weight" and request mandatory assessments from those who are not already giving.

--

Christine Sand
Wild, Baxter & Sand, P.C.
105 South 4th Street
Guthrie Center, IA 50115
641-332-2900

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Access to Justice
Cedar County Attorney
to:
rules.comments@iowacourts.gov
11/26/2014 08:48 AM
Hide Details
From: Cedar County Attorney <attorney@cedarcounty.org>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

FILED
NOV 26 2014
CLERK SUPREME COURT

I do not support the proposed mandatory $100 Access to Justice fee.

I believe the comments by C. Joseph Holland are sound and convincing.

Jeffrey L. Renander
Cedar County Attorney
400 Cedar Street
Tipton, IA 52772
563-886-6646 – phone
563-886-6644 – fax
Email: attorney@cedarcounty.org

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RE: [ISBA District7] ISBA Input Request re Iowa Legal Aid's Proposed Mandatory Assessment
Richard Roller
to:
rules.comments@iowacourts.gov
11/26/2014 12:23 PM
Hide Details
From: Richard Roller <rollerqclaw@hotmail.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

FILED
NOV 26 2014
CLERK SUPREME COURT

I am responding to the proposal to extract an annual $100 tax from individual attorneys to provide those funds to Legal Aid.

I choose to contribute my time and my money to HELP legal aid. I not only provide pro-bono services to clients of the local office, but also provide pro-bono legal services to various community foundations and functions. On many occasions each year, I have clients who are unable to pay my fees which are then reduced or eliminated, depending on the circumstances.

As in all cases where the government taxes to provide services and benefits where the citizenry previously provided those services and benefits, the citizenry reduces their individual voluntary contribution. I believe such an extraction of fees would reduce the overall participation and contribution of the individual.

rich

Richard M. Roller
ROLLER LAW OFFICE
2414 - 18th Street
Bettendorf, Iowa 52722
Richard@rollerlawoffice.com
www.rollerlawoffice.com
(563) 355-8345
(563) 355-1823 (fax)

From: IRussell@L-WLAW.com
To: district7@iabar.org
CC: hshipley@iowabar.org; kkfeller@hickorytech.net
Subject: [ISBA District7] ISBA Input Request re Iowa Legal Aid's Proposed Mandatory Assessment
Date: Tue, 25 Nov 2014 21:10:46 +0000

Dear District 7 Members,

At the request of Iowa Legal Aid, a proposal is pending before the Iowa Supreme Court that would require a mandatory assessment of $100 per attorney per year to support legal services for low income Iowans. The court invites your opinion on this issue, either by mailing to the court or filing your comments electronically at rules.comments@iowacourts.gov. The email must state, "Access to Justice," in the subject line and the comments must be attached to the email in Microsoft Word format.

In addition to providing the court your comments, the ISBA is also asking you, if you have not previously done so, to take a few minutes to complete our short survey concerning this topic. This survey will help us as your board representatives better understand your position and concerns regarding funding access to justice in this manner. **Take the survey now. https://www.research.net/s/ATJIssues**
Below are two letters from esteemed members of the ISBA providing differing views on this proposal.

Thank you for your attention to this matter, and thank you for allowing me to serve as your board representative.
Ian

IAN J. RUSSELL
Tel: 563.333.6625
Fax: 563.324.1616
Email: irussell@L-WLaw.com

LANE & WATERMAN LLP
Established 1854

220 North Main Street, Suite 600
Davenport, Iowa 52801-1987
Tel: 563.324.3246
www.L-WLaw.com

Supporting View	Opposing View
Arthur A. Neu - Carroll Partner in the firm of Neu, Minnich, Comito & Neu, P.C.; has served as a state senator, lieutenant governor and as a member of the Board of Regents.	**C. Joseph Holland** - Iowa City Currently practicing in the firm of Holland Law Office, P.L.C.; served on our Board of Governors and also served as president of the ISBA in 2001-02; served on many different boards including the National Conference of Bar Presidents and the Iowa Council of School Board Attorneys.
Why lawyers? Why do we need to give $100 per year to provide legal help to low-income Iowans? Perhaps why the Iowa Supreme Court has asked for comments on this fee is that we, as lawyers, have a	*For those of you who may not know, a proposal is before the Iowa Supreme Court to assess every Iowa licensed attorney a $100 annual fee to fund Iowa Legal Aid. The deadline for submitting written*

special responsibility for the quality of justice. Our rules of professional conduct urge us to do so. Unrepresented parties negatively impact the quality of justice, not just for themselves, but for others involved in the judicial system. This contribution to support access to justice will improve the system for lawyers, our clients and for all Iowans.
Iowa Legal Aid and the Volunteer Lawyers Projects in Iowa provide critical legal assistance to low-income Iowans that ensures they are treated fairly. Iowa Legal Aid and the volunteer lawyers to whom it refers cases handled 18,127 cases ...
Click here to read more.

comments to the court is 4:30 p.m. on Jan. 5, 2015. This is not an ISBA proposal and ISBA has not taken a position in favor of this proposal. Iowa Legal Aid took the request to the court.
I believe in Iowa Legal Aid. My firm and I have donated time and money in support of its mission. I have lobbied, in person, members of both the Iowa Legislature and the United States Congress, for support for Legal Aid on state and national levels. However, I see court imposed funding for Legal Aid as unacceptable for many reasons. Here are a few....
Click here to read more.

Iowa Supreme Court Resources:
Request for Public Comment Regarding Access to Justice Recommendations (Oct. 1).

- Order (1091 kb)
- ISBA Report (576 kb)
- Letter from Iowa Legal Aid (3155 kb)
- Staff Report (680 kb)

Access to Justice Comments on Recommendations
Maria Brownell
to:
rules.comments@iowacourts.gov
12/01/2014 09:22 AM
Cc:
"mark.cady@iowacourts.gov", "cburdette@pcbaonline.org"
Hide Details
From: Maria Brownell <Maria.Brownell@brickgentrylaw.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,
Cc: "mark.cady@iowacourts.gov" <mark.cady@iowacourts.gov>, "cburdette@pcbaonline.org" <cburdette@pcbaonline.org>
History: This message has been forwarded.

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DEC 01 2014
CLERK SUPREME COURT

4 Attachments

PCBA VLP Letter on Access to Justice Initiatives.pdf

To Whom it May Concern,
Please find attached a response to the Court's request for comment concerning the Access to Justice Committee's recommendations and associated recommendations from Iowa Legal Aid on behalf of the Polk County Bar Association Volunteer Lawyers Project.

Please advise if you should have any questions or concerns.

Sincerely,
Maria Brownell

Maria Brownell
Associate Attorney

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Polk County Bar Association

Volunteer Lawyers Project

625 E. Court Ave., Suite 100
Des Moines, IA 50309-2007
Phone: 515-243-3904
Fax: 515-697-7886
www.pcbaonline.org

FILED
DEC 01 2014
CLERK SUPREME COURT

November 19, 2014

The Honorable Mark S. Cady
Iowa Supreme Court
Judicial Branch Building
1111 East Court Ave.
Des Moines, Iowa 50319

Transmitted via email to: rules.comments@iowacourts.gov

RE: Access to Justice Initiative Comments on Recommendations

Dear Chief Justice Cady,

On October 1, 2014, the Iowa Supreme Court filed its Order seeking public comment regarding the Iowa State Bar Association Access to Justice Committee's (Committee) recommendation for rules that could "lessen the increasing problem of Iowans lacking access to justice." In its well-written report, the Committee explores and sheds light upon some of the vital issues facing civil legal aid organizations across Iowa and shares two specific recommendations: (1) that a *pro hac vice* fee of $250 per case be implemented; and (2) continued support for a state appropriation for civil legal assistance through the Legal Services for Persons in Poverty Grants Program, which designates funding to Iowa Legal Aid and HELP Legal Assistance. In addition to the Committee's report, Iowa Legal Aid wrote a letter supporting implementation of a $100 licensure fee for lawyers, which was not recommended by the Committee.

This letter is in response to the Court's Order seeking public comment on the following proposed measures to improve access to civil justice:

1. Should there be a pro hac vice fee of $250 per attorney per case with the proceeds deposited in the Client Security Trust Fund?
2. Should the Court implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds?
3. Should the Court implement a $100 per attorney annual fee, which an individual attorney may affirmatively elect not to pay, with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds?

The issue of civil access to justice is an enigmatic and, to-date, elusive problem. The Polk County Bar Association Volunteer Lawyers Project commends the Committee for its hard work and efforts to expand legal services to low-income Iowans and shares the Committee's mission to resolving the issue of access to justice for Iowans.

I. Background and Funding of the Polk County Bar Association Volunteer Lawyer Project

The Polk County Bar Association Volunteer Lawyers Project (VLP) is a pro bono program providing free civil legal assistance to low income individuals and families living in Polk County, Iowa. The VLP works closely with many social service and legal service providers in Polk County.

Importantly, the VLP is a complementary program to Iowa Legal Aid. The program provides services to clients who fall within the same income guidelines, but who would not be eligible for the services of Iowa Legal Aid due to restrictions imposed by several of the funding sources for Iowa Legal Aid, such as undocumented residents, or due to conflicts of interest (i.e. Iowa Legal is currently representing or has represented in the past one of the parties in a legal matter) or case priority guidelines established by Iowa Legal Aid (i.e. dissolution of marriage cases without domestic violence). The VLP receives no federal or state funding, and is therefore not limited to the same pool of clients as Iowa Legal Aid. Approximately 60% of the clients served by the VLP are referrals from Iowa Legal Aid. The remainder of the clients served by the VLP are referrals from social service agencies and homeless shelter outreach programs and direct calls from potential clients.

On average the VLP serves about 900 clients per year. Dedicated attorneys regularly donate between 4,000 and 5,000 hours annually. Iowa Legal Aid has established that an average rate of volunteer attorneys is $160/hour. This hourly rate renders an approximate annual value of $640,000 of legal services donated by Polk County area attorneys to the clients served by the VLP. The VLP program serves as the crucial administrator between these attorneys and low-income clients in need of civil legal services.

Though the organization is often wrongfully considered under the fiscal umbrella of the Polk County Bar Association and Iowa Legal Aid, the VLP is a separate legal entity that relies on several avenues of funding to continue its mission to expand access to legal services for the needy. The VLP applies annually for a grant from IOLTA, but the IOLTA grant amounts received by VLP vary year to year based on numerous factors. In addition, funding support is derived in part from the membership of the Polk County Bar Association. However, the program's greatest funding source is derived from voluntary donations and fundraising events throughout the community. In fiscal year 2014-2015, the VLP received a grant from IOLTA in the amount of $30,920. Funding from the Polk County Bar Association for the fiscal year is $35,000. Finally, and most crucially, current and anticipated fundraising efforts by the organization should total an additional $63,000 from direct and event-sponsored individual donations to the program.

Still, the pervasive problem of underfunded access to civil justice remains in Polk County, across the state of Iowa, and nationwide. An American Bar Association (ABA) task force cites at least seven state studies finding "only a very small percentage of the legal problems experienced by low-income people (typically one in five or less) [are] addressed with the assistance of a private or legal aid lawyer." Howard H. Dana, Jr., Am. Bar Ass'n Task Force on Access to Civil Justice, Report to the House of Delegates 5 n.6 (2006), *available at* http://www.legalaidnc.org/public/participate/legal_services_community/ABA_Resolution_onehundredtwelvea[1].pdf.

Much more research and time could and should be dedicated to meeting the needs of the avalanche of unrepresented litigants in crucially important civil cases. The Committee's report reveals that through the combined efforts of state and local organizations and dedicated members of the Iowa bar, long-term solutions could be proposed and implemented to make great strides in resolving the gap between the needs of low-income litigants and the patchwork of legal services available to relieve those needs. For that reason, the VLP strongly recommends the Court follow the Committee's proposed solution to form an Access to Justice Commission, with a focus on delivery models without the attendant restrictions that accompany federal grant funding. Such a commission could further study the greater fiscal impact that proposed mandatory or voluntary fees would have and whether the initiative would be the best solution to result in a fully funded, 100% access to civil legal services in Iowa.

II. Pro Hac Vice Admission Fee

For the reasons expressed in the Committee's Report, the VLP fully supports the imposition of a pro hac vice admission fee, the revenues from which can be used to fund access to civil legal assistance. The fee would be consistent with the rule in five neighboring states in addition to many other jurisdictions across the United States. The report of the Office of Professional Regulation confirms the Supreme Court has the authority to impose the fee. Moreover, the VLP agrees with the Office of Professional Regulation's recommendation to designate administration of the revenue from pro hac vice fees by either the IOLTA grant program (earmarked for legal aid for low income persons generally, rather than exclusively to Iowa Legal Aid) or by a new commission on access to justice established by the Court.

III. Imposition of Additional Mandatory or Voluntary Annual Licensure Fee

The Committee examined, but did not recommend, a voluntary or mandatory additional licensure fee for all Iowa attorneys as a proposed solution to assist in funding access to justice initiatives across the state. Rough estimates of the initial revenue that could be raised from such a licensure fee initiative could be over $900,000. Yet, it is not clear whether any such fee would be certain to offer a long-term economically sustainable impact on the delivery of civil services to low-income Iowans. While the VLP supports statewide initiatives to raise awareness of and support for civil access to justice, several concerns about the initiative cause the VLP to stop short of affirmative support for this proposal.

First, Iowa Legal Aid has suggested the funds be directly allocated to the organization. However, as set forth in Section I above, the Polk County VLP and other local independent organizations serve as a significant "gap filler" for low-income and underserved populations in Iowa. A significant portion of the revenues raised from any such fee, if initiated at all, should be allocated to the VLP and other similar local organizations across the state. The allocation of fee revenue to the VLP and other civil service organizations should be calculated after receiving an economic impact study on the fundraising efforts of each local organization, including the VLP. The VLP would request more extensive review of the financial impact on LSC and non-LSC funded programs before imposing such a fee and determining allocation protocols. Before the VLP has the results of a concentrated impact study, it cannot provide further comment on this proposed fee.

Second, the VLP relies upon attorneys providing pro bono legal services to fulfill the professional duty of service to low-income clients. Additional funding to the program supports costs, administration of the program, and outreach, but does not address the critical role that volunteer attorneys fill in the process. The maximum fee imposed would place Iowa in 12th place for assessments in the United States. Voluntary donations of

time are the crucial mechanism by which the VLP program expands access to civil justice. With the baby boomer generation of attorneys beginning to retire, and law school admissions on the decline, the VLP cannot support an additional mandatory fee for Iowa attorneys without first knowing whether such a fee would have an impact on the program's most valuable resource, our volunteer attorneys. [1] Moreover, a past survey of Iowa lawyers provides at least anecdotal evidence that a mandatory fee would have limited support, and no study has been undertaken on the relative impact a voluntary additional fee may have.

In sum, given the limited information on the long-term impact and short-term revenue allocations, the VLP cannot state whether such an initiative could best serve the shared long-term goals of the Iowa bar, the courts, VLP, Iowa Legal Aid, and other organizations, to sustain 100% funded and supported access to civil justice. If such an initiative were adopted, however, the VLP would urge the Court to ensure that the Polk County VLP could at least remain fully funded at its current level and, at best, have the opportunity to improve its funding from its 2014-2015 position to ensure continued progress can be made in improving access to civil justice in Polk County. Further, the VLP strongly recommends efforts be concentrated on promoting and funding a Supreme Court Commission on Access to Justice, which could provide the most sustainable and progressive answers to the long-term questions sought to be addressed.

The VLP is grateful to the ISBA Committee and the Court for all of its sincere initiative in bringing all Iowans closer to access to civil justice. Because of this shared goal's broad importance, it is clear that the issue cannot be solved solely with additional financial support of lawyers. The VLP remains an enthusiastic partner in this effort with the courts, the bar, and all others who share the attainable mission of a civil justice system that serves the needs of all Iowans.

---

[1] As one judicial commentator noted in the context of the tenth annual American Judicature Society, the issue of approaching 100% access to justice solely through the emphasis on professional responsibility is complex:

> The legal profession is, of course, expected to adequately address problems of legal access through its standard rules of professional responsibility. But the so-called "pro bono" ideal simply does not work. If almost 100 years of unmet need is not convincing enough, the research is undisputed. There are numerous barriers to lawyers' pro bono practice and the legal profession's commitment to full access. First of all, there is a disturbing historical dichotomy between the "morally neutral" lawyer role for private clients and the "public-spiritedness" lawyer role required for pro bono work. Consequently, pro bono cases have evolved as a form of charity. The profession's public service ideal became neatly compartmentalized into legal aid offices, and any other private pro bono practice became a "sense of noblesse oblige" rather than a duty. Despite attempts at mandatory reporting or the like, "the principle of pro bono practice remains a charitable exercise, and access for needy clients is clearly optional." Secondly, the emerging economic and structural models for law firms limit private pro bono commitment. As markets for private legal services are changing, so too are firms' perspectives on pro bono work. The time-honored pro bono ideal may be increasingly seen as a luxury among competitive interests.
>
> Furthermore, governments cannot and will not take on the financial and political burdens that indigent legal assistance has historically created. The federally funded LSC has been under attack since its inception in 1974. State budgets have hardly ever committed serious support to improve access, even when some kind of "right-to-counsel" statute exists. The efforts among other financially strapped legal aid organizations are woefully inadequate, especially during times of recession.

Honorable David J. Dreyer, *Déjà vu All Over Again: Turner v. Rogers and the Civil Right to Counsel*, 62 Drake L. Rev. 639, 644-646 (Spring 2013).

Thank you for your attention to the comments provided herein. We look forward to assisting the Court in any way possible in the final resolution of this matter.

Sincerely,

The Polk County Bar Association
Volunteer Lawyers Project Board

Access to Justice
Jan Whitacre
to:
rules.comments
11/29/2014 02:08 PM
Hide Details
From: Jan Whitacre <janwhitacre@gmail.com>
To: rules.comments@iowacourts.gov,
History: This message has been forwarded.

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Make the fee mandatory. Iowa Legal Aid has struggled financially since its inception and will continue to do so until or unless an additional stable funding source is identified. Iowa attorneys can provide that essential funding at no hardship to all individual attorney.

Jan Michael Whitacre
Honolulu

FILED
DEC 01 2014
CLERK SUPREME COURT

November 27, 2014

To the Justices of the Iowa Supreme Court:

Here are my thoughts regarding the proposed rule that would result in a mandatory assessment to help fund legal aid to the poor.

Given the uniqueness of my situation my responses will doubtless be of limited use to the Court in making its decision. That said, I believe the provision of legal assistance to the poor is a matter that should be (and is not) of concern to all lawyers.

Since I retired from my senior judge position, I have resided in Arizona. I have maintained my Iowa license and intend to do so. So long as I am licensed in Iowa I will continue in a special status granted by the Arizona Supreme Court that allows me to practice as a volunteer lawyer with Southern Arizona Legal Aid in Tucson.

Even though I am now on a fixed income I pay whatever annual fees are required by the Court to maintain my Iowa license. I also pay dues to the Iowa Bar Association, the Iowa Judges Association, the Polk County Bar Association and the Pima County (Arizona) Bar Association, the latter to take advantage of a reduced charge for the PCBA's CLE offerings. In addition I make what I view as a substantial contribution to the Polk County Bar Association's Volunteer Lawyer Project (VLP). I don't suppose that a mandatory fee would result in much of a change, at least in the short term, to my support of legal aid to the poor, but over the long haul I'm certain I will need to reevaluate where my money and time go. I am also certain a significant number of Iowa attorneys will feel a $100 mandatory fee is burdensome.

I have a real concern about how the funds generated from a mandatory fee would be divvied up among the various Iowa entities that provide legal assistance to the poor. I am very concerned that the Polk County Bar VLP must receive its share of any funds thus generated. It is certainly true that Iowa Legal Aid provides assistance to the poor, but in my experience, that organization is not structured to respond with alacrity to immediate legal concerns. The Polk County VLP is lighter on its feet so to speak. That attribute means clients can be placed at once if needed rather than going on a waiting list.

As a parting shot, I wonder if making Iowa a unified bar state with a portion of the dues generated going to fund legal aid to the poor might not be a wiser solution.

Joe E. Smith

Joe E. Smith

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Mandatory Assessment
Anne Keating to: rules.comments 12/01/2014 07:11 AM

History: This message has been forwarded.

Dear Sir or Madam:
I am against the mandatory assessment of $100 per attorney per year to support legal services for low income Iowans.
Attorneys regularly provide pro bono services and should not be further assessed. This would be a burden on young and older attorneys in particular. Attorneys that are in large firms may have the resources but many attorneys in small towns are not making as much and should not be required to make this donation.
Anne Keating

--
Anne Keating
Anne.E.Keating@EMCIns.com

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I disagree with the proposal to assess Iowa attorneys $100 annually to provide for legal representation to low-income Iowans. Iowa attorneys are already doing their part to provide such representation on a pro-bono basis, and most of us do this regularly in one form or another. If the legislature believes that more assistance is required, this "tax" should be levied against all Iowans, not just the professionals who are providing the services.

Regards,
Wendy Ogden

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DEC 01 2014
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Access to Justice
Henry D. Kass
to:
rules.comments
12/01/2014 12:40 PM
Hide Details
From: "Henry D. Kass" <henrydkass@gmail.com>
To: rules.comments@iowacourts.gov,

FILED
DEC 01 2014
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I am an attorney practicing out of state. Last year I won the Pro Bono Service Award from the DuPage Legal Assistance Foundation for free legal services I provide in the State of Illinois. In addition I contribute every year to the Illinois Bar Foundation. I wish to stay licensed as an attorney in Iowa. However, I cannot provide legal service nor pay additional costs for every state in which I elect to practice outside of Illinois. I hope that you'll understand my comments as not being selfish but, rather, practical. Thank you for the time you have taken to consider my position.

Henry D. Kass

Access to Jusice
Kandt, Charles A.
to:
rules.comments@iowacourts.gov
12/02/2014 09:32 AM
Hide Details
From: "Kandt, Charles A." <charles.kandt@tvaoig.gov>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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I concur with the position and view articulated by Joe Holland, and therefore oppose mandatory assessments on behalf of Legal Aid.
Charles A. Kandt

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Access to Justice
Don Cochran
to:
rules.comments
12/01/2014 06:54 PM
Hide Details
From: "Don Cochran" <law@dpcochran.com>
To: <rules.comments@iowacourts.gov>,
Please respond to <law@dpcochran.com>

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As a hard-working, 35 year lawyer, I am totally opposed to yet another tax targeting lawyers for the premise of supporting legal aid. Just like any other welfare item, this should be paid for by government and the burden should be shared by all taxpayers. That would be the honest thing to do. To punish just lawyers because we make a living in the practice of law is unconscionable. I have never practiced in court and have no way of representing people and would therefore be forced into using my hard earned money to pay this penalty that a legislature with any integrity would find a way to properly fund. This provision would hold hostage our licenses just because the legislators have no guts or intelligence to do their duty.

Don Paul Cochran, JD, CPA, CFP®
Attorney at Law
Voice: ***612-418-5177*** *Fax:* ***952-960-3170***
Law@DPCochran.com

Access to Justice
Cleavenger, John
to:
rules.comments@iowacourts.gov
12/02/2014 01:38 PM
Hide Details
From: "Cleavenger, John" <jcleaven@Aegonusa.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

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CLERK SUPREME COURT

1 Attachment

IA S Ct and Legal Aid.docx

Please see the attached.

John Cleavenger
Assistant General Counsel

AEGON
USA Realty Advisors, LLC

4333 Edgewood Road NE
Cedar Rapids, IA 52499
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The Iowa Supreme Court does not have the political authority to levy a "fee" on Iowa lawyers to fund Legal Aid.

Any responsibility for funding Legal Aid rests with all Iowans, and not only or even especially with Iowa lawyers. The general assembly spoke for all Iowans when it appropriated over $2 million dollars for Legal Aid in 2014. The Iowa Supreme Court is not a representative body, has no authority to make decisions on matters that are subject to the political and legislative process, and therefore does not have the authority to require that Iowa lawyers fund Legal Aid beyond the funding appropriated for Legal Aid by the general assembly.

The Iowa Supreme Court does not have authority under the Iowa Constitution to levy a tax on Iowa lawyers to fund Legal Aid.

The "fee" which Legal Aid has asked the Iowa Supreme Court to levy on Iowa lawyers is indistinguishable from a tax. It would support civil legal services, as Medicaid supports medical services, for low-income persons. The general assembly levies taxes, and appropriates tax dollars, to fund Legal Aid as well as Medicaid. The Iowa Board of Medicine, which regulates the practice of medicine in Iowa, does not levy a tax on Iowa doctors in order to fund Medicaid, and the Board could not constitutionally do so if it wanted to. Likewise, the Iowa Supreme Court cannot constitutionally levy a tax on Iowa lawyers in order to fund Legal Aid.

The Iowa Supreme Court does not have regulatory authority to levy a "fee" on Iowa lawyers to fund Legal Aid.

Assume for the sake of argument that the proposed tax is merely a "fee," and that the Iowa Supreme Court would levy the fee to fund Legal Aid as an exercise of the Court's authority to regulate the practice of law in Iowa. In that case, the Court could levy such a fee only if the purpose of levying the fee was within the Court's authority.

Surely the purpose of the fee is to fund civil legal services for low-income persons. However, the Iowa Supreme Court lacks authority to regulate for that purpose. "The supreme court has supervisory and administrative control over the judicial branch and over all judicial officers and court employees." Iowa Code, §602.1201 (2014). The Court is required by law to prepare an annual budget for the judicial branch. Legal Aid is not among the items which the Court is required to include in its budget. Iowa Code, §602.1301. Therefore, Legal Aid is not part of the judicial branch. Legal Aid receives funding from the Lawyer Trust Account Commission precisely because Legal Aid is not part of the judicial branch. "The commission also prefers neither to fund agencies primarily funded by state appropriations, nor will funding be granted to state agencies to perform statutory duties." Iowa Rules of Court, Rule 44.3(8). Even if Legal Aid were part of the judicial branch, the Court could not raise money to fund Legal Aid by levying a fee on Iowa lawyers. "[T]he expenses of operating and maintaining the judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the judicial branch." Iowa Code, §1302.1.

Levying a "fee" on Iowa lawyers to fund Legal Aid would be an arbitrary, and not a reasonable, exercise of the Iowa Supreme Court's authority to supervise the conduct of attorneys.

Assume for the sake of argument that levying a "fee" on Iowa lawyers to fund Legal Aid is within the Iowa Supreme Court's authority to regulate the practice of law in Iowa. Even so, the Court must exercise that authority reasonably, and not arbitrarily. Levying a fee on Iowa lawyers to fund Legal Aid, in order to provide civil legal services for low-income persons, would be an arbitrary exercise of the Court's authority to "supervise the conduct of attorneys." Iowa Code, §602.1206.1. Not every Iowa lawyer practices civil law, and every Iowa lawyer who practices civil law does not practice in an area of relevance to low-income persons. More or less funding for Legal Aid does not bear on the conduct of lawyers who practice, for example, criminal or corporate law in Iowa. Therefore, the Court would act arbitrarily, rather than reasonably, if it required lawyers who practice criminal or corporate law to fund Legal Aid as a condition for permitting them to practice law in Iowa.

Further, more or less funding for Legal Aid does not even bear on the conduct of Iowa lawyers who practice civil law in areas that are relevant to low-income persons, when the "conduct of attorneys" that is subject to the Iowa Supreme Court's supervision is properly understood. Consider the Iowa lawyer who represents a landlord versus a low-income tenant. That lawyer might employ different tactics depending on whether the tenant is, or is not, represented by Legal Aid. However, the general assembly did not intend for the Court to influence any lawyer's tactics under the guise of supervising lawyers generally, so long as the lawyer's conduct is lawful and ethical. The general assembly rather intended for the Court to require that lawyers conduct themselves lawfully and ethically in their practice of law in Iowa. There is nothing unlawful or unethical about a lawyer representing a client versus an unrepresented party. Therefore, the Court would act arbitrarily if it required Iowa lawyers to fund Legal Aid in order to provide legal representation for persons who might otherwise be unrepresented.

Summary

The question for the Iowa Supreme Court is not whether it is desirable to provide more funding for Legal Aid than the general assembly and voluntary donors have provided. The questions for the Court are, first, whether it has any authority to require that lawyers fund Legal Aid as a condition for permitting them to practice law in Iowa; and second, if it has such authority, whether the Court would act reasonably or arbitrarily in exercising its authority.

The answer to the first question is, no, the Iowa Supreme Court does not have the political, constitutional, or regulatory authority to require that Iowa lawyers fund Legal Aid. However, if the Court decides otherwise, it should still find that levying a "fee" on Iowa lawyers to fund Legal Aid would be an arbitrary, and not a reasonable, exercise of the Court's authority.

Access to Justice
Jeff Koenig
to:
rules.comments
12/02/2014 11:24 PM
Hide Details
From: "Jeff Koenig" <decency@marshill.cc>
To: <rules.comments@iowacourts.gov>,

FILED
DEC 02 2014
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Honorable Justices:

I'm not a lawyer. Even so, I can still read, write and think.

As I read the other comments on this topic, and consider how much control the legal profession exercises over our nation's policies, politics, and practices, I cannot help but be appalled. Yet, sadly, not surprised.

You all consider yourselves to be the leaders. You hold high your training, credentials, and experience. You exercise your force of will individually and collectively.

For those commenting against this issue, I am amazed at how quickly you cry poverty and claim sovereignty over your own wallets while you have made a profession of raiding the wallets of everyone else.

For those commenting for this issue, your willingness to attack and condemn the dogs in your own kennel when they will not participate with you in your entitlements, power plays and corruptions is beyond explanation.

You have all helped me to better understand Shakespeare's famous declaration today.

Jeff Koenig

Access to Justice Funding
Narmin Koenig
to:
rules.comments
12/03/2014 12:13 AM
Hide Details
From: "Narmin Koenig" <narmin@marshill.cc>
To: <rules.comments@iowacourts.gov>,
Please respond to <narmin@marshill.cc>

FILED
DEC 03 2014
CLERK SUPREME COURT

Honorable Justices,

I oppose the mandatory assessment of $100 per attorney per year to support legal services for low income Iowans.

I am disgusted to see that an organization is petitioning a court to obtain "reliable and stable funding source". Have we not learned from current government practices and past history that there is never enough money and resources available to solve our problems when there is a mandatory tax? We must treat Iowa Legal Aid and all other non profit organizations just like private law firms, private companies, and other private organizations. If they can't manage the resources as efficiently and effectively, then they must close the doors and start a new. It is amazing at what entrepreneurs will dream up in solving a problem with the resources at hand. If we provide this avenue of funding to this organization, they will end up being fat, dumb and happy. What incentive do they have to improve and manage their cases efficiently or come up with ingenious ways of fundraising. Universities are successful in fundraising. Politicians are the best at it. If the organization has poor management skills in raising funds, maybe they should hire a consultant to raise funds for them. Please do not support this organization as easy and senseless access to free mandatory money that is undeserved.

Best Regards,
Narmin Koenig

FILED
DEC 04 2014
CLERK SUPREME COURT

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JOHN T. McCOY
DAVID L. RILEY
KARLA J. SHEA

Mailing Address:
P.O. BOX 960
WATERLOO, IA 50704-0960

December 2, 2014

Clerk of Court
Iowa Supreme Court
Judicial Branch Building
1111 E. Court Avenue
Des Moines, IA 50319

RE: Access to Justice

Dear Sir/Madam:

Pursuant to the Supreme Court's Order, filed October 1, 2014, please allow this letter to address the proposed recommendations by the Access to Justice Committee and Iowa Legal Aid.

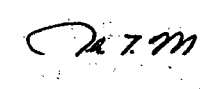
The Court's Order noted the substantial financial strain on legal-service organizations devoted to helping low-income Iowans with civil legal assistance. Although many Iowa attorneys volunteer their time and efforts to support these organizations, the service of low-income Iowans by a specialist in relevant areas of poverty law would, arguably, be more effective than the assistance of those of us who do not normally practice in those areas.

With the substantial decline of IOLTA funding, the recommendation of a *pro hac vice* fee of $250.00 per attorney per case and a mandatory $100.00 per attorney annual fee, deposited in the IOLTA fund, appears reasonable and prudent and would equitably apportion the responsibility to assist low-income Iowans.

Thank you for the opportunity to support these proposals.

Best wishes.

Yours very truly,



John T. McCoy
for
McCOY, RILEY & SHEA, P.L.C.

JTM.me

TIMOTHY J. KRUMM
Attorney at Law
122 S. Linn Street
Iowa City, IA 52240

FILED
DEC 05 2014
CLERK SUPREME COURT

December 5, 2014

Clerk of Court
Iowa Supreme Court
Judicial Branch Building
1111 E. Court Avenue
Des Moines, IA 50319

Re: Access to Justice

Dear Clerk and Justices:

I am writing to you in support of the proposed $100.00 per attorney licensing fee to support Iowa Legal Aid.

As the Court is well aware, there has been a significant decline in recent years in the volume of legal service provided to low-income Iowans by Iowa Legal Aid. This is due to a significant decline in the financial resources necessary to support these services. There has not been a corresponding decline in the need for legal assistance, nor has there been a sufficient increase in *pro bono* services provided through the Volunteer Lawyers Project or otherwise. We can only conclude that more Iowans are slipping through the cracks and not receiving vital legal services, to their detriment and to the detriment of the judicial system which we cherish.

It has been suggested, in a recent letter to the Court, that "Iowa lawyers did not create the need for funding Iowa Legal Aid. This is a societal problem, not a lawyer problem." I disagree. Of course, lawyers did not create the societal conditions which make access to justice so critical for so many low-income Iowans. However, access to justice is definitely a "lawyer" problem. As every Iowa lawyer knows, it is our ethical duty to provide *pro bono* legal services. As an extension, we are likewise ethically responsible for providing financial support for legal aid organizations. Preserving our system of justice, including reasonable access, is part of what we sign up for as members of this profession.

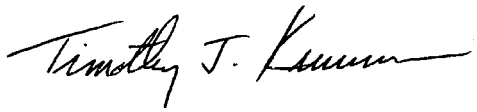
Many reasons have been given for opposing an annual license fee. The state legislature may become dependent on Iowa lawyers to provide funding, or voluntary

contributions to Iowa Legal Aid might be impacted. Some lawyers may see the annual fee as an excuse to avoid direct *pro bono* service. Surveys show that lawyers have not favored a mandatory fee in the past. There is at least some validity to each of these concerns. However, none of these concerns can outweigh the need to provide adequate legal help to low-income Iowans. If there were an alternative method for providing adequate support for legal aid available to the Court, the advantages and disadvantages of the proposed annual fee might be weighed and considered. Unfortunately, there is presently no other alternative within the Court's control. The Bar and the courts must continue to urge adequate funding for legal aid, but it will be difficult to persuade the legislature and other stakeholders of the importance of this funding if the courts and Iowa lawyers are not willing to step forward. We, after all, have the greatest stake – ethically and otherwise – in providing access to justice.

As you consider the views expressed in this letter, I want you to know that I am a long-time financial supporter of Iowa Legal Aid and a long-time provider of *pro bono* legal services. I say this not because I deserve any credit, but so I can also say that the adoption of an annual fee would not diminish my support of access to justice in either respect.

I am grateful for the Court's careful consideration of this important issue.

Respectfully,



Timothy J. Krumm
timk@meardonlaw.com

TJK:ksn

FILED
DEC 06 2014
CLERK SUPREME COURT

Richard Light
8441 Lomack Ct.
Las Vegas, NV 89145
December 6, 2014

Iowa State Supreme Court

Subj: Proposed $100 Mandatory Attorney Assessment to Support Iowa Legal Aid

Dear Sirs and Madams,

As an attorney licensed in Iowa for over ten years, I do not believe it would be appropriate for the Court to impose a mandatory fee on Iowa attorneys for support of Iowa Legal Aid.

We do not support a free society by imposing incremental socialism.

The ISBA already encourages its members to take pro bono cases. It also has a line item on each membership renewal form allowing each attorney to contribute a suggested donation to the ISBA Public Service Project.

Further support from Iowa attorneys toward a goal of increased legal aid to the poor should continue to be voluntary. Representatives of the Iowa Legal Aid organization are welcome to work with ISBA in getting the word out to members of the need for their voluntary support.

I encourage you to reject Iowa Legal Aid's suggestion of a mandatory fee.

Sincerely,

Richard Light
ISBA #17993

Access to Justice Fee
Randall C. Wilson
to:
rules.comments
12/08/2014 01:49 PM
Hide Details
From: "Randall C. Wilson" <randall.wilson@aclu-ia.org>
To: rules.comments@iowacourts.gov,
Please respond to randall.wilson@aclu-ia.org

FILED
DEC 08 2014
CLERK SUPREME COURT

I favor adding an "access to justice fee" to help maintain critical legal services to those who cannot afford an attorney. This is the bar's collective responsibility. It cannot be met through mere hopes that every lawyer will do the right thing. I have volunteered for Legal Aid, I was once president of Legal Services and More recently, I've donated directly to the cause. I know first hand that just expecting that some attorneys are going to volunteer there time is not going to meet the need.

Thank you for considering my thoughts!

Randall Wilson
Attorney at Law
515 650 1980

FILED
DEC 09 2014
CLERK SUPREME COURT

ACCESS TO JUSTICE

12/09/14

I am not an attorney, but I do work very closely with citizens who require attorney representation in order to seek protection or action in the courts in order to live a safe, and stable life.

I encourage the Iowa Supreme Court to implement a mandatory $100 per attorney annual fee. I support the fee proceeds being deposit in the IOLTA fund and disbursed to the legal assistance providers that provide services through Iowa Legal Aid, HELP Legal Assistance in Davenport and the Polk County Bar Association Volunteer Lawyers Project.

Please do not provide an opt out option. There are way too few attorneys who can, or will, help with pro bono work – we know from our clients' experiences, the waiting list is long and indeterminable for representation in civil cases that keep families in limbo and possibly unsafe circumstances when trying to resolve family law matters through the courts.

Iowa Legal Aid has suffered staff and services cuts and have trimmed their services down to the bone, but demand for their services has not decreased accordingly. This fund would help tremendously to address that shortcoming.

Thank you for considering my comments.

Katie L. Colling
Executive Director, Women Aware
520 Nebraska St. #237
Sioux City, IA 51101

FILED
DEC 10 2014
CLERK SUPREME COURT

December 10, 2014

To: Iowa Supreme Court

Subject: Access to Justice

The disparity of fiscal legal aid to assist in the defense of Iowa citizens is concerning. It is notable that Justice is becoming a professional business that enjoys lucrative payoffs in many areas of legal support, mainly in litigation. The legal profession is known to be in the top percentage of earners in the Nation and are experts at tax laws that also afford them opportunities that exclude them the use of loopholes that most citizens have no knowledge of in tax laws.

It is time that our legal system not only step up beyond pro-bono work and add to their self serving business of fiscal enjoyment of court commerce in billing low income citizens for their legal aid. We need to reach beyond altruism and into self Responsibility of Judicial wealth distribution. It has been noticeable that society has been doing this for years in many areas of tax laws and it is time to do this in the Justice System.

It is merely a stepping stone to start this token contribution of $100, as recognized by the Des Moines Register. There needs to be better tools and measurements in place to ensure that fair and balanced fiscal Responsibilities are produces by lawyers and legal firms that profit from an industry the deals in this Justice System. We need to recognize a wealth disparity within our Governmental processes, even in the Justice System, and fix it!

Thank You
David Gudenkauf
Commissioner, Iowa Commission on the Status of Women

FILED
DEC 1 0 2014
CLERK SUPREME COURT

Access to Justice
Jean Mauss
to:
rules.comments@iowacourts.gov
12/10/2014 10:56 AM
Hide Details
From: Jean Mauss <JMauss@smalaw.net>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

Dear Rules Committee:

My name is Jean Mauss. I practice Social Security Disability law and Workers' Compensation law. In my practice, I often interact with clients who live in poverty. On a daily basis, I witness the barriers to our justice system caused by the inability to afford or access civil legal representation. The ensuing hardship affects not only the life of the individual, but also the lives of their families, their support networks, and the entire community. While Iowa Legal Aid, the Volunteer Lawyers Project, and similar organizations do spectacular work and provide quality services, there are simply not enough resources committed to these organizations to address the volume of need present in our communities.

I strongly support a mandatory $100.00 annual fee for attorneys to be deposited in the IOLTA fund.

If I may be of further service in consideration of this issue, please contact me.

Jean Mauss
Schott Mauss & Associates, PLLC
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Des Moines, IA 50324-1655
Phone: 515-277-4727
Fax: 515-255-3816
Email: JMauss@smalaw.net

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FILED
DEC 10 2014
CLERK SUPREME COURT

Access to Justice - $100 assessment
Adam Doll
to:
rules.comments@iowacourts.gov
12/10/2014 01:56 PM
Hide Details
From: Adam Doll <ADOLL@hhlawpc.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,
Security:
To ensure privacy, images from remote sites were prevented from downloading. Show Images

Iowa Supreme Court:

I am emailing to provide input on the $100 assessment/fee/tax that is being proposed for legal aid. It is certainly a worthwhile objective and worthy cause. However, it does not strike me as "right" to tax one occupation to the exclusion of others. I do understand the need for legal services but would not want to be compelled or mandated to contribute if I chose not too. Contributing or not contributing should be a personal decision. In the event that the whole Iowa citizenry would be taxed an additional amount to provide these services I could certainly get behind that effort. It just shouldn't be up to one set of the citizenry (lawyers) to provide this supplement. Thank you.

Adam Doll, Attorney at Law
Hopkins & Huebner, P.C.
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1009 Main Street
Adel, IA 50003
Telephone: 515-993-4545
Direct Dial: 515-697-4282
Fax: 515-993-5214
ADOLL@hhlawpc.com
www.hhlawpc.com

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Jones Law Office, P.L.C.
Carrie S. Jones, Attorney at Law

FILED
DEC 11 2014
CLERK SUPREME COURT

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Lake Park, Iowa 51347
(712) 832-3227

Fax- (712) 832-3228
carrie@joneslawofficeplc.com

173 S Central Ave.
Hartley, Iowa 51346
(712)363-0987

December 11, 2014

RE: "Access to Justice"

Ladies and Gentlemen:

I am writing in opposition to the proposed mandatory fee/tax to assist in helping low income individuals obtain legal counsel. As a small town solo-practitioner who hung out her own shingle 7 years ago, I can tell you that fees add up. I believe I already provide services to low income residents by charging less than many of my counterparts. I charge less to do tax returns than H&R Block. I rarely, if ever, take the maximum fee for an estate. I provide services free of charge to our local non-profit groups. By assessing me yet another fee/ tax, you are essentially telling people like me that we aren't doing enough. I believe I am doing more than my share to help provide reasonably priced legal services to my fellow Iowans. Having started my business from scratch, without a single client, I probably make a small fraction of what many lawyers in our state do. I am one of those in agreement with Mr. Joseph Holland, whose article appeared in the Iowa Lawyer magazine. Just because the number of people reporting pro bono hours is down doesn't mean we aren't providing services to low income people. Many of us do it without taking any credit for what we do. We give free consultations, help with forms for no charge, review correspondence people receive in the mail and help them understand it, connect them with state agencies on their behalf, among countless other things that taken individually may not seem like much, but in the aggregate amounts to thousands of dollars a year in foregone fees.

I realize that our profession often has a less-than-glowing reputation in society, but many of us go out of our way to help our lower income citizens without asking anything in return. I do not know of any other profession or business where the owner is required to pay a fee to help people afford their services. The owner of a business may donate time, services or materials to assist those they believe are in need, but simply assessing a fee on them takes away any discretion the business owner has to determine how much of their time or services they can afford to give. I agree with Mr. Holland that if the court imposes such a fee, the amount of free or reduced-fee services Iowa lawyers are willing to provide could be reduced in an amount far exceeding the amount of $100 fees the state collects because of resentment toward the mandated fee. Additionally, not all law firms are flush with cash, and many, especially those in small rural towns may even be struggling to get by. I also disagree with a "play or pay" requirement for the same

reasons.

My opinion is that the state should fund Iowa Legal Aid through the legislative process and make adequate budget appropriations to fund it. That way, all taxpayers have some "skin in the game." Those who are in favor of the proposed fee cite the goal of making the justice system work for everyone and making sure that the court system doesn't become less efficient and effective. Shouldn't these be desires of *all* Iowans, not just attorneys? Because of these reasons, Iowa Legal Aid needs to have its funding increased by legislative appropriations, not by just piling yet another fee on Iowa's attorneys.

Respectfully,

/s/ Carrie S. Jones
Carrie S. Jones

Access to Justice
Molly McCleery
to:
rules.comments
12/11/2014 01:36 PM
Hide Details
From: Molly McCleery <mmccleery@neappleseed.org>
To: rules.comments@iowacourts.gov,

FILED
DEC 11 2014
CLERK SUPREME COURT

1 Attachment

Access to justice - comment .docx

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Molly McCleery, J.D.
Staff Attorney, Health Care Access Program

Nebraska Appleseed
941 O Street, Suite 920 | Lincoln, NE 68508
p 402-438-8853 x113
f 402-438-0263

neappleseed.org
facebook.com/neappleseed | twitter.com/neappleseed

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FILED
DEC 11 2014
CLERK SUPREME COURT

Comment regarding $100 Legal Aid Fee

I am conflicted on this assessment and, as a result, feel as if I cannot strongly support or oppose it. I am an attorney at a non-profit that conducts class action and impact litigation on behalf of low-income clients. We work on a number of the same issues as Legal Aid but do so from a systemic, rather than individual, perspective. We do not charge clients for our services, instead utilizing grant funding and other sources to support our work. We work closely with Legal Aid attorneys. Consequently, I understand the need to fund Legal Aid and other legal services programs that work on behalf of underserved populations. I understand the difficulty in securing funding for this work. However, by working at a non-profit, I have already taken a considerable pay cut in order to engage in this work. I would like there to be an exception for public interest attorneys (nonprofit, Legal Aid, legal services, etc.), as, by paying the assessment, we are essentially paying our own salaries.

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ALGONA, IOWA 50511

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GREGG A. BUCHANAN
A. DAVID BIBLER
SCOTT G. BUCHANAN
MICHAEL E. GABOR
TODD R. BUCHANAN
CONRAD F. MEIS
REBECCA ANN MOORE

DAVID G. MAYER, JR, Associate

RUSSELL G. BUCHANAN
JOHN F. DORAN
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(515) 886-2274
(Wednesday)

103 PORTLAND STREET
BANCROFT, IOWA 50517
(515) 885-0444
(Tuesday)

All telephones answered in Algona office on other days

FILED
DEC 11 2014
CLERK SUPREME COURT

December 12, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Annual Licensing Fee for Iowa Legal Aid

I wanted to write in to give my support to the annual licensing fee for attorneys to provide additional funding to Iowa Legal Aid. I do believe that as a profession we have a duty and a responsibility to make sure that all Iowans have access to the justice system. I fully support this $100 initiative and hope that it is approved.

If you have any questions or require further feedback, please feel free to contact me at your convenience, thank you.

Sincerely,

Rebecca Ann Moore

WALK & MURPHY, P.L.C.
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515 STATE STREET
OSAGE, IOWA
50461
Web site: www.iowalawpractice.com
TELEPHONE: 641-732-3796
FAX: 641-732-5345

FILED
DEC 11 2014
CLERK SUPREME COURT

MARK L. WALK

AARON R. MURPHY
iowalawpractice@gmail.com

To the Iowa Supreme Court:

Subject: Access to Justice; Mandatory Assessment for Iowa Legal Aide.

I am writing this letter opposing the $100.00 assessment. The reasons set forth by C. Joseph Holland in "The Iowa Lawyer" succinctly and accurately represent my viewpoint. I do a substantial amount of pro bono work, some through the VLP, but most for clients who come to me, unable to afford a divorce, a landlord dispute, etc. I view this as part of my obligations of being an attorney in the State of Iowa.

However, I oppose the $100.00 assessment for several reasons.

The first, no one in Iowa, whether they are an attorney, a doctor, a dentist, should be forced against their will to pay a mandatory assessment which benefits an outside third party.

Second, and more important, where will this end? If the $100.00 assessment is made and Iowa Legal Aid receives the funding, who is going to be next in line? Will the State of Iowa cut funding to Iowa Legal Aid assuming that the attorneys of Iowa will just "make up the difference?"

Thank you for your consideration of this matter.

Best regards,

WALK & MURPHY, P.L.C.

By: *Mark L. Walk*

MLW:bgs
H:\SHARED\MARK\EMAIL\MANDATORY ASSESSMENT (bgs)

Electronically filed to: rules.comments@iowacourts.gov

LAW OFFICES OF
C. KEVIN McCRINDLE

C. KEVIN McCRINDLE*
JOHN W. HARRIS
HENRY E. EDSILL
SARA A. McCLINTOCK (1958-2014)
*Also licensed in Wisconsin

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WEBSITE: www.McCrindleLaw.com
E-MAIL: lawoffice@mccrindlelaw.com

FILED
DEC 11 2014
CLERK SUPREME COURT

December 12, 2014

Hon. Mark S. Cady
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines IA 50319

Re: Access to Justice Proposal
Iowa Legal Aid

Dear Mr. Justice Cady:

I respectfully state that I am opposed to the proposal pending before the Court to impose on every licensed Iowa lawyer a mandatory assessment of $100.00 per year to augment the funding of Iowa Legal Aid. Indigency is a societal problem and one with innumerable causes. It certainly makes it more difficult for persons of limited means to access the courts. However, there is no reason to make Iowa lawyers responsible for ameliorating this problem.

If the Legislature fails to fund Iowa Legal Aid to the level that ILA deems acceptable, then the Legislature may have made a poor policy decision, but that is to be redressed, if at all, by political action: call or write your representatives, work for the election of representatives who support a more robust funding level for ILA, or petition the Governor to use his position to speak to your concerns.

Joe Holland, in his "letter" on this proposal contained in the current *Iowa Lawyer* (December 2014) made a very thoughtful observation: that if a *mandatory* assessment for ILA is imposed, it

may very well reduce *voluntary* contributions of money and time by Iowa lawyers to ILA in the future.

These are my own views, and I do not presume to speak for any other member of this firm.

Yours truly,

Henry E. Edsill

HEE/jpz

FILED
DEC 11 2014
CLERK SUPREME COURT

PASLEY AND SINGER LAW FIRM, L.L.P.
— ESTABLISHED 1906 —

JOHN L. TIMMONS
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323 SIXTH STREET
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AMES, IOWA 50010-0664
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SENDER'S EMAIL

C. H. PASLEY (1876–1952)
R. G. PASLEY (1915–2007)
W. A. SINGER (1917–2011)
C. A. PASLEY (RETIRED)
S. A. HOLM (RETIRED)
SCOTT L. HIPPEN (RETIRED)

December 11, 2014

Iowa Supreme Court
1111 East Court Ave.
Des Moines, IA 50319

RE: Access to Justice

Hon. Justices of the Supreme Court of Iowa:

I write to express my opposition to the proposal before the Court that would assess Iowa lawyers to provide funding to Iowa Legal Aid. The form of the assessment — whether a "pay or play" assessment or a straight assessment — are functionally equivalent as taxes, and both are poor ideas. Taxing only Iowa-licensed lawyers is a short-sighted and fundamentally unfair approach to a societal problem, and it would be an extremely bad precedent.

Taxing lawyers is short-sighted because it adds to the already high burdens of practicing law and in the long-run makes legal services no more attainable. Taxing lawyers raises the cost overall services, and lowers the incentive for lawyers to perform the services themselves. If the cost of legal services is out of reach for many people, it is because the cost of producing the services is high and growing.

The proposal ignores basic economics. The cost of legal services is directly related to the cost of practice and the cost of obtaining legal education. At its core, the taxing-lawyers approach falsely assumes that all lawyers (except, of course, judges, the newly licensed, and the non-practicing) can afford an increased cost for the privilege of practicing law and as a duty to the system. See The Iowa State Bar Association, "2011 Economic Survey of Legal Practice in Iowa" http://c.ymcdn.com/sites/-www.iowabar.org/resource/resmgr/Files/2011_Economic_Survey.pdf (April 2012); see also Grant Rodgers, "Rural areas face declining lawyer numbers," *The Des Moines Register* (http://dmreg.co/1wUXURI Nov. 2, 2014). The costs of practice — facilities, equipment, software, employees, health care, research materials, professional liability insurance, continuing education, annual court assessments, IOLTA assessments, professional association dues — are not declining and educational debt does not disappear after five years in the practice of law.

We encounter variations of this problem of economics every time we attempt to bring new attorneys into our firm. It is a difficult proposition to begin a new practice and need to generate sufficient net income to contend with the high costs of ac-

tually practicing law. In our experience, new attorneys are already forced to take on clients for well below market value, particularly if they are accepting court-appointed criminal defense work. At the same time, young lawyers also have the stress of generating enough income to cover a student loan, a mortgage, and raising a family. The Court should note that this problem is exacerbated by the fact that new lawyers are not able to practice between May and September. At the same time, many Iowa law firms cannot support an unlicensed lawyer who has no capacity for generating income for five or six months.

The proposal to tax lawyers is fundamentally unfair because it take from a few for the sole purpose of supporting economically disadvantaged citizens who should be supported by the entire population. Lawyers may have a special relationship to the system, but the duty to the system lies with all Iowans. A lack of access to justice is a symptom of poverty or other economic dysfunction. These are societal problems. The proper, equitable, and democratic approach for increasing access to justice is for the affected organizations to obtain appropriations from the General Assembly or to allow those with excess disposable income to contribute voluntarily. Putting the cost solely on the backs of lawyers (really it is the clients who can afford to pay them) simply is not fair or equitable.

Iowa Legal Aid's mission is laudable and worth supporting, but taxing lawyers solely for the benefit of one organization sets a terrible precedent. There are many organizations that could benefit from additional funds, and once the Court begins there will no end of worthy organizations to support. Once a tax of this type is in place it will never go away and will only increase. It will have to increase because, once the General Assembly sees that this organization can fund itself without its support, it will never support it.

The Court should understand and acknowledge that lawyers contribute their time, talent, and money, in *pro bono* ways that are both traditional and nontraditional. Extracting from lawyers free professional services or a tax or both fails to acknowledge many lawyers contribute substantial amounts of uncompensated time for professional associations, charitable organizations, local government boards and commissions, and in many other ways that benefit society. Furthermore, many lawyers simply do not practice either the high-demand type of law — dissolution of marriage, domestic abuse, and child support — or in the geographic areas of high demand. It is both unduly burdensome and potentially harmful to the client and the attorney to extract free professional services outside of the lawyer's area of expertise and geographical location. What other licensing entity extracts free services or taxes from its licensed professionals for redistributive purposes?

The Court should make every effort to make it easier to practice law and to obtain legal services. While no one can deny the need for additional services for economically disadvantaged, taxing lawyers makes it neither easier to practice law nor to obtain legal services. Taxing lawyers does not address the deeper societal problems that should be addressed in the legislative, not the judicial branch. Taxing lawyers ignores basic economic principles and fairness.

Sincerely,

/s/*Franklin J. Feilmeyer*

Franklin J. Feilmeyer
Attorney at Law

FILED
DEC 11 2014
CLERK SUPREME COURT

Access to Justice
Matthew C. McDermott
to:
rules.comments@iowacourts.gov
12/11/2014 04:36 PM
Hide Details
From: "Matthew C. McDermott" <MCMcDermott@belinmccormick.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

1 Attachment

Former Justices Access to Justice Letter 2014 12 11 (01999413x9D4A5).docx

Dear Chief Justice Cady,

I am submitting the attached letter on behalf of the former justices shown. Several also urged that the court consider reducing the amount new lawyers would be required to pay, or exempting new lawyers altogether for some period of time, as it relates to the proposed fee.

Sincerely,
Matt McDermott

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Clerk of the Supreme Court
Judicial Branch Builidng
1111 East Court Avenue
Des Moines, IA 50319

FILED
DEC 11 2014
CLERK SUPREME COURT

Re: Comments to Access to Justice Proposals

Dear Members of the Supreme Court of Iowa:

On October 1, 2014, the court requested public comments about whether the court should implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds. The court also requested comments about whether individual attorneys should be able to affirmatively elect not to pay the $100 annual fee.

We favor the implementation of a mandatory $100 per attorney annual fee to support providing legal assistance to low-income Iowans. Attorneys should not be allowed to elect not to pay the fee.

As noted in the court's order requesting comments, the demand for civil legal assistance for low-income Iowans exceeds the capacity of Iowa's legal aid programs and volunteer lawyers projects. In addition to helping low-income Iowans, the proposed fee should improve the overall functioning of the court system by reducing the number of pro se litigants.

As stated in the preamble to the Rules of Professional Conduct, "all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel."

Sincerely,

/s/ W. Ward Reynoldson
W. Ward Reynoldson

/s/ Robert G. Allbee
Robert G. Allbee

/s/ Jerry L. Larson
Jerry L. Larson

/s/ Linda K. Neuman
Linda K. Neuman

/s/ Marsha K. Ternus
Marsha K. Ternus

/s/ David L. Baker
David L. Baker

/s/ Mark McCormick
Mark McCormick

/s/ Arthur A. McGiverin
Arthur A. McGiverin

/s/ James H. Carter
James H. Carter

/s/ Bruce M. Snell, Jr.
Bruce M. Snell, Jr.

/s/ Michael J. Streit
Michael J. Streit

FILED
DEC 11 2014
CLERK SUPREME COURT

Mark Rosenbury

938 Glen Oaks Terrace

West Des Moines, Iowa 50266

Clerk of the Supreme Court,

I favor the Court implementing a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund. Since many commenters to the proposal believe the fee would be a burden for young lawyers, I believe it would be fair to waive the fee during the first five years of an attorney's career.

I support the mandatory annual fee for two reasons – Iowa's legal assistance providers need the money and it's a fair way to raise the money.

Iowa Legal Aid, which I serve on its foundation board of directors and donate money to, had to turn away in 2013 about 13,500 requests for civil legal services because it does not have enough staff to serve the growing number of Iowans eligible for its services. The additional money from the IOLTA fund would allow Iowa Legal Aid to hire additional staff to fulfill some of these service requests that are currently not met.

Many of the opposing commenters to the proposed fee believe that it's not fair for the IOLTA fund to look only to lawyers for additional funds. What I believe these commenters miss is that taxpayers already provide significant support to Iowa's legal assistance providers. In the case of Iowa Legal Aid, LSC and the State of Iowa together provide Iowa Legal Aid about $4.8 million in 2014. The additional IOLTA funds, while essential for Iowa Legal Aid's sustainability, would represent less than 20% of Iowa Legal Aid's State and Federal funding. In addition, increased legal representation will make the courts more efficient which will directly or indirectly benefit all Iowa lawyers.

Thank you for accepting and considering my comments.

s/Mark Rosenbury

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NOAH, SMITH & SCHUKNECHT, P.L.C.

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CYNTHIA SCHUKNECHT
BRAD SLOTER

RETIRED
JAMES F SMITH

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NORA SPRINGS OFFICE
FIRST SECURITY BANK BUILDING
BY APPOINTMENT

FILED
DEC 12 2014
CLERK SUPREME COURT

December 12, 2014

Via email: rules.comments@iowacourts.gov

To Whom It May Concern:

I respectfully oppose the proposal for a mandatory assessment of $100 per attorney per year for Iowa Legal Aid. This institution should be supported by the taxpayer and not be the burden of attorneys. Do physicians and nurses pay an assessment to support Medicaid? Should not court reporters and judges and other court personnel be assessed a mandatory payment as well? Thank you for giving this your consideration.

Sincerely,

/s/ Ralph A. Smith
NOAH, SMITH & SCHUKNECHT, P.L.C.

RAS/jh

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United Way
of Central Iowa

LIVE UNITED
United Way

FILED
DEC 12 2014
CLERK SUPREME COURT

December 12, 2014

Clerk of the Supreme Court
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50309

RE: Access to Justice

Dear Chief Justice Cady and Justices of the Iowa Supreme Court:

I am the President of United Way of Central Iowa. We fund programs in the community based on their ability to impact the "Goals for 2020" in the areas of education, income, and health. Funding decisions are made by United Way Cabinets—teams of volunteer and expert evaluators— based on the merits of the program and how it propels our community forward.

United Way's Income Cabinet determines the funding for Iowa Legal Aid's Civil Legal Assistance program. This program's funding is based on its positive work in helping central Iowans with legal services that improve their opportunity to become financially self-sufficient.

While the Income Cabinet is aware of the proportion of Iowa Legal Aid's revenues provided by United Way—as we are with all of our funded partners—the program is funded based on its merits and results related to the Goals for 2020. The proposed licensing fee for the benefit of legal aid programs, if adopted, would not change our funding decision process concerning Iowa Legal Aid.

Sincerely,

Mary B. Sallee
President

GREAT THINGS HAPPEN WHEN WE LIVE UNITED

Access to Justice
Keith Herting
to:
rules.comments
12/12/2014 05:12 PM
Hide Details
From: Keith Herting <keith@hertinglaw.com>
To: rules.comments@iowacourts.gov,

FILED
DEC 12 2014
CLERK SUPREME COURT

I wish to make my position known as you are asking for perspectives. I will keep my stance brief.

Clearly there are the best of intentions behind the push to create this profession-specific tax on those of us in the legal field. Certainly there is a need for additional resources to help the least among us in society to obtain justice.

That established, I am 100% against a compulsory fee leveled against lawyers in order to remain in good standing professionally. I am a new lawyer, just months into the field, I have about $200k in student debt and am still trying to build a practice. I entered a legal market that was already suffering and I am not exactly living off the fat of the land. As it stands, many of the clients I am serving are from court appointments wherein I am working at an hourly rate which is significantly below the national average and where I will be fought by the SPD if I dedicate too much time working on a specific task that their bureaucracy feels is incompatible with how they would have allotted their time despite not knowing the specifics of the case which may have created unusual time requirements.

I am not making much money, I am trying to develop a practice but have many hurdles in the way, I already spend many hours working for those who are lacking access to justice and am often not going to be paid for my efforts. I am offended that despite the large amount of time, money, and personal hardship I have endured to get to this place in my life where I can serve the community that I am still not pulling my weight and must be forced to pay an additional hundred dollars without any control over where that money goes or the efforts it will support.

I am trying to build a practice, I have a tremendous amount of debt, and I am trying to start a family. I spent a remarkable amount of money to go to law school and followed it with a significant amount of money so I could take the bar. The barrier to entry on this profession is exceptionally high and I can see no reason why it should be that the state should find new ways to make it harder to enter this field.

Regards,

Keith Herting
Herting Law

Access to Justice
mike vance
to:
rules.comments
12/14/2014 11:12 AM
Hide Details
From: mike vance <mikevancelaw@gmail.com>
To: rules.comments@iowacourts.gov,

FILED
DEC 14 2014
CLERK SUPREME COURT

I do not believe a mandatory assessment for Iowa Legal Aid should be made. While that may seem small to many, there is a large number of Iowa attorneys that do not receive income to enable them to justify taking the money from their own families. The ISBA's economic report evidences this problem.

Moreover, the proposal seeks to impose a tax not needed to operate the judiciary or related to the licensing of the lawyers, in the form of a fee. This is an improvident step on a slippery slope of funding good causes, of which I know of and support many. I'm sure other lawyers in the state have their good causes that could be funded. Many of which impact the legal system.

The legislature has the duty and power to determine and provide for the general welfare of the citizens. The Courts were not granted the power to tax for good causes, only the legislature.

The courts and all lawyers should step up their efforts to obtain funding for legal aid, but not by an imposition of a tax solely on lawyers regardless of their incomes or financial well being. Make the case where it belongs. The "good" ends do not justify using "bad" means.

Mike Vance
Mt. Pleasant, IA

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December 12, 2014

FILED
DEC 15 2014
CLERK SUPREME COURT

Iowa Supreme Court
Clerk's Office
1111 E. Court Avenue
Des Moines, IA 50319

In Re: Legal Aid Survey

Dear Justices:

I have just read the current Iowa Lawyer and Arthur Neu's article in support of the $100.00 assessment for Legal Aid and Joseph Holland's statement in opposition to it. Initially, I am inclined to agree with Arthur but viewed from a broader prospective, I agree with Joseph Holland, it should not be mandatory.

I note in Arthur's article his reference to folks who did not get help with "domestic abuse protection orders, divorces, illegal evictions, foreclosures, consumer frauds, and the improper denial of capital Medicaid, Medicare, food stamps, SSI and unemployment benefits."

These are areas I, in the twilight of my practice, prefer to avoid. By the time I see them the issues have become contentious and convoluted and I no longer have the stomach for it. I prefer to give a couple hundred dollars to Iowa Legal Aid in order to salve my conscience.

Both Neu and Holland encourage financial support and we agree and do provide services and a check to Legal Aid.

I note that when I began practice in 1965 we had a goodly number of low income clients. They made it a point of conferring with us the moment an issue appeared on their horizon. These were often readily resolved. We have entered an era when people buy homes and never talk to a lawyer. What gives?

Yours truly,

Jared O. Bauch

JOB/lb

FILED
DEC 15 2014
CLERK SUPREME COURT

Justice Cady:

I can only echo the comments I have read from my fellow colleagues who recently started practicing law in Iowa. Most students, myself included, leave law school with substantial amounts of debt, various membership fees, and minimal and highly competitive job opportunities; the few job opportunities available offering reduced salaries. Moreover, my colleagues and myself have families to provide for and other responsibilities/mandates of basic living that necessitate the allocation of funds. Speaking from personal experience, $100 is not a small, trivial, or nominal amount of money; nor do I spend or disperse it with casual disregard.

I believe equal access to justice is a worthy endeavor. However, I am fundamentally opposed to requiring a $100 yearly donation to Iowa Legal Aid in order to facilitate those goals—let alone try to make a living practicing law in this state. As others have noted, access to justice is a statewide issue that affects all citizens of the state. A specific organization's need for additional funding seems like an appropriate avenue for the legislature rather than the judiciary. Further, there are additional means and methods the court can pursue to better rectify the problem. Finally, I fully endorse all other reasons put forth by Joe Holland in his November 19, 2014 Iowa Lawyer Weekly article.

Therefore, I fully and emphatically oppose implementing an across the board mandatory $100 fee to practice in the state.

Sincerely,

Aaron Redinbaugh

Milestones
AREA AGENCY ON AGING

Helping seniors and family caregivers living in
Appanoose, Clinton, Davis, Des Moines, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Mahaska, Monroe, Muscatine, Scott, Van Buren, Wapello and Wayne Counties in Iowa.

www.milestonesaaa.org Toll Free 1-855-410-MAAA

FILED
DEC 16 2014
CLERK SUPREME COURT

December 15, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

RE: Access to Justice Fee

I was just made aware of the "Access to Justice Fee" as requested by Iowa Legal Aid and want to express support.

Milestones Area Agency on Aging serves the elderly in one of the most rural areas in the State of Iowa. Funding for legal assistance has declined dramatically over the past years making it more difficult for the elderly to access legal assistance. The proposed assessing of a $100 per attorney fee is a way of generating funds without being a financial burden on those of the legal profession. This will increase the availability of legal assistance.

The approval of the "access to justice fee" will bring Iowa closer to providing equal access to justice to its citizens.

Sincerely,

Connie Holland
CEO

h:\docs\access to justice.docx
bcc: Scott Harsook

BURLINGTON: 509 Jefferson Street, Burlington, IA 52601 Ph: 319-752-5433
DAVENPORT: 935 E. 53rd Street, Davenport, IA 52807 Ph: 563-324-9085
OTTUMWA: 623 Pennsylvania Avenue, Ottumwa, IA 52501 Ph: 641-682-2270

TOLL FREE
1-855-410-MAAA
(1-855-410-6222)

FILED
DEC 16 2014
CLERK SUPREME COURT

December 16, 2014

RE: Mandatory Assessment for Iowa legal aid

To whom it may concern:

This is in reference to the proposal by Iowa Legal Aid before the Iowa Supreme Court that would require a mandatory assessment of $100 per attorney per year.

While it may be true that Iowa Legal Aid and the Volunteer Lawyers Project are both crucial legal assistance programs for poor Iowans, this proposal employs improper means to achieve a worthy goal. There is no other professional occupation that I am aware of (including the medical and dental professions) which involuntarily extracts money from its members to provide such services for indigents.

Our base duty to society is to follow all laws. We then have a higher bar, as contained within the Rules of Professional Conduct. It would appear that Rule 32:6.1 states that "...a lawyer *should* voluntarily contribute financial support to organizations that provide legal services to persons of limited means." (Emphasis added.) It is important to note the word "should". If this word was "shall", as in other portions of the Rules of Professional Conduct, the mandatory assessment would conform in one way to Rule 32:6.1. Even if we were to ignore the "should/shall" issue, the proposed assessment mandates that the money be directed to Iowa Legal Aid (as opposed to the VLP or other similar organizations.

I will be re-evaluating my own conduct in this area, which I confess is insufficient in my own judgment. However, regardless of what you decide, I will be making a contribution to Iowa Legal Aid. In addition, I will be renewing my efforts for VLP, which I have performed in the past, because this is what I *should* do. Perhaps the heightened attention to this issue will yield a similar reaction with other attorneys, and I trust that it will.

Thank you for your consideration.

Sincerely yours,

/s/ John M. Murray
ICIS PIN #AT0005555

FILED
DEC 18 2014
CLERK SUPREME COURT

Feedback to the Iowa Supreme Court on the Access to Justice Proposal

As a staunch advocate for public service and voluntary charitable giving in general, and pro-bono service by attorneys in particular, I nevertheless strongly oppose the Access to Justice proposal. My opposition is for the very same reasons articulated by former ISBA President Joe Holland in his recent article for ISBA members. I would only add that mandatory assessments are fundamentally antithetical to the voluntary sacrificial and charitable spirit of *noblesse oblige* that we seek to inculcate in our profession. I believe that such a mandatory imposition will ultimately be counterproductive, and could have the unfortunate result of diminishing voluntary giving by an amount greater than it might actually raise.

Thank you very much for your consideration of my opinion.

Gavin Quill

FILED
DEC 18 2014
CLERK SUPREME COURT

VICTORIA L. HERRING

Attorney at Law

Tel 515.255.4475 / Fax 515.255.4475

December 18, 2014

MEMORANDUM TO: THE IOWA SUPREME COURT

RE: New Licensing fee of $100.00/yr.

Dear Justices:

I want to indicate my support for the concept of an annual licensing fee of $100.00. I particularly support it for the reason stated, providing improved access to justice for low income Iowans.

The reasons for my support are: First, although yet another fee may seem onerous, over the span of a year $100.00 is not that much money to assist low-income persons in obtaining justice. The imposition of this fee will not work a hardship on any lawyer, new or retired. Second, the use of this fee will not discourage lawyers from continuing to or becoming involved in voluntary legal work. Those who wish to do such, do so. Those who do not wish to or cannot, do not. That decision is not affected by finances as much as it is by limits on time or abilities of a lawyer. And some lawyers will never do volunteer work for their own reasons. It is probably better that they be free to make that decision because a fee allows others who are more skilled the ability to take up the task.

It is essential that Iowa Legal Aid and such services are maintained to assist low income persons in this state. They will not obtain justice without the efforts of such organizations and this fee is a small price to pay for the promotion of justice in Iowa.

Very truly yours,

VICTORIA L. HERRING
Attorney at Law

VLH/hlv

4331 Greenwood Drive / Suite 100 / Des Moines IA 50312
Em VLH@HerringLaw.com / Web www.herringlaw.com

Rebecca Jenkins
2807 Burden Avenue
Dubuque, Iowa 52001
563.581.0451
jenk1467@msn.com

FILED
DEC 22 2014
CLERK SUPREME COURT

December 18, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

To whom it may concern:

I fully support the implementation of a mandatory $100.00 per attorney annual fee with exceptions for new attorneys, judges and emeritus attorneys for the purpose of providing improved access for justice and legal services to low-income Iowans.

I would recommend the disbursements of the fees be limited to the unified system of legal assistance providers that work together to provide services throughout the state on an equal basis.

I would not support an opt-out system that would allow attorneys to elect not the pay the annual fee since all attorneys have an ethical duty to support legal services for low-income individuals by either pro bono work or financial backing. However, I would support the pro hac vice fee and some states this fee helps find the legal aid services.

Thank you for your time and consideration on this recommendation.

Sincerely,

Rebecca Jenkins

FILED
DEC 22 2014
CLERK SUPREME COURT

Access to Justice
Jim Kringlen
to:
rules.comments
12/22/2014 12:04 PM
Hide Details
From: "Jim Kringlen" <jkringlen@iowalaw.org>
To: <rules.comments@iowacourts.gov>,
Please respond to <jkringlen@iowalaw.org>

1 Attachment

lawyer licensing fee.comments.docx

Please see my attached comments.

James Kringlen
Attorney at Law

FILED
DEC 22 2014
CLERK SUPREME COURT

I am writing to offer my comments on the proposed mandatory attorney licensing fee being considered by the Court. Reasonable people can differ on the wisdom of the Court's adoption of a mandatory fee for use in providing free legal services to low-income Iowans in civil matters. The proposal is obviously not one the Court must adopt, but one that, on balance, I believe the Court SHOULD adopt.

The Court itself regulates the profession largely independent of legislative oversight. For many years, the Court has required attorneys to annually pay a fee to the Client Security Commission, to be used in part toward restitution in those rare and regrettable, but perhaps inevitable, instances where attorneys misappropriate a client's funds. This is an example of the Court's recognition that the profession as a whole owes some collective duty to individuals in our community that have been harmed by a member of the profession. This fund does not promise full compensation to such individuals, but serves to mitigate the harm and provides a concrete reflection of the language in the Preamble to the Rules of Professional Conduct: the profession is "largely self-governing," and as such that attorneys have an obligation to not only observe the Rules, but to "aid in securing their observance by other lawyers."

The Rules of Professional Conduct explicitly state that "[e]very lawyer has a professional responsibility to provide legal services to those unable to pay." Rule 32:6. That Rule goes on to provide that lawyers should "aspire" to provide at least 50 hours of pro bono public service annually. It is within this existing framework that the proposed $100 annual licensing fee should be considered.

Of course, fifty hours of a lawyer's pro bono legal services is worth more than just the hourly rate a lawyer could reasonably charge for his or her time. But one aspect of the value that such service represents is its monetary value. At an individual attorney's hourly rate of $100, the Rule would exhort that attorney to donate the cash equivalent of between $2,500 and $5,000 annually (the Rule provides that a majority of the 50 hours should be without fee, and the remainder for either no fee or a reduced fee). Thus, a $100 licensing fee imperfectly represents just one, perhaps two, of the monetary value of the fifty hours to which we should aspire to donate (and just 30 minutes of billable time for a lawyer who ordinarily charges $200 per hour).

Many lawyers struggle to find time to donate in their busy practices. A mandatory licensing fee to contribute a small portion of the laudatory goal is a simple way of requiring the entire profession to provide a collective, yet fractional, portion of every lawyer's professional responsibility. Most lawyers do not contribute anything for civil legal services to those who cannot afford it. Requiring a modest annual fee to support the provision of free legal services to those who cannot afford counsel just makes sense.

Lawyers have a collective responsibility to aid the justice system in achieving just results. The Courts are not always able to arrive at the correct legal conclusions, but the risks of the Courts arriving at an erroneous, and unjust, conclusion is much greater when a low-income person must appear in a civil case without assistance of counsel. The Courts and administrative agencies need lawyers to bring to the fore the relevant law and the facts that pertain to the multitude of cases that are adjudicated on a daily basis. Requiring lawyers to annually contribute a modest amount to this end is not only wise, but fair and just. Such a requirement for lawyers is not mandating charity; rather, it would require another kind of support to our justice system, one of many obligatory duties of the profession.

Low-income defendants in criminal cases generally are entitled to court-appointed counsel. The annual budget of the Iowa Public Defender's office is nearly $56 million. The proposed fee for use in civil matters would raise less than $1 million annually. Unlike low-income criminal defendants, low-income Iowans eligible for free civil legal services (approximately 1 in every 6 Iowans) are not entitled to any legal service (with very limited exceptions for termination of parental rights and Child In Need of Assistance cases in juvenile court) , no matter how critical the legal problem or the need. Requiring, and not merely exhorting, the profession to contribute a partial answer to this unmet need would represent the profession advancing the public good, and not merely attempting to mitigate harm caused by members of the profession (as with the Client Security Commission). No one enjoys paying fees, but lawyers will accept a modest annual fee to aid in getting closer to the important goal of making equal justice a reality, and not just a noble idea.

Full disclosure: I am an attorney employed by Iowa Legal Aid for over 18 years. My career has made it obvious to me that a fair and just society of laws requires a substantial investment in free, civil legal services for those who cannot afford counsel. I have donated (through payroll deductions) more than $100 per year to Iowa Legal Aid for many years.

FILED
DEC 22 2014
CLERK SUPREME COURT

Dec. 22 2014
Clerk of the Supreme Court
Judicial Branch Building
1111 E. Court Avenue
Des. Moines, Iowa 50319

Dear Honorable Sirs,

I'm not really sure what it is you need to hear from me, so I'm just going to tell you a little bit about me and how if it wasn't for Legal Aid I would have been Homeless.

I am a 62 year old disabled Widow. I live on a very limited income, there are times I can Not afford to eat because the cost of medicine, ele, gas to heat my home keep going up. I live from Month to Month stressing how I will make.

Back in 2004 before my husband passed but was ill ~ the Mobile Home Park where I lived tried to ~~sewell~~ me with a Forceable Detainer Notice; the cost to move my Home was more than I could afford ~ and it was for failure to pay Security Deposit, which I had paid 10 years prior when this happend. Legal Aid took my Case saved my Home and also got them on coming after me for this because I had started + formed a Residental Association.

Each year Legal Aid has to turn More and More people away because of lack of Funding. I donated money back to them and try to every year in Memory

of my Beloved Husband, but $10.00 to 20.00 a year is not much. And they gave him his wish to take his last breath in our home with all his loved ones around him.

Please think of how many MORE people like me they would be able to HELP if you would lend it in your Hearts to implement the mandatory $100 per attorney fee with proceeds deposited in the IOLTA funds.

Thank You for taking the time to read my story. I hope it helps to make a difference.

Respectfully

Judie Root

2312 Washington St
Dubuque, IA 52001

563-845-0466

ALEX J. ANDERSON
CORINNE R. BUTKOWSKI
HOLLY A. CORKERY
EMILY K. ELLINGSON
STEPHEN B. JACKSON, SR.
STEVEN C. LEIDINGER
JON M. McCRIGHT
SCOTT E. McLEOD
MATTHEW J. NAGLE
BRETT S. NITZSCHKE
PATRICK J. O'CONNELL

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H. EDWARD BEATTY
1934 – 2014

MAILING ADDRESS:
P.O. Box 2457
Cedar Rapids, IA 52406-2457

December 15, 2014

FILED
DEC 22 2014
CLERK SUPREME COURT

Iowa Supreme Court
c/o Clerk of Supreme Court
Judicial Branch Building
1111 9th Street, Suite 230
Des Moines, IA 50314

Re: Access to Justice and proposed mandatory annual fees

Dear Iowa Supreme Court Justices:

We write in support of the mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules of distribution of IOLTA funds, and also in support of a mandatory pro hac vice fee of $250 per attorney per case with the proceeds deposited into the client security trust fund.

The proposed $100 per attorney fee is projected to generate nearly $1 million per year and will apparently provide much needed timely legal assistance for low income families and their children in Iowa. We understand our neighboring states have similar licensing fees. In light of the ethical duty to support legal assistance for low income people, we also believe the $100 annual fee should be mandatory so that all lawyers participate and we all satisfy our professional obligations equally. Finally, we agree that a mandatory pro hac vice fee should also be implemented and the proceeds used to help fund Iowa Legal Aid services. Thank you for your consideration.

Very truly yours,

LYNCH DALLAS, P.C.

By: Wilford H. Stone
Wilford H. Stone

By: Amy L. Reasner
Amy L. Reasner

WHS/kb

Mark Zaiger
115 Third Street S.E., Suite 500
P.O. Box 2107
Cedar Rapids, IA 52406-2107
(319) 365-9461

FILED
DEC 22 2014
CLERK SUPREME COURT

December 18, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Lawyer Licensing Fee

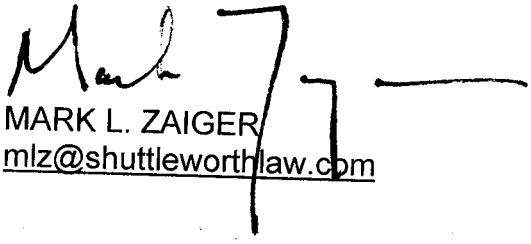
Honorable Justices:

I write to support the proposal being considered by the Supreme Court for the adoption of an annual $100 mandatory fee for practicing lawyers in the State of Iowa. Constitutional provisions protect indigent criminal defendants by providing for legal representation without cost. With respect to the myriad of civil legal issues confronting our poor, however, low income Iowans are too frequently left to fend for themselves.

As lawyers, we have a special responsibility to help provide legal services to those who cannot afford to pay for them. Many lawyers do help. However, exceedingly few meet the aspirational goal as set forth in our professional rules. The need grows while resources become harder and harder to find.

I strongly urge the Court's favorable consideration of the mandatory fee proposal, with appropriate exemptions for new and emeritus lawyers.

Very truly yours,



MARK L. ZAIGER
mlz@shuttleworthlaw.com

MLZ:hab

IOWA LEGAL AID
HOPE. DIGNITY. JUSTICE.

1111 9TH STREET, SUITE 230
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FAX: 515-246-6075
WWW.IOWALEGALAID.ORG

FILED
DEC 23 2014
CLERK SUPREME COURT

December 22, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

RE: Access to Justice

Dear Chief Justice Cady and Members of the Court:

Iowa Legal Aid requested and supports the proposed, mandatory $100 access to justice licensing fee because the needs of low-income Iowans for civil legal services to protect their rights and to obtain access to justice exceed the current capacity of Iowa Legal Aid and volunteer attorneys. Low-income Iowans who cannot find representation flood the court system with pro se litigants who adversely affect the court system for everybody. The access to justice fee will help thousands of Iowa families who would have nowhere else to turn for legal assistance, while improving the efficiency and effectiveness of the court system.

Access to justice for vulnerable Iowans is at a critical juncture. The number of people eligible for services from Iowa Legal Aid increased 37% from 2000 to 2010. The number of staff available to assist clients has decreased from 2010 to the present because of reduced funding and increased expenses. Iowa Legal Aid turns away or is not able to fully serve over 13,000 Iowans every year. Access to our court system is important for everyone, but especially to low-income people. Every day, the courts and state and federal agencies decide crucial issues affecting the safety, security and stability of low-income families. For example, court decisions involving domestic abuse protection orders, evictions and home foreclosures have a major impact on whether low-income clients and their children will be safe or in danger of violence, or be housed or homeless. Agency decisions about food and medical assistance, disability and unemployment benefits, and cash support for children may be the difference between being fed or going hungry. Last year alone 43,191 Iowans received help; of these 18,580 were children. Low-income families need representation or they will not receive fair and impartial justice.

Although there is not a way to generate data on the number of self represented litigants in the Iowa court system, anecdotal evidence indicates that at least 40-50% of one or both parties in family law cases are self represented. Pro se litigants impact the ability of the judicial branch to function quickly and efficiently, which causes delays and limits access to justice for all consumers of court services. These issues are not going away or getting better.

The people who have submitted comments are almost unanimous in their support of Iowa Legal Aid's services. They acknowledge that there are insufficient services for low-income Iowans and that more needs to be done to ensure access to justice for low-income Iowans. They also support the basic concept that lawyers have a professional duty to provide pro bono services and other

support to ensure that people have access to justice. Some of the people commenting, however, object to the proposed fee by characterizing it as an unfair tax on lawyers.

The proposed access to justice fee is not a tax on lawyers. It is no different from the current requirements for lawyers to pay into the client disciplinary system to cover the malfeasance of others or to reimburse the clients of other lawyers who have engaged in illegal or unethical conduct. These requirements are regulatory mechanisms that the court requires in order to help maintain a system of justice that the court is responsible to regulate and maintain. Likewise, the access to justice fee is another important step to ensure the proper operation of the system of justice. The fee will allow more people to obtain legal advice and representation so that legal problems are resolved early, thereby avoiding the filing of lawsuits that clog the courts. The fee will also result in more litigants being represented in courts, thereby allowing the court system to operate more efficiently, effectively and fairly for lawyers and their clients. Rather than being a tax, the access to justice fee is a good regulatory solution that will provide these benefits in an efficient and effective manner.

Some comments have suggested that the access to justice fee will reduce financial support for legal aid from other sources. This assertion is definitely not true. When the federal government last reduced support for legal aid in a drastic manner in 1996, Iowa Legal Aid began asking the state for support. It also more aggressively engaged in fundraising from non-governmental sources. One of the common questions that is asked by prospective funding sources is whether lawyers support the services provided by Iowa Legal Aid, since support by lawyers is a good indication that the services are critical to low-income Iowans. The support of lawyers leverages funding from other sources, instead of providing an excuse not to fund legal aid. The proposed mandatory fee demonstrates that lawyers are a part of the solution to this problem. By taking this step, the court and the bar will be in a stronger position to request others to address the societal problems that exist as a result of low-income individuals not having adequate access to the court system.

Other people have commented that the access to justice fee will adversely affect bar membership, or the amount of pro bono services and financial support for legal aid that lawyers currently provide. These concerns were raised in other states that have implemented access to justice fees, but as the ISBA's Access to Justice Committee discovered, such concerns were unfounded and there have been no long-term adverse effects of access to justice fees.

Other states have already adopted access to justice licensing fees and it is under consideration in at least one other state. Missouri, Minnesota, Illinois and Wisconsin already have a licensing fee where the proceeds are directed to civil legal assistance. Other states, outside of those contiguous to Iowa, such as Texas, New York, Indiana, and Pennsylvania have used registration fees, bar dues or similar fees to fund civil legal aid. Most recently the Florida Supreme Court also began consideration of a licensing fee in an amount up to $100 for civil legal services.

Although many Iowa lawyers generously give both time and money to assist low-income Iowans with legal problems, the Iowa Supreme Court has reported that in 2012 approximately 26% of lawyers reported that they provided any pro bono services to persons of limited means and 18% of lawyers reported that they made a financial contribution to any organization that provides legal services to persons of limited means. The proposed access to justice fee would allow for a more fair distribution of a professional obligation that should be met by all lawyers.

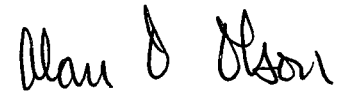
The proposed access to justice fee would not go into effect until after the current client security special assessment is over. The proposal considered by the Access to Justice Committee of the ISBA and referenced in Iowa Legal Aid's letter of July 3, 2014 also includes exemptions from the fee for newly licensed lawyers in their first five years of practice, judges and emeritus lawyers.

The court's proposal is to deposit the proceeds of the access to justice fee in the IOLTA fund to be distributed according to the normal rules of distribution for funds. While we support the deposit in the IOLTA fund, we agree with the ISBA's Access to Justice Committee that the funds should not follow the usual rules for distribution, which include not only legal services to low-income persons in civil cases, but also educational and other law related programs designed to improve the administration of justice in Iowa. See Iowa Ct. R 44.2(2). Those other purposes, while laudatory, do not address the issue of increased demand for civil legal services. The Access to Justice Committee recommended that "it is important that any funds generated are utilized in such a way as to be available in a relatively equal manner to low-income Iowans in all 99 counties." This allocation would minimize the concern that some counties or areas of the state would have access to more services than other areas, particularly from a mandatory fee obtained from lawyers across the state. Distribution of the proceeds of the access to justice fee to only Iowa Legal Aid (which would include assistance to the Volunteer Lawyers Projects which cover 98 counties in Iowa) and the Polk County Bar Association Volunteer Lawyers Project would provide additional services throughout the state on a relatively equal basis through both Iowa Legal Aid staff attorneys and volunteer attorneys.

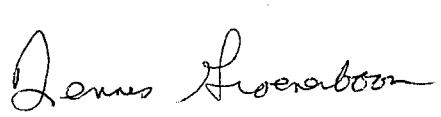
While the pro hac vice fee would not directly support civil legal assistance for low-income Iowans, it might help remove some burden on Iowa lawyers by providing additional funds to the Client Security Trust Fund. As a result, there may be less need for special assessments or at least lower assessments, if necessary. The staff comment notes that forty-four jurisdictions have adopted a pro hac vice fee so this would not be an unusual fee. The amount proposed is less than the average per case fee nationwide.

Iowa Legal Aid supports imposition of a mandatory, access to justice, licensing fee of $100 per attorney per year. The fee should be deposited in the IOLTA fund, but distributed to Iowa Legal Aid and the Polk County Bar Association Volunteer Lawyers Project, as suggested by the ISBA's Access to Justice Committee. In addition, Iowa Legal Aid supports the establishment of a $250 pro hac vice fee to be deposited in the Client Security Trust Fund.

Sincerely,



Alan O. Olson, President
Iowa Legal Aid Board of Directors



Dennis Groenenboom, Executive Director
Iowa Legal Aid

FILED
DEC 23 2014
CLERK SUPREME COURT

John Remus
jremus@mcfe-law.com

December 23, 2014

Iowa Judicial Branch
1111 E. Court Avenue
Des Moines, IA 50319

Re: Public Comments on Access to Justice Fee

To whom it may concern:

I am writing in support of the proposed mandatory $100 annual attorney fee for the purpose of providing improved access to justice for low-income Iowans. I am a recent graduate of Drake University Law School and had the opportunity to intern with Iowa Legal Aid from May through December of 2013.

During my time at Legal Aid my responsibilities included weekly "intake" where I spoke to prospective clients on the phone to determine the nature of their legal issue and whether they qualified for assistance from a Legal Aid attorney. I spoke to individuals from across our state that were experiencing all types of hardship. Some of these individuals actually needed legal assistance, some wanted a friendly ear to listen, and some clearly just needed someone to shout at. The files of those falling into the group that actually needed legal assistance were sent to weekly staffing meetings and assigned to an attorney if possible. I could not believe the number of times I referred a potential client to those weekly meetings only to find out the individual could not be helped because the attorneys in the respective branch were too busy.

The people I had to turn away truly needed Iowa Legal Aid's help, it was their absolute last resort, but Legal Aid couldn't help them. I can recall several heartbreaking phone calls saying there was nothing we could do, but that I would be sending a "packet of materials" that may be able to help. While sending materials is helpful, it is nothing compared to the assistance an attorney could provide. As a new attorney I am quickly learning how little I know about things like finding my way around the courthouse, navigating the clerk's office, and getting orders signed. The individuals Legal Aid has to turn away are often being sent to attempt these things on their own with no legal background, a truly daunting task.

I have read through the materials compiled be Legal Aid in support of this matter and fail to see the downside in implementing the mandatory $100 fee. It is without reservation that I support the proposed measure, and I encourage this Court to implement the proposal. I appreciate being given the opportunity to share these remarks.

Very Truly Yours,

John Remus

Access to Justice
Jim Tinker
to:
rules.comments
12/24/2014 12:21 PM
Hide Details
From: "Jim Tinker" <mgt_law@iowatelecom.net>
To: <rules.comments@iowacourts.gov>,

FILED
DEC 24 2014
CLERK SUPREME COURT

Rather than instituting the mandatory $100 assessment for Iowa Legal Aid would you consider first eliciting how many attorneys or law offices would voluntarily pledge that amount or more for at least a set number of years. I voluntarily gave $100 this year and would do that or more. Jim Tinker

FILED
DEC 24 2014
CLERK SUPREME COURT

Comments: Access to Justice

Dear Justice Cady and Members of the Supreme Court:

I am writing in support of the proposed licensing fee. I do so because of a firm belief that the needs of low income Iowans are not and cannot be met unless we as a profession take exceptional steps.

A review of the comments, confirmed by my extensive personal conversations with other lawyers, demonstrates a wide acceptance of the premise that the need is great and the resources currently available are woefully inadequate. There is a consensus that something must be done.

There are those who believe that the financial impact on individual lawyers outweighs the benefits achieved by the obligation. No matter what amount the fee might be set at, there will be those who believe and argue that the impact on individual lawyers outweighs its benefit; however, setting the fee at $100.00 sets a modest burden while providing considerable help in addressing a compelling need. I believe that a dispassionate point of view would conclude that a $100.00 obligation by each practicing lawyer is "do-able".

It is regrettable that committing pro-bono time alone by each lawyer in the state is not a practical way to completely meet our professional obligation and to meet all the needs of low income Iowans. But the truth is that we cannot get the job done in that manner. Pro bono work is vital. We just do not have enough lawyers willing or able to do it.

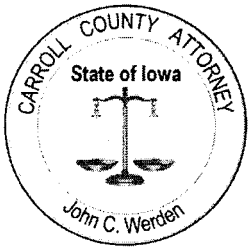
I speak from the point of view of one who has committed much time to volunteering for Iowa Legal Aid. What I have seen firsthand has convinced me of the integrity of this request for help.

Your support would be appreciated.

Sincerely,

Attorney Peter Pashler

FILED
DEC 27 2014
CLERK SUPREME COURT



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JOHN C. WERDEN
County Attorney
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December 26, 2014

Your Honors:

I have carefully reviewed the Iowa Constitution and the Iowa Code and have been unable to find the provision authorizing the Supreme Court to impose a tax on lawyers and then to appropriate money to a private corporation. This proposal is, in my view, a violation of the separation of powers. It is for the legislature to impose a tax and appropriate money with the approval of the executive.

Certainly the Court's authority to impose fees for judicial branch activities is not questioned, but this proposal is not about professional regulation. This is an effort to force lawyers to fund a private corporation. Having a noble cause does not make such a proposal within the power of the court.

Beyond the important principles involved, I think that this type of well-intentioned, yet misguided idea will have a detrimental effect on judicial branch funding in the future. If the court has inherent power to tax judicial branch participants, why not do so for any perceived budget shortfall? Next time, don't furlough staff; just impose a new fee on lawyers.

John C. Werden

FILED
DEC 28 2014
CLERK SUPREME COURT

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December 28, 2014

Clerk of the Iowa Supreme Court
1111 E. Court
Des Moines, Iowa 50319
Via E-mail rules.comments@iowacourts.gov

Re: Legal aid funding

Dear Rules Committee Members:

Although I sympathize with the plight of Legal Aid funding, I do not support instituting any fees on attorneys to supplement the Legal Aid Budget -- neither the $250 fee on pro hac vice admissions nor the $100 mandatory assessment for attorneys admitted to practice in Iowa. I do support offering attorneys an option to voluntarily pay $100 (or more) to Legal Aid if they choose to do so.

I have been practicing law in Iowa since 1972. I currently have a civil practice involving environmental law and also take criminal court appointments.

Not all attorneys are equally situated financially.

Lawyers have many different forms of practice and expertise. Some of the lawyers represent business clients or handle probate cases and are well remunerated; others represent clients who, even though they do not qualify for Legal Aid, still have a hard time paying attorney fees. Some lawyers are well into their careers while others are just beginning and may be burdened with heavy debt.

For those who are well compensated, $100 may seem like a small fee. For those who are struggling, $100 is a huge amount of money.

I might add that some members of the Iowa bar qualify as members of the low-income community after they pay for office and business expenses. Other members of the bar are barely scraping by. This proposal does not even contemplate that!

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It also should be noted that the economy has significantly affected the middle class. If a lawyer is representing middle class clients, the amount that they can pay is clearly not as great as what wealthier clients can bear, large corporations can pay, or can be earned from probate practice. That clearly will affect the overall income of that attorney, his ability to bear more costs, and his client's capability to absorb more costs.

Costs for attorneys, in general, have been rising. This proposed fee comes on top of increased requirements, and potentially expenses for CLE's.

Not all attorneys provide pro bono services.

Some lawyers do very little pro bono work in either civil or criminal court.

On the other hand, some lawyers are already helping the low-income community through pro bono work. Some give generously of their time and talents.

Some lawyers are already providing low-fee services to the lower-income community.

Some lawyers do no court-appointed low-fee criminal defense work while other attorneys are attempting to earn a living on state court appointments. Iowa Court appointment fees are $60 per hour for most criminal work; $65 for Class A felonies. Although the court-appointed fee is better than not being compensated, those fees are absurdly low. Those doing federal court appointments are paid twice as much as state court appointments, yet the federal appointments are still not as lucrative as other forms of legal work. To make matters worse, for federal criminal appointments, the judges often arbitrarily slash the bills on cases that are larger and more complex than the simple plea.

At both the state and federal levels, there is an on-going effort to steer as many cases as possible to public defenders and away from court-appointed private counsel.

As a group, lawyers practicing criminal defense have seen their incomes decline, with the on-going recession and with the change in court appointments.

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Most criminal cases are brought against people who do not have much money. These are the same individuals who Legal Aid is serving on the civil side.

The lawyers who are working in the criminal defense arena, working on significant numbers of court-appointed cases, are already dealing with significantly reduced incomes compared to other areas of the law. For those lawyers, the proposed fees are more of a penalty.

Fees just to get into court are becoming prohibitive for folks who do not qualify for Legal Aid.

Over the years, the court costs have risen, along with the other costs associated with a lawsuit. It is not just the low-income community that is struggling to get access to the courts to resolve grievances. The middle class does not even have a means, like Legal Aid, to assist them.

Although the $100 fee assessed to the attorney will not be passed to the clients directly, indirectly the $100 fee will be included in the hourly rate the clients are charged. As the rates go up, access to a lawyer becomes even more of a burden.

Delivery of services to low income Americans is a challenge, ranging from food, shelter, transportation, and even to legal services. The burden should not be placed on the shoulders of the lawyers to supplement the funding of Legal Aid, even though some funding already is provided by IOLTA. Unless the economy significantly improves, the middle class will continue to face challenges, with middle class members slipping into the lower-income levels. The prospect looms that members of the bar association will continue to face requests for more money to support Legal Aid, year after year after year. That prospect is absolutely unacceptable in my opinion.

Clearly the court needs to initiate an effort to improve access to the court system for all people. By the time fees to open a case, court costs, surcharges, fines, fees charged to jail inmates for the "privilege" of being in jail, and other fees and costs are assessed against clients, not to mention costs for depositions, expert witnesses, and the legal fees, the burden is too heavy for many members of the public. Yet I see nothing in this proposal that even contemplates assistance for other members of the public.

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Some lawyers are providing pro bono services that don't qualify for Legal Aid.

Every year I provide pro bono services that are worth mid-five figures. These services are provided to clients who have environmental concerns, concerns about water quality, about harmful products released into the air, about protecting parks and recreation areas. This work does not have a provision in the code for payment of attorney fees or expenses.

I might add that when a lawyer is doing pro bono work, everyone else involved in the system is being paid, including court reporters, judges, clerk of court staff, expert witnesses, and even the attorney's own staff. Nobody else is even expected to do pro bono work. The attorneys involved in pro bono work are already giving above and beyond. This new fee gives new meaning to "I gave at the office"; with this the giving just keeps on. At some point, the lawyers should be able to just say "no".

Quite frankly I find it rather insulting that I should be assessed a fee to financially support the Legal Aid work and yet other things that are equally deserving are not even considered, such as the environmental work that I do. In fact, the environmental work I do often has significant impact on lower income families.

The United States Congress and the Iowa Legislature need to step up and fund Legal Aid.

Obviously the federal and state legislatures need to more adequately fund the Legal Aid Program. I would suggest that members of the bar, and the Iowa Bar Association and the courts, volunteer to lobby for increasing the funding for Legal Aid. The Bar Association can coordinate this lobbying effort.

Furthermore the Iowa Bar Association can unite with the bar associations in other states, to increase their lobbying power. Members of the bar across the country need to aggressively lobby to restore and increase legal aid funding.

If the legislators do not hear from us, they may not respond in a way that satisfies us.

I have volunteered my time to travel to Washington DC to lobby for the environmental issues that I am interested in. In fact,

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you can do this lobbying by visiting the in-state district offices of the United States Congressional delegation.

Likewise I have volunteered my time to lobby the state legislature. That effort can be done locally, by attending local meetings, legislative forums, or even calling the legislator on the phone.

Much of my lobbying effort has been coordinated by the Sierra Club, but I also do some lobbying on my own on issues that interest me.

Legal Aid appears to have no set policy on what cases are taken, leaving the public to question how cases are selected.

I have had clients in my office who have been turned down by Legal Aid and have questioned why. Because I do not practice family law, I have not taken their cases pro bono. But I was left scratching my head about a couple of cases, after I followed up with Legal Aid.

The first case involved a man, the father of one of my clients, who came to my office, with a bruise and a bump on his head, caused when his wife hit him on the head with a skillet. The police told him to "man-up"; no charges were filed against the wife. Legal Aid would not take his case asking for a divorce and a no-contact order.

With the second case, a man, who had been a client, came to my office after his wife tried to run over him with a car, attempting to kill him or injure him. Again the police did nothing. Legal Aid would not help him.

These seem to be exactly the kinds of cases Legal Aid should take. I believe Legal Aid takes similar cases where there is abuse.

Pro Hac Vice Fee

I am sure it is tempting to assess out-of-state attorneys a fee for pro hac vice admission. However I oppose that fee. To begin with, the proposed fee is greater than the in-state attorneys. I suppose that is the result of taxation without representation. The out-of-state attorneys have their own Legal Aid organizations to support.

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Pro Hac Vice attorneys should have the right to represent their clients. An out-of-state attorney has no obligation to support Legal Aid in Iowa.

Legal Aid presented no proposals to put them on sound financial footing.

In my review of the material that has been presented to support the Legal Aid request, I have seen absolutely nothing to show that a plan is in place to shore up the finances of Legal Aid. It appears that they have taken a quick route - that of hitting up the lawyers. I have seen no plan of attack for approaching the legislature. I have seen no plan to approach any other group of professionals. I have seen no plan to approach foundations for grants.

It is interesting that of the many folks who are involved in the legal system, none of the others are even considered for payment of a fee to support Legal Aid, not the court reporters, not the clerks of court, not the law enforcement, and not the expert witnesses.

No other licensed profession is mandated to fund charitable work.

Car salesmen do not have to pay for free transportation for those who can't drive or afford transportation.

Restaurants do not have to fund soup kitchens and food pantries.

Real estate agents and hotel employees do not have to fund homeless shelters.

Road builders are not forced to make up the shortage in Road Use Tax Funds.

The only entity that may have come close is the charitable work that hospitals had to accept prior to the Affordable Care Act.

Conclusion

For those who feel strongly about funding legal aid, let them dig deeply into their own pockets, on a voluntary basis. An invitation to donate to Iowa's Legal Aid can also be sent to all pro hac vice attorneys, with a suggested giving level of $250, but a donation should not be expected or coerced.

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However I do not support forcing all attorneys to donate, or any other word you want to use, $100 to Legal Aid. No matter what you may call it, it still is a tax that is placed on only one profession - lawyers.

Legal Aid was established by Congress to support the public good. Legal Aid is not for the good of the legal community. Consequently, Legal Aid was funded by all taxpayers. It should not fall on a few to prop up the program, instead of the taxpayers. If Congress no longer feels this is a program that is in the public interest, it should not be up to the lawyers to fund it.

In conclusion, this is an idea that has run amok. It is time to turn down the request for a mandatory fee on Iowa lawyers and pro hac vice lawyers to fund the Legal Aid system.

Very truly yours,

Wallace L. Taylor

FILED
DEC 29 2014
CLERK SUPREME COURT

December 29, 2014

2000 16th St. NW, #506
Washington, DC 20009

Clerk, Iowa Supreme Court
Judicial Branch Building
111 E. Court Avenue
Des Moines, IA 50319
Via email: rules.comments@iowacourts.gov

RE: Access to Justice

Dear Folks:

As a career-long member of the Iowa bar, I am writing in support of the proposed mandatory $100 assessment to support programs that improve access to justice for low-income Iowans.

Having been in a position during my 40 - year career to see the problems created by distortions in the distribution of access to lawyers, I am particularly sensitive to the need of our profession to recognize that our adversary system only works when people of all economic strata have access to these gatekeepers to the halls of justice. Unlike those in most other lines of work, lawyers take an oath that obligates us to uphold the fundamentals of our system, and that requires us to support access to quality legal services that is not rationed by wealth. Otherwise, our adversary system fails our country and us.

I would be proud to be an Iowa lawyer who supports making our system live up to its goal of equal justice for all with this assessment. After all, we already support our fellow lawyers by contributing to the welfare of clients of those of our colleagues who fail to live up to their obligation with our contributions to the Client Security Trust Fund; we should be equally willing to support our colleagues who work every day to uphold the honor and promise of our system.

I urge the Court to promulgate the rule with the mandatory Access to Justice assessment.

Thank you for your consideration.

Sincerely,

Kathleen E. Keest

FILED
DEC 29 2014
CLERK SUPREME COURT

309 Court Avenue #800
Des Moines, Iowa 50309
Phone: (515) 875-4834
Fax: (515) 875-4835
E-Mail: vplace@courtavenuesuites.com
Victoria J. Place

December 29.2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Ave.
Des Moines, Iowa 50319

Dear Clerk:

The Court has asked for public comments regarding the adoption of court rules extending a mandatory $100 per attorney annual licensing fee and a $250 per attorney per case pro hac vice fee on out-of-state attorneys practicing in the State of Iowa.

I am an attorney who has been practicing law in Iowa for thirty years. For the past ten years or so, I have been a sole practitioner. While I understand that it is difficult to pay an additional fee to support the work of lawyers who represent the indigent and, also, for some out-of-state attorneys to pay additional fees, I believe it is the legal profession's responsibility to stand up and help ensure that all citizens have equal access to justice.

While contributing through pro bono work is central to fulfilling the legal profession's responsibility to the indigent, it does not equate with representation by a legal aid attorney who is trained and experienced in a particular field.

I add my support for adoption of both rules.

Sincerely,

Vicki Place

Victoria J. Place
309 Court Avenue #800
Des Moines, Iowa 50309

FILED
DEC 29 2014
IOWA SUPREME COURT

MELLON & SPIES
ATTORNEYS AT LAW
312 E. COLLEGE ST. #216
IOWA CITY, IA 52240

SHARON A. MELLON
LEON F. SPIES
JOSEPH C. PAVELICH

FAX 319-337-2396
PHONE 319-337-4193

December 30, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 E. Court Avenue
Des Moines, IA 50319

Re: Access to Justice

Dear Justices of the Iowa Supreme Court:

As a longstanding member of Iowa's bar and of Iowa Legal Aid's Board of Directors, I encourage the Court to implement a mandatory $100.00 per attorney annual fee to help support legal assistance to low-income Iowans. The "justice gap" between citizens able to afford legal representation and those who cannot is well-documented. The recent economic crisis has dealt a crippling blow to many Iowans as more people struggle financially; more people need legal services to cope with housing, credit and employment problems that force many into long-term poverty; and traditional sources of funding for legal services have been less able to meet funding needs.

It is equally well-recognized that *all* lawyers have an ethical duty to assure equal access to the courts and to assist those whose poverty prevents them from securing adequate legal representation.

While many Iowa lawyers perform pro bono service, many do not and the historically low participation rate in pro bono activities still leaves large numbers of Iowans unrepresented in meeting major legal challenges. Even *mandatory* pro bono obligations (imposed in several states as a condition of maintaining a law

license) are apt to force unwilling lawyers into performing legal services for which they are ill-equipped or unskilled. By contrast, adequately staffed legal aid programs are both more efficient and proficient in meeting those needs.

All lawyers and clients benefit from well-represented parties: the implicit unfairness to self-represented litigants is reduced, as is the burden on courts and court staff assisting self-represented parties, and the uncertainty and long-term cost to those involved in legal matters are lessened.

While opponents of this annual fee complain that it represents an unfair "tax," it is no more so than the mandatory collection of interest on lawyer trust accounts and fees paid into the Client Security Fund. Moreover, constitutional objections to similar fees and obligations have been addressed in other contexts.

Simply put, this annual fee is the right thing to do. As Chief Judge Jonathan Lippman stated in describing a mandatory pro bono obligation for New York lawyers, "The legal profession should not be seen as argumentative, narrow or avaricious, but rather one that is defined by the pursuit of justice and the desire to assist our fellow man." Imposition of this fee – as small as it is – will not discourage ethical lawyers from performing pro bono activities or taking advantage of other public service opportunities. The proposed fee is a small price to pay for the privilege of participating in a justice system we are all pledged to improve.

Yours very truly,

/s/ Leon F. Spies

LEON F. SPIES

LFS:jm

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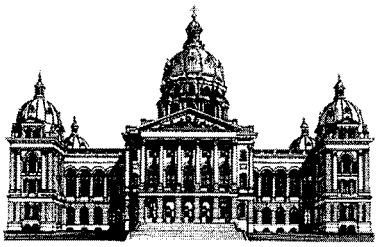

The Senate

State of Iowa
Eighty-fifth General Assembly
STATEHOUSE
Des Moines, Iowa 50319

FILED
DEC 29 2014
CLERK SUPREME COURT

SENATE
MAJORITY LEADER

Rules and Administration,
Chair

Chief Justice Mark Cady
Iowa Supreme Court Justices
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

December 29, 2014

Dear Chief Justice Cady and Justices of the Supreme Court:

I fully support the proposal to implement a mandatory, $100 per attorney annual licensing fee in order to increase legal assistance for low-income Iowans. Although the state has appropriated funds for legal aid for many years, the need of low-income Iowans for representation in courts and administrative agencies far outstrips the resources received by Iowa Legal Aid. Implementing the proposed fee, in addition to providing legal assistance for low-income Iowans, will also help lawyers by making the court system more efficient and effective for themselves and their clients.

Implementation of the fee will not adversely affect state support for Iowa Legal Aid. Instead, the fee would show that the Court and lawyers believe that additional funding for access to justice for low-income Iowans is important. The fee would constitute additional evidence of the importance of the services provided by Iowa Legal Aid and would hopefully convince the Governor and the General Assembly that the state should expand its commitment to providing legal assistance to low-income Iowans.

Sincerely,

Mike Gronstal
State Senator

THE IOWA STATE BAR ASSOCIATION

823 Third Avenue, PO Box 37, Sibley, IA 51249-0037
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FILED
DEC 29 2014
CLERK SUPREME COURT

Joseph M. Feller
President

kkfeller@hickorytech.net

December 29, 2014

Iowa Supreme Court
1111 East Court Avenue
Des Moines, Iowa 50319

Re: Access to Justice

Dear Honorable Justices of the Iowa Supreme Court:

Pursuant to your Order of October 1, 2014 and on behalf of the Iowa State Bar Association please be advised that we do support our proposal to establish a pro hac vice fee on out of state lawyers who request permission to appear in Iowa's courts with funds used to support access to justice programs.

After presenting the issue of a mandatory license fee of $100 to our members and reviewing their comments contained in our survey, our Board of Governors voted by overwhelming majority to oppose the proposal. For your information I have attached the motion we adopted at our board meeting on December 8th along with a copy of our survey results.

This action by our Board of Governors nullifies any perceived support for such an assessment which could be gleaned from our own Access to Justice Report filed with the Court last summer and referred to extensively in your staff report.

As you can see, over 700 members responded to our survey and over 300 of those members took the time to make written comments. The survey went out to our members on November 19, 2014 and concluded on December 2, 2014.

My role as President of the ISBA was to present this issue to our members in a balanced manner and ask them to respond. Members Art Neu and Joe Holland graciously agreed to present each side of the issue and their letters were published in our electronic Iowa Lawyer Weekly, the December issue of our Iowa Lawyer Magazine and on our web site. As a result, we produced a survey response that is a statistically reliable sample of the opinions of our entire membership and can be used to supplement our 2006 survey of members referred to in your staff report.

Our members are generous with their time, talent and treasure. We have outstanding participation in all pro bono projects, in all of our activities with our voluntary bar association

and with our individual, voluntary financial support for Iowa Legal Aid and scores of other community based projects that depend on voluntary funding.

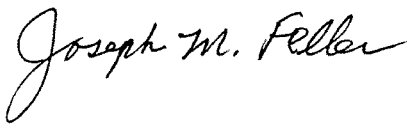
This is not the time to make the practice of law more expensive by adopting a mandatory assessment for Iowa Legal Aid. In our view this approach will not, in the end be the best method for raising the most money for Iowa Legal Aid. While transitioning to a tax on attorneys to support Iowa Legal Aid may be easy, we do not think such an approach will foster better or stronger relationships between the bar and the bench or between the bar and Iowa Legal Aid.

In fact our survey shows that should a mandatory fee be imposed, 60% of our members would either donate less or not at all to groups including Iowa Legal Aid. We also suspect that should a mandatory fee be imposed, the Iowa legislature would also be less willing to increase public funding.

Our survey also addressed other funding proposals, none of which found much support among our members which is consistent with the general policy belief that funding civil legal services is a problem of the society we live in and should be resolved with public funding.

In closing, and on behalf of the Iowa State Bar Association, I would urge adoption of the pro hac vice funding proposal and respectfully request that you decline to adopt the mandatory assessment for the reasons stated herein.

Yours very truly,



Joseph M. Feller
President, The Iowa State Bar Association

The following motion adopted by the Board of Governors of The Iowa State Bar Association on December 8, 2014.

The Iowa State Bar Association recognizes access to justice is essential for all citizens and supports the efforts of Iowa Legal Aid as one of the primary deliverers of these services. ISBA continues to support access to justice programs as outlined in the ISBA Access to Justice Committee report submitted to the Iowa Supreme Court on February 12, 2014. Among other recommendations, the report includes the following:

A. Support a Pro hac vice fee on out of state lawyers who request permission to appear in Iowa's courts with funds used to support access to justice programs.
B. Continue to support a state appropriation for civil legal assistance and support an increase in the appropriation to Legal Services for Persons in Poverty Grants Program that funds the provision of legal assistance to low-income Iowans by Iowa Legal Aid and HELP Legal Assistance.
C. Explore ways to deal with interpretation and translation issues for person with limited English proficiency.
D. Explore ways to provide civil legal assistance to immigrants who are not able to receive service from an LSC-funded organization.
E. Investigate whether free legal assistance should be provided to veterans who are over the income guidelines
F. Explore ways to increase pro bono activity

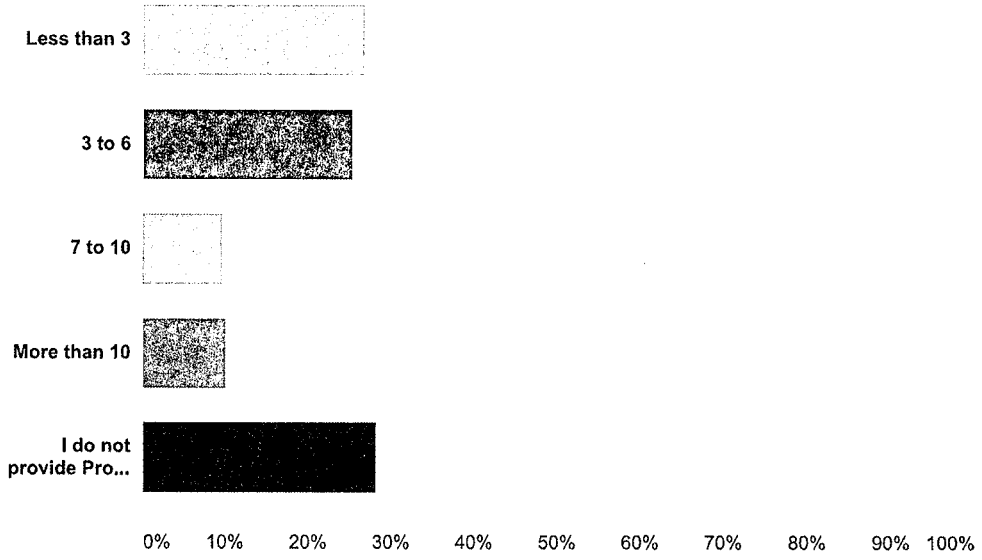
The Iowa State Bar Association has reviewed Iowa Legal Aid's July 3, 2014 request of the Iowa Supreme Court to implement a mandatory attorney licensure fee of $100 per attorney. The Iowa State Bar Association opposes a mandatory fee for this purpose.

The ISBA's Access to Justice Committee is currently studying other opportunities for lawyers to improve access to justice and will make recommendations to the ISBA Board of Governors regarding these opportunities in March.

The Iowa State Bar Association Board of Governors authorizes President Feller to communicate the ISBA's position to the Iowa Supreme Court. ISBA President Feller will provide the Iowa Supreme Court a copy of the ISBA's 2014 "Access to Justice" survey and comments together with the ISBA's position regarding Access to Justice.

Q1 In an average month, how many hours do you spend on pro bono legal work?

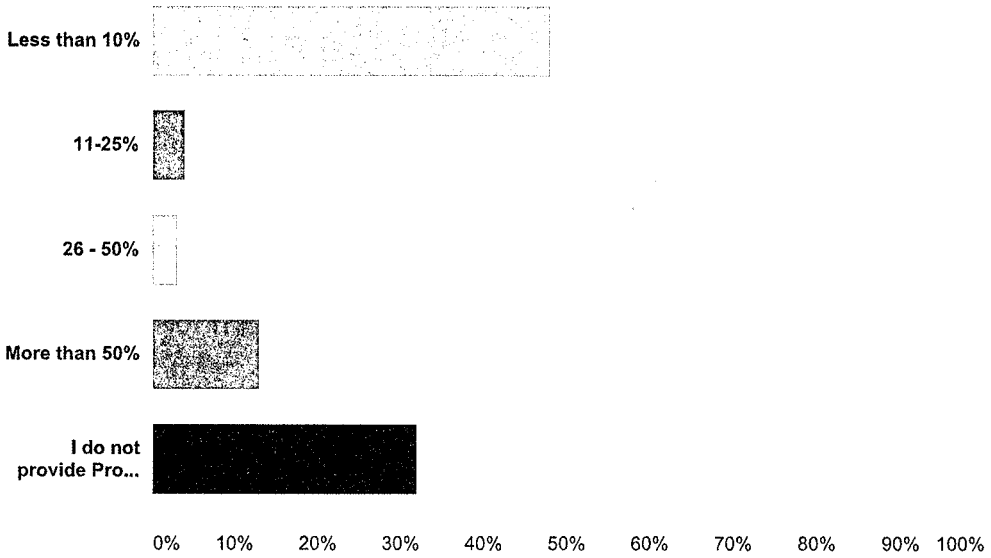
Answered: 690 Skipped: 17



Answer Choices	Responses	
Less than 3	**26.81%**	185
3 to 6	**25.36%**	175
7 to 10	**9.57%**	66
More than 10	**10.00%**	69
I do not provide Pro Bono hours at this time	**28.26%**	195
Total		**690**

Q2 What percentage of your Pro Bono hours are provided through one of the organized pro bono programs throughout Iowa?

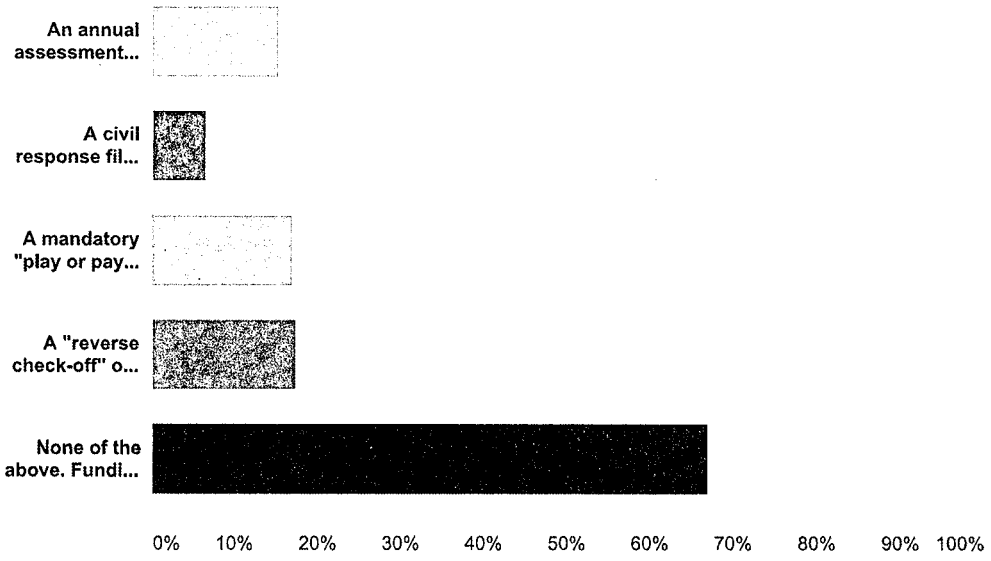
Answered: 682 Skipped: 25



Answer Choices	Responses	
Less than 10%	**47.95%**	327
11-25%	**3.96%**	27
26 - 50%	**3.23%**	22
More than 50%	**12.90%**	88
I do not provide Pro Bono hours at this time	**31.96%**	218
Total		**682**

Q3 Which of the following proposals, if any, would you support for helping provide civil legal services to low-income Iowans? You may select more than one proposal.

Answered: 700 Skipped: 7

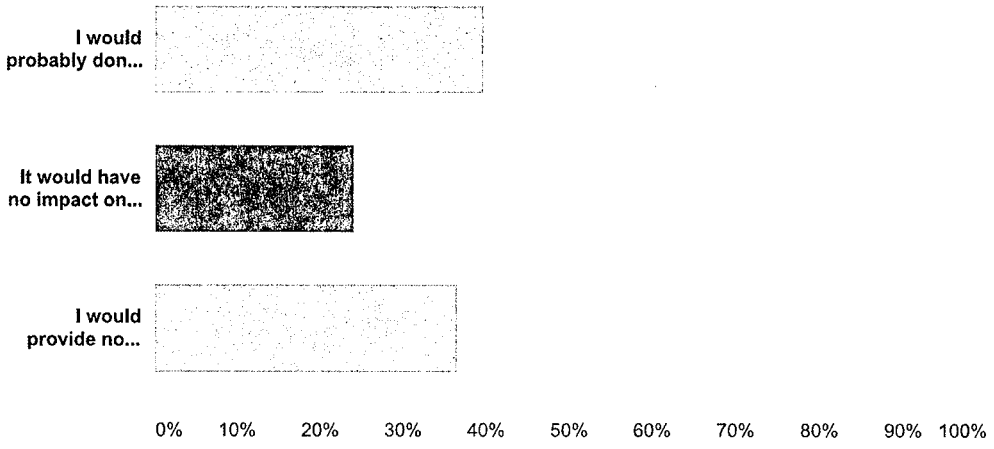


Answer Choices	Responses	
An annual assessment dedicated to funding civil legal services.	15.29%	107
A civil response filing fee (i.e. a fee on defendants filing answers in civil actions)	6.57%	46
A mandatory "play or pay" pro bono requirement (i.e., each lawyer must contribute either a designated number of pro bono hours each year or a designated amount of money for support of access to justice programs.	17.00%	119
A "reverse check-off" on the annual Client Security Report filed with the Office of Professional Regulation (i.e., annual assessment is optional provided lawyer affirmatively declines.)	17.43%	122
None of the above. Funding should come elsewhere including funding provided by the legislature and voluntary contributions.	67.00%	469

Total Respondents: 700

Q4 If a monetary assessment were to be imposed, what impact would it have on monetary contributions you currently provide to Iowa Legal Aid, Polk County VLP, Story County VLP, HELP or any other similar organization within the state?

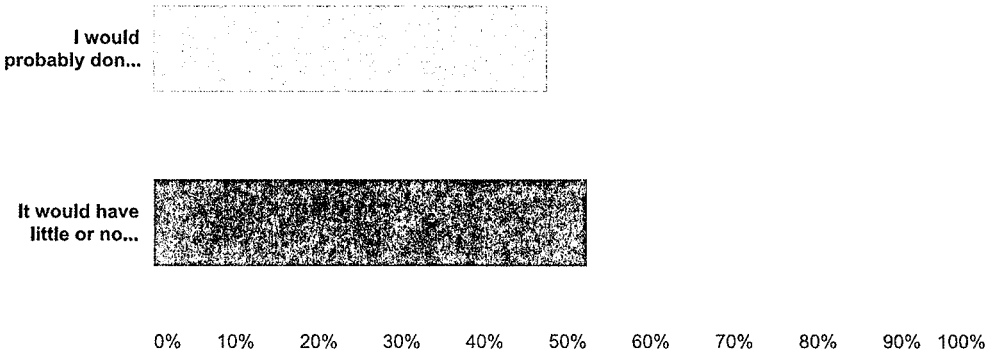
Answered: 664 Skipped: 43



Answer Choices	Responses	
I would probably donate less	**39.61%**	263
It would have no impact on current giving	**23.95%**	159
I would provide no additional donations	**36.45%**	242
Total		**664**

Q5 If a mandatory monetary assessment were to be imposed, what impact if any would it have on your contribution of pro bono hours?

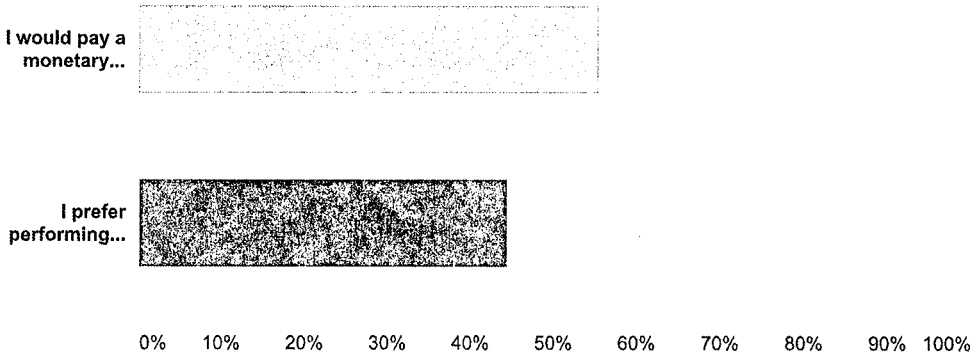
Answered: 659 Skipped: 48



Answer Choices	Responses	
I would probably donate less of my time for pro bono hours to Iowa Legal Aid or similar providers.	**47.65%**	314
It would have little or no impact on the amount of hours I now provide pro bono.	**52.35%**	345
Total		**659**

Q6 If a mandatory "pay or play" pro bono requirement was adopted

Answered: 583 Skipped: 124



Answer Choices	Responses	
I would pay a monetary assessment in lieu of some of the time I presently donate for pro bono.	**55.57%**	324
I prefer performing required pro bono hours in lieu of a monetary assessment	**44.43%**	259
Total		**583**

Q7 Realizing that access to justice continues to be a major concern in the state, please feel free to share any ideas that you may have that could possibly alleviate the problem.

Answered: 320 Skipped: 387

#	Responses	Date
1	I like to the play or pay idea but certain individuals should be exempt. I can't do pro bono hours because my current job does not permit outside work (I currently work in the public service sector, but do not provide direct legal assistance). However, I don't make enough money to pay either. I am responsible for the cost of my own CLEs and licensing costs. I have over $100,000 in student loans even after being out of school for nearly six years and I only make around $47,000 per year and I have a small child at home. There are at least half a dozen other individuals at my job in a similar situation. $100 doesn't seem like much but it is to us.	12/2/2014 7:48 PM
2	I believe encouragement of contributions is okay, but not obligations. Continued efforts with the legislature and other voluntary contributors should be part of the solution.	12/2/2014 3:39 PM
3	It is a bad idea to levy a mandatory assessment.	12/2/2014 3:10 PM
4	You have phrased the question incorrectly. Everyone in this country has open access to the Courts, thus the phrase "access to justice" is misleading . . . similar to "Right to Work" actually meaning the right to have other employees pay union dues, get representation from the Union, and you get the same contracted employee benefits without paying union dues or joining the union. You question should be phrased "Access to a Lawyer (or attorney). Here's a thought, instead of implying that all attorneys are wealthy and should give all they can, how about reducing bar dues and fees for attorneys who do pro bono work. That way the Iowa Bar could really show how interested it is in Legal Aid.	12/2/2014 12:02 PM
5	I do not agree that access to justice continues to be a major concern in the state. Irresponsible people making poor decisions is the concern. This is true both in the criminal and civil justice systems. We should spend more resources on quality education and job training so that people can afford necessary legal services and less on giving people free services.	12/2/2014 10:42 AM
6	I am an out-of-state Iowa attorney practicing in the federal government. I do not have the opportunity to do pro bono work in Iowa. If I were living in Iowa, I would prefer to do pro bono work rather than have a mandatory assessment. I think Legal Aid should be responsive to the communities it serves, and seek funding from its local communities or the state legislature. I think the burden of low income interests should be carried by the whole community and not unduly upon the legal profession.	12/2/2014 9:45 AM
7	I am a lawyer who works for the State of Iowa, which means I am unable to provide pro bono services.I also make less money than private practicing attorneys. This is another regressive tax on public-service attorneys imposed by the Iowa Supreme Court that I'll be forced to pay even though I've committed my legal career to public service.	12/2/2014 8:31 AM
8	THIS IS A GOVERNMENT OBLIGATION TO SUPPLY LEGAL REPRESENTATION. DO NOT PUT IT ON THE BACKS OF HARD WORKING LAWYERS. IF A LAWYER WANTS TO DONATE, FINE. BUT FORCING YET ANOTHER TAX ON THIS SELECT GROUP OF PEOPLE JUST BECAUSE WE HAD THE INITIATIVE, AMBITION, AND GOOD SENSE TO GO TO LAW SCHOOL AND PASS THE BAR IS AN UNCONSCIONABLE PENALTY FOR ENGAGING IN A ONCE NOBLE PROFESSION. MAYBE YOU SHOULD JUST HAVE ALL OF THE JUDGES AND JUSTICES CONTRIBUTE OUT OF THEIR FAT, GUARANTEED WAGES SINCE THEY ARE ALREADY LIVING OFF THE GOVERNMENT THEMSELVES.	12/1/2014 6:38 PM
9	I am biased. I am an employee of HELP Legal Assistance, and more pro bono attorneys are needed.	12/1/2014 6:26 PM
10	Please consider the impact of fees on recent grads / judicial clerks whose fees are not paid by any law firms. The existing fees are already a huge burden on us. We appreciate the need to help the Iowa Legal Aid, but an exemption from mandatory fees is warranted for public service employees and recent grads in clerkships (2-3 years). Frankly, the same is true for the annual reporting fee.	12/1/2014 3:54 PM

11	I believe in providing pro bono hours, both individually and to organizations. In past years, I have done many cases for Polk County Bar Assoc VLP, but tapered off years ago. I do not think the attorneys in this State should bear the responsibility for low income legal services, but should help with the provision of those services without charge, as many do. The entire load should not be our responsibility, and individual lawyers should not be required to provide services. This was done as a part of being admitted to the Federal Court decades ago, and was much resented, and quickly changed to a fee for a Federal law license renewal in place of mandatory provision of services. It was claimed that it was our "duty" to provide free legal services to those designated by a Federal Judge as we had the advantage of being lawyers, and using the Courts to earn money. I do not think this lasted more than a year or two. There may have been a Federal Appellate decision on this issue.	12/1/2014 2:47 PM
12	I think that many more young attorneys would volunteer their time or be willing to work for a reduced rate if their student loans were not so high. They need to be as profitable as they can be to make as much money as they can to at least attempt to pay of their loans more expediently. I think a great incentive would be figuring a way to incorporate some sort of loan forgiveness for a certain number of pro bono hours served or cases taken a year. Even reducing the interest rate would be helpful, which at the moment sits around 6 or 7 percent for most student loans. If this were available, many more young attorneys would be providing pro bono legal services.	12/1/2014 11:12 AM
13	Access to justice is indeed an important issue, but is one that should be addressed society-wide and not only by licensed attorneys. The legislature has the power to allocate funds and should do so.	12/1/2014 10:41 AM
14	If this should actually happen, I would seriously consider removing my license from the wall behind my desk where it has been for 48 years, securing it around a corn cob with rubber bands and mailing it in.	12/1/2014 10:37 AM
15	I currently donate each year to legal aid in excess of the proposed assessment even though I am retired. I believe that this is the best way to handle funding	12/1/2014 10:27 AM
16	I couldn't agree more with Joe Holland's assessment in his second to last paragraph of his letter of opposition. It is discouraging that this attempt to single out a single profession to impose a "tax" is even being considered.	12/1/2014 9:57 AM
17	Small claims court could be made more user friendly, and the bar could provide "self-help" assistance electronically and at the office. Many of the isssues that low income Iowans have could be taken care of without the assistance of a dedicated attorney, freeing up professional time for those matters that do require a licensed attorney.	12/1/2014 9:52 AM
18	While in private practice I devoted a substantial amount of time to pro bono work, but in the public sector, I'm precluded from doing so. This proposal is outrageous and amounts to an unfair tax on a single profession! Do we require doctors to pay a fee to help cover the uninsured, or require grocers to pay or donate food stuffs to the food pantries? Read Iowa Code Section 252.27. When was the last time that any board of supervisors required an able-bodied person to work on public programs? While I "realize that access to justice continues to be a major concern in the state," it IS NOT and entitlement, and certainly not the burden of those who choose to work in the profession. Why exempt paralegals, judges, court attendants, etc.?	12/1/2014 9:20 AM
19	Tell people to make better choices with their lives. If done, the need for such services would diminish significantly, to where only those truly in need would have access to help.	12/1/2014 9:06 AM
20	The fees and hassle associated with keeping a law license continue to rise. We do not need another layer of fees and hassle. The lawyers are already carrying the burden of representing the poor at below market rates or free of charge and it is ridiculous to require the lawyers to now start footing the bill with a direct monetary assessment. Imposing an additional fee on the attorneys is a horrible idea.	12/1/2014 8:55 AM
21	I am a government attorney. I cannot provide legal advice to private parties. I already get dinged paying for client trust security that I have not and likely will not ever use. If you're going to adopt any mandatory donation, you should exempt government employees or anyone else who by law or rule cannot practice privately.	11/30/2014 12:07 PM
22	It is absolutely ridiculous to force lawyers to work for free or to pay any money to pay to represent the indigent. It should either be voluntary or it should be paid for by the taxpayer, of whom lawyers are a subset. It is unfair to saddle lawyers with the burden that should be met by the general public at large. Why should I have to pay for their lawyers bills or work for those for whom I do not want to work? I don't see the Supreme Court using its budget for indigents or reducing their salaries. Pass some ridiculous rule like this and you can expect a lot of lawyers to vote "No" on retention of the Supreme Court members.	11/30/2014 11:40 AM

23	I think if we're going to assess attorneys, it should be attorneys who have ben in practice the longest and charge the highest legal rates - high fees also contribute to preventing access to legal assistance for lower income individuals. Fees should be imposed on those who have been in practice for 5 years or more. They should not be imposed on those who have practiced for less than 5 years as their fees are more likely to be lower than those practicing longer & the younger attorneys are likely not yet appreciating the full benefits of their earning potential. The legal economy has been just as bad as the general economy. It is difficult to get a practice started on one's own. When firm jobs are not available, one option often left is to work on-contract with the public defender's office, as I am, for $60/hr. With the licensing, insurance and CLE fees, plus daily expenses of running an office, It is difficult to make ends meet. Increasingly, law student are graduating with an astounding amount of student loan debt, another disadvantage compared to my longer-at-the-Bar colleagues who have had time to improve their financial picture vis-a-vis their educational debt. One hundred dollars may seem a pittance to those who are successful and stable in their law careers, but to those of us just starting out in the field, it's seems an unnecessary burden - caused in part by the older practicing attorneys who've been in their careers the longest and charge the inaccessibly high rates. Therefore, if the Supreme Court wants to assess attorneys a fee to help pay for low-income access to justice, let it be graduated and let it not start being assessed until a practitioner has been in the field for more than 5 years. Those who have made their careers and benefitted the most should bear the burden of paying the most to ensure access to their otherwise inaccessible services. Thank you for your consideration.	11/29/2014 2:17 AM
24	This is an utter sham. The legal profession is on a knife-edge of a hopelessly glutted job market, declining economic fortunes, and an army of broke, humiliated, disenfranchised graduates leaving the field of legal practice in search of paychecks from any quarter of the economy. If you want to provide legal services to the underprivileged, law school must get much cheaper. These graduates, churned out into a glutted market, are now going to be soaked again.	11/28/2014 4:04 PM
25	I support all efforts to increase funding for pro bono organizations. We need to support them. The annual assessment is a good idea.	11/28/2014 11:58 AM
26	While I believe that many attorneys would view a mandatory assessment as a burden - the reality is that it probably would not be. I think a great many attorneys are selfish when it comes to assisting access to justice by the poor.	11/28/2014 10:07 AM
27	Needs opt-out for unemployed lawyers.	11/28/2014 3:14 AM
28	I am not an active practitioner, would make a very poor pro bono lawyer and would probably seek some kind of exemption. I could live with $50 but $100 is too much.	11/27/2014 1:27 PM
29	As a government attorney, I am not able to provide pro bono hours, and because we are paid less than attorneys in private practice who do not have restrictions, I don't think it is fair to assess any extra requirements on me. I consider my lower salary to be my contribution to legal needs in our state.	11/27/2014 10:41 AM
30	I am against a mandatory pay to play system. Taxing those with a law license to pay for societies unmet needs is an attempt to employ a political solution by adding to the already high cost of running a law practice. It is just one more nail in the coffin of being an overburdened young lawyer. It will result in one more form to file, six more rules to adhere to, two more fees to pay, two hours less time in a lawyer's schedule all the while discouraging young people to want to practice law in Iowa. Iowan's like to think they are a step up from the rest of the country and know better than the rest about what is good for society. Why does everyone need a lawyer for every legal problem? Do the poor, those who are lazy or who waste their own resources really deserve free legal services? I agree that not all who are poor are lazy or waste their resources, but many do. The current system works just fine. Those who deserve free legal services are capable of conveying their legitimate need to a caring lawyer who then of his/her own, free will, donates their time and money to right a wrong. Taking money from lawyers will backfire because those being forced to pay will turn their phones off to those who come-calling for pro bono legal services. "Sorry I already gave at the office." will be the mantra adopted. Those who want and can donate do; and those who can't don't. That is the American way. This tax is nothing more than a socialist program that promotes litigation being disguised as an attempt to help the poor. So let us call this what it really is. This is a tax. It is not "pay or play", but "pay to play"; because if you don't pay then they take away your license to practice law. It is forcing lawyers to pay a tax for an effort that is bound to backfire and to fail. The amount collected will pay mostly salaries and do little if anything for those who are legitimately poor and in need of legal services. The amount collected will be miniscule, the demand still unmet, and in the end the next round will "request" more money from lawyers in order to play in the legal sandbox.	11/27/2014 8:30 AM

31	As an attorney working in a non practicing position in a corporation I do not provide pro bono hours to anyone. I feel that it is unfair to assess a fee to my license in any manner. My decision and choice to be a attorney and maintain a license in Iowa should not obligate me to practice in a manner in which I am neither comfortable nor competent. Requiring me to pay a fee so that other attorneys may provide pro bono services is also inappropriate. I have considered becoming in active and assessing additional fees will likely encourage that decision that not only for me but for others.	11/27/2014 7:33 AM
32	As part of each attorney's annual reporting, the attorney would have to certify that she or he had performed 100 hours of intended pro bono work for the year. I support a pro hac vice fee of $300	11/26/2014 9:05 PM
33	Lawyers need to step up to take the lead on addressing this problem. They will then have more credibility when asking others to step up. The ISBA should be leading the charge in getting this assessment adopted.	11/26/2014 4:55 PM
34	While I enjoy giving, I give because I want to, not because I have to. Forced giving takes away the joy of giving.	11/26/2014 4:54 PM
35	I fully appreciate the need for access to justice for all. However, I don't live in Iowa anymore and support efforts like this in Nebraska where I live. Personally, I would probably drop my Iowa membership and probably relinquish my license. I've maintained it for years in case I ever wanted to move back to Iowa, but it's now clear I won't do that. As a policy matter, I see this as a societal issue. If I lived in Iowa I would encourage my state representatives to fully fund Legal Aid.	11/26/2014 4:52 PM
36	I contribute a significant sum of money and time to legal aid and Iowa Legal Aid and have for decades. I also contribute to other worthy causes and believe that to be important. I oppose the concept of mandating that one be generous, charitable, thoughtful, or otherwise a decent human being. Let us continue to make the case for contributions to legal services for those in need to our colleagues, fellow citizens and members of the Iowa Legislature and Congress. Let us call on one another to do the right thing because it is the right thing to do, not because someone or some governmental entity has some power over us.	11/26/2014 4:01 PM
37	If there is less money available to fund the programs, there is less money all over for paying for legal fees. I have been in solo practice for 1.5 years and have to spend every penny wisely. I also know licensed attorneys who do not currently practice but pay the $180.00 payment to IOLTA every year. The small firms and attorneys have the lowest hourly fees and we are expected to pay the same amount as attorneys with firm jobs and salaries. If an assessment is to be made, it needs to be on a sliding scale or I see Iowa Legal Memberships declining because there is only so much money to go around. The recession has hit the legal community hard since 2007 and budget balancing should not be mandated on attorneys. Some attorneys would have an income eligible for legal aid if they are just starting out or if they aren't practicing.	11/26/2014 3:27 PM
38	I would not be interested in subsidizing the Iowa Legal Aid without some oversite insuring that the money is being efficiently utitlized.	11/26/2014 3:10 PM
39	While it is no doubt true that attorneys, above all others, realize the importance of access to a fair and imparticial justice system for all Iowans regardless of their income or wealth levels, this is no reason for the legislature to abdicate its responsibility to provide access to the justice system for those who cannot afford legal assistance. I have a strong objection to a mandatory assessment, and believe it will create hard feelings among those closest to the problem later. Would judges be required to pay this assessment -- many of whom make more than those in private practice? If imposed, I would strongly object if the assessment couldn't be waived for those who provide at least a few hours a year of legal help to low-income Iowans who would otherwise not have their own attorney to help them navigate a legal maze.	11/26/2014 1:15 PM
40	I believe most attorneys provide far more pro bono hours than they claim. I am happy to provide pro bono work to indigent people, charitable organizations and others in my community. I do not think you can mandate good works in this or any other profession.	11/26/2014 12:49 PM
41	Promote cheaper education for attorneys so they may charge less for their time over the course of their careers. New attorneys can have substantial amounts of debt. I have over $200,000 in student loans and I have friends with associate degrees who make more money than I do. The financing problem is systematic and begins with the outrageous cost of law school. Try changing the system before you force every member of the bar to pay a flat fee, especially if you aren't even going to investigate to see if its affordable for every member who will be forced to pay it. Charge law schools for it. Try to form more student groups to get donations. The Ernst-Braley race just spend around $41 million from private donations - try borrowing the strategies used by political campaigns and PACs to raise money.	11/26/2014 12:48 PM
42	Increase court filing fees slightly and allocate that money to support the legal aid programs in Iowa. I supervised a legal aid program through Drake Law School for 25 years and had our funding cut off due to overall budget cuts at the state and local level. If that funding would have continued, we would still be providing that service.	11/26/2014 11:21 AM
43	Since I am low income, I feel it is unfair to take food out of my kids' mouths to support other low income people who are not attorneys.	11/26/2014 11:18 AM

44	I'm not in the state and no one there did anything to keep my federal job there. Virginia will get my pension income and my volunteer time.	11/26/2014 11:17 AM
45	I am an attorney and member of the Bar Association. However, I do not practice law at this time, so pro bono work is not an option for me. I do not know how many others there are like me. The assessment is a good idea. There's only so much the Legislature can do given who currently controls the Governor's office and the Iowa House of Representatives...	11/26/2014 9:58 AM
46	The meaning and concept behind a pro bono service is the voluntary desire to assist others. Mandatory participation defeats the very reason people help others. What is lost in this conversation is the thousands of hours attorneys donate to clients without public gratification. Would there be exceptions to aging out attorneys? Would there be exceptions to prosecutors, government attorneys, attorneys employed by companies? This is a bad idea. People should give because they want to, not because they are told to give.	11/26/2014 9:05 AM
47	I am now a judge so I do not provide any pro bono services. However, I provided such services when I was in private practise. At that time, if a mandatory fee was imposed, I would not have offered to perform any additional pro bono hours. If access to the court system is a benefit to society, then society should pay for it. If we determine that access to healthcare is a benefit to society, we dont impose a mandatory money asssessment on all healthcare professionals, we as a society fund it. If we determine that low income individuals need food or rental assistance, we dont impose a mandatory money assessment on farmers or grocers or landlords, we as a society fund it. I know that attorneys are easy "marks" and the perception is that we all makes lots of money. But this is setting a bad direction. If this program solely benefits the legal profession, then the legal profession should fund it, but if the program is a benefit to society as a whole, then society should decide if they want to fund it or not.	11/26/2014 8:58 AM
48	Passing this would give the Legislature and Congress reason to never fully fund legal assistance. It will terminate the public's responsibilty. This will instituitionalize this "assessment" as a funding mechanism. It sets a bad precedent. If passed to include judges, it would also put judges in the position of funding the attorneys who appear before them.	11/26/2014 8:51 AM
49	I support this proposition for strictly selfish reasons. A strong legal aid means I have to deal with fewer pro-bono opposing parties which makes my work a lot easier. Also, a strong legal aid means I have less people contacting me asking for pro bono.	11/26/2014 8:37 AM
50	The legislature could amend the court-appointed attorney laws to include reduced fee representation for all matters.	11/26/2014 8:34 AM
51	The Legal Aid entity is seeking to impose a tax on lawyers only to benefit the entity's needs and desires. It is wrong to tax a limited number of individuals for a general public purpose. Moreover, there are numerous instances where legal aid attorneys engage in political activity. No one should be taxed to support political causes s/he does not support.	11/26/2014 8:07 AM
52	Not sure if there is exception for employees of corporations that are prohibited from outside employment, pro bono or otherwise.	11/26/2014 7:59 AM
53	Those who have the privilege of wealth can step up to raise the funds to expand legal aid services. My source of income is almost entirely from indigent defense and I am paid pitifully for it. I am broke. I have no money to pay my debts. I cannot afford the continual sharp increases in fees to keep my license. Those who propose this have money. They need to commit their funds and their luxury of spare time to holding fundraisers. The way to expand legal services is to pay people to provide these services. Raise funds, hire more staff for legal aid, expand legal aid services. I would apply for a position working at legal aid if one were available. I would make more money with a steady income than I am now.	11/26/2014 6:44 AM
54	We are burdened enough with the fees we have to pay NOW!	11/25/2014 11:09 PM
55	In private practice, I provided hours of pro bono time. I am no longer practicing and would not be comfortable providing legal services. At the same time - this is not the responsibility of our profession. I know of no other profession required to pay for lower income people to have services. I am not in a position to pay an additional $100 each year to maintain my bar license. I fully support Legal Aid, but I would rather support on my own terms. This is essentially reduce any desire I have to support Legal Aid monetarily.	11/25/2014 10:22 PM

56	The unfortunate problem is that mediation requirement and new discovery rules are making cases more expensive. Those persons who have limited funds to get divorced now cannot afford access to the judicial system. In our district, we also have an order that prevents either party from incurring debt. this further increases the problem. I find myself, a solo practice attorney, taking on the risk of fees in significantly more cases as we are denied temporary suit money and are in so deep with attorney fees for a trial that the little if any fees granted leaves the attorneys losing out. I struggle with this as sometimes the other party is just so unreasonable that my client's only choice is to fight at court, but the courts have made that more expensive, less efficient to get there. For me now to be assessed more pro bono work or a fee on top of this is adding fuel to the fire. I am struggling to help those I can afford (and many I cannot afford) to help, but the system is making this a greater burden. When I am told how to interact with other attorneys, what documents to exchange, and prepare my case in the first months to send my client alone off to mediation that might be binding, then I have incurred thousands of attorney fees before I even get to use my God given talent to help this family. For family law, passage of time is many times a good thing. People need to let their emotions heal, their children adjust, and maybe the stay-at-home mom needs time to find a good job. Sorry if I rattled on or went beyond the scope of the question. Unfortunately, I am not proud to be an attorney today with the new restrictions on how I handle my cases. Frankly, I don't know if I will continue to practice law after my current lease is up due to the concerns and frustrations listed above. Blessings and I hope to find a better system that works for our family law cases, which is where 90% of my work is done.	11/25/2014 10:06 PM
57	This is a bad idea.	11/25/2014 10:00 PM
58	I believe this is an issue for the legislature, not individual lawyers. I routinely donate some of my time to pro bono work. However, I'm a lawyer in a small town, and have over $180,000 (yes you read that right) in student loans. I went to Drake and thought I'd get a higher paid job than I've had, so I can't even pay the regular $1600 a month payments – I pay income-sensitive payments, which are allowed, but that means the loans grow, DAILY. (the interest accrues because I'm not even paying all the interest.) I'm also a single mother. $100 is a lot to me and my son. If this is imposed, I would like to be able to have a lower income/high student loan debt opt-out. I don't believe those of us with huge student loans, who already take a lot of court-appointed (e.g. lower paid but important and necessary) work, should have to ALSO donate $100 a year toward this. We are already doing our parts. Thank you.	11/25/2014 9:59 PM
59	If such a fee is implemented, the rule should exempt new attorneys in the first five years of practice. Many young attorneys are working in solo and small firms or other lower-paying legal jobs while also struggling to pay law school debts. This may seem like a small fee to many attorneys, but for those taking home very little to start with, it is a burden we should try to alleviate.	11/25/2014 9:56 PM
60	Increase small claims limits, have one cost for dissolution including required classes and mediation in filing fee, have voluntary mediators providing services where might be helpful	11/25/2014 9:35 PM
61	I would leave the Iowa Bar if such a special assessment were required. I do not practice law in the traditional sense and currently would qualify for an exclusion, but I prefer to support the Iowa Bar. This extra assessment would push me over the edge. I understand and support Pro Bono work. In my case performing such work would be a disservice to the persons assisted as my legal skills are not in that arena. I am not sure what other options would be available.	11/25/2014 8:43 PM
62	If it is a concern in the state then it should be addressed by the state and not by imposing a mandatory fee or time requirement on a very narrow segment of the state–lawyers. I am very supportive of voluntary actions but not the imposition of mandatory action. If it is to be mandatory then all citizens of the state must equally share the responsibility not just lawyers. If there is a natural disaster (flooding, storm, etc.) volunteers are not sorted by profession. If there is concern about access to justice the solution must come from all citizens of the state, not just the few who happen to be licensed as lawyers.	11/25/2014 8:17 PM
63	Reduce the barriers and restrictions to practicing law such that fees and costs for such services are reduced.	11/25/2014 7:46 PM
64	I am a member of the Iowa Bar but I live in Texas (I've also lived in VA and Germany). In addition, I work for the Federal Government, which limits pro bono opportunities. That said, I support any measures that can assist poor Iowans in obtaining competent counsel.	11/25/2014 5:02 PM
65	Other social programs to assist the poor such as SNAP (food stamps) public housing programs, WIC, etc. are paid for from general tax dollars. Medical Doctors do not have to personally pay for the cost of the Medicaid program which provides medical services for the poor and lawyers should not be singled out to pay for the cost of free legal services to the poor, particularly where many lawyers are already doing pro bono work, they should not also have to pay additional out of pocket to cover the cost. Legal services for the poor should be funded out of general tax revenues the same as other program to assist the poor.	11/25/2014 4:26 PM

66	Required pro bono is an oxymoron. I prefer to donate my services to people I know or who present a compelling case for need of help. I prefer not to be an enabler of conduct that I consider to be morally repugnant. E.g., people who have children out of wedlock are helping to destroy the family unit which is the bedrock for our constitutional republic.	11/25/2014 3:49 PM
67	This problem concerns me greatly, but at the same time, I am pretty sure the answer boils down to individual concern and/compassion, which is difficult, if not impossible, to legislate or regulate. I am also concerned about the individual rights of those providing the service. It is not possible to REQUIRE someone to do work without compensation, I don't think, because of the 13th Amendment. I wish I had a better answer.	11/25/2014 3:49 PM
68	Questions 4-6 are awkward to answer for someone such as myself not currently performing pro bono work (government attorney outside Iowa). I agree with Mr. Holland's comments. This is a societal obligation; all members of the public who benefit from a system of justice should contribute, with full cost transparency.	11/25/2014 3:47 PM
69	My present job prohibits my performing pro bono work, but while in private practice I took pro bono cases regularly. I do not know how much this mandatory fee will raise, but it seems to me an adjustment to plaintiff filing fees or defendant appearance fees should be utilized so lawyers will be encouraged to give their time to pro bono cases and not believe this fee will fix the need for services.	11/25/2014 3:43 PM
70	I dont know the answer other than to have practicing attorneys do their part in providing pro bono hours and recognizing them for it. As an out of state attorney, I see no benefit in me paying this fee and I am sure that no one in Iowa will think about letting out of state attorneys off the hook. If money is tight for everyone, from the federal government to the state to the law firms to the people we are intending to help, who has it in their mind that charging extra money for attorneys is a good idea? Perhaps all those that think it is a good idea can donate their time AND money on behalf of all of us.	11/25/2014 3:43 PM
71	If Iowa attorneys are to be compelled to support Iowa Legal Aid or similar organizations, the fairest way is to imposed a pay or play system similar to what the federal courts have done in the Southern District. If attorneys are forced to pay an assessment this provides and excuse for a reduction in time spent on pro bono cases or other pro bono activities since they have already "paid their dues" through the mandatory process. This cannot fairly be likened to the mandatory contributions to the client security fund or the other assessments currently required. A major barrier to access to justice remains the cost of litigation (including costs to file, prepare a case and attorney fees) in the courts and the lack of alternative resolution methods that are more economical but would be recognized and enforced by the courts.	11/25/2014 3:42 PM
72	Once mandatory assessment is required to be paid by the Iowa Supreme Court to fund legal aid the legislature can be expected to reduce funding for indigent defense and the attorneys will begin to shoulder greater financial responsibility that should be funded by the legislature from taxes paid by Iowans. This is a poorly conceived plan that once put in effect will gradually increase over time and be like a tax on the legal profession in Iowa.	11/25/2014 3:27 PM
73	I perform countless hours of pro bono work but I generally don't do that through our legal aid offices. It seems so much simpler to take on a client that is deserving than to have them bump around the legal services office before being referred back to me. If I am required to donate, my knee jerk response would be simply to decline any pro bono work. Of course, I won't do that. Just not built that way. But it would be irritating for the Court would impose a requirement on me to subsidize indigent legal work when I'm already doing more than my fair share.	11/25/2014 3:22 PM
74	I oppose mandatory funding imposed on attorneys. It should remain a personal option. The real obligation is other voluntary charitable giving or with legislative funding. Lawyers should not be seen as the mandatory source of even partial funding.	11/25/2014 3:21 PM
75	Any assessments of attorneys or increase in fees to support access to justice needs to consider all of the programs meeting the legal needs of Iowans across the State- not just Iowa Legal Aid.	11/25/2014 3:21 PM
76	I live in a small rural community of less than 2000. I happily provide pro bono legal advise to any number of people who cannot afford to pay me. I provide advise to churches, civic groups and the school district without charge when called upon for advise. I haven't practiced family law, criminal law, landlord/tenant law or in any of the other areas that always seem to need pro bono attorneys for more than 20 years. I feel I contribute to my community and consider free advice to people and groups part of the cost of living in a nice small community. If there is a mandatory assessment, I will probably limit my free work.	11/25/2014 3:20 PM
77	I already make an annual donation to them. There aren't enough attorneys to collect sufficient funds by assessing $100 each. There needs to be a different source to support their organizations.	11/25/2014 3:20 PM
78	My objection to the Courts requiring a funding stream be provided to Legal Services is that if such a scheme is passed, I believe the Legislature will determine that it is the legal society that must provide funding and the Legislature will either cut funding in an amount equal to what we provide, or worse, simply end all funding with the idea that it is up to the Bar or citizens using the Courts to provide funding. Neither should occur, in my opinion. This is a duty of the public to provide legal services.	11/25/2014 3:15 PM

79	The survey is challenging to fill out and poorly worded, I think we all need to get back to why we went to law school and how important justice is and the basis is that all people have access to the courts; we are Iowans, we believe in this.	11/25/2014 3:14 PM
80	Being a young attorney in a rural county, it is very difficult to manage the expenses with student debt and overhead. The annual assessment already in place was very hard on my family's budget the first few years of practice. I believe that if the Iowa Attorneys begin paying the bill for pro bono services, the legislature has no incentive to restore or increase funding. This burden should be shared by all Iowans and not the attorneys. It is like asking Doctors to pick up the State's Title XIX bill.	11/25/2014 3:05 PM
81	I am a government employee who cannot perform pro bono hours. The notion that I should be forced to pay is ridiculous. There is no other profession that forces it's members to contribute that I am aware of. As a prosecutor you are going to force me to pay the attorneys that I oppose in court? Unbelievable.	11/25/2014 2:36 PM
82	Justice is an obligation of all citizens--not just lawyers. Funding should therefore come from all citizens in the form of taxes, not assessments.	11/25/2014 2:34 PM
83	I agree with Joe Holland	11/25/2014 2:15 PM
84	There should be zero concern about "access to justice" for low income individuals. Tiis is a completely fabricated issue and made up "problem" - contrived to get more money into the public sector and not help anyone. Iowa Legal Aid is offfensive and unnecessarily litigious in their approach. This completely offends me as a lawyer who dedicates real professional time to helping others.	11/25/2014 1:41 PM
85	I think contributing to Legal Aid should be a voluntary choice, not a mandatory requirement. There should be no mandatory monetary contribution requirement, no mandatory pro bono service hours minimum requirement and no "pay or play" pro bono requirement adopted.	11/25/2014 1:33 PM
86	Legal services like all other services to the less fortunate, should be provided/funded by all , not just the legal profession. We don't require food vendors or clothing stores to give away food and clothing involuntarily. I enjoy helping out people without charge but very much resent being forced to.	11/25/2014 1:03 PM
87	Legislation that makes the legal system in Iowa accessible to all who need access, regardless of ability to pay.	11/25/2014 12:46 PM
88	This is not a lawyer issue--it is a societal issue. All citizens should pay through taxes to Legal Aid.	11/25/2014 12:25 PM
89	The ISBA should take a leadership role in promoting better access to justice in Iowa. As a self-regulated profession, all attorneys should devote some financial resources to provide civil legal services to those who cannot afford counsel.	11/25/2014 12:07 PM
90	It is proper to strongly encourage pro bono work and donations. Mandatory assessments is not proper.	11/25/2014 11:58 AM
91	I look at pro bono service much like I do any other community service involvement or charitable contributions. It must be left up to the individual to make the personal decision to contribute or participate. Forced charity or forced civil responsibility is not the answer in my opinion and I strongly oppose it. I personally pick and choose the cases I assist people with. I don't keep set hours but I help those I believe deserve help and who I can actually help. This, I believe is my responsibility as an attorney and member of my community. However, I do not want to be taxed or be required to "prove" my involvement. That is like requiring parishioners or congregation members to pay tithe and then report how much they end up tithing. I get it and understand that we want to encourage financial support or involvement with pro bono activity but it must be an individual choice for each attorney. Thank you for your consideration.	11/25/2014 11:55 AM
92	The assessment is a bad idea. I concur with Joe Holland's comments.	11/25/2014 11:21 AM
93	This is a "very slippery slope" and would be the beginning of the creation of way too much power in the Supreme Court as well as shifting a community responsibility [the tax payer] to the profession that already provides substantial help to Legal Aid. If the Iowa Bar supports this I will consider dropping my voluntary membership after 49 years.	11/25/2014 11:13 AM

94	It is challenging to answer this survey because I am a member of the Iowa Bar who does not reside in Iowa, and who is not actively involved in the practice of law. My annual pro bono hours are zero and my annual legal hours are also zero. As far as question 4, regarding giving to Iowa Legal Aid, Polk County VLP, et al., my current giving is zero, so I would check two of the three options, "It would have no impact on current giving" and "I would provide no additional donations". I am curious how many of the people responding "It would have no impact on current giving" are responding that it would remain at zero. That was my initial answer, but upon realizing I could only select one, I changed it to "I would provide no additional donations", believing that to be the more applicable of the two true statements. Conversely, neither answer to number 6 is appropriate for me. If a "pay or play" requirement were implemented, "I would pay a monetary assessment" but it would not be "in lieu of some of the time I presently donate for pro bono".	11/25/2014 11:11 AM
95	In addition to my pro-bono work which I have one low-bono or pro-bono case going typically at all times, last year I donated $1,000 to legal aid offices in addition the Story County Bar which I belong also donates a considerable about to Legal Aid. My dues to the local bar are being donated. Further I provide free legal advice to legal aid attorneys and public defenders who contact me. I believe that it is underestimated how much is actually donated by Iowa attorneys because the funds we provide to organizations are given to legal aid offices. It is inappropriate to expect attorneys to fund the public through further required amounts.	11/25/2014 10:48 AM
96	The fee would disproportionately affect government and public service attorneys who already have decreased salaries and who have to pay all of their own license fees and court admission fees. This also seems like an unfair tax on attorneys who contribute a significant amount of unpaid time on probono cases.	11/25/2014 10:48 AM
97	Due to the vast differences in size and income between different firms and between individual attorneys, any monetary contributions must continue to be completely voluntary. A one-size-fits-all mandatory contribution would be counter-productive.	11/25/2014 10:48 AM
98	I resent the identification of this program over other charitable endeavors as more worthy of subsidy	11/25/2014 10:47 AM
99	I do not practice in Iowa since I've been living in _____, MO for 14 years, so I do not like the idea of paying $100 annually. Thank you.	11/25/2014 10:44 AM
100	This is not a lawyer-made problem and lawyers should not be required to pay to fix it. It is a citizen problem and everyone should share the cost.	11/25/2014 10:26 AM
101	All states have a mil levy on all tax payers for public schools; there should be one for legal aid to the indigent, too.	11/25/2014 10:19 AM
102	I have 35 years as a lawyer in Iowa and most of us do reduced fees, writeoffs, or pure pro bono all the time. Personally I frequently do criminal appeals on my own nickel for my clients, and some custody appeals. Sometimes I do it for veterans. Sometimes it is just 15 minutes on the phone telling someone what to do or who to call. This translates easily into 5 figures plus per year of pro bono work. I don't usually mention this, but I do here because while to a new lawyer, $100 per year may seem a lot, it is a round of golf and dinner, or a concert and dinner, or a sporting event with travel. In short, this has been a privilege which only in my senior years as an attorney have I begun to appreciate. The underfunding of our justice system is embarrassing. At a recent seminar we were given statistics that the average blended cost per case of some 90,000 cases handled by the public defenders was under $300, and for court appointed was under $600 for nearly 70,000 cases. I cannot even begin to do an adequate job of investigation for less than $1000. So, this is my thought --- $250 for those with 5 years or more or 15 hours of true pro bono time. For those with ten years, $350, for those with twenty, $500 or commensurate time. We are talking about a dollar a day or less for most lawyers. Chewing gum, a coffee, for justice. Gideon's trumpet is being silenced. My daily prayer is simple: Let me mighty in battle, let me be valiant in the defense of others who cannot defend themselves.	11/25/2014 10:18 AM
103	I wish more attorneys would contribute pro bono hours. Too many just say they do not practice in the areas that are needed and do not take cases. I am opposed to additional "donations". Our bar already contributes to Legal Aid and I individually contribute during fund drives. Requiring me to donate irritates me. I do not know why attorneys should bear more of the financial burden than the populace at large. It is everyone's responsibility. I agree attorneys should provide the services. I do not agree that we should also be the ones providing the money.	11/25/2014 10:17 AM
104	I was previously in private practice and was committed to performing a substantial amount of pro bono work. Now that I am a government employee, however, my opportunities for doing so are limited- or at least that's my perception. Access to justice is a very important issue and I wish I could do more, which is why I support a mandatory monetary assessment.	11/25/2014 10:16 AM

105	I am an inactive member of the Iowa Bar residing in Florida. I do not practice law and have not done so since 1980. I do, however, make significant charitable donations to a variety of organizations that serve the homeless and the hungry in many ways. I just don't see this as a high priority for me. There are many ways to contribute to justice, both procedural and distributive, and subsidizing lawyers' work in Iowa just doesn't rank high for me. If I lived or practiced in Iowa, however, I would feel quite different and contribute far more than $100. Please exempt non-practicing inactive attorneys.	11/25/2014 10:15 AM
106	I am a judge so my responses are impacted because of that. I annually give money through the State's One Gift program that at least equals the proposes assessment. I cannot provide pro bono services but feel the need to financially support Legal Services.	11/25/2014 10:12 AM
107	The mandatory fee is the camel's nose inside the tent. Not a good idea. Iowa lawyers that I know provide many hours advising their churches, their volunteer groups, etc. We probably don't do a good job of keeping track of the hours spent. If we did, I think it would surprise us how many hours we spend. I'd suggest a more detailed study of the matter, by selecting a sample of Iowa lawyers across the state and asking them to keep track of their volunteer hours for some time period.	11/25/2014 10:11 AM
108	Although I do not practice law in the State of Iowa, I see many issues in requiring a mandatory monetary assessment. In my experience, having a Legal Aid attorney on the other side of a case always increases the costs and expenses for my own client. The Legal Aid attorney does not have to be concerned with billable hours so will create unnecessary work as a way to increase costs and hopefully have the retained attorney withdraw. This does not support justice in any manner. Another factor to consider is that appearance that it creates for the general public. If the ISBA is funding Legal Aid, does this not create an appearance of conflict of interest? The ISBA should be supporting all attorneys across the state not providing financial backing for a small segment of the legal community. Legal Aid's purpose should be for the benefit of the betterment of society so funding should fall on all citizens. Look at it another way....should a public school teacher pay a mandatory assessment to support public schools or a police officer pay a mandatory assessment to support public safety.	11/25/2014 10:07 AM
109	I maintain my Iowa license but work as corporate counsel for an out-of-state corportation. This position prohibits me from representing anyone other than my corporate employer as a client. I would look to eliminate other costs if this became mandatory such as Bar membership, monetary donations, etc to offset these charges. This is a general society issue that must be funded by the legislature and paid equitably by all residents in Iowa via taxation and court fees. Simplification should be encouraged within the legal system where people would not need attorneys to pursue their rights and remedies.	11/25/2014 10:04 AM
110	Imposing any involuntary surcharge on my license to practice law is not an appropriate way to raise funds for this or any similar organization. While the cause may be just, the method is not. There are many charitable organizations concerned with providing access to justice. I should be able to choose where I contribute my money. If it is really "a major concern in the state" seek funding from the legislature and executive branchs to fund the effort.	11/25/2014 10:00 AM
111	I do pro bono work in both Iowa and Illinois. I know that funding for legal aid is a problem. I alternate donations between Iowa and Illinois. I do not support a mandatory assessment. I do not think the burden should fall on the attorneys.	11/25/2014 9:56 AM
112	Access to justice is a problem because persons cannot afford the cost of quality legal services, I've seen clients who can't afford to bring suit, and clients who can't afford to defend suit. In either case, the costs of litigation result in a recommendation to pursue the action in small claims or settle. The solution isn't pro bono legal aid - the demand for free access will always outstrip resources. The solution is litigation cost shifting to the wrong-doer. The "American Rule" should be modified in Iowa, and allow the recovery of legal fees and litigation expense under the "English Rule" system for damages under 100k, and all equitable remedies. Give attorneys an economic incentive to take clients' with meritorious claims, regardless of an individual client's economic status. In other words, rather than taxing the system to fund free services for an increasing demand, decrease the demand by shifting the ability of some individuals to pay for legal services.	11/25/2014 9:54 AM
113	As a new attorney in a market that has not yet recovered, an additional $100.00 would be a hardship. It is difficult enough to pay for my law school education, CLE hours, bar dues, and Client Security Fees, in addition to my Federal Requirements and soon to be Illinois requirements, without this additional fee.	11/25/2014 9:53 AM
114	I don't believe the judiciary has the constitutional power to impose a tax. Also, I prefer to make my charitable contributions to entities of my own choosing; e.g., my church. I believe it is my decision, not the judiciary's, to determine how much and to whom I donate.	11/25/2014 9:53 AM
115	The ISBA could highlight pro bono cases and attorneys who devote time to pro bono work in their newsletter.	11/25/2014 9:52 AM

116	The fees that members are being charged have continued to increase to a point that I feel sorry for those who are in a small practice and are struggling with their expenses. There is a point that we have to stop passing along these costs. I think the funding should be obtained elsewhere. As for the requirement that attorneys provide the pro bono hours, there are a number of us not in a traditional law firm (corporate setting) and we do not carry malpractice insurance. A requirement for those attorneys puts those attorneys in a very difficult place. This should be voluntary - giving of your time and/or your money!	11/25/2014 9:50 AM
117	Lawyers, especially family lawyers (which appear to the lion's share of pro bono cases listed on the ISBA website) need to provide more pro bono hours. I became a lawyer to be of service to individuals, not to make those individuals unable to seek redress through the courts. There is room in every practice for billable hours and pro bono hours if the attorney's care to make that happen.	11/25/2014 9:45 AM
118	Joe Holland summarizes my views well. This idea, while well intended, is one that should be promptly shelved. The Supreme Court is not an arm of DHS.	11/25/2014 9:43 AM
119	I feel the amount paid to the bar association is already significant particularly for individuals with a law degree like myself who do not practice but maintain licensure. Typically non lawyer positions pay significantly less than practicing positions. There should be an option for either attorneys who make under a certain amount not to pay this fee or for non practicing attorneys to opt out.	11/25/2014 9:43 AM
120	With employment opportunities severely limited for recent graduates, it is not a good idea to impose this charge on recent graduates. They have their annual assessments to the Iowa Courts portal, client security fees and they must fund CLE to maintain their licenses, more so if they are admitted to federal court in Iowa. In any event, legal professionals should not be singled out to pay for pro bono in their profession any more than others who hold state licenses should be required to provide free service or pay a fee in lieu of free service.	11/25/2014 9:42 AM
121	I am an inactive out-of-state attorney. If this assessment goes through, I will likely give up my membership in the Iowa Bar. My current company does not pay my Iowa Bar Dues, and I have been doing that voluntarily for over 15 years. I enjoy being part of the Iowa bar, but more assessments will likely cause me to throw in the towel.	11/25/2014 9:38 AM
122	Out of state lawyers should be exempted. We already support the legal aid efforts in our resident state and should not be taxed to support it in Iowa.	11/25/2014 9:36 AM
123	Utilize the clinics at Drake and Iowa more effectively.	11/25/2014 9:36 AM
124	I'm a Nebraska lawyer and I do not believe that any assessment should be imposed on out of state lawyers. I work with a legal clinic for victims of domestic violence in my home city on a monthly basis. In addition, I provide legal services to my church as well as other groups with whom I am involved, on an as needed basis. That being said, I see the need for low cost legal services and am supportive of a means by which to obtain additional funding.	11/25/2014 9:35 AM
125	I feel as an attorney we make a greater contribution to the state and the people within our state by contribution of pro bono hours. We already are required to pay multiple fees each year to maintain our license. Taking on another monetary assessment is not going to encourage attorneys with limited financial means to contribute more to the state or it's people.	11/25/2014 9:34 AM
126	I provide pro bono hours for those who for some reason don't qualify for those programs in place. I think that there is a gap. The perception that only criminal's need attorney's is one misconception that has to be alleviated. It would be easier for others to donate if their preconceived notion of what attorney are and how they help the public can be changed. There is a need for more education as to what good we do.	11/25/2014 9:32 AM
127	I am not opposed to a mandatory $100 per attorney assessment for Iowa attorneys to support legal aid services.	11/25/2014 9:30 AM
128	Access to justice is an issue for the people of Iowa, not just attorneys. Attorneys provide "undocumented pro bono"; volunteer to do pro bono via the VLP and other avenues; take cases paying $50 to $60/hour through appointments in criminal, juvenile, and probate courts; serve as unpaid GALs, when no one is available to pay. Many legal careers are spent in the service of the poor, with predictable bottom line results for lawyers, including those salaried by Legal Aid. This is an IOWAN issue; and the legal community should not reinforce the illusion that the state and populace have no role or responsibility. If we're going to assess attorneys...use the money to fund advertising of the Governor and legislators' opinions as to why legal aid to the poor shouldn't be better funded through the state. They apparently have their reasons...let's hear them.	11/25/2014 9:28 AM
129	Provide more funding to raise court appointed pay to help cover overhead costs. Most of my pro bono or reduced priced work comes from contacts made in juvenile court.	11/25/2014 9:18 AM
130	The Legislature should subsidize it. If a monetary assessment is adopted, make sure the Judges are included.	11/25/2014 9:02 AM

131	This is wrong. Lawyers did not cause this issue. Legislators did. People who do have the means (ie they pay the smart phone bill for five phones, have a 60 inch TV and have money for Monster drinks) are part of the problem. I am opposed to a tax on lawyers to pay "pro bono". Charity is not charity when it is prescriptive. I will consider dropping my membership to the ISBA if this tax is though the ISBA and I will consider dropping my membership to the ISBA if the "elites in the bar" come down with anything other than a neutral position.	11/25/2014 8:48 AM
132	First, this survey is very poorly written and doesn't offer options that reflect how I would have answered if better answers were provided, especially for #6. I would aspire to continue to do both and I would hope that option would be available and one wouldn't have to choose between both of these important obligations. I strongly believe in every lawyer's responsibility to ensure equal access to justice. I also know the power of having attorneys on both sides of an issue to reach a resolution in an efficient and fair manner. It is clear that the bulk of attorneys in Iowa do not donate and do not reach their aspirational goals. Many do favors for people they know or the occasional sad story without regard for focused efforts to designate pro bono time for actual low-income people. I suspect the answers to 1 and 2 will be an inaccurate measure as people count things in their own minds that don't really count as free legal assistance to Iowa's indigent population. Finally, the fact that every state around Iowa has both fee assessments and pro bono goals speaks volumes,	11/25/2014 8:32 AM
133	As a lawyer for a small corporation, I do not really practice law in the true sense of the word. My legal practice is limited. I find it offensive that I already have to contribute to the client security trust fund, when my involvement in client trust funds is non-existent. Adding additional fees to what I already have to pay probably would put me over the edge. I will discontinue my voluntary bar membership.	11/25/2014 8:17 AM
134	If there was a mandatory fee, i would recommend lower rates or even a 2-3 year waiver for new attorneys who are just getting set up.	11/25/2014 8:09 AM
135	I have considerable dealings with legal aid and the quality of service provided varies greatly. Certain sites will focus on getting to an efficient resolution of the matter and are easy to work with. Some sites will engage in what is effectively gamesmanship when the end result is effectively the same. Basically you can do it the easy way or the hard way to get to the same result.	11/25/2014 8:06 AM
136	I don't like the idea of a mandatory fee. I think it might be the first step in a line of mandatory fees. I will clearly stop all current pro bono work if a fee is imposed.	11/25/2014 7:47 AM
137	Access to justice is important but it should not be achieved on the backs of lawyers. This is a cost that must be shared by the entire society.	11/25/2014 7:45 AM
138	In the past, I have provided substantial pro bono legal work, but not through the Legal Aid organization. For example, I provided an estimated $12,000 in legal work to the successful effort to get the Ames City Council to consider the use of the former Central Junior High School property as a City Hall. It was thanks to my legal work that a bond issue to finance this was finally passed with a favorable 85% public vote. This vote would not have happened without the work I did on this, over an 18-year period. It is not fair that this type of pro bono work receives no recognition whatsoever, merely because it does not involve the Legal Aid organization.	11/25/2014 7:27 AM
139	Legal Aid is a non-profit company. Requiring lawyers to fianncailly support it, with no control of that organization by the court or the state legislature, is a tax without representation.	11/25/2014 7:15 AM
140	I've contributed lots of pro bona hours and lots of dollars to VLP and Legal Aid, and I've lobbied for it. But I will resent being told I have to donate money to the cause. If doctors, dentists, CPAs and engineers had to donate, I'd feel better about it. But I'm already donating.	11/24/2014 10:43 PM
141	Continue to provide simplified procedures, pro se guidance, and expanded use of paralegals to help in court and administrative law proceedings.	11/24/2014 10:16 PM
142	I don't think it should be mandatory, either in time or money assessed against attorneys. This is putting the burden on a small amount of Iowans when it should really be covered by all citizens.	11/24/2014 9:47 PM

143	This is a proposal with immediate and long term deficiencies.The Court should avoid singling out even a venerable organization like Iowa Legal Aid for a subsidy like this. The practical effects of the subsidy are likely no more than $800,000 a year to Iowa Legal Aid. This is a rough equivalent to ten experienced, full time, public attorneys statewide. A strong public case can be made that there should be ten more attorneys in Iowa's legal community who spend the entirety of their time on assisting Iowans with low incomes. Every version of this proposal negates that case. It suggests that a hundred dollars or a prescribed number of hours per year checks that box. At current public defender rates, that hundred dollars is not quite two hours of work. If an attorney is doing any pro bono work at all, I am comfortable suggesting that for most of us, it's more than the one hour and forty minutes per year as represented by the one hundred dollars. To tie these things together, via a "pay or play" scheme, reduces volunteerism to a transactional relationship between a lawyer and the Court. To further tie that funding stream to Iowa Legal Aid's operating budget means "pro bono" is not for the public good, but for the good of that organization first, and then public good as defined by its spending of those funds. This is a demotion of Iowa Legal Aid. State revenues are up. This means that people are earning more money and spending more money. So, salaries are rising and the legislature has some freedom to make allocative decisions which in recent years weren't possible. If there were ever a time to make a public case for low income legal services, it's now. A public case for raising not even a thousand dollars per Iowa County - per Courthouse - is a remarkably powerful image. The alternative of limiting the ask and the effort strictly to the legal community is poor planning, even if it is attractive. Opening the door to such a fee means later on, the only question is one of degree, and not substance. A hundred dollars today could be a hundred twenty in five years - and that's fine. The amount is not the issue - but the limitation on scope of the funding scheme itself is. In plain English, if we in the legal community can't make the case for personal and other financial supports at this level, then our alternative is to get better at making the case, and not to limit our audience of supporters to the attorneys in Iowa. By limiting the scope, this idea places distance between the legal community and the public. There is a fine example as to how public outreach can work. For example, in recent years, the Court has taken great care to remedy a perception of distance between itself and the public. I encourage the legal community to apply the same principle, and therefore consider the problem of limited access to legal services as not something to which we simply look internally. Instead, we should consider ourselves as a vehicle to not only remedy the funding stream but to also raise the perception of the field of service to people with low incomes as a whole. There are people in need in each county. A thousand dollars per county each year - raised or appropriated - is a million dollars to Iowa Legal Aid. Why would we limit our appeal to just the lawyers, when we could get better at our ask, and honestly, make some friends? It is not enough to simply assume that what we do is justified on its merits. Merits aren't enough! If merits were enough, there would not ever be a shortage in services or funds. Small business owners, attorneys, politicians - the Court - remedy these things every day. Doing it properly and expansively creates a solid foundation for support. So, I encourage the Court to send this idea back to the drawing board, and also encourage the legal community to follow the Court's lead, and work deliberately and thoughtfully to expand its own base within the public.	11/24/2014 8:59 PM
144	I think the legislature should fund this from general tax revenues. Attorneys are not the only folks who are impacted by a failure of the justice system to provide access to all Iowans. One funding method could come in the form of tax exempt bonds with the stream of income to repay the bonds from either designated funds from the general fund or in the form of a penny sales tax.	11/24/2014 8:56 PM

145	This is a proposal with immediate and long term deficiencies.The Court should avoid singling out even a venerable organization like Iowa Legal Aid for a subsidy like this. The practical effects of the subsidy are likely no more than $800,000 a year to Iowa Legal Aid. This is a rough equivalent to ten experienced, full time, public attorneys statewide. A strong public case can be made that there should be ten more attorneys in Iowa's legal community who spend the entirety of their time on assisting Iowans with low incomes. Every version of this proposal negates that case. It suggests that a hundred dollars or a prescribed number of hours per year checks that box. At current public defender rates, that hundred dollars is not quite two hours of work. If an attorney is doing any pro bono work at all, I am comfortable suggesting that for most of us, it's more than the one hour and forty minutes per year as represented by the one hundred dollars. To tie these things together, via a "pay or play" scheme, reduces volunteerism to a transactional relationship between a lawyer and the Court. To further tie that funding stream to Iowa Legal Aid's operating budget means "pro bono" is not for the public good, but for the good of that organization first, and then public good as defined by its spending of those funds. This is a demotion of Iowa Legal Aid. State revenues are up. This means that people are earning more money and spending more money. So, salaries are rising and the legislature has some freedom to make allocative decisions which in recent years weren't possible. If there were ever a time to make a public case for low income legal services, it's now. A public case for raising not even a thousand dollars per Iowa County - per Courthouse - is a remarkably powerful image. The alternative of limiting the ask and the effort strictly to the legal community is poor planning, even if it is attractive. Opening the door to such a fee means later on, the only question is one of degree, and not substance. A hundred dollars today could be a hundred twenty in five years - and that's fine. The amount is not the issue - but the limitation on scope of the funding scheme itself is. In plain English, if we in the legal community can't make the case for personal and other financial supports at this level, then our alternative is to get better at making the case, and not to limit our audience of supporters to the attorneys in Iowa. By limiting the scope, this idea places distance between the legal community and the public. There is a fine example as to how public outreach can work. For example, in recent years, the Court has taken great care to remedy a perception of distance between itself and the public. I encourage the legal community to apply the same principle, and therefore consider the problem of limited access to legal services as not something to which we simply look internally. Instead, we should consider ourselves as a vehicle to not only remedy the funding stream but to also raise the perception of the field of service to people with low incomes as a whole. There are people in need in each county. A thousand dollars per county each year - raised or appropriated - is a million dollars to Iowa Legal Aid. Why would we limit our appeal to just the lawyers, when we could get better at our ask, and honestly, make some friends? It is not enough to simply assume that what we do is justified on its merits. Merits aren't enough! If merits were enough, there would not ever be a shortage in services or funds. Small business owners, attorneys, politicians - the Court - remedy these things every day. Doing it properly and expansively creates a solid foundation for support. So, I encourage the Court to send this idea back to the drawing board, and also encourage the legal community to follow the Court's lead, and work deliberately and thoughtfully to expand its own base within the public.	11/24/2014 8:55 PM
146	Voluntary pro bono work makes me feel good, that I am helping someone. A mandatory assessment is a tax which I would fight in any way I could. This assessment is a bad idea.	11/24/2014 8:45 PM
147	If we put forward requirements on members of the bar, it enables the government to continue to devalue access to justice. Social priorities should be reformed. My other thought is if we are made to pay, perhaps it should be scaled based on how many years an attorney has practiced, with those with more experience paying more.	11/24/2014 8:35 PM
148	The legislature sets social policy. Providing free legal services to the poor is social policy. If the legislature wants free legal services for the poor, it should fund them completely. Every lawyer already does far too much work for nothing. To require a lawyer to give even more in the form of money is unfair, and should not happen.	11/24/2014 8:01 PM
149	I dot share the idea that it is a problem or that the Supreme Court has the legal right to condition my right to practice law on making a charitable contribution monetarily or in the form of legal services.	11/24/2014 6:42 PM
150	I agree with Mr. Holland's position. Attorneys should not be required to bear the burden, it should be the responsibility of society as a whole.	11/24/2014 6:23 PM
151	Pro bono cases should be screened and segregated for purposes of evaluating need. For example, domestic relation cases, especially custody cases are difficult to resolve if one party has free access to representation. The availability of services is abused in many cases.	11/24/2014 6:19 PM
152	Allow more law students to intern at Iowa Legal Aid	11/24/2014 6:13 PM
153	I give many hours to organizations and individuals on a pro bono basis, but almost none of them through one of the organized pro bono programs. I do not do it to get recognition from my peers or others in the bar association. I think we need to cultivate a mindset of giving to the community, and mandatory assessments or forced pro bono hours are not the answer.	11/24/2014 6:09 PM

154	I feel a mandatory assessment will have an adverse impact on young attorneys, part-time attorneys and retired attorneys who are already assessed a significant amount based upon their limited income. I do not feel the current system is broken. When there is a call for pro bono assistance, there are many members who answer the call.	11/24/2014 6:09 PM
155	The State should pay this. If it is such a huge concern, then the legislature and governor should account for it in their budgets. This should not be a tax on lawyers. We pay enough income tax and vote for our legislators to decide these issues. Who voted in the people that are deciding to tax this assessment on lawyers? If we are taxed through a mandatory assessment we will use our power to not retain the taxing body and vote no in that indirect manner. Do not legislate from the bench or bar.	11/24/2014 6:00 PM
156	Iowa Legal Aid is a very worthy cause and does outstanding work that is essential to justice. If any fee is assessed, it must include the other independent legal services agencies in Iowa. If there were a fee imposed, it seems likely that many lawyers would contribute less to all of the legal services organizations, and many lawyers would "buy out" their time. Given the potential conflicts, and many of the limitations on ILA's ability to serve all clients, that would be a devastating blow to civil justice.	11/24/2014 5:52 PM
157	Societey at large, not the legal profession in particular, is responsible for assuring the right to counsel. An assessment on lawyers makes no more sense than an assessment on plumbers. The ISBA's affirmative legislative program should include advocacy of appropriate legal aid funding from general state revenues.	11/24/2014 5:46 PM
158	Don't feel competent in most pro bono legal areas as specialize in lobbying, government relations and state business tax law, so I guess if the bar is going to take this matter up, I would prefer a reasonable "play or pay."	11/24/2014 5:42 PM
159	Electing legislators who value the justice system - civil and criminal. When the court appointed fee rate is $60/hr, lower than the cost of operating costs, asking for a pro bono fee from those already doing that work, and other pro bono work, is like asking EMTs to pay for the uncovered medical expenses of their patients, or firefighters to repair the house they just saved.	11/24/2014 5:39 PM
160	Part of the problem is overcriminalization and over-zealous prosecutors and DHS, all of which lead to the need for low income Iowans to have representation in court.Over reliance on incarceration as punishment for all offenses, and overly long sentences lead to greater need for accused persons to have a strong defense, Alternative court systems, rehab instead of punishment would reduce the cost to the system, and so would reducing the collateral consequences of criminal convictions and DHS interventions.	11/24/2014 5:39 PM
161	The State of Iowa recieves a substantial amount of revenue from filing fees, and a tremendous amount of revenue in court costs charged on probate matters. The court system already collects more than enough money to properly fund access to justice and mandatory fees are not the answer. I have provided to pro bono services to people, and for the most part, most of them are very ungrateful for what they receive. I choose to provide my pro bono services to those that I know who are truly needy and grateful for what I do for them.	11/24/2014 5:30 PM
162	Better management is needed. I do not understand why they put on so many CLEs if money is so short. I have seen many wasted volunteer and intern hours. I know of a lady utilizing the VLP for her 3rd divorce ! This does not seem like a best use of valuable donated attorney time and resources. I highly support the VLP, but I do not like the concept of a forced monetary penalty . Then it will be the public defenders asking for funds, and then it will be a fund request for domestic violence. We will lose more Bar members. Opening up more proceedings to pro se litigants will help. Thank you for allowing my input.	11/24/2014 5:29 PM
163	If there is a mandatory assessment, then full time it should also apply to fulltime government lawyers and judges, all of which are a part of the legal system.	11/24/2014 5:25 PM
164	I provide free or almost free work to those with few resources in real estate, probate and similar matters on a routine basis - if I report this to take "credit" for this, I think it detracts from the spirit in which I performed the work. I see legal aid involved with those who have resources but somehow get past the screening process. Perhaps the answer is to improve the screening process for ability to pay and to require that the clients pay "something" based on resources for the services they receive. Over the years I find that free work in dissolutions or other litigation is not respected. I think everyone should pay "something". I would resent reporting to anyone when I complete free work - isn't the best charity anonymous ?	11/24/2014 5:20 PM
165	I strongly disagree that a $100 mandatory assessment on all attorneys is the proper solution to the "access to justice" woes of this state. If someone needs representation, they should obtain an attorney and should pay for that attorney. To assess a fee against all private attorneys, so that many litigants need not obtain private counsel, seems a very bitter pill, indeed.	11/24/2014 5:18 PM
166	Those who wish to participate are free to do so. Leave the rest of us alone and stop trying to make us conform to your ideas concerning "social justice"! I don't need one more governmental or quasi-governmental agency telling me what I have to do.	11/24/2014 5:16 PM

167	There are many lawyers in the state who provide pro bono on a regular basis, just not through legal aid or other agencies. Why should they also have to pay legal aid a mandatory fee. Legal Aid doesn't do the same type of work I do, so I take pro bono cases for people who would have no access to the system if they had to rely on legal aid. a voluntary check off would be one thing but I think a mandatory assessment is wrong	11/24/2014 5:12 PM
168	while we currently encourage lawyers to perform pro bono service we could make that voice stronger in our state and local bar associations. The play or pay concept has some appeal. I think you would a definite rise in pro bono services form lawyers.	11/24/2014 5:08 PM
169	Although the primary funding for legal services should be from legislative commitments to the program, both federal and state, funding from these sources has seriously declined over the years, relative to inflation. Prior to the 1989 decision in Mallard v. U.S. District Court, it was possible, at the federal level, to require attorneys to provide pro bono assistance. Mallard prohibited this practice. The district court instead instituted a fee which could be paid in lieu of providing pro bono assistance. A similar buyout mechanism could be used at the state level, in order to help fund legal services activities throughout the State of Iowa. The fee could be tailored, as is the CLE fee, to increase as a person's years of experience increased. It is essential that low-income persons have access to legal assistance in the civil arena, as low-income individuals are often involved in the legal arena with no way to adequately defend their position. A fee would be one way of making sure that legal services can be provided to more individuals, and would also provide a more uniform funding stream that would not be subject to the whims of the legislature or the interest rate paid for IOLTA purposes. It is an idea whose time is now.	11/24/2014 5:03 PM
170	Could be a bad precedent to require lawyers to shoulder burden of what is essentially a societal, not lawyer, issue.	11/24/2014 4:58 PM
171	The judicial branch is a third branch of government, not a dental service. Access to justice is a governmental problem to be addressed "by the people" not ONLY those in the profession. There are many organizations requiring pro bono time from attorneys and I do not support a mandate for one particular organization over another and certainly not an endorsement from the Court as to favoring a particular organization over another.	11/24/2014 4:57 PM
172	I provide pro bono time to those in need when they come to my attention and I check the pro bono needs when they are sent out. Currently I am involved in a case involving the conversion of funds where the party who converted the funds is being represented by Iowa Legal Aid. I'm greatly distressed to find Iowa Legal Aid representing a defendant who had access to considerable funds. Requiring us to pay for a system we have no input on when decisions are being made that the party can keep the funds but can't afford to pay counsel results in an unfair and unjust levy.	11/24/2014 4:56 PM
173	I work for a local government. We cannot afford to add $100 per attorney per year for this. Government employees should be exempt.	11/24/2014 4:56 PM
174	Seems to me the phrase "access to justice" has many different meanings, but generally it comes down to money. One idea is to raise the limit on small claims cases. Bring it up to $20,000.00. Small claims tends to be a more informal process, one that pro se parties can handle. But it should be more regulated than it is, in particular if the dollar amount is upped. This can be done without losing the qualities that make it more friendly to pro se defendants. Additionally, I think that before we can have a conversation about "access to justice" we need to get real and have a real conversation about the quality of and manner in which we dole justice out in this State. I practice primarily in criminal defense. I did not begin my career in this State. I hear time and again about how great our bar and our bench performs. I was Jesuit educated. Constant patting on the back is a major red flag. I see very little discernment in the bar in terms of addressing the quality of justice, at least not in out criminal courts. Frankly, I believe there are huge problems and I know from having practiced in a majority of counties that there are huge discrepancies between our 99 judicial fiefdoms in the manner and quality of criminal justice doled out to our citizens. We ought to take a good hard look at ourselves before we start levying fees to provide "access to justice" because access to injustice isn't helping anyone. Let's quit bragging about ourselves and start asking the tough questions about how are courts are run and how we treat people. There are huge variations in the quality of bench and bar in our criminal courts. There are huge variations in the policies and procedures in Iowa's criminal courts and many create substantive problems for criminal defendants and frankly criminal defense lawyers. There are huge problems with the public defender's office and its operations. There are huge problems with the oversized influence of the county attorney's offices in our criminal courts. These are substantive issues which directly affect the quality of justice doled out. I won't go into detail on this because that's not what this is for, but I truly hope that as a bar we start caring about the quality of justice particularly in our criminal courts because in my 7 years of practice here, I've not seen one proposal from the bar addressing any substantive issue related to our criminal courts.	11/24/2014 4:53 PM
175	As a full-time prosecutor, I cannot provide pro bono work. Assessing attorneys any money or requiring pro bono work reinforces my decision to not support the ISBA. It also guarantees I will no longer give any money to legal aid. Further, I see clerks offices turning away pro se litigants. I see judges doing their very best to discourage people from representing themselves.	11/24/2014 4:51 PM

176	We need to elect representatives that value lawyers and understand that the whole tax-paying population should support the poor and economically disadvantaged. It is not a problem that is solved by "assessing" (i.e., taxing) just lawyers.	11/24/2014 4:51 PM
177	Although I keep my license current, I am in a professional role where I do not actively practice law. The mandatory fee assumes all licensed attroneys practice law. I do not support a mandatory fee.	11/24/2014 4:50 PM
178	I would prefer the Supreme Court stop taxing attorneys.	11/24/2014 4:48 PM
179	We should sharpen efforts to get more money from the state legislature.	11/24/2014 4:46 PM
180	I vehemently oppose a mandatory assessment. I realize that the cost of legal services is increasing, but for sole practitioners like myself, every extra fee makes a difference. Additionally, I donate over 50 hours per year of pro bono services through the VLP. I do not have a big firm who pays my expenses and my annual fees - they come directly out of my pocket. I believe that a mandatory assessment would also negatively impact attorneys in rural practice settings, in addition to those who are solo practitioners in larger metro areas. Please reconsider this option. If something must be done, please consider an optional contribution, or assess the contribution based upon the number of attorneys in practice in the office. (i.e., if 5 attorneys or less, then $50 per attorney; if 6-19, then $75 per attorney; for forms of 10+ attorneys, $100 per attorney)	11/24/2014 4:45 PM
181	I really think attorneys should just continue to provide pro bono hours. The majority of the attorneys in our firm provide well over 50 hours of pro bono time but we do so in conjunction with the juvenile court when the court asks our juvenile court involved clients to get a district court order in order to establish permanency. We also provide our own volunteer work through the various churches and organizations we are involved with (that involve pro bono legal assistance) This isn't in coordination with an agency - we just do it. It is unfair to require monetary contributions on top of our already volunteering.	11/24/2014 4:44 PM
182	I represent criminal defendants at (criminally) reduced rates. I already represent referred clients pro bono. I pay an exorbitant annual amount to pay for other attorneys' malfeasance. I am a small firm attorney, and cannot shift these expenses onto well-heeled clients. Thus I resent Justice Cady's proposal to saddle attorneys with yet another fee to solve a societal problem that the penurious legislature refuses to address.	11/24/2014 4:43 PM
183	This is a societal problem to be shared by ALL citizens of the state (and nation). It is NOT MY individual problem - I do pro bono work anyhow as I see fit, and I do NOT like this kind of thing to be SHOVED down my throat. Got it?	11/24/2014 4:43 PM
184	Any fee should npt apply to attys who have placed their license in retirement.	11/24/2014 4:42 PM
185	I appreciate Iowa Legal Aid and all of the great work they do. I already donate as generously as I am able throughout the year, both in terms of money and time. If an financial assessment were imposed, I would most cut my donation by the amount of the assessment and continue to perform volunteer hours as I have every year. I am concerned, though, that there are many attorney in precarious financial situations and for whom an additional assessment in March would prove onerous. I also recognize that there are individuals whose political, ethical or historical background prevent them from donation or support. I also feel that pro bono representation benefits all of society and not just attorneys. I would very much like to see the Iowa State Bar Association and the Iowa judiciary do more to assist Iowa Legal Aid with fundraising throughout the State and not just the members of the bar. I would also like to see the Bar Association aggressively marketing Iowa Legal Aid CLEs or paying Iowa Legal Aid when their attorneys present at Bar CLEs. I understand that Iowa Legal Aid cannot receive funds from clients, Finally, Bar Association, courts and attorneys could perhaps do more to channel funds from the Reparations Trust Fund in puntative damages cases or in the case of class action cases with undefined class members, particularly in consumer or housing cases.	11/24/2014 4:40 PM
186	I do not oppose the principle of "pay or play", but believe government attorneys should be exempted. We have limited, if any, ability to provide pro bono services, we provide public service in our daily practice and generally receive less compensation than private attorneys for our work. We should not be required to subsidize the private firm rates that many individuals cannot afford.	11/24/2014 4:38 PM
187	I practice in the public sector and perform "pro bono" legal services for folks who are unofficially in the indigent category and in some cases for folks who might not be. I do not have the flexibility in my position to take on cases on an official basis and, therefore, the "play" option would not work for me. If this is determined to be a statewide issue, it should be shared statewide, through legislative action and/or appropriation.	11/24/2014 4:30 PM

188	It is my belief that access to justice is a concern for all Iowans; not simply licensed attorneys and judges who work within the legal system. As a lawyer working hard to provide my family with a quality of life that matches the amount of work I must put in, repay my student loans and contribute philanthropically to the causes of my own choosing, I am beginning to resent the "advice" that tells me how many hours of pro bono work I must provide, comments on whether such pro bono services must be performed by serving one of the "known organizations" versus me choosing to help those I know who are in need, and so forth. The requirement of a mandatory assessment -- in any amount -- does not sit well with me. Although I appreciate that access to justice for low-income Iowans is perhaps more visible to attorneys and judges than it is to the average Iowan, I fail to see why the cost of increasing that access should not be allocated to the tax payers as a whole.	11/24/2014 4:29 PM
189	The lack of access to justice is a major concern in the state. If that statement is true, then the legislature of the state - the representatives of the public elected to represent the public interest - should appropriate funds and attempt to make access to justice more readily available to the public. A mandatory assessment on lawyers would be a tax levied only against lawyers to try to cure a societal problem. This would be analogous to taxing only physicians in order to fund the state's Medicaid and public health programs.	11/24/2014 4:28 PM
190	In past experience, Sme of the cases that pass screening for pro bono services do not require an attorney. Some of them are normal interactions in society such as paying bills admittedly owed and working out payment. Also some are small claims that don't require counsel. Resources should be focused on necessary legal services such as GAL and dissolution when there is a shortage of revenue.	11/24/2014 4:27 PM
191	There are already too many demands on my time and money. Attorneys are not a privileged class having access to large amounts of wealth. This is a societal issue and needs to be addressed on a society-wide basis. If the Bar ponies up endlessly, the legislature and Governor will continue to shirk their responsibilities.	11/24/2014 4:27 PM
192	Provide more training on collaborative dissolutions of marriage. Provide written tips on landlord tennant issues for the public.	11/24/2014 4:26 PM
193	I do not believe that lawyers should be required to pay a mandatory fee any more than I believe doctors should be required to provide free medical service (or pay for them) or accountants should be required to provide free accounting services (or pay for them). All are noble gestures, but should not be mandatory.	11/24/2014 4:26 PM
194	While I agree with the intent of ensuring that the less fortunate have a means to access the court system, I don't believe this obligation is one that should be imposed upon lawyers. Rather, this is a topic more appropriate for the legislature and the funding mechanisms available through legislative action rather than digging into the pockets of the lawyers (many of whom themselves are or may also be struggling with their own economic woes). I believe a mandatory fee is inappropriate but I do not dissuade other legislative action that may accomplish the goal without shifting the burden to individual lawyers.	11/24/2014 4:25 PM
195	As a government employee, I already have limited ways to provide pro bono hours. Should the state bar require a mandatory donation of $100 of me each year to maintain my license, I will have no other choice but to pay the fee and reduce my voluntary charitable contributions to similar causes. While access to justice is important, Iowa Legal Aid should not substitute fundraising with implementing mandatory fees.	11/24/2014 4:24 PM
196	Iowa Legal Aid does a great job serving the poor but it probably only scratches the surface of the need. If it collected more money, it could serve more people, but there is no amount of money that would serve all of the needs. We hear great stories about legal aid's accomplishments. Could we have a few examples of eligible poor people not being served because of the lack of funding? Would increased funding be used for more of the same services or would it expand to new classes of cases?	11/24/2014 4:19 PM
197	I would be in favor of a "pay or play" assessment. Due to the nature of my practice, I travel a great amount of time outside of Iowa and my area of practice is such that I no longer have the level of required expertise in the usual pro bono areas. I very much support providing pro bono assistance, but the requirements now of my practice make it difficult, if not impossible. Hence I believe a "pay or play" assessment would be what I should do in fairness to all those who are able to provide pro bono assistance.	11/24/2014 4:19 PM
198	I am a district Court judge who regularly (at a minimum once a year but sometimes twice a year) donates money to the volunteer lawyer project. I donate money in part because because I cannot donate time. However, I see many young attorneys who frequently provide volunteer service through pro bono representation. I rely on their volunteer hours and would be concerned they might volunteer fewer hours if forced to pay a fee. This same group of attorneys are busy paying off law school debt and starting practices. It is my belief that the assessment would be difficult for many of them. Thank you.	11/24/2014 4:19 PM

199	If "access to justice" in civil matters is something that needs to be given to low income citizens, the cost for providing that program should be shared equally amongst all citizens of the State. To place the burden of funding the program on attorneys is disingenuous, and to place it entirely on Defendants in the form of an "answer fee" is absolutely absurd. Requiring a person to "give" money to Iowa Legal Aid in order to defend a lawsuit is nothing less than extortion. Voluntary contributions of time and money, or State funding, are the only "just" solutions to Iowa Legal Aid's problems.	11/24/2014 4:18 PM
200	Levy and collect sufficient taxes to pay for our necessary programs. I don't see doctors being required to pay for medical services for the poor, or CPAs required to prepare tax returns.	11/24/2014 4:18 PM
201	This is NOT a problem that lawyers should be called upon to address through mandatory assessments or "pay or play". If this is such a great problem, where is the legislature. Many lawyers in this state do not make that much from their practices. Further, the opportunities to grow and/or develop practices are not as prevalent as may have been the case in the past due to competition from lawyers elsewhere and client sensitivities to fees. Will the Iowa Court assess lawyers in Chicago, Omaha or Minneapolis who regularly serve clients in this state? We are asked to contribute to many worthy causes in our communities, in this State and in the nation, but these are decisions that are best left to the individual without mandatory assessments.	11/24/2014 4:16 PM
202	In deciding whether a mandatory monetary assessment is appropriate, I urge the Court to consider the disproportionate impact such an assessment will have on public interest/government attorneys and newly licensed attorneys who are unable to find employment as compared with attorneys in private practice who will pass these costs off to their firms. Perhaps and income based assessment is more appropriate than a flat assessment.	11/24/2014 4:16 PM
203	This is an important issue to all Iowans--not just attorneys in private practice. Since that is the case, why not let the legislature consider an income tax surcharge or some such funding mechanism that would more equitable distribute the burden to those it benefits?	11/24/2014 4:16 PM
204	The legislature should allocate more funding to legal aid and the state public defender.	11/24/2014 4:16 PM
205	Make sure that Legal Aid is properly screening the individuals they provide services to. Several of their clients are not providing an accurate accounting of their income, and would not qualify for free services. Require each of your attorneys employed by legal aid to donate the same amount of money to access for legal services as you require for private attorneys.	11/24/2014 4:15 PM
206	It would be helpful to provide more information as to why this is needed. While there are frequently broad (and difficult to disagree with statements) that there are underserved Iowans, having concrete goals of who will be served as a result of the programs and what level of the issues will be alleviated would be helpful. Otherwise, it just looks like there's a desire to generate some money to throw at the problem with no real understanding of what good it will do and no accountability for it actually being effective.	11/24/2014 4:14 PM
207	I have made contributions of money to Iowa Legal Aid for many years. I view it as an ethical obligation. Those that oppose a mandatory rule for annual gifts should offer a viable alternative to funding Iowa Legal Aid and similar organizations.	11/24/2014 4:14 PM
208	I agree wholeheartedly with the comments provided by Mr. C. Joseph Holland on this issue.	11/24/2014 4:12 PM
209	Mandatory requirements to make us work for free are unconstitutional. As I recall from my history classes, Lincoln freed the slaves. When you can get your mechanic, your butcher, or your doctor to voluntarily give you free services, THEN you can come to me and as me to work for free. If I deem it worthwhile to donate my time, that is MY choice. I find it reprehensible that someone in America should be forced to work for free. The other problem I have with this is that all I ever hear people say is that they have been turned down for Legal Aid assistance, no matter what their problem is. It seems that they hardly ever take cases from what I can gather. If the agency seems to do so little work now, why is that my problem?	11/24/2014 4:11 PM
210	Funding for access to justice should be sought from the Legislature. I see no need for a special assessment on practicing attorneys.	11/24/2014 4:11 PM
211	I would be okay with a much smaller mandatory contribution. I think $100 is too high a burden on lawyers who don't make a lot of money, especially because these individuals are often making less money than others because they are already choosing to do work that is more charitable in nature. I would suggest $25 or less.	11/24/2014 4:11 PM
212	Number 6 doesn't allow for the option to do both which would be my choice. Access to justice is an important issue and this another tool for ensuring crucial assistance is there when it is needed.	11/24/2014 4:10 PM
213	It is ridiculous to mandate this fee. If more funding is needed, it should come from the Legislature and you should focus your time and attention on lobbying the Legislature, not penalizing attorneys.	11/24/2014 4:10 PM

214	I believe many members of the bar, especially younger members of the bar, are currently struggling to make student loan payments, establish their own familys, and get their head above water financially. Although I understand that many members of society need access to legal services, the reality is that many members of the Iowa bar similarly have limited resources. At a time when the Supreme Court is considering whether to make changes to the bar exam at least in part due to the financial burden it places on young lawyers in the State of Iowa, I think it would run counter to those measures to at the same time impose upon those young lawyers any additional obligations on their limited time or money. I offer my comments from the perspective of a third year associate with one of the largest and highest compensating law firms in the state who attended a national law school outside of Iowa and is now struggling to financially survive practicing law in my home state of Iowa. Although the amount requested of each attorney may seem small to the decision makers, in an understandable attempt to make access to the law less prohibitive, each small imposition upon members of the bar makes the practice of law more prohibitive. I do not believe lawyers are immune from the financial constraints upon other members of society that this proposal acknowledges, and I do not therefore believe it is in the best interest of numerous members of the Iowa bar to impose this proposed obligation on them.	11/24/2014 4:09 PM
215	I do not believe it is fair to assess the costs associated with providing legal services to those who cannot afford an attorney to to the members of the Bar. Access to legal services is vital to the public interest, and should be funded no differently than other infrastructure requirements. Such legal services benefit all.	11/24/2014 4:09 PM
216	The Supreme Court does no have taxing authority. This is a tax.	11/24/2014 4:09 PM
217	Access to justice is critical for all Iowans and as lawyers we should be ethically (and fiscally) obligated to support this work.	11/24/2014 4:08 PM
218	This is an absurd fund raising scheme and should not be adopted. It is a huge penalty for young attorneys, and a pittance of a fundraiser for serious programs that need money.	11/24/2014 4:08 PM
219	Perhaps the monetary assessment could be required, but I believe there should be an exemption for new attorneys. As a newer attorney (2 years), much of my practice, along with the practice of several of my newer colleagues, is devoted to pro bono or reduced hourly rate work as a means of gaining experience, developing a client base, and interacting with more experienced colleagues and area judges. This is especially true in smaller firms. A monetary assessment on top of the pro bono work that newer attorneys already provide adds to the financial burdens which we experience.	11/24/2014 4:07 PM
220	These questions do not give all options.	11/24/2014 4:06 PM
221	not everyone practices law in areas that are appropriate for pro bono work. performing work outside ones area of expertise is problematic.	11/24/2014 4:01 PM
222	This proposal is an unacceptable money grab. While Legal Aid is a vital asset in providing legal services to low income services, I don't agree with an outside entity asking the Supreme Court to require the Bar to fund its activities, no matter how laudable the reason. What's next, the Public Defender making the same request?	11/24/2014 3:59 PM
223	I support Iowa Legal Aid, believe Iowa lawyers do not do enough, but believe it is wrong to shift the burden away from the present level of state funding.	11/24/2014 3:58 PM
224	Many young attorneys, especially un/under-employed attorneys, donate time to Iowa Legal Aid. A $100 mandatory donation would feel like a slap in the face to young attorneys like myself, who donate many hours to serve low income Iowans, at a time when we have little extra money. I personally donated hundreds of hours of my time to ILA through an Americorps term of service. That contribution was worth far more than $100, and assessing me a mandatory $100 fine would make me feel less inclined to support ILA with volunteer hours going forward.	11/24/2014 3:54 PM
225	I am a district court judge. That is why I did not answer questions regarding pro bono work.	11/24/2014 3:17 PM
226	This is a decision for the legislature. Taxing lawyers is not the solution.	11/24/2014 3:16 PM
227	Everyone receiving Legal Aid assistance should be required to pay on a sliding scale, and in most cases something. Legal Aid clients are the most demanding there are, and Legal Aid often seeks pro bono attorneys to represent people who are undeserving and have learned how to game the system. I prefer to help people who don't go through Legal Aid because people not going through Legal Aid are generally more appreciative because they don't look at the free services given as a right.	11/24/2014 3:03 PM
228	I would like to do more pro bono hours, but the majority of the people requesting services or in areas where I have little or no experience.	11/24/2014 2:56 PM

229	Lawyers who take court appointed cases should not have to pay an assessment if one is imposed on other lawyers. Those of us who do this work already know that it is a huge public service and the pay does not even begin to compensate us for the actual over-head costs we have per hour. It basically becomes pro-bono work once it is done. Those of us who do this work, especially in rural counties where there is no public defender locally, routinely have four or five criminal appointment cases open at any one time which is a huge service to our community. Then, you have certain private practice attorneys who make a lot of money and do nothing to help the less-fortunate with their legal expertise. Where is the "pro bono tax preparation"? Where is the "pro bono estate"? Where is the "pro bono Will, Conservatorship?" Etc. Those who do nothing should probably do more, but I think it is for their own conscience and heart to decide in what way, and in what amount they wish to help solve the problem. We all pay enough taxes, fines, surcharges, fees, dues, etc. Adding yet another tax on the very people that do the work needed to be done to help the recipients is unfair. It is like telling them, "Do more. All that you do is not good enough. We know it is not a problem you created but you are the ones that are related to the problem most, so fix it." I think assessing attorneys is the "easy fix". This does not make it a good or fair one. Why don't we tax the judges? How about the clerks or court reporters? How about court administration? They are all related to the problem, too, and most-likely, have done nothing (compared to pro bono legal hours) to help alleviate it. No one would think this makes sense as a long term solution. I think we should keep status quo so that the legislature sees a need to put additional aid in the budget where it belongs. Thank you.	11/24/2014 2:55 PM
230	Adamently opposed to a forced fee.	11/24/2014 2:49 PM
231	I feel strongly that this is a matter for the legislature to address. I support Iowa Legal Aid, and try to help it and its clients whenever and however I realistically can. Economically-speaking, the funds that could be raised by assessing each Iowa lawyer $100.00 would be obtained more easily by spreading the burden on all of the citizens of the state (i.e., through the legislature). I feel I am doing my part to support Iowa Legal Aid, and I'm sure the majority of Iowa lawyers feel the same. Iowa Legal Aid's services are important to the entire state, and, therefore, the cost should be borne by the entire state.	11/24/2014 2:47 PM
232	Access to justice in civil cases is an important issue for all Iowans, not just Iowa attorneys. The additional funding needed for Iowa Legal Aid should be provided from the Iowa legislature, not from Iowa attorneys.	11/24/2014 2:43 PM
233	Completely unnecessary and seems to be another tax on those who support the system. I do pro bono work without recognition because that is the point. I believe a mandatory assessment would discourage others from providing pro bono services which typically would come in the "services" form of a value far greater than $100. I find this to be a troubling proposal.	11/24/2014 2:43 PM
234	I STRONGLY resist having to pay a fee for Iowa Legal Aid particularly given the manner in which they appear to spend their time and exert their "efforts".	11/24/2014 2:43 PM
235	I don't think that defendants should be required to pay anything to file answers - this just adds a fee to people who may be low income, and restricts access further.	11/24/2014 2:42 PM
236	We should be encouraging attorneys to take one pro bono case at a time and work it to a finish. Providing quality is just as important as quantity. Are the justices out giving free orders?	11/24/2014 2:39 PM
237	I do not necessarily accept your premise. I see a lot of people who spend limited funds on things other than necessities. I think identifying the truly needy is the first step to alleviating any perceived problem.	11/24/2014 2:35 PM
238	Due to my current job as a government lawyer, I am restricted on what pro bono services I can provide, but in private practice I provided pro bono services. Legal Aid performs a valuable service to the community, but to lawyers as well. No one likes dealing with a pro se opposing party; the court does like it and lawyers do not like it. It is in our best interest as the legal profession to support Legal Aid however we can.	11/24/2014 2:32 PM
239	One collateral way to help this would be to get the legislature and SPD to increase compensation to SPD contract attorneys. Speaking as a young attorney, once I pay my student loans, I make less than $30,000 per year. I am not in a position to afford more assessments, but if my revenue were increased through a higher SPD rate, then I could get a raise in my salary and have the time/money to do more pro bono work or donate. As it stands, I do some pro bono, but for the most part I need all of the hours I can get to pay my rent and healthcare costs. If the lawyers who make $150,000 - $200,000k and up feel strongly about this cause, perhaps they can each donate $500 per year and the rest of us can pay rent. On the other hand, if I had a legal issue, I might qualify for help through legal aid. So there's that.	11/24/2014 2:30 PM
240	I do not support the proposal to assess $100 to each Iowa lawyer for Legal Aid. I support Legal Aid. I have contributed to Legal Aid both with my wallet and my time. But instituting a mandatory assessment is a terrible idea. It sets a very bad precedent as countless other worthy organizations may press for their own assessments. It is also unfair and simply wrong to charge lawyers -- rather than all capable Iowans -- to help fund access to justice. Lawyers can and should provide pro bono legal services. Lawyers should not be required to foot the bill for Legal Aid. Please reject the proposal.	11/24/2014 2:23 PM

241	I am in government practice and do not feel able to do pro bono work at this time. I am willing to provide monetary support in some fashion. Attorneys who presently provide pro bono services should not be discouraged from doing so.	11/24/2014 2:16 PM
242	I don't think I should be taxed to help provide services for low income Iowans especially when it could be a direct conflict with one of my clients.	11/24/2014 2:16 PM
243	I do not agree with the "criteria" aspects of what cases Iowa Legal Aid chooses to take. For example, I would gladly support and assist with payment for folks who need representation in a custody situation. (I don't do family law so I would malpractice such a case but I'd be happy to donate funds to it). However, I know because I had a family member work for ILA just how many cases are assisting tenants with meritless/petty claims against landlords (i.e. typo on a 3 day notice means let's help the tenant who hasn't paid a landlord in 6 months). I will NOT support these types of organizations. Additionally, if I already donate my time, I am very unlikely to donate my money too when I don't feel like it is spent on the most "needy" cases. Also, lawyers (especially in rural areas) are often not in a position to give "mandatory donations."	11/24/2014 1:47 PM
244	I completely reject the notion that our profession should be forced to provide our labor 'for free' for anyone, at any time. Further, I am very concerned about what I see as a growing left-ward political turn of the ISBA. I left the ABA years ago over a disagreement concerning a controversial political issue. I would hate, after being a member of the ISBA for 24 years, to find myself so frustrated by the co-opting of a fine organization, that I felt I could no longer be associated with it. I certainly don't expect you to vear to the right either - htat wouldn't be correct either. Please just make gentle 'course corrections' and ensure that the practice of law, not politics, is your focus.	11/24/2014 12:34 PM
245	Assess the judges also.	11/24/2014 12:08 PM
246	Iowa should support Legal Aid just as it does Medicaid for doctors.	11/24/2014 9:11 AM
247	We are lucky. As lawyers, most of us have more than others. While some of this is because we worked hard for it, it also is due to luck, such as being born with intelligence in the USA and in this time. We have a responsibility to help others less fortunate.	11/24/2014 8:56 AM
248	Just as the problem of uninsured Americans could not fall directly on the doctors or hospitals, legal access for the poor cannot fall only on lawyers. The legal profession has done a terrible job of educating the public, the legislature and even those within the system on the issue of access to justice. One of the aspects needs to be a public relations campaign.	11/23/2014 7:12 PM
249	Read both. Agree with Joe. Lawyers help in many ways, including pro bono. This proposal will have an ungoing chilling effect on future giving of our time, money and other resources.	11/22/2014 12:44 PM
250	legal aid is great concept and probably does good for many. in reality staff has attitude of "here to win" rather than "here to resolve" in majority of landlord tenant hearings - this may be result of attorney getting paid no matter what happens and a client base that doesn't have any economic obligation. (this observation comes from the bench) have also sent significant domestic cases their way which they put on far back burner and have been led to believe social security claims have a priority - seems to me social security claims generate a fee and that there is no shortage of private practioners who will take such cases. (I do not practice in either area, so have no economic interest in either - but do get frustrated making referrals and later on told there was zero urgency conveyed by legal aid staff - council bluffs office)	11/22/2014 12:30 PM
251	I am a Judicial Magistrate and I think a mandatory fee creates ethical concerns when a Legal Aid Attorney appears before me. I do not currently maintain a private practice of law and have very limited financial resources because Iowa Magistrate pay is low. It is unfair to require an attorney who does not maintain a law practice to pay a mandatory fee.	11/21/2014 12:36 PM
252	I can't believe the ISBA feels the need to take a survey on this issue. This is not a problem of the profession alone and the profession should not be required to solve it alone. By accessing a fee as part of licensure the court is letting the legislature off the hook now and into the future. Our courts have a budgetary crisis, so why not access attorneys a fee to fill that shortage as well. When does it stop? I can't help notice that the association defends and protects the court at every opportunity. Whether its retention of judges, judicial pay raises or the judicial budget the ISBA always defends the court. You should defend your members and tell the court this is a bad idea! As much as I have enjoyed my relationship with the ISBA, if this is allowed to pass I will most likely drop my membership. You owe this to those who follow.	11/21/2014 8:45 AM
253	This is a societal issue and need to be addressed by society as a whole. Mr. Holland's letter is right on point. Where does it stop? We already donate services to our local communities by serving on boards, provide free or reduced service to clients and now an additional burden is being requested of us. Today it is $100, next year $150. I oppose and would hope my association would as well!	11/20/2014 10:32 PM

254	I agree With Joe Holland. Don't impose a fee!!!	11/20/2014 2:56 PM
255	this is a societal problem which must be addressed and funded by the legislature in the same manor as health care issues have been addressed.	11/20/2014 2:52 PM
256	Lawyers do not create the problem of social inequities. To the contrary, most do their best to alleviate them as they are encountered,	11/20/2014 2:13 PM
257	I believe that making this a "lawyer issue" allows all the other players - legislature and society - to close their eyes even more than they currently do, and pretend that the issue is "solved." It also creates a situation where the need can continue to grow, leading to more and more burdensome effects on Iowa lawyers. We pay to maintain a license, not "fix" a problem that should be viewed in a more dynamic light. The burden on solos and young attorneys will also be disproportionate. Overall, I think this option is a BANDAID that will not fix anything - it will simply make the problem invisible to those who should be helping solve it, and it could snowball into larger and larger fees over time.	11/20/2014 2:09 PM
258	I think the right approach is to continue to encourage all lawyers to contribute either time or money or botth, but not require it. Justice for all is an ideal we need to strive for in our society.	11/20/2014 2:04 PM
259	Make pro bono work cost less. e.g. tax deductable like charity and providing malpractice shields.	11/20/2014 1:46 PM
260	Lawyers did not create the problem, and should not be forced to pay for the solution. Lawyers should, and do, donate time, services and money to Legal Aid and those who cannot afford counsel. But forcing a tax on lawyers for this is wrong.	11/20/2014 12:19 PM
261	I donate my time when I have a worthy individual. I sit on nonprofit board(s). I reduce my fee and sometimes do not charge all my professional time for a nonprofit corporation that uses me as an attorney. My opinion is that the Bar Association should advocate for attorneys. Let's reward attorneys who give their time rather than taxing attorneys. How about a tax deduction for charitable attorney time donated to qualified clients billed at say $100 per hour. Perhaps this would have to be monitored by the Supreme Court who could hire someone to review and approve the bills, and the economic qualifications of the clients.	11/20/2014 11:47 AM
262	I do not provide traditional court related pro bono representation. Considering the needs that most pro bono situations involve do so would be ill advised and possibly malpractice. I just do not have expertise re the legal services needed. I do and will continue to provided many, many hours of assistance at reasonable, low cost, or no cost to persons who need legal help or related services but cannot pay for services that I am competent to provide. I will continue to give not hours but days of service to my local community or other non-profit organizations. Being assessed with in effect a "fine" because what I give and many other attorneys give does not fit into the area of pro bono court representation makes no sense to me.	11/20/2014 11:20 AM
263	It is totally inappropriate to force all licensed attorneys to fund a nonprofit as a condition of maintaining their license. While I am aware of the continued loss of Legal Aid's Federal funding, I am also aware of how inefficient and top-heavy organization is. I do not want to support this organization that has more well-paid administrators than it needs. I have seen firsthand how the organization will lose staff, not hire new staff, but does not delegate additional responsibilities on its high paid admin office, made up of mostly attorneys. So much more can be done by having the administrative staff actually HELP low income Iowans instead of sit in Des Moines and have meetings. Another reason I am wary to support ILA is that its yearly cases/Iowans helped is totally off. Most of the "help" is very general information given to low income Iowans over the telephone. Speaking to someone for a few minutes counts as serving a client. As a former employee and someone who maintains contact with current employees, my opinion is that Iowa Legal Aid needs to change from within and become a more efficient organization. There is no reason for the Court to force all Iowa lawyers to support this organization in its current state, or ever.	11/20/2014 11:15 AM
264	This mandatory assessment is particularly burdensome on Iowa attorneys who are licensed in other states (I pay bar fees to 4 jurisdictions), as well as attorneys earning lower incomes due to inexperience, family situations, military service, and public service jobs. I support the $250 Pro Hac Vice fee. Fees similar to this exist in many other states, and as our Court system is currently functioning without the benefit of these fees, this income can be effectively used to support Legal Aid, without burdening Iowa lawyers exclusively.	11/20/2014 11:13 AM

265	Iowa Legal Aid does not perform and work cases as they report. I have personally witnessed ILA turn down case after case that falls under their guidelines but they do not want to take on the case. I have personally been on the phone with an intake attorney(s) ILA and a prospective needy client(s) in my office. Each time the intake attorney gave legal advice contrary to what the law really is (guardianship, domestic abuse). On one occasion the gentleman "mocked" the prospective client. I was appalled. Most poor people would not think what to do and who to complain to. As a result, I have contacted Bob Oberbillig at Drake Legal Clinic on cases which Bob will accept. As long as ILA has been in existence (after Polk County Legal Aid was consolidated), ILA has found ways to turn down cases based upon "conflict of interest", or misinforming the caller on the particular legal matter involved. I have reached out to internal persons at ILA who are unable to do anything. I was employed at Polk County Legal Aid when Bob was the Director, wrote a grant for funding to assist me with domestic violence cases, and was able to see how the agency worked. I am among several other professionals in the legal community who share the same opinions. By providing my name, I am hopeful that I will receive a call from someone to further explore the financial options for Iowa Legal Aid and the VLP projects	11/20/2014 10:54 AM
266	I would favor that a portion of any funds raised through assessments, pay or play or other funding mechanism be dedicated towards a permanent endowment fund that would only be tapped during periods when Iowa Legal Aid suffers a material drop in funding and in order to maintain a baseline funding level during such period or periods.	11/20/2014 10:42 AM
267	I am an ISBA member but not a practicing attorney. I am a memeber of the state judiciary and so the questions in the survey are not applicable to my role. I oppose the involuntary or mandatory assessment because it excuses the legislatures failure to sufficiently fund indigent defense. I personally give an annual charitable donation in excess of the proposed mandatory assessment to Iowa Legal Aid. I would rethink that donation if I am required to involutarily contribute. I agree with the author who wrote in opposition to the assessment that this is a societal problem that should not rest solely on the shoulders of the legal profession and the proposal, if adopted, is likely to cause that inequitable result.	11/20/2014 10:39 AM
268	Having read Mr. Holland's opinion and respect him professionally I believe our Bar and Supreme Court can more capably provide for legal service to the needy and neglected members of our society. I believe even the most successful attorneys in the most prestigious firms have more interaction with the needy than current legislatures.	11/20/2014 10:22 AM
269	The proposed assessment represents an inequity for lawyers in Story County that have voluntarily created a self imposed assessment on their Bar membership to support Story County Legal Aid. Further, the tax payers of Story County support local legal aid through their county taxes, city taxes, ISU student government and United Way. Perhaps the other counties should follow the lead of Story County and provide the necessary services locally. Iowa legal aid also provides dramatically reduced services in Story County because of the local legal aid, so the assessment would flow out of Story County and subsidize other locations. If there is to be an assessment it should be to all taxpayers of the state through legislative action, not members of the Iowa Bar.	11/20/2014 10:21 AM
270	I believe it is inappropriate for government or courts to impose on people. I preform more free legal work without compulsion, and resent being told or regulated into performing "charitable" work. Please address this issue another way, not with a heavy hand.	11/20/2014 10:16 AM
271	Iowa lawyers do not need assessments for legal services. If you start such assessments where do you stop.	11/20/2014 9:53 AM
272	While I support access to justice, I contribute in ways other than "sanctioned" pro bono, and I object to more mandatory fees imposed on lawyers for a societal problem. I only practice part-time, and the ever-increasing costs of continuing practice are ever more burdensome.	11/20/2014 9:43 AM
273	Assessment of attorneys for any number of issues (pre-digital courthouse library fee, indigent defense, court funding, etc.) has been a popular option to advance over the years (but then I have only been licensed in Iowa since 1984) and usually it dies when a champion of another worthy "cause" recommends how well that would work for it. I donate time and money to both Volunteer Lawyers and Legal Aid because I believe in it. If it were mandatory as though the burden should rightfully be impressed ONLY upon lawyers, my feeling of privilege in being able to do so would diminish.	11/20/2014 9:14 AM
274	Why should lawyers alone or litigants bear a disproportionate burden for financing access to justice? These costs should be shared across-the-board by the rest of society as a whole.	11/20/2014 9:12 AM
275	Legislature should fund as the "people" through its representatives deem appropriate	11/20/2014 8:58 AM

276	I don't partake in pro-bono via typical channels although I do give legal help to groups I am involved with. I am certain that there are many more hours provided than are reported or recognized. Most attorneys I know help different groups and organizations they are involved with. Maximize opportunities for the two in-state law schools to become involved. Consider splitting duties of cases and/or finding a way to become more efficient in offering the services, via web or video conferencing. The model needs to change and efficiency is going to be key going forward. If every case could be done in 1/3 less time, 50% more cases could be handled in the same amount of time. Perhaps build an easily accessible database web page portal from which to operate which contains all the ordinary forms needed in Iowa and integrate it with software to fill in the blanks and offer the documents to any attorney in Iowa needing them. The more abbreviated approach may not sound palatable to some, but providing a base level of service is much better than not providing service at all. One of the things I think should be done is to require those receiving the services to give back through Legal Aid. They could do administrative duties or gate-keep. I'm sure there are lots of things Legal Aid could come up with. For corporate/government counsel consider alternative ways to cover insurance concerns. Not sure how the cases are sorted or distributed but review priorities to ensure critical needs are being met. Just a few thoughts.....	11/20/2014 8:28 AM
277	Very few people realize that Iowa Legal Aid is NOT the only organization that offers free legal services to Iowans. However, because they have the largest staff and funding available for fund raising and lobbying, they seem to be able to create that impression and pull all the benefits. Does the proposal suggest that the required assessment would ALL go to Iowa Legal Aid, or would the funds collected be distributed to all organizations that provide free legal services – for example,Legal Aid of Story County, Muscatine Legal Services? I'm willing to pay an assessment provided ALL service organizations benefit from it. I also think the state bar needs to recognize that it's time to revise laws and regulations and let some other paraprofessionals handle the most common type of pro bono cases: divorces and child custody cases. Many of these cases are relatively simple and could bring so much benefit to the low-income families and children in need. Yet lawyer greed stands in the way. It's shameful.	11/20/2014 8:06 AM
278	I believe the statement "access to justice continues to be a major concern in the state" depends upon who you ask. If members of the bar would crack down on lawyers who file frivolous lawsuits or take a terrorist approach at negotiations, perhaps more judicial resources would be available to deal with the legitimate issues. Additionally, in this day of age, everyone believes that he or she has a claim to legal recourse. Again, toughest part of being a lawyer is having to tell a client "no." Unfortunately, there are too many lawyers who act as mouth pieces. Until we deal with that issue as a bar, I am afraid that the bar will become less professional.	11/20/2014 5:16 AM
279	Allow the provision of a certain number of pro bono hours to be used as a substitute for taking the bar exam. This could be accomplished while in law school and supervised by legal clinics, practicing or retired attorneys, and/or professors. Alternatively, the requisite number of pro bono hours could be completed after graduation and under the supervision of practicing or retired attorneys.	11/19/2014 11:20 PM
280	This is a problem for society to solve, our legislature and congress. This is not a lawyers problem and we should not be taxed by the Supreme Court. This is not the best way for Iowa Legal Aid to raise the most funds and I doubt that the proposal has the support of its entire board at this time.	11/19/2014 9:29 PM
281	Lawyers have an obligation to promote equal access to justice. Many do so through pro bono work, but also thorough financial support. This is a small amount to pay for such a great and lucrative privilege. Those states around Iowa that have adopted licensure fees have not seen a decrease in other giving by lawyers, nor a reduction in pro bono work, nor have the bar associations lost members. It is absorbed and greatly benefits the low-income citizens of the respective states. There are exceptions to relieve new lawyers from paying the fee during their first few years. I support the fee.	11/19/2014 6:22 PM
282	The schools should realize they are too expensive. People can't charge less and put food on the table.	11/19/2014 6:03 PM
283	Supporting the mandatory annual assessment for the full proposed amount of $100 is a very reasonable proposal, given the strong need for additional funding.	11/19/2014 5:53 PM
284	Let 3rd year law students do it for free and to assist legal aid, some 2nd year. Nothing is for free, the people requesting services need to put something in the pot. Last thing I want to do is give money or time to legal aid and they take on ridiculous issues, that no fee paying client would ever think of taking on or trying to prove. It's happened. Turned me sour on the group. I help enough people at low rates on my own I don't need an organization or government telling me what I should do or pay for. I prefer to pick my own non profits to contribute my time and money to.	11/19/2014 5:44 PM
285	Take this issue to the legislature, where it belongs.	11/19/2014 5:42 PM
286	The imposition of a monetary assessment is wrong. Providing legal services to indigent persons is not in any way related to the licensure of attorneys, nor should the Supreme Court wade into this subject. If the Supreme Court adopts a required assessment, I will provide zero hours of pro bono work.	11/19/2014 5:00 PM

287	With all due deference to Art Neu, the argument that lawyers have a special duty in regarding to funding legal services seems hollow. the right to counsel, at least in criminal matters, is constitutional. That means that it is a duty of the citizens to provide, not just the legal community. The legislature needs to step up. Our role is to provide services for which we should receive reasonable compensation. No other profession of which I am aware is pressed into involuntary servitude.	11/19/2014 4:59 PM
288	I support access to justice; however, in my experience, so often Legal Aid attorneys representing clients in civil matters, specifically, delinquent credit card accounts, are filing answers and counterclaims which do not exist-- they are merely doing it hoping for a mutual dismissal. I am confident their clients do not even know they are doing this. If asked, their clients would admit the debt, but state they cannot pay it. A simple affidavit of exempt assets accomplishes the same thing. I think Legal Aid attorneys are wasting a lot of resources that the majority of people do not know about. If this practice stopped, their resources could be used in other ways so much better. I hate to support this waste of resources. I would like to see an overhaul of the system, and I would be much more willing to contribute funds to their program.	11/19/2014 4:54 PM
289	I am a solo practitioner who is on the verge of having to close shop and find employment in a non law field in order to earn a living above poverty level. I would qualify for legal aid / court appointed counsel. Imposing a mandatory assessment or some pay or play scheme would likely force the tipping point sooner and end my solo practice. Yes, $100 is how tight, in today's economy, things are for many solo practitioners. When was the last time the interest banks are required to pay on IOLTA accounts raised?	11/19/2014 4:47 PM
290	Many states have Access to Justice Commissions. The Court should consider this as a way to look at the broader issue of access to justice and a way to engage the greater community outside of the legal profession in discussions on this topic.	11/19/2014 4:42 PM
291	I think it would be OUTRAGEOUS to exclude Judges and other governmental lawyers from this assessment should you elect to tax others in private practice in an involuntary fashion. If Judges are not included and governmental lawyers are also excluded, I will NEVER do another thing pro-bono as long as I practice law. Govt lawyers make more than everybody else and yet get all kinds of privileges. I have just about had it with your high and mighty attitude toward us working stiffs !	11/19/2014 4:39 PM
292	Surely attorneys in this state could afford a $100/yr assessment to bring legal services to the less fortunate. I am amazed how little the majority of lawyers contribute generally.	11/19/2014 4:36 PM
293	This is a social issue which should be dealt with by our governor and legislature. Impossing a fee on lawyers is a "feel good" reaction which does not adress the primary issue of equal access to our courts. If there is an assessment then it should cover every licensed attorney and every member of the judiciary, not just those in private practice.	11/19/2014 4:31 PM
294	Hire retired lawyers otherwise acceptable that need to supplement their retirement income at a beginning salary on a full or part-time basis.	11/19/2014 4:23 PM
295	I had direct experience as an elected officeholder with a legal aid office taking a case that the clients (of whom there were a great many) could have pooled their resources and paid an attorney for. The fact was that no lawyer in private practice would take their case because it had no merit. We had to go all the way to the Iowa Supreme Court to have the case thrown out at great expense to the taxpayer and great waste of Legal Aid's time. Who is monitoring whether Legal Aid is prudently investing attorney time? And who is setting the income levels qualifying for legal aid? The answers to these and similar questions may bear on the legislature's reluctance to pony up more $$$. I am 67. If a mandatory "pay or play" requirement is adopted, it probably will make me mad enough to retire. Then I won't be able to do any pro bono at all.	11/19/2014 4:20 PM
296	Lawyers should be required to provide both financial and pro bono contributions to provide legal assistance to low-income Iowans.	11/19/2014 4:20 PM
297	I agree with Joe Holland's comments in the ISBA newsletter. This is a slope we don't want to start on. I and my firm do lots of pro bono work, but we do not always agree with the position of Legal Aid. For example, I don't think everyone is entitled to a free lawyer for a custody matter. I will not support this mandatory fee in any way. I think the problem is societal -- the younger attorneys, saddled with debt and no jobs, are not able to help out. Perhaps we should look at the root cause of the problem, rather than throwing dollars at it. For example, do all the people who "qualify" for legal aid, really need it? I have represented landlords for years and fought with legal aid, when the end result was inevitable. I do not know the answer, but mandatory funding is not it.	11/19/2014 4:12 PM

298	If legal aid needs more funding, it needs to raise the funds from volunteer donors, or it needs to persuade the legislature to increase its funding. If it can't do either, the IA Supreme Court shouldn't arrogate to itself the power to levy surtax on lawyers to support legal aid, just b/c the public won't adequately fund legal aid. The Court does not have constitutional power to assess such a surtax. It's easy to draw a distinction b/t assessing for client security fund (essentially an insurance premium against theft by lawyers and clearly w/in Court's power to regulate practice of law) and assessing surtax to fund legal aid, which is public welfare program, no different from medicaid. The legislature taxes to fund medicaid. The state health department can't and doesn't. The legislature taxes to fund legal aid. The IA Supreme Court can't and shouldn't. Constitutional argument aside, doctors aren't surtaxed to fund medicaid. Teachers aren't surtaxed to fund schools. Why should lawyers be surtaxed to fund legal aid? Legal aid is either public responsibility, or it isn't. If it is, public should pay. If public won't pay enough, IA Supreme Court should not demand that lawyers pay what the public won't.	11/19/2014 4:06 PM
299	Lawyers should not have to bear the burdens of a broken justice system. We already do what we can, and another $100.00 per year mandatory assessment should not be imposed. Most of us will pay it regardless of how it is framed, but I concur with Joe Holland that making it mandatory raises all kinds of concerns for ISBA core mission and the relationship of Legal Aid with the court and the legislature. Question 6 is not good. Correct answer is that I would have to pay assessment AND continue to donate time for pro bono. I have no choice. The phone rings and I answer questions and help people, with no expectation of payment. Just because I do not get "credit" for it from some organization does not mean that people who need free services are not getting them from,me.	11/19/2014 3:59 PM
300	Have the Legislature set aside the funds if they're needed- don't tax the whole profession. If it is truly a public good, it should be funded by the public, who are represented, rather than a subset of the economy.	11/19/2014 3:59 PM
301	I am a licensed Iowa attorney who lives in Louisiana and do not practice in the state of Iowa at this time. I would oppose paying a fee to Legal Aid because I am retired, live out of state but retain membership in the Iowa Bar. Money should come from donations, the federal government and fund raising.	11/19/2014 3:57 PM
302	I serve as counsel for a nonprofit legal foundation in Alabama where my total salary is $34,000 per year. I already have to pay Iowa bar dues plus Iowa's $200 client security fund even though I don't ever handle any client funds. If a fee like this is to be assessed, I wold hope attorneys who live and practice out of state would be exempted from it. Thank you for considering my response.	11/19/2014 3:56 PM
303	As a government attorney, I cannot provide traditional pro bono legal representation for individual low income Iowans. I contribute funds to more than one worthy program that provides pro bono legal services to low income Iowans. Solutions? Continue to focus on the need for legal services for all, and provide truthful statistics and information on all the programs that offer Iowa lawyers the opportunities to provide pro bono legal services.	11/19/2014 3:55 PM
304	Legal services is a broken agency, spending the majority of time in meetings to determine cases should be rejected because not fitting agency guidelines. Now they want the bar to fund its lawyers who rarely take cases. The bar association should not fund them at all.	11/19/2014 3:54 PM
305	We provide free legal services to numerous individuals and nonprofit organizations, plus significant financial support for various nonprofits that assist low income individuals. I would resent being required to financially support organizations that i am not a part of in addition to the pro bono work and financial support that we already give to our community.	11/19/2014 3:54 PM
306	There are many many people of average means who cannot afford quality representation. Any plan that enhances access for all Iowans must address issues such as "law insurance" or other methods by which middle income families can afford counsel	11/19/2014 3:50 PM
307	As far as 6 is concerned I will do what I will do. I contribute perhaps 300 hours of court appointed work each year.It's all in the juvenile arena. I don't need the work or the paltry pay. I charge 30% of my clients less than my normal hourly rate. I do many cases where my clients cannot afford to pay me and don't. SO far I haven't missed any meals and if anything am overweight. Whatever I do is less than what I should be doing which is true of all of us , lawyers and otherwise. A committee should be organized to put pressure on the legislature to do what they should do and adequately fund Legal Aid. Members would come from all walks of life and businesses. This is not our problem but society's and why the legislature continues to treat our profession as 3rd class citizens is simply not acceptable.But we seem to take it because of a few misfits.	11/19/2014 3:47 PM

308	I see no reason for a special tax that applies only to lawyers and judges. Secondly, I am in Jasper County, and Legal Aid does not have an office here, as it once did. People here who need Legal Aid probably have trouble in getting to Polk County to meet with someone. If I am to pay for services, then those services need to be offered in my county too. I no longer practice in family law, and seldom do any landlord-tenant work. I do not do traffic court nor criminal defense. Those who need legal assistance are usually needing help with an area that I do not handle. This is why I answered that I am not providing pro bono services at this time. I do help people in my areas of practice, and may bill according to what I think they can pay, including accepting payments over a few months, at times. But that is not the same thing. I would be in favor of supporting better funding for Legal Aid from both the US and Iowa.	11/19/2014 3:45 PM
309	Judges cannot provide pro bono legal services, so they would be disporportionately affected by a "pay or play" program. If a mandatory assessment is imposed, public service legal professionals -- those already working full time for the public interest, such as judges, prosecutors, public defenders, and legal aid attorneys -- should be exempted.	11/19/2014 3:44 PM
310	The money should come from the legislature.	11/19/2014 3:44 PM
311	Every local bar associations can work to facilitate the recruitment of new and senior lawyers (those at the beginning and at the end of their careers) to donate hours (with intake or pro bono representation) to the nearest Legal Aid office. These two groups are the "bookends" of a legal career and usually (but not always) are those individuals with the most available time to donate. It is a wonderful hands-on learning experience for the newbies and for the experienced attorneys, a great way to give back and pass along wisdom earned over a lifetime of practice. I think the local bar association as a facilitator would be a natural fit, to reach out and recruit and possibly offer some training/CLE options for new attorneys wanting to participate in pro bono work for Legal Aid. I assume the Legal Aid office and staff has little spare time or money to spend on efforts to increase volunteer attorney referral sign-ups, etc.	11/19/2014 3:43 PM
312	one area that these proposals fail to address is the presence among our bar association of attorneys who make significantly reduced salaries for their work in public interest law practices - those with legal aid office and other non-profit agencies. such mandatory fees or assessments will impact these lower-paid attorneys at a much greater rate than those working in private practices or even government agencies.	11/19/2014 3:42 PM
313	Make it easier for new attorneys to help out. They have the time, but in many circumstances, they simply need some guidance. For example, if I had access to someone to turn to for tips or help if I were to be stuck, I would feel much less hesitation in volunteering to help.	11/19/2014 3:39 PM
314	Why not have a check off on personal income taxes like contributions to fish and wildlife and political party donation. Also have a "justice for all" license plate, that raises money like the universities and worthy causes. This needs to be voluntary not mandatory.	11/19/2014 3:38 PM
315	When we do the pro bono work through the Volunteer Lawyers it should very rarely be free. Almost all can afford some level of contribution. This would help fund the system and might help with better involvement/cooperation from the client. Perhaps $100.00 per client per case with half up front?	11/19/2014 3:38 PM
316	Access to justice should be a public concern as much as or more than a bar concern. The elected branches of government bear more responsibility on this issue than the Judicial Branch and the bar.	11/19/2014 3:38 PM
317	I think the assessment through the bar is appropriate but somehow should be limited to augmenting, not replacing, federal and state funding.	11/19/2014 3:35 PM
318	The legislature needs to appropriate more money for access to justice for the poor.	11/19/2014 3:32 PM
319	Those of us who are younger attorneys and struggling in the still recovering legal economy already have difficulty with high yearly fees. Adding more to this is yet another way to discourage young Iowa lawyers from staying in the state.	11/19/2014 3:30 PM
320	Lawyers don't need another program or assessment shoved down our throats. I regularly volunteer my time to pro bono services and it should continue on that basis. Purely volunteer.	11/19/2014 2:13 PM

FILED
DEC 30 2014
CLERK SUPREME COURT

Access to Justice

I am writing regarding the Supreme Court of Iowa's proposed recommendations.

I support recommendation Number 1: Should the court implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds.

Access to appropriate representation to the legal system is important for the low-income individuals and families of Iowa. Issues such as domestic abuse protection orders, foreclosures, fraud and abuse of the elderly, and disability and unemployment benefits have a profound effect on peoples' lives. Low-income individuals need assistance in facing these issues in the judicial system. The proposed fee will help provide that representation for these individuals and families.

These funds will help to increase the timeliness of actions for these individuals.

I oppose recommendation Number 2: Should the court implement a $100 per attorney annual fee, which an individual attorney may affirmatively elect not to pay, with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds.

I support recommendation Number 3: Should there be a pro hac vice fee of $250 per attorney per case with the proceeds deposited into the client security Trust.

Other states have pro hac vice fees. It is reasonable that Iowa also have this fee.

Thank you for the opportunity to provide these comments.

Cecilia Tomlonovic
1245-40th Street
Des Moines, IA

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FILED
DEC 30 2014
CLERK SUPREME COURT

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Comments to Access to Justice Proposals

Dear Chief Justice Cady:

I am writing to ask you to approve the additional $100.00 assessment to the attorney licensing fee. Funding for legal assistance has declined drastically in recent years making it more difficult for the indigent to gain access to legal services. The proposed additional funding would be an integral step toward attempting to assure equal access to the courts for more individuals whose poverty would otherwise deny them adequate legal representation.

As a former Community Action Program Director and a present Board Member of Iowa Legal Aid Corporation, I am well aware of how often people of lower incomes are taken advantage of and are unable to afford an attorney to represent their interests. Although many attorneys perform pro bono work, in the absence of additional funding for Iowa Legal Aid, more individuals will still be left without any legal redress.

Accordingly, I respectfully request that you approve the additional $100.00 assessment to the attorney licensing fee.

Sincerely,

Lois H. Eichacker

Support for $100 licensing fee
joel.olah
to:
rules.comments
12/31/2014 07:31 AM
Hide Details
From: <joel.olah@agingresources.com>
To: <rules.comments@iowacourts.gov>,
Please respond to <joel.olah@agingresources.com>

FILED
DEC 31 2014
CLERK SUPREME COURT

2 Attachments

image001.gif

image002.jpg

Dear Rules Committee,

As director of a regional service agency for over 125,000 older adults in central Iowa, I am very much aware of the needs of those older adults who do not have the financial resources to access legal counsel. Legal Aid of Iowa has been our partner in the community for over 30 years. We believe a small fee ($100) attached to attorney's licensing would provide a level of support for due process for those who are represented by Legal Aid of Iowa. They have always been in need for increased financial support. We have tried in our small way to help, but the need is greater than we can address by ourselves. The small sacrifice of many would help the those in most need.

Thank you for your kind consideration,
Joel

Joel L. Olah, Ph.D., LNHA
Executive Director
Aging Resources of Central Iowa
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FILED
DEC 31 2014
CLERK SUPREME COURT

December 31, 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319
By e-mail: rules.comments@iowacourts.gov

RE: Comment on Proposed Licensing Fee to support "Access to Justice"

Dear Clerk of the Supreme Court:

I am an attorney that has practiced law in Iowa, Illinois and, on a pro hac vice basis, in Indiana. I have reviewed the proposal being considered by the Iowa Supreme Court to adopt a fee to be paid by practicing attorneys to support access to justice for the less fortunate in our society who cannot afford legal counsel. I enthusiastically endorse and support this effort by the Court for reasons I state below.

I believe the proposal follows the long tradition of the Iowa legal community to support legal assistance programs that ensure access to the courts. It takes this commitment one step further by ensuring a stable support for the programs in Iowa that serve the needy. In order for the support to be stable, I strongly encourage the Court to make the annual fee mandatory and not elective.

As we all know, the law is a profession and not just a job. The privilege of practicing law comes with obligations to the community. While many attorneys devote significant time and resources to the community, many do not, whether due to the time pressures of a busy practice, not knowing where to contribute or just out of procrastination. A mandatory fee on all attorneys to support Access to Justice is a simple way of including all attorneys in the commitment to the community.

Having been subject to such fees in other states, I can attest that the imposition on an attorney is negligible. A mandatory $100 fee annually will not impose a burden on the vast majority of attorneys practicing law and is a small pay back for the privileges granted to attorneys.

In addition to the benefits to the community of supporting access to the courts, I believe the legal community also reaps tremendous benefits from adopting a mandatory annual fee on attorneys. At a time when public opinion of attorneys is at an all-time low, I believe the legal profession needs to take affirmative steps to demonstrate to the public the commitment each attorney takes in practicing law. This proposal is a terrific step in this direction.

In summary, I fully encourage the Court to adopt a mandatory annual fee to support access to justice for all citizens, including a fee for all pro hac vice admissions.

Very truly yours,

LAW OFFICES OF MARK SCHAFFNER, P.C.

Mark S. Schaffner

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court A venue
Des Moines, IA 50319

FILED
DEC 31 2014
CLERK SUPREME COURT

December 31, 2014
Delivered via e-mail to
rules.comments@iowacourts.gov

Re: Access to Justice Recommendations

Dear Iowa Supreme Court Justices:

I believe the Court should implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund. Furthermore, I believe that these new funds should only be distributed to the unified system of legal assistance providers in Iowa.

While I come to this position for many reasons, most of them are addressed in the letters you have already received. There is one reason, however, that I would like to discuss in a little more detail. As you know, all Iowa attorneys have an ethical duty to support legal assistance for low-income people. As you also know, only a minority of Iowa attorneys (21%) even claim to provide pro bono legal services to persons of limited means. I can understand why.

The practice of law is becoming more and more specialized. There is growing number of attorneys in Iowa who do not feel professionally qualified to provide timely legal assistance to victims of domestic violence, illegal evictions or consumer fraud. I believe this to be true because I am one of those lawyers. Those areas of the law are completely outside of my professional comfort zone. My lack of substantive knowledge, however, is no excuse for shirking my professional and ethical obligation to ensure access to justice for low-income Iowans.

We, as a profession, have tried to fulfill our obligations to low-income Iowans by using "the honor system." Unfortunately, our voluntary efforts – while admirable - are not

meeting the expanding need. This proposed mandatory fee will be the nudge that some of us need to be the public servants that we aspire to be.

I also believe that there should be a pro hac vice fee of $250 per attorney per case with the proceeds deposited in the client security trust fund. If out-of-state attorneys are going to "drive on our roads to justice", they can certainly contribute to the cost of maintenance.

Nobody is forced to become an Iowa attorney or practice in an Iowa court. We have all chosen this profession – which comes with both privileges and responsibilities. The proposed fee increases are not onerous for us but they will do significant good for Iowa's system of justice.

Sincerely,

Tim Semelroth

Robert Brammer
1717 Mar Ella Trail, Des Moines, Iowa 50310-3823

FILED
DEC 31 2014
CLERK SUPREME COURT

December 31, 2014

Justices of the Iowa Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319
Via email to rules.comments@iowacourts.gov

Re: Access to Justice

Dear Justices:

I write in support of the proposed $100 mandatory assessment to help provide access to justice and civil legal assistance to lower-income Iowans.

Thank you for captioning this matter as "Access to Justice" – that truly is the issue here.

I am not a lawyer, so I am cautious about speaking up for an assessment I wouldn't be paying. (I retired after 32 years in the Iowa Dept. of Justice, Attorney General's Office.) But the $100 assessment seems fair, reasonable in amount, effective – and necessary.

I dedicate scores of volunteer hours each year now working to increase one of the other sources of revenue supporting Iowa Legal Aid programs -- private donations. I observe that Iowa Legal Aid works very hard to earn and raise such private legal support, and many Iowans give generously, including lawyers and law firms. Legal Aid also spends its resources carefully.

But we are falling short, with a "severe decrease in funding" from other sources (as your Order noted), including State appropriations, federal funds, IOLTA grant funds, and other grants. Meanwhile, demand has increased for civil legal assistance.

We urgently need to fill this gap, in order to live up to the promise of "Equal Justice Under Law" enshrined on our US Supreme Court façade and so crucial to our system of justice.

The $100 assessment would go a long way toward closing the gap, about $900,000 worth. The funds would be administered efficiently. Surrounding states have adopted similar assessments with minor resistance (IL, IN, MN, MO, WI). The assessment is consistent with your rules of professional conduct ("Every lawyer should financially support such programs" that meet the legal needs of Iowans of limited means.) The assessment is the right thing to do.

Thank you for considering this comment. Thank you for working on appropriations and *all* sources of funding for civil legal assistance. Please adopt this proposed rule.

Sincerely,
Robert Brammer

Steven J. Drahozal
Attorney At Law

FILED
DEC 31 2014
CLERK SUPREME COURT

January 5, 2015

Iowa Supreme Court
Iowa Judicial Branch Bldg.
1111 E Court Ave
Des Moines, IA 50319

Via e-mail attachment

RE: Access to Justice

Honorable Justices of the Iowa Supreme Court:

I am writing in response to the October 1, 2014 Order requesting comments on Access to Justice Recommendations. Thank you for the opportunity to comment.

I have had the privilege of practicing law in Iowa since 2001. I am an active member of my local bar association and of the Iowa State Bar Association. The first six years of my career were spent working for Iowa Legal Aid. I then spent seven years in private practice as a solo practitioner. During those seven years, I provided voluntary pro bono services through Iowa Legal Aid's Volunteer Lawyers Project as well as to other clients who did not go through the VLP. I recently began working for the State of Iowa. My opinions are my own and are based on my experience practicing law.

First, I **support** a $250 pro hac vice per attorney, per case fee. This proposal makes sense and is fair. I am a member of the ISBA Board of Governors and voted in favor of the proposal at the December 2013 meeting.

Second, I **support** a $100 mandatory assessment per attorney per year. The only exception I support is for newly-admitted attorneys. At the December 2014 ISBA Board of Governors meeting, I spoke briefly in favor of the assessment. I respectfully disagree with many of my colleagues who are not in favor of the assessment.

While I hold my colleagues in great respect, I have not been persuaded by the arguments made against a mandatory assessment. I have listened to them and read their written comments to date.

I realize that, as at the recent ISBA Board of Governors' meeting, my voice may be in the minority. To be honest, even though I have regularly argued against the State and Federal governments in criminal cases and argued against much better paid attorneys with more resources when I worked at Iowa Legal Aid, it is scary feeling to disagree with many of my colleagues.

This feeling, however, is nothing compared to the fear felt by people losing their homes or whose families are being torn apart or who are being taken advantage of because they do not have the resources to access our excellent court system. If our justice system is not accessible to every member of our society, it is not a justice system; it is a legal industry.

Many of my colleagues call a $100 mandatory assessment part of a "welfare mentality." When we have a system that allows people a fair method of addressing their grievances and settling disputes, it isn't welfare, it is justice.

I also think this argument ignores the benefit to the justice system and to our own clients. One of the most time consuming tasks I have seen for judges and for counsel is to deal with pro se parties. With all due respect to pro se parties, they slow the system down because even basic things like how to file or ask questions in hearings often need to be explained. I have experienced pro se parties who clog the system with needless hearings or frivolous claims.

Represented parties are in everyone's best interest. When I was in private practice, I remember begging Iowa Legal Aid to take a case because it was a financial burden on my client and a frustrating experience for all involved to have to deal with a pro se litigant. Regardless of how contentious a case is, I always preferred counsel on the other side. Dealing with other counsel is more efficient and can actually save clients money. I say from experience that it cost well over $100 of my time to deal with pro se litigants who were unable to afford counsel.

Many of my colleagues have bemoaned the mandatory assessment. They speak about wanting to help voluntarily. I laud their desire to help voluntarily and each lawyer should provide volunteer services to people without means to pay them. The statistics, however, show that while the desire is there, the action is not.

I respectfully point out that the comments supporting actual volunteer pro bono services and opposing a mandatory assessment of a mere $100 might carry more weight if attorneys providing pro bono services under our current voluntary system were in the majority. There is a difference between *supporting* legal services for persons with limited financial means and actually *providing* those services. We already have a voluntary system in place, but less than one out of every four Iowa lawyers is providing those services.

In 2012, notwithstanding the aspirational goal set forth in Iowa R. Prof'l. Conduct 32:6.1, only 21% of Iowa lawyers provided pro bono services to Iowans with limited financial means. During the same time, a mere 5% provided 50 hours of pro bono services. A voluntary system only works when there are volunteers. Notwithstanding the rhetoric about volunteerism, it is clear the actual volunteers are lacking.

Some have referred to this as a tax and argued it is not fair for lawyers to have to pay an assessment. This argument ignores not only our unique obligation to justice, but also that each and every taxpayer is already paying the cost of people not having access to justice.

Providing legal services to low-income persons can often be the ounce of prevention that saves the taxpayers a pound of cure. If a single parent (father or mother) is pro se and does not receive fair child support because he or she was not represented and signed off on a stipulation, who pays additional costs of raising the child? Rather than the other parent paying his or her fair share because one party lacked access to counsel, the cost is dispersed among all of us as taxpayers.

When a tenant is unfairly evicted, taxpayers again may foot the bill. If the person or family is not out after the writ issues, it is the taxpayers who pay the deputies to forcibly remove the tenant(s).

If a victim of domestic violence is unable to obtain a 236 protective order and/or divorce and custody order, we the taxpayers have to pay law enforcement if the abuse continues. We pay to arrest, prosecute, and to jail the perpetrator.

When a victim of predatory or usurious lending and illegal debt collection has to pay fees she or he does not owe, that removes money from our economy. If the violation is bad enough, we the taxpayers have to pay the Attorney General to stop the lender or debt collector.

I have heard and read about lawyers who serve on boards and do other good works in their respective communities. This is commendable and I support that. I myself sit on the board of my local community action agency and Board of Trustees for the United Way. I have no idea how many hours I have spent at community meetings, away from my wife and family. As good as such service is, it is different from providing access to justice. I am not going to stop sitting on community boards and doing other things to benefit where I live if I have to pay $100 per year.

I have heard colleagues around the state talk about answering brief questions on the phone or clients whose bills have gone unpaid. As a former small law office owner, I know exactly what they are talking about, but expecting payment and forgiving payment is not pro bono service. *See*, Iowa R. Prof'l. Conduct 32:6.1 comment 4. The caller asking a quick question on the phone may not necessarily be someone of limited means and someone of limited financial means may have a need beyond a quick answer.

Some lawyers have argued that we should not favor legal services for those who cannot afford it over other charities. This argument is non-persuasive and rife with logical fallacies. In the interest of brevity, I will not point out each fallacy, but I will emphasize that I remember taking an oath in which I swore to "never reject, from any consideration personal to myself, the cause of the defenseless, or oppressed..." Clearly, each legal professional has a responsibility to assist all persons have access to justice.

Some small law office owners have pointed out the financial burden of an additional $100 fee. I am sympathetic to this. I know difficulty of making ends meet when you are a solo practitioner. I do not, however, know of lawyers whose private (not court-appointed) rate is less than $100 an hour. In fact, most I know charge (and are worth) well above that rate. Since 95% of us are not providing 50 hours of pro bono, I remain convinced that we can afford the cost of one hour (or less) of legal services per year to ensure we have a justice system.

The most persuasive argument I have heard is that our own General Assembly needs to fund civil legal services for indigent persons. I cannot agree more. This Court knows how difficult it can be to obtain funding for our court system. If a court system comprised of educated, articulate persons serving as one of the three branches of government has difficulty obtaining funding for its vital services, how much more of an uphill battle is it for disenfranchised Iowans whose immediate concern is having food in the house and paying the upcoming rent to obtain funding for legal services?

Nothing prevents my esteemed colleagues from contacting their elected officials about providing adequate funding for legal services for low-income Iowans. I have talked with my legislators about it for years and continue to do so. Regardless of the General Assembly's action on adequate funding, I

think we in the legal profession should lead by example. By showing everyone how committed we are to this issue, we send a strong message to the General Assembly. Otherwise, I feel we are dodging responsibility by passing the buck.

I have read the argument that such an assessment is illegal. There are many times in my career that I have had to raise novel and creative arguments. Notwithstanding my ability to craft ethical arguments in favor of my clients, there is no plausible argument I can see that such an assessment is illegal. The proposed assessment is no different from the fees for the Client Security Trust Fund. Both are for the public good. Further, practicing law is a privilege, not a right. Accordingly, the fee can be assessed.

Other states, including those surrounding Iowa, have assessed fees. Iowa would not be unique in doing so. Even if we were, I have always been proud to be part of the legal profession in Iowa where we frequently lead the way on making our society more just.

I would like to conclude by pointing out that doing the right thing is not always doing the easy thing; if the right thing to do were the easy thing to do, it would not be called the "right thing", just "the thing."

Once again, I support the proposal to assess a mandatory $100 fee per attorney.

Sincerely,

/s/ *Steven J. Drahozal*

Steven J. Drahozal
Attorney At Law

Access to Justice
jeanall@juno.com
to:
rules.comments
12/31/2014 08:03 PM
Hide Details
From: "jeanall@juno.com" <jeanall@juno.com>
To: rules.comments@iowacourts.gov,

FILED
DEC 31 2014
CLERK SUPREME COURT

I support the proposed access to Justice Fee. I have been volunteering at Iowa Legal Aid for several years since my retirement and strongly support the work they do to help low-income Iowans. The lawyers and staff at this organization work hard to help those who are unable to pay for legal services. Thank you. Jean Allsteadt

Shuttleworth
& INGERSOLL
ATTORNEYS AT LAW • ESTABLISHED 1854

December 29, 2014

DEC 31 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Comments to Access to Justice Proposals

Dear Members of the Supreme Court of Iowa:

On October 1, 2014, the court requested public comments about whether the court should implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds. The court also requested comments about whether individual attorneys should be able to affirmatively elect not to pay the $100 annual fee.

I am writing to express my unqualified support for the implementation of a mandatory $100 per attorney annual fee to support providing legal services to low-income Iowans, without the option of lawyers being able to elect to not pay, but with appropriate exemptions for new and emeritus lawyers.

At a time when the availability of so many other essential human services is being curtailed, it is inappropriate for access to our system of justice to be denied to many of our neediest citizens, simply because of their economic status. I am proud of my modest commitment of time and financial resources to Iowa Legal Aid, but I also realize that there is more that can be done.

The $100 per lawyer payment is a modest step in that direction and will assure that all Iowa lawyers who are subject to the proposal will share in this undertaking.

The State of Iowa has a long and proud tradition of a judicial system that works for the benefit of all Iowans regardless of their status in life. I urge your adoption of the proposal.

Gary J. Streit

Shuttleworth & Ingersoll, P.L.C.
115 3rd Street SE, Suite 500 Cedar Rapids, IA 52401 • PO Box 2107 Cedar Rapids, IA 52406-2107
ph (319) 365-9461 • fax (319) 365-8443 • www.shuttleworthlaw.com

December 30, 2014

FILED
DEC 31 2014

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

Re: Access to Justice - $100 licensing fee

May it please the Court:

One of the unfortunate truisms in a world of unfortunate truisms is that when poor people need help the most, that is when the economy is bad for everyone, society (from both government and private sources) is at its lowest ability to render aid. Although we do not ordinarily phrase it this way, justice is a fundamental right. For most people it is also a truism that the inability to obtain advice from a lawyer denies any hope of justice. We have long recognized this truism in the criminal context. The ability to access a lawyer may often be more important to life and security in the civil context. Adding a $100 to my annual license fee will not solve the problem. It is, however, a step toward a solution. It is a small charge to lawyers that will reap a disproportionate benefit to the cause of justice. For these reasons I ask you to add $100 to the annual licensing fee for lawyers practicing in Iowa Courts.

Respectfully Submitted

Ivan T. Webber
100 Court Avenue, Suite 600
Des Moines, IA 5309

01075270-1\99500-304

FILED
JAN 01 2015
CLERK SUPREME COURT

Janury 1, 2015

RE: Access to Justice

Dear Clerk of the Supreme Court of Iowa,

Please approve and immediately implement the $100 Per Attorney Annual Fee and a Pro Hac Vice Fee to Provide Legal Assistance to Low-Income Iowans.

I am writing this letter as a family member of a past client of the Davenport HELP Legal Aid office. I was the Power of Attorney for Patricia Fenelon who is now deceased Dec 20, 2013. I am her nephew.

Patricia was a low-income, single, elderly woman with no dependents and was in need of legal assistance for her affairs. The staff attorney at the office was able to work with my aunt on several occasions to make sure her needs regarding the Legal System were met.

My aunt was suffering from Alzheimer's during the last few years of her life. Because of her impaired cognitive condition, it made working with the legal system difficult. The Davenport HELP Legal Aid office was a strong advocate for Patricia Fenelon's legal rights. She was able get the assistance she required without the additional burden of the cost of the required fees of which she was not able to pay in full.

Please approve Access to Justice to continue to fund the Iowa Legal Aid system. It is required to maintain the dignity of Iowans who are most in need.

Sincerely,

Matthew Trimble
21 Oak Ln
Davenport, Iowa 52803

As a non-lawyer who helps solicit pro bono assistance from lawyers who have offered to help, if and when the need coincides with their talents/schedules, it is apparent that a small percentage accept pro bono work on a regular and consistent basis.

It seems reasonable to me to assess the larger portion of attorneys an annual fee to help fund the legal services that they seem unable or unwilling to provide. Reasons range from , "too be too busy, not their field of expertise, tax time or just plain 'No".

For the same reasons, I support a fee on out of state lawyers who practice in our courts on an ad hoc basis but do not otherwise assist the Iowa legal system with fees or services.

John M. Gardner
1435 Pompano Drive
Clive IA. 50325

e-mail: john50325@gmail.com

phone: 515-225-0809

FILED
JAN 01 2015
CLERK SUPREME COURT

FILED

JAN 01 2015

CLERK SUPREME COURT

annual licensing fee for attorneys a mandatory, $100 fee for the purpose of providing improved access to justice for low-income Iowans.

Arlene Prather-O'Kane to: rules.comments, vmbetts, arlene.pokane 01/01/2015 10:04 PM

HI,
I am an Advisory Board Member of the IA Legal Aid in Waterloo, IA.
I would encourage the Supreme Court in making mandatory a $100 fee for all attorneys/year to support the IA Legal Aid need to access justice for Low-income Iowans.

If this can't be passed, then maybe the Court should mandate with all licenses a mandatory fee when renewing.

Either way, this would be most helpful.
Thank you for your consideration,
Arlene Prather-O'Kane
IA Legal Aid Advisory Board Member and Citizen of Cedar Falls, IA

FILED
JAN 02 2015
CLERK SUPREME COURT

Ralph Rosenberg
811 Ridgewood
Ames, Iowa 50010
(515) 232 7474
Rosenberg_ralph@yahoo.com

January 2, 2015

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319.

Re: Access to Justice and Mandatory Annual Fee.

Dear Clerk of Court,

Please consider this letter as the expression of strong support for the proposal to implement a mandatory $100 per attorney annual fee. I have been a member of the bar for over 40 years and strongly support IOLTA and the programs it supports, including Legal Aid. I am also a former legal aid attorney, member of regional legal aid boards, and director of the Youth Law Center— I saw firsthand the benefits of IOLTA to supporting the goals of access to justice.

As an Iowan and former legislator, I have supported fee programs in other areas. I believe they support a valuable purpose, securing certainty and sustainability in funding-- all the more important for low-income Iowans who are in critical legal situations.

Thank you for your consideration.

Sincerely,

Ralph Rosenberg

FILED
JAN 02 2015
CLERK SUPREME COURT

access to justice
David McCoid
to:
rules.comment
01/02/2015 12:26 PM
Hide Details
From: "David McCoid" <mouthpiece@lisco.com>
To: <rules.comment@iowacourts.gov>,

I am opposed to the implementation of an annual $100.00 fee (or any amount) fee re Iowa Legal Aid. David L. McCoid, Mt. Pleasant AT0005133

HAYEK, BROWN, MORELAND & SMITH, L.L.P.
ATTORNEYS AT LAW

WILL J. HAYEK (1896-1982)
JOHN W. HAYEK (1941-2014)
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LAURA E. BERGUS
DAVID N. SELMER

OF COUNSEL:
MARY KATE PILCHER HAYEK
DAVID E. BROWN

FILED
JAN 02 2015
CLERK SUPREME COURT

January 5, 2015

Via email only to rules.comments@iowacourts.gov
Justices of the Iowa Supreme Court
Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Access to Justice

Dear Chief Justice Cady and all Justices of the Iowa Supreme Court:

This letter is in response to the request for comment in the Court's October 1, 2014, Order regarding access to justice.

I support a $250 per attorney, per case *pro hac vice* fee.

I also strongly support a $100 mandatory, annual fee for attorneys, to be deposited into the IOLTA fund. I do not believe the $100 fee should be optional. However, I support reasonable exemptions, as recommended by the ISBA's Access to Justice Committee. Of note in the Committee's report were findings from other states that impose such a fee that: "No long-term consequences, e.g. lapsed bar membership or decline in pro bono service have been demonstrated." Report of Access to Justice Committee, revised Dec. 4, 2013, p. 4. I believe those attorneys who prioritize pro bono service will continue to do so, regardless of the fee.

The support that exists now for legal services for low-income Iowans is not enough. The mandatory fee on some lawyers will help close the gap for legal services, and would be borne primarily by those who already benefit the most from our system.

Please implement a $250 per attorney, per case *pro hac vice* fee and a $100 mandatory annual attorney fee, with reasonable exemptions.

Sincerely,

Laura E. Bergus

COUNTY OF POLK
Board of Supervisors
111 Court Ave, Suite 300
Des Moines, Iowa 50309-2214
Ph.515.2863120
Fax.515.323.5225

Robert Brownell
1st District
Ph.515.286.31 15
Email:
robert.brownell@polkcounty.iowa.gov

FILED
JAN 02 2015
CLERK SUPREME COURT

December 11, 2014

Clerk of the Supreme Court
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50309

RE: Access to Justice

Dear Chief Justice Cady and Justices of the Iowa Supreme Court:

I serve on the Polk County Board of Supervisors. The Board of Supervisors is a proud supporter of Iowa Legal Aid and the critical services it provides to low-income residents of Polk County. We have provided significant funding to Iowa Legal Aid for its operations in Polk County for many years. I believe our county is one of four in Iowa that provides funds for Iowa Legal Aid. We believe that providing our low-income residents with legal assistance in civil matters not only helps those clients achieve just results, but saves money on other social services that would be necessary if Iowa Legal Aid were not there to address the issues at an earlier stage.

Obviously, Polk County feels Legal Aid is important. As it pertains to the proposed licensing fee, from my perspective, the county's future funding decisions will not be negatively impacted whatsoever by any potential licensing fees paid by lawyers to help fund legal aid programs.

Sincerely,

Robert Brownell
Polk County Supervisor

FILED
JAN 02 2015
CLERK SUPREME COURT

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Ave.
Des Moines, Iowa 50319

To the Clerk:

I am writing regarding the adoption of court rules extending a mandatory $100 per Attorney annual fee and a $250 per attorney per case pro hac vice fee on out-of-state attorneys practicing in the State of Iowa. I am writing in support of these items.

As a member of the Indianola community, I have been aware of the important work of Iowa Legal Aid for many years. Their quality representation of Iowans who meet their eligibility guidelines in cases of civil matters is known to many of us. The struggle to fund the Iowa Legal Aid program adequately is unfortunate because it means that Iowans are not assured of having access to justice that this programs tries to provide for all who are eligible.

While I have spent personal time lobbying the state legislature for generous funding for Iowa Legal Aid, I am aware that the funding for this program is always precarious because of the varied income sources it must rely upon. Therefore, I wholeheartedly support a mandatory $100 annual licensing fee for all lawyers with the funds going to Iowa's IOLTA program. This fee is a nominal sum and it will underscore the legal profession's commitment to access to justice as articulated in the Rules of Professional Conduct. I also support the $250 pro hac vice fee that would help strengthen the client security trust fund.

Thank you for your serious consideration of adopting these funding mechanisms to help serve low income Iowans and assure that they have access to justice through this very high quality program.

Sincerely,

Margaret Vernon
401 West Ashland
Indianola, Iowa 50125
mmvernon@earthlink.net

FILED
JAN 02 2015
CLERK SUPREME COURT

ROBERT S. SWANSON
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW

508 MAIN AVENUE
CLEAR LAKE, IA 50428
FAX NO. (641) 357-5727
e-mail: bobswan@netins.net

TELEPHONE: (641) 357-2765
(641) 357-2744

December 30, 2014

Access to Justice
Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

IN RE: Public Comment Access to Justice Recommendations

Honorable Justices:

I agree with everything C. Joseph Holland said in his Viewpoint letter published in the December 2014 Iowa Lawyer.

The tactic used by Iowa Legal Aid is an end-run around the Iowa Bar Association.

I used to enjoy going to and participating in the charity events put on by the Iowa Legal Aid in our area in the early winter, donating both my personal money and my lake activities as prizes. The advertisement put out by Iowa Legal Aid for this event this year made no mention of this mandatory end-run being done by them. I will not be participating in this event this year.

We are not discussing whether there is a need for funding for clients of Iowa Legal Aid. The supporters of this end-run seem to forget there is no dispute about the need.

I object to the element of socialism that exists in this end-run proposal: Since the legislature won't fund it properly, let's just make it mandatory as part of the licensing process. Since we apply it to everybody, that makes it fair? (Will it apply to Judges, retired judges we are already supporting, government lawyers, and all those who do not belong to the Iowa Bar Asso?) Making the funding mandatory is just plain socialism. We have enough of that already, if not too much.

Since you have not walked in my shoes for some time, let's look at it from the view of a sole practioner: December has the tax school and the Iowa Docs payment (which is larger than 2 to 5 men firms pay), let alone the expenses of the holidays. December also has the wait by the mailbox problem to see if the State Public Defenders Office will pay the November bills before the year ends, all at $60.00/hour. January has low income from clients who are paying their normal bills before the legal bills. January has the annual in-house review of year end office reports to determine whether waiting 6 weeks to get paid by the State Public Defender's office is worth the

hassle. February has the Client Security Fund, state and federal Continuing Education fees and the 5 page annul report forms. (These forms have to be completed by unpaid in-house computer wizards so the highly paid government workers in Des Moines only have to push a button to get completed reports. Previously we filled out 3 page typed forms that took 1/6th of the time.) February and March usually have the walk-in clients who want work done on a pro-bono basis, all without referrals from the Iowa State Bar Asso or Iowa Legal Aid. This decision is made usually on the basis of interest in the client's plight or type of case, and not whether my name gets printed in BOLD by Iowa Legal Aid or whether it adds to my obituary.

A mandatory fee to fund work the Legislature should pay for just adds to the above burdens.

Thank you for considering my viewpoint.

Sincerely,

Robert S Swanson
Robert S Swanson, P.C.
508 Main Ave
Clear Lake, IA 50428

FILED
JAN 03 2015
CLERK SUPREME COURT

Access to Justice
COREY LUEDEMAN
to:
rules.comments@iowacourts.gov
01/03/2015 03:25 PM
Hide Details
From: COREY LUEDEMAN <coreyluedeman@msn.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

1 Attachment

Luedeman Official Comment.docx

Attached please find my comments concerning the Access to Justice fee proposal.

Thank you,

Corey Luedeman

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court A venue
Des Moines, IA 50319

FILED
JAN 03 2015
CLERK SUPREME COURT

January 3, 2015
Delivered via e-mail to
rules.comments@iowacourts.gov

Re: Access to Justice Recommendations

Dear Iowa Supreme Court Justices:

I believe the Court should implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund. Furthermore, I believe that these new funds should only be distributed to the unified system of legal assistance providers in Iowa. I also believe that there should be a pro hac vice fee of $250 per attorney per case with the proceeds deposited in the client security trust fund.

I have these beliefs for many reasons. I would like to share some of my reasons and thank you for the opportunity to do so. I must disclose first that I am a former Iowa Legal Aid (ILA) attorney. I also grew up in what most would consider poverty in Iowa. My family faced homelessness more than once when I was growing up. Had my parent's been able to afford an attorney or had access to an attorney through an organization like ILA a lot of the hardship experienced may have been able to be lessened or avoided altogether.

I started working for ILA as an intern in law school through the Poverty Law Internship Program and ended my employment as a Senior Staff Attorney in September of 2012. I was employed by ILA for approximately 12 years. Submitting my resignation to ILA was a very difficult decision for me.

Ultimately I resigned not because of losing faith in the mission of ILA to provide "Hope, Dignity, and Justice" to the indigent of Iowa. Two of the major factors that I weighed in deciding to tender my resignation were the uncertainty of future funding for ILA and my inability to continue to financially provide for my own family despite my best efforts.

I was fortunate enough to find a career opportunity in private practice that allowed me to continue to assist the less fortunate in Iowa. I live each day, as the overwhelming majority of attorneys do, trying to provide Hope, Dignity, and Justice to my clients.

As you know, all Iowa attorneys have an ethical duty to support legal assistance for low-income people. As you also know, only a minority of Iowa attorneys (21%) provide pro bono legal services to persons of limited means. I can understand why uniquely because of my experience, not only as a former attorney at ILA, but also now as an attorney in private practice.

The practice of law is becoming more and more specialized. There are a growing number of attorneys in Iowa who may not feel professionally qualified to provide timely legal assistance to victims of domestic violence or illegal evictions. They also may not feel that they have the ability to do so due to their already very stressful lives. Each attorney needs to strike a delicate balance between his/her professional and personal lives. If we are unable to achieve and maintain this balance, then we are doomed to fail professionally and personally.

I also believe that if low-income Iowans are not able to access justice, then the delicate balance that we all seek to maintain in our system of justice would be in serious peril. Attorneys, as a profession, have tried to fulfill our obligations to low-income Iowans through programs like the Volunteer Lawyers Project. Unfortunately, the voluntary efforts – while admirable – do not meet the need.

The proposed fees are not overly burdensome for attorneys. The fees will do significant good for Iowa's system of justice and the people of Iowa.

Sincerely,

Corbett (Corey) Luedeman

Rep. Marti Anderson
Iowa House of Representatives, State Capitol, Des Moines, Iowa 50319

FILED
JAN 03 2015
CLERK SUPREME COURT

January 3, 2015

Clerk of the Supreme Court of Iowa
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

Via email to rules.comments@iowacourts.gov

Re: Access to Justice

Dear Supreme Court Justices:

I support your proposed rule to establish an attorney licensing fee of $100 per year in order to generate substantial new funds for civil legal assistance for low-income Iowans.

I think the argument is compelling:

First, we have a fundamental obligation to provide civil legal assistance to Iowans who do not have the means to afford representation in crucial legal matters. Without assistance, there is no access, and without access there is no justice.

I saw this first-hand for more than forty years as an advocate for crime victims, especially for women (and sometimes men) who are victims of domestic violence and abuse. Legal Aid attorneys play an indispensable role in helping such victims to safety, security, fairness, and financial wellbeing. Civil legal assistance is crucial for basic justice.

Second, as a society, we are failing to meet the documented need for civil legal assistance. Funds from several sources have declined while demand has increased for legal assistance in court and administrative proceedings. We need to fill this gap.

Third, the $100 assessment would make a very significant and efficient contribution toward meeting the urgent need for funds, likely over $900,000 per year.

I hasten to say that as a state lawmaker I will continue to support increased general fund appropriations for Legal Aid and civil legal services. I also am hopeful that, if you adopt this rule, it will help persuade lawmakers and Gov. Branstad to do our part in providing increased appropriations urgently needed by Iowa Legal Aid. The Legislature should follow the lead of the Court and Iowa legal community and work hard to find more resources for critical legal aid.

Thank you for considering my comment in favor of your proposed rule, and thank you for all your efforts to ensure access to justice for all.

Sincerely,

Rep. Marti Anderson, Des Moines

FILED
JAN 04 2015
CLERK SUPREME COURT

Access To Justice
BoBbI MaRiE
to:
rules.comments@iowacourts.gov
01/04/2015 11:18 AM
Hide Details
From: BoBbI MaRiE <bobbimarie25@hotmail.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

1 Attachment

Access to Justice.docx

FILED
JAN 04 2015
CLERK SUPREME COURT

Access to Justice

A $100 Per Attorney Annual Fee and a Pro Hac Vice Fee to Provide Legal Assistance to Low-Income Iowans Should be Approved.

1. I am in agreement with Iowa Legal Aid's request to the court to implement a mandatory $100 fee for all attorneys'. I feel all people should have access to legal representation in the legal system. Most of these low-income people that need help are in dire need for assistance and support. Often its mothers and children in abusive relationships or elderly people who would otherwise risk being taken advantage of. In my case legal aid helped me to get a protective order from the father of my children and made sure that he had supervised visits with them. Without this assistance I don't know what the possible outcome would have been. Trying to navigate the legal system without the help of my legal aid attorney I would have been lost and very much feel my daughter's and I would have been further exposed to abuse and chaos. The number of people legal aid helps each year is astounding. In 2013 alone 18,580 children were helped. Also the critical issues that legal aid primarily deals with are just things that as a society we can no longer let go by the wayside. Now thanks to my legal aid attorney my daughters and I are safe and I have been able to find a good job and fully support my family. I don't feel that $100 a year per attorney is asking too much and should be something that should easily be passed and accepted by lawyers in this state. All the states around us have a similar system.

2. I do not see the point in letting lawyers opt out of paying this fee. As I stated earlier, $100 a year should not be a burden to them and it would go to help the entire community. The Iowa State Bar Association states that " first and foremost Iowa lawyers are committed to justice and dedicated to their profession" This statement to me says that the number one priority should be the people and getting them the help they need. Very few lawyers do any pro bono work so a simple fee of $100 a year would be an easy way for them to give back to the communities that support them and help those that are less fortunate. Helping them to get through hard times and hopefully get some stability.

3. As for the pro hac vice fee, I think that asking lawyers outside our state that are wanting to practice within the state shouldn't object to paying a fee to do so. Several other states do this and many are starting to use those fees to add to the legal aid funds. Currently the fees from this only go to the client security fund. The Access to Justice committee is asking for some of these funds to add to the legal aid fund. Since 2008 the level of funding for legal aid has only increased by $400,000. The number of attorney's employed had decreased by 19% since 2010. Now legal aid does serve around 18,127 family's a year, which is amazing, they

unfortunately have to turn away or underserve over 13,500 people. From 2010-2013 32% fewer clients were able to be served. I think we as Iowans can help make sure this doesn't happen and we are able to help more people.

FILED

JAN 04 2015

CLERK SUPREME COURT

Iowa Supreme Court Justices:

Because it is fundamental to our democracy that access to the courts not rely on zip code or ability to pay, I urge the Court to implement a mandatory $100 annual fee per attorney to improve access to justice for Iowans without the financial means to secure legal assistance.

Survival for an alarming number of Iowans depends on timely access to the courts in matters of employment, housing and personal safety, to name a few areas of struggle. Current safety net avenues are failing miserably to meet the growing need. Public funding is down and few attorneys provide pro bono assistance though they have an ethical duty to pitch in.

Implementing this fee would move us toward a more just Iowa.

Sincerely,
Suzi Alexander
Des Moines, Iowa

SUZAN M. STEWART
29 West 45th Street
Sioux City, Iowa 51104
stewartr@cableone.net

FILED
JAN 04 2015
CLERK SUPREME COURT

January 4, 2015

Clerk of Iowa Supreme Court
Judicial Branch Building
1111 East Court Ave.
Des Moines, IA 50319

RE: Access to Justice

Honorable Chief Justice Cady and Justices of the Supreme Court:

With the beginning of the new year, it is appropriate to consider a more permanent resolution of the obligation for attorneys in the state of Iowa to support the provision of legal services to Iowa's poor. As a resolution, please thoughtfully consider adoption of a mandatory $100 per attorney annual fee to be deposited in the Interest on Lawyers Trust Account fund and distributed in accordance with the normal rules for distribution of IOLTA funds. As a former member of the Iowa Legal Aid Board of Directors, I would encourage distribution of funds to Iowa Legal Aid. IOLTA funding has long been a significant source of funding from the judicial department for the activities of Iowa Legal Aid and other similar organizations that provide civil legal services to low-income Iowans. As noted in the Court's Order, IOLTA funding today is only a small fraction of what it has been in the past.

Low-income Iowans are entitled to skilled civil legal representation by attorneys such as those employed by Iowa Legal Aid or volunteer lawyers. There is little question that legal representation can solve problems for Iowans and greatly improve their circumstances. While many Iowa lawyers meet the aspirational responsibilities of Rule 32:6.1 of the Rules of Professional Conduct, many others do not give of their time or money to provide legal services to those unable to pay and that is part of the reason why the need for civil legal services is great and growing.

The proposed $100 assessment will help meet funding shortages and at the same time equalize support for pro bono public legal services.

Very truly yours,

/s/ Suzan M. Stewart

FILED

JAN 04 2015

CLERK SUPREME COURT

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Karyn R. Moore
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January 2, 2015

Chief Justice Cady and Members of the Court

My published thoughts on the proposed $100 per Attorney licensee fee are known. Those comments are solely my own and were directed to the members of the Iowa State Bar Association to encourage them to think about the issues involved in the matter. Obviously many did and sent comments to the Court, and many responded to the ISBA survey on the topic. I find it appropriate to comment directly to the Court.

I believe in Iowa Legal Aid. My Firm and I have donated time and money in support of its mission. I have lobbied, in person, members of the Iowa Legislature in Des Moines, and of the United States Congress in Washington D.C., for support of Legal Aid at State and national levels.

The comments filed with the Court and the responses to the ISBA survey show very strong support for Iowa Legal Aid and delivery of legal services to those without means. In the survey I saw few negative comments about Iowa Legal Aid and its mission. However, many, as do I, find unacceptable the proposed Court funding of Legal Aid from a fee imposed upon Attorneys as a condition of a license to practice law in Iowa.

I.

COURT MANDATED FUNDING MAY IMPAIR OTHER SOURCES OF FUNDS FOR IOWA LEGAL AID

Requiring all Iowa licensed Attorneys to subsidize Iowa Legal Aid as a condition of licensure sends the wrong message to the Iowa Legislature, and to other sources of funding for Iowa Legal Aid. No longer would the Legislature need to provide any

funding to Legal Aid. Funding could be defaulted to the Court, which can increase the mandatory fee at will as legislative funding declines. Despite Senator Gronstal's hopes to the contrary, this likely will be seen by others in State government as an opportunity to shift responsibility for funding for Legal Aid away from the General Fund and to the Court (and Iowa Attorneys).

A mandatory fee to support Iowa Legal Aid also puts at risk the relationship between Iowa Attorneys and Iowa Legal Aid. The mandatory fee may have the effect of reducing both volunteer hours and monetary contributions to Iowa Legal Aid. Many people, not just Attorneys, do not accept having contributions to organizations imposed as mandatory fees, no matter how worthy the ultimate cause. Several comments in the ISBA survey illustrate the potential ill will this could engender.

As a result many Iowa Attorneys may simply stop donating time or money to the organization. (I personally am waiting to donate until I see the outcome of this Legal Aid request to the Court.) Others may see the Court imposed fee as having satisfied all pro bono obligations. While this would be a Court imposed fee Iowa Legal Aid presented the request to the Court and whatever Attorneys' sentiments may be about the assessment they will likely impact Iowa Legal Aid.

II.

FUNDING BY THE COURT REQUIRES THAT THE COURT BECOME ENTANGLED IN THE BUDGET AND ACTIVITIES OF IOWA LEGAL AID

This funding mechanism requires the Court to exercise oversight of how the funds collected and disbursed by the Judicial Branch are expended. If this proposal is adopted Legal Aid should be required to the report to Court on a regular basis to justify its budget and programming, including its efforts to secure funding from other sources. It seems likely that Legal Aid will return to request increases in the fee to be imposed upon Iowa Attorneys, and those will need review and oversight. This is not consistent with the independence of Iowa Legal Aid.

Thus, Court funding carries with it the prospect of the Court becoming involved not only in the methods of operation and administration, but in the substantive decision making of Iowa Legal Aid.

Can the Court maintain the public image of being fair and impartial if it is funding the legal representation on one side of a dispute? Some have even suggested that Iowa Legal Aid will actually have to become a part of Judicial Branch operations for the Court to exercise proper oversight over use of funds provided by the Court. There is indeed a high risk of excessive entanglement on both sides.

III.

COURT MANDATED FUNDING MAY CAUSE OTHERS TO LOOK TO THE COURT AS A SOURCE OF FUNDS

A fee for Legal Aid might cause other groups to "jump on the bandwagon" and attempt to secure fees through assessments by the Court. An example might be the State Public Defender seeing this as a funding mechanism. I don't know of any such prospect yet in Iowa, but in Minnesota a mandatory "pro bono" fee was followed by a mandatory fee to help fund the public defender. There could be other law related programs which see a similar opportunity.

There are plenty of good causes that intersect with the legal system. Some of the comments to the Court from groups and agencies illustrate exactly that. Some of those groups could well come to the Court in the future looking for budgetary aid for law related services.

If the Legislature recognizes that the Court will assess Attorneys the cost of providing indigent civil legal services, will the Legislature look to the same source for funding for providing indigent criminal defense? Is that a thought the Court wants to foster?

IV.

THE IMPOSITION OF ADDITIONAL MANDATORY FEES POSES PROBLEMS FOR THE LARGER LEGAL COMMUNITY IN IOWA.

As a Past President I cannot help but be concerned about the effect of this proposal upon the Iowa State Bar Association. It is a voluntary association. Membership is not a condition to a license to practice law in Iowa. The ISBA Board of Governors has officially taken a stance against the mandatory fee

proposal.

Many Iowa Attorneys see membership as a sign of professionalism and collegiality. However it is fact that some are price sensitive about becoming and remaining members.

I am not as concerned about overall membership, as I am about how the demographics of ISBA might change if this proposal is adopted. Historically ISBA has had a hard time recruiting and retaining members from the ranks of government Attorneys, at both state and local levels, from corporate counsel, from judges, and more recently younger Attorneys. Any loss of members from those demographic groups would erode the invaluable perspectives those groups bring to the Association.

I have been in small, very small, law firms my entire professional life. I know the people in that strata of the legal profession. I fear that some small firm members will see the costs of the voluntary bar, stacked on top of the Court's licensing fees, as too costly and pay only mandatory fees. That is an ISBA membership perspective I personally do not want to see eroded.

Many of the comments to the Court came from young Attorneys, a significant number in rural areas of our State. They struggle with the economics of such practices. ISBA needs to be a part of the next generation of Attorneys, and has devoted considerable resources to raise interest in rural practice. It may be hard for many to conceive, but that $100 fee could be the reason ISBA loses very valuable members, and future members.

The mandatory nature of this fee may damage the relationship between the Judicial Branch and Iowa Attorneys. The Court has made successful efforts in recent years to solidify a positive relationship with the practicing Bar in Iowa, and with members of the Iowa State Bar Association. Imposing a licensing fee to fund an organization outside the Court is an unprecedented step in Iowa, and perhaps a step backwards in Bench-Bar relations. The potential negative effect of imposition of this fee upon those relations should not be underestimated. It would be sad to see the Court's work undermined by the resentment such a fee might well cause.

V.

THE COURT IS PLACING THE BURDEN OF ADDRESSING A SOCIETAL PROBLEM ON THE BACKS OF ATTORNEYS.

Iowa Attorneys did not create the need for funding Iowa Legal Aid. That is a societal problem, not an Attorney problem. The availability of effective access to the legal system needs to be addressed, but a Court imposed mandatory fee on Iowa Attorneys is not the answer. There are many reasons for the problem, including an ever increasingly complex judicial system which even Attorneys have trouble navigating. Attacking the root causes of the expense of litigation should take precedence over funding a program which treats the symptom of the problem.

I do not know of any other profession which imposes a mandatory fee on its members to pay others to provide professional services to indigents. In other professions, for example Medical and Dental, help is provided through donations of time, services, and funds, exactly as it is currently handled in the legal profession. The funding is not involuntarily extracted from members of the professions.

Is it really appropriate for the Court to become revenue generating body? One that dispenses those revenues to private and quasi-private organizations?

VI.

IOWA STATE BAR ASSOCIATION SURVEY

ISBA sent a survey to all members by email seeking input on the topic. The survey results are on file with the Court, along with ISBA comments over the signature of President Joe Feller.

The survey ISBA members produced a remarkably high response rate. This illustrates the level of concern about the issue. The overwhelming majority of respondents were opposed to the mandatory assessment. Perhaps even more telling is the fact that more than 300 of those responding submitted optional comments in response to the voluntary. That is highly unusual in surveys, something even more indicative of the level of concern about the topic.

Many of the comments expressed opinions about which Attorneys should be exempt from the fee. Suggestions included

recently licensed Attorneys, retired Attorneys, out of State Attorneys, Attorneys employed by the government, and corporate counsel. The reasons were many. Exempting some will only exacerbate the feelings of those not exempted and who must pay. Of course any exemptions would require additional administration and oversight by the Court.

Some expressed concern about the Court being a regulator and funder of an outside organization, not a part of the Judicial Branch, but one being funded to litigate before Judicial Branch Officers against the very Attorneys who are forced to fund their opposition.

Many were concerned by the cost. Some eloquently expressed the effect what seems a very fee modest would have upon them. For others it is their inability because of their employment to take a preferred route, i.e. volunteering services, instead being forced to pay the fee. For some it is about contributing to services in a State in which they do not practice even though licensed in Iowa, and even though they may be contributing time and money to legal services where the practice.

A great many of the survey respondents simply objected to having the fee extracted from them, even for a purpose they support. The fact is that most, but not all, Attorneys licensed in Iowa can easily afford $100 per year. However, "Good works are their own reward" and exaction of a fee to fund Legal Aid eliminates that equation.

CONCLUSION

As the Board of Governors Resolution suggests, there are many other ways and better ways to approach the issue of funding legal services. Many which are more appropriate than taxing Attorneys. I ask that the Court decline the request from Legal Aid to impose mandatory assessments on Attorneys for funding.

Jeff Bock
1606 47th Street
Des Moines, IA 50310

FILED
JAN 04 2015
CLERK SUPREME COURT

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

3 January 2015

To whom it may concern,

I'm writing in support of the proposed $100 per attorney annual fee.

I support this proposal because I believe all citizens should have access to and equal protection of the law. You might even refer to it as a right.

Accessing these rights and obtaining legal services isn't usually a problem if you have financial means. Routine dealings with employers, landlords, financial institutions and all branches of the government often become more difficult as personal income decreases. As the difficulty increases so does the likelihood that it would be to your benefit to have access to legal representation – but in all likelihood you don't have (or can't obtain) legal representation. Could this be a case of justice denied?

Lawyers are supposed to be defenders of the rights and freedoms of all citizens. This fee would go a long ways towards insuring that all lawyers in Iowa (through the efforts of Iowa Legal Aid), actually do, in fact, contribute to the defense of the rights and freedoms of all citizens.

Thank you,
Jeff Bock

FILED
JAN 04 2015
CLERK SUPREME COURT

Access to Justice fee – comment

As a person who has worked over the course of a lifetime with people with very limited incomes (due to age, disability, or other life circumstances) I urge you to support the "Access to Justice" fee, mandatory version. Too many times we see that justice is not served when inadequate, late, or no representation is available to people unable to pay lawyer' fees.

Thank you.

Donna J. Davis
1817 Madison St.
Cedar Falls, IA 50613
3192770315

FILED
JAN 04 2015
CLERK SUPREME COURT

TO: Clerk of the Supreme Court, State of Iowa

FROM: William J. Jacobs

DATE: January 4, 2015

RE: Access to Justice

I am writing in support of the Court's implementation of a $100 annual fee and request that the Court approve all three measures under consideration.

I began my legal career as a legal aid attorney. In that position, I learned first-hand of the complex legal problems facing our often less sophisticated and economically marginalized citizens. These Iowans struggle with low paying jobs, increasing debt, poor housing and lack of sufficient medical care. Against this background of financial despair, our poor are often ill prepared to self-navigate through a complex legal system and successfully enforce their legal rights.

The care and dedication of those take up the challenge of representing Iowa's needy represent the best qualities of what it means to be a member of our bar. These attorneys work early to late hours, weekends and holidays to insure that those on the edge of Iowa's economic boon are not left behind. They protect the mere ability to subsist, remain personally safe, age in security and stand up for the education of poor children.

For as little as $100, an additional $903,400 can be raised to support this project. For as little as one billable hour, housing and subsistence benefits can be protected for at risk Iowa families. For as much time as it takes to write an objection to this initiative, needed divorces can be completed.

Thank you for your consideration,

William Jacobs

FILED
JAN 04 2015
CLERK SUPREME COURT

Sunday, January 04, 2015

To whom it may concern:

I would like to encourage you to decide in favor of imposing the mandatory $100 licensing fee on Iowa attorneys In order to build the fund that would provide better access to justice for economically disadvantaged individuals.

I strongly believe that this supports our constitutional rights to quality legal representation regardless of ability to pay.

Thanks for your consideration of this perspective as you make your decision.

Sincerely,

Juanita Williams

Comments - Mandatory $100 Attorney Licensing Fee
Kristie Doser
to:
rules.comments
01/04/2015 10:24 PM
Hide Details
From: Kristie Doser <kristie@dvipiowa.org>
To: rules.comments@iowacourts.gov,
Security:
To ensure privacy, images from remote sites were prevented from downloading. Show Images

FILED
JAN 04 2015
CLERK SUPREME COURT

I support the implementation of a mandatory $100 per attorney annual fee, with exceptions for new attorneys, judges, and emeritus attorneys, for the purpose of providing improved access to justice for low-income Iowans. I support the mandatory $100 fee being deposited in the IOLTA fund, but recommend that disbursements of the fee proceeds be limited to the unified system of legal assistance providers that work together to provide services throughout the state on an equal basis. Those providers are currently Iowa Legal Aid, HELP Legal Assistance in Davenport and the Polk County Bar Association Volunteer Lawyers Project. I do not support an opt-out system that would allow attorneys to elect not to pay the annual fee because all attorneys have an ethical duty to support legal assistance for low-income people.

~Kristie Fortmann-Doser
kristie@dvipiowa.org
319-356-9863 ext. 2

Kristie Fortmann-Doser, BA CDAA
Executive Director

Domestic Violence Intervention Program
1105 S. Gilbert Court Suite 300, Iowa City, Iowa 52240
www.dvipiowa.org dvip@dvipiowa.org

Crisis Line:
800-373-1043

Shelter Business Line:
319-351-1043

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I am writing in support of the $100.00 assessment. This assessment is necessary because the current funding is not sufficient to meet the civil legal needs of the low-income Iowans. Even though Iowa attorneys make donations of time, services and funds, there is still significant unmet need. Only a small percentage of Iowa attorneys accept pro bono cases from Iowa Legal Aid. Only a small percentage of Iowa attorneys make regular monetary contributions to support Iowa Legal Aid. The assessment will assure that all attorneys licensed to practice in Iowa meet the intent of our ethics code. And in turn this assessment will assure more low income Iowans receive access to justice.

Kathryne Cutler
808 Birchwood Circle
Council Bluffs, IA 51503

FILED
JAN 05 2015
CLERK SUPREME COURT

A $100 Per Attorney Annual Fee to Provide Legal Assistance to Low- Income Iowans

FILED
JAN 05 2015
CLERK SUPREME COURT

This letter is in support of the court to implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund for the purpose of providing improved access to justice for low-income Iowans.

I have worked with low-income families for 41 years in Southeast Iowa and have witness the need for legal aid assistance. I have seen more families in need of assistance as the funding for Legal Aid services decrease. Low-income families need the opportunity to have an equal chance/ justice to help with the growing needs involving illegal eviction, domestic abuse , and public benefits (including SSI/ Medicaid denials).

Thanks in advance, please give consideration to implementing a mandatory $100 per attorney annual fee, that will help low-income Iowans.

Lyn Stinson
319-752-2942
lynstinson@yahoo.com

FILED
JAN 05 2015
CLERK SUPREME COURT

Access to Justice
Jan
to:
rules.comments@iowacourts.gov
01/05/2015 07:28 AM
Hide Details
From: Jan <packerbackerjp@hotmail.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

I am sending this e-mail to advice that I support the access to Justice fee that Iowa Legal Aid has recommended be added to attorney licensing fee. I believe the additional money will benefit low income Iowans by giving them greater access to legal representation.Thank You.

FILED
JAN 05 2015
CLERK SUPREME COURT

access to justice
Wright, John
to:
rules.comments@iowacourts.gov
01/05/2015 08:41 AM
Hide Details
From: "Wright, John" <JWright@dhs.state.ia.us>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

1 Attachment

Legal aid 1-5-15.docx

Please see attached

Please institute the access to justice fee assessment annual fee as an equitable way for increasing the available funds for legal representation for low-income Iowans. Most of my clients do not have the funds to retain their own attorney. Very few of the local attorneys will practice in juvenile court, so it is even more imperative that we have Legal Aid to represent these clients. Thanks, John Wright 319-240-7601.

FILED

JAN 05 2015

CLERK SUPREME COURT

FILED

JAN 05 2015

CLERK SUPREME COURT

Access to justice
Robert Mulqueen
to:
rules.comments
01/05/2015 08:46 AM
Hide Details
From: Robert Mulqueen <robert.mulqueen@gmail.com>
To: rules.comments@iowacourts.gov,

To the justices of the Iowa Supreme Court:

I wish to voice my support for the proposed one hundred dollar addition to licensing fees. Iowa Legal Aid is not only the source of guidance and counsel for thousands of Iowans of very modest means, it often is their only friend. The annual legislative appropriation barely assists ILA to make ends meet. This line item, together with philanthropic support garnered by means of the hard work of fundraisers with ILA would go further with the funding provided by this added sum from legal licensing.

Please support this one hundred dollar fee.

Thank you.

Sincerely,

Robert E. Mulqueen
2305 Glenwood Drive
Des Moines, Iowa 50321

FILED
JAN 05 2015
CLERK SUPREME COURT

Access to Justice
Donna Miller
to:
rules.comments@iowacourts.gov
01/05/2015 09:02 AM
Hide Details
From: Donna Miller <DMiller@grefesidney.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

2 Attachments

court fee proposal.docx

See attached.

DONNA R. MILLER
Telephone 515.245.4300 | Fax 515.245.4452
Email dmiller@grefesidney.com

GREFE • SIDNEY
500 East Court Avenue Suite 200 | P.O. Box 10434
Des Moines, Iowa 50306 | www.grefesidney.com

FILED
JAN 05 2015
CLERK SUPREME COURT

GS
GREFE·SIDNEY
LAWYERS

January 5, 2015

Iowa Supreme Court
Clerk of Court

VIA EMAIL

Re: Access to Justice fee proposal

Dear Clerk:

I am writing in support of the proposed $100 fee for Iowa attorneys to support Legal Aid. I am a long-time supporter of Legal Aid – both with financial support and time. I frequently exceed the recommended 50 hour requirement by representing clients through the Polk County VLP program. While I feel that I am helping, I know that there are many people who are not provided the legal help they need because of the current Legal Aid funding levels.

I support the $100 fee and would prefer that it be mandatory with an exception for new attorneys for the first year or two. While I understand this will have more of an impact on solo attorneys, I think it is a reasonable amount for the good it will do.

If an across-the-board fee is not supported, I hope the Court will consider a process like the federal model – attorneys either pay the fee or agree to volunteer a certain number of hours.

Thank you.

Sincerely,

Donna R. Miller
dmiller@grefesidney.com

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WEB www.bradshawlaw.com
WRITER'S DIRECT DIAL NUMBER
(515) 246-5829
WRITER'S E-MAIL ADDRESS
kenyon.gregory@bradshawlaw.com

MICHAEL H. FIGENSHAW
EDWARD E. JOHNSON
DAVID J. W. PROCTOR
GENRY M. DENNIS
DONALD F. NEIMAN
MARK L. TRIPP
DAVID L. JENKINS
STEVEN M. AUGSPURGER
D. BRIAN SCIESZINSKI
GREGORY L. KENYON
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ANN C. SPELLMAN
SEAN M. O'BRIEN
TODD A. STROTHER
PATRICK D. SMITH
JASON T. MADDEN
LORI A. BRANDAU
MATTHEW J. HAINDFIELD
DAVID N. MAY
JASON C. PALMER
SCOTT WORMSLEY
JANICE M. THOMAS
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THOMAS J. JOENSEN
CHET A. MELLEMA
CHRISTINE B. LONG
THOMAS M. BOES
JULIE A. BUENZOW
TIMOTHY N. LILLWITZ
BRADLEY M. BEAMAN
SETH R. DELUTRI
CHRISTINE F. HALBROOK
BARNES G. KELLEY
MATTHEW R. PHILLIPS
CAROLINE K. BETTIS
CATHERINE M. LUCAS
KRYSTAL R. MIKKILINENI
MITCHELL G. NASS

FILED
JAN 05 2015
CLERK SUPREME COURT

CHARLES S. BRADSHAW
1871-1953
REX H. FOWLER
1893-1972
W. Z. PROCTOR
1902-1995
D. J. FAIRGRAVE
1908-1980
OF COUNSEL
H & KRAMER, P.C.
WILLIAM S. SMITH
JAN MOHRFELD KRAMER
KENT M. FORNEY
JOHN C. CORTESIO, JR.
JAMES M. HOLCOMB

January 5, 2015

Ms. Donna Humpal
Clerk of the Supreme Court
Judicial Branch Building
1111 E. Court Ave.
Des Moines, IA 50309

Re: Comment on Proposed Mandatory Annual Fee

Dear Ms. Humpal:

Recently the Supreme Court requested public comment on the following recommendations.

1. Should the court implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds.

2. Should the court implement a $100 per attorney annual fee, which an individual attorney may affirmatively elect not to pay, with the proceeds deposited in the IOLTA fund and subject to normal rules for distribution of IOLTA funds.

3. Should there be a pro hac vice fee of $250 per attorney per case with the proceeds deposited into the client security Trust Fund?

Lawyers are granted the privilege to practice law. With this privilege come certain responsibilities. Among those is the responsibility of each lawyer to make legal services available to those of limited means.

As stated in the preamble to the Rules of Conduct "all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel." Rule 32, Preamble, paragraph (6)

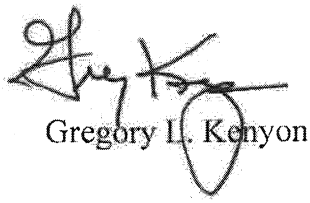
Although many lawyers provide pro bono services, a substantial number of citizens rely on Iowa Legal Aid. Despite its best efforts, Iowa Legal Aid does not have sufficient resources to provide services to all who meet the financial eligibility criteria and need its assistance.

Others have written on this topic and expressed arguments both for and against the proposal. For me it comes down to a matter of responsibility and making sure that all lawyers participate in this program which benefits all the citizens of the state. The funds raised through the annual fee will allow greater active legal representation which will help our courts administer justice fairly and efficiently, and most importantly provide legal services to otherwise unrepresented persons.

To that end, I support the adoption of the recommendation that an annual $100 per attorney annual fee be implemented.

Because I have supported item number one, I did not address item number two. As to item number three, I would recommend implementing the recommendation of a pro hac vice fee of $250 per attorney.

Very truly yours,



Gregory L. Kenyon

GLK/pmc

FILED
JAN 05 2015
CLERK SUPREME COURT

823 11th Street NE
Mason City, IA 50401

January 5, 2015

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

RE: Access to Justice

I am a former client of Iowa Legal Aid and a client represent to the Board of Iowa Legal Aid. I am writing to express my support for the proposed $100 access to justice licensing fee.

In the case of Iowa Legal Aid and similar organizations around the country, funding sources have been drastically reduced, staff has been cut, and the demand for legal services from low-income Iowans has increased. Many potential clients in need of assistance are being turned away. The lack of legal representation for low-income people makes the court system more inefficient and cumbersome for everyone. The security and stability of many Iowan families is in peril and unfortunately the gap in the lack of legal representation is not being made up by pro bono lawyers.

Recognizing that lack legal representation for the poor is a matter of justice, other states have taken the lead by instigating a similar licensing fee. The increased funding has allowed more people to be served in those states. This fee should not be seen as a tax, but as an opportunity to provide legal services to more low-income Iowans and their families. To put things into perspective, for many lawyers $100 is slightly over half of a billable hour. These combined funds will go a long way to serving more people in need of legal services.

Thank you for your attention to this matter.

Sincerely,

/s/ Kristin Gannett-Sanchez

License fee addition of 100 dollars for justice for low income Iowans
Grafft, Cyd
to:
rules.comments
01/05/2015 10:49 AM
Hide Details
From: "Grafft, Cyd" <cqgrafft@bhgmhc.com>
To: rules.comments@iowacourts.gov,

FILED
JAN 05 2015
CLERK SUPREME COURT

1/5/15

I am a psychiatric nurse practitioner (ARNP) in a community mental health clinic. Many of my clients are indigent and utilize Iowa Legal Aid of Black Hawk County. Legal Aid has helped many of my clients become legally divorced from abusive relationships as well as represented them in other legal actions as appropriate. Without the the support of the legal aid office in Black Hawk County, many people with mental health will be under served and poorly represented. Sincerely Cyd Q. Grafft ARNP

LIVE UNITED™ United Way
United Way
of East Central Iowa

January 5, 2015

FILED
JAN 05 2015
CLERK SUPREME COURT

Iowa Supreme Court

Comments: Access to Justice

United Way of East Central Iowa has funded the Iowa Legal Aid-Cedar Rapids office for many years. As a partner agency this organization has provided outstanding services to the residents in eastern Iowa. The need for qualified attorneys who can provide services continues to grow. Last year Iowa Legal Aid and HELP Legal Assistance closed 18,127 cases and helped an estimated 43,191 Iowans. Over 71% of these individuals were women and 18,580 were children. While the need for services grows, the funding for Iowa Legal Aid through IOLTA has decreased by more than 800% in the last five years.

United Way investments are focused in the areas of education, financial stability and health. Helping low income individuals address the multiple issues in their life that prevent them from becoming self-sufficient is a primary goal of Iowa Legal Aid. Their services assist these individuals in crisis situations and help them develop a plan to be financially stable. These services are critical to our community and align with United Way's priorities and goals. One of the most vulnerable populations served through United Way agencies is the single parent female headed household. Iowa Legal Aid helps this population succeed and break the cycle of poverty and dependency.

We support the proposed mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution for IOLTA funds with exceptions for new attorneys, judges and emeritus attorneys. We would recommend that the disbursements of these funds be limited to the unified system of legal assistance providers that work together to provide services throughout the state. We would not support an opt-out option. This is a reasonable solution to providing improved access to services for low-income Iowans and we ask that the Supreme Court give it serious consideration.

Sincerely,

Lois A. Buntz

Lois Buntz
President & CEO

317 7th Avenue SE #401 • Cedar Rapids, IA 52401-1604 • 319.398.5372 • 800.332.8182 • fax 319.398.5381 • www.uweci.org

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FILED
JAN 05 2015
CLERK SUPREME COURT

January 5, 2015

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Comments to Access to Justice Proposals

Dear Members of the Supreme Court of Iowa:

I am writing in support of the implementation of a $100 per attorney annual fee for the purpose of providing improved and expanded access to justice for low-income Iowans. I believe that the fee should be mandatory, with exceptions for new attorneys, judges, and emeritus attorneys. The mandatory fee is necessary in light of significant reduced funding for critical legal services for low-income Iowans.

Iowa Legal Aid does yeoman's work in representing 18,127 households a year. However, as a result of inadequate funding, Iowa Legal Aid regrettably turns away or underserves approximately 13,500 Iowans each year. The individuals who go without critical legal services are some of Iowa's most vulnerable citizens: victims of domestic violence; families living in unsafe housing who are prey to illegal evictions; elderly Iowans who are victims of consumer fraud, elder abuse and financial exploitation; and Iowans wrongfully denied governmental benefits.

As a former member of the Board of Iowa Legal Aid, I am very proud of the work it does and has done over the years, in spite of financial adversity. It is considered nationally to be one of the preeminent legal aid programs. A mandatory fee of $100 dollars per lawyer seems a modest price to pay to enable Iowa Legal Aid and its related entities to increase the number of individuals it serves.

Iowa has a proud tradition of an excellent judicial system that administers justice in a fair manner. Adopting a $100 mandatory fee will go a long way to ensure that those who need a lawyer to assist them through the system will have access to that assistance.

Very truly yours,

Diane Kutzko

Diane Kutzko

Shuttleworth & Ingersoll, P.L.C.
115 3rd Street SE, Suite 500 Cedar Rapids, IA 52401 • PO Box 2107 Cedar Rapids, IA 52406-2107
ph (319) 365-9461 • fax (319) 365-8443 • www.shuttleworthlaw.com

Access to Justice
Snitker, Gregg
to:
rules.comments@iowacourts.gov
01/05/2015 11:38 AM
Hide Details
From: "Snitker, Gregg" <GSnitker@Aegonusa.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

FILED
JAN 05 2015
CLERK SUPREME COURT

1 Attachment

Iowa Letter-3.docx

In response to the Request for Public Comment Regarding Access to Justice Recommendations filed October 1, 2014, the Association of Corporate Counsel and the Board of Directors of the ACC Iowa Chapter respectfully submit the following comments in the attached document.

ACC Association of Corporate Counsel

1025 Connecticut Avenue, NW, Suite 200
Washington, DC 20036-5425 USA
tel +1 202.293.4103
fax +1 202.293.4701
www.acc.com

FILED
JAN 05 2015
CLERK SUPREME COURT

BY EMAIL

January 5, 2015

The Honorable Mark S. Cady
Chief Justice of the Iowa Supreme Court
Iowa Judicial Branch Building
Des Moines, IA 50319

Re: *In the Matter of Request for Public Comment Regarding Access to Justice Recommendations filed October 1, 2014*

Dear Chief Justice Cady:

The Association of Corporate Counsel ("ACC") and its Iowa Chapter hereby respectfully submit the following comments to the above-captioned request for public comments on the Access to Justice Recommendations proposed by the Iowa State Bar Association and Iowa Legal Aid. Specifically, those recommendations propose to address the significant funding decrease confronting Iowa's legal aid programs by imposing mandatory fees on attorneys practicing in Iowa.

As an initial matter, ACC and its Iowa Chapter commend the Iowa State Bar Association and the Iowa Supreme Court for their work in this area. Although ACC and its Iowa Chapter do not oppose any of the specific proposals set forth in the Access to Justice Recommendations, they believe that prior to enactment of any of the proposals, other avenues should be studied first to determine whether they are more fair and cost effective.

Interest of ACC and Its Iowa Chapter

The ACC is a professional organization that promotes the common professional and business interests of in-house counsel who work for corporations, associations and other private sector entities. ACC has over 35,000 members who are in-house lawyers employed by over 10,000 organizations in more than 85 countries. Its Iowa Chapter has approximately 200 members working in companies and other organizations in Iowa. Given that mandatory fees would directly impact its members that practice in Iowa, ACC and its Iowa Chapter have a keen interest in this matter.

Additional Measures To Help Fund Civil Legal Services for Low Income Iowans Should Be Evaluated Before Enacting Mandatory Fees

ACC and its Iowa Chapter respectfully suggest that before approving imposition of mandatory fees on attorneys practicing in Iowa, additional consideration should be given to the following alternative measures to provide cost effective services to low income Iowans.

1. **PROACTIVE VS REACTIVE / AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE**: In our view, the first step should be to analyze, catalog and determine the most important legal needs of low income Iowans. After that, an examination should be undertaken as to whether it would be more effective to enact preventive measures vs. reactive measures. For instance, let us assume that said study shows that low income Iowans' greatest legal need is for civil protective orders. If that is the case, it would be productive to research whether it would be more cost effective to attempt to prevent domestic abuse through programs such as public education or instead enact legal programs to deal with the consequences of said abuse.

2. **COORDINATION / EFFICIENCIES**: A second approach to consider is whether greater coordination amongst the existing providers of services to low income Iowans (or providers on a nationwide basis) would create efficiencies. For example, the additional sharing of resources or coordination of services may create tremendous savings and/or benefits.

3. **HAS THE WHEEL ALREADY BEEN CREATED**? A third suggestion is to study the methods used by other states and countries to provide legal services to individuals with low incomes. Possibly there are "off the shelf" systems in place that can be readily adapted for Iowa.

4. **INCENTIVES FOR ATTORNEYS**: A fourth recommendation is to examine whether steps can be taken to make the traditional low income case economically attractive for private attorneys. For instance, it would be useful to study whether a private attorney would be more likely to accept a low income domestic abuse assignment if he or she could:

   a. recover their legal fees from the abuser (assuming the abuser was found to be liable):
   b. place a lien or get a priority lien on the abuser's property (assuming the abuser was found to be liable) for their legal services;
   c. obtain a tax credit or tax deduction for the time spent working on the domestic abuse matter; and/or
   d. acquire CLE credit for the time spent working on a domestic abuse matter.

5. **IOWA PRISON INDUSTRIES AND/OR IOWA WORKFORCE DEVELOPMENT:** A fifth possible area to investigate is whether Iowa Prison Industries and/or Iowa Workforce Development would be agreeable to providing willing and

trainable individuals to help organizations dealing with legal issues for low income Iowans.

6. **EDUCATION / INTERSHIPS**: A sixth potential area of inquiry is whether classes for individuals in law schools or paralegal programs should be mandated or expanded that deal exclusively with issues for low income Iowans. In addition, organizations dealing with legal issues for low income Iowans could be approached to gauge their interest in starting or expanding internships.

Conclusion

In sum, prior to enacting any of the proposed mandatory fees outlined in the Access to Justice Recommendations, ACC and its Iowa Chapter recommend that a variety of alternatives be explored to determine whether they may provide a more just and cost effective solution.

ACC and its Iowa Chapter thank the Supreme Court of Iowa for considering our comments. Please do not hesitate to contact us in the event you have any questions.

Respectfully submitted,

Amar D. Sarwal
Vice President & Chief Legal Strategist

Wendy Ackerman
Senior Counsel & Director of Advocacy

Gregg Snitker
President of the Iowa Chapter

FILED
JAN 05 2015
CLERK SUPREME COURT

January 3, 2015

Access to Justice Initiative

Dear Chief Justice Cady,

As a member of the lay public, I believe that access to the judicial system and competent affordable representation is a right in this country. To achieve, this government and individuals must constantly cooperate. I see the current state government shirking this obligation by reducing funding for legal aid. Thus, groups and individuals must pick up the slack. I think professionals who benefit from the structure and organization of the judicial system should contribute. I **support the fees proposed in this initiative**.

One hundred dollars is a manageable figure for the vast majority of attorneys in Iowa. One hundred dollars represents two days of work at minimum wage for those Iowans whose purchasing power has steadily decreased of the last few decades.

Educators are known for buying supplies for needy students. As a nurse who graduated from the University of Iowa, I am funding a research study involving both the University of Iowa College of Nursing and UIHC department of nursing. Sometimes we just have to step up to the plate for the greater good.

Thank you for your consideration. I am

Jo Ellen Rude Ross

315 Highland Drive

Iowa City, Iowa 52246

FILED
JAN 05 2015
CLERK SUPREME COURT

$100 Mandatory Fee for Attorneys
Bruce Scanlan
to:
rules.comments@iowacourts.gov
01/05/2015 01:21 PM
Hide Details
From: Bruce Scanlan <brucescanlan@yahoo.com>
To: "rules.comments@iowacourts.gov" <rules.comments@iowacourts.gov>,

Please respond to Bruce Scanlan <brucescanlan@yahoo.com>

1 Attachment

Assessment of Fee.docx

Sir or Mam,

Please see attached my response to a mandatory $100 fee.

FILED
JAN 05 2015
CLERK SUPREME COURT

On the issue of $100 mandatory fee to support Iowa legal services

If this issue passes, which I hope it does not, I strongly recommend that every organization that receives funds from the Iowa Bar assessment will be subject to strict oversight.

1. One of the main conditions would be that salary would be maxed at 2 times the poverty level. If these attorneys really cared for the indigent they would work for less money. (Are these legal service attorneys really concerned for the poor, or are they working a scheme for job security where their issues and stress level are less than most attorneys?)

2. Second, financial statements would be scrutinized and every office receiving these funds would be held to a very tight budget.

3. Every office receiving funds has to undergo an audit by an independent public accounting firm every year. An audit report with any questionable findings would immediately suspend funding to that location.

Emily Schirmer
218 6th Ave., Unit 801
Des Moines, IA 50309

FILED
JAN 05 2015
CLERK SUPREME COURT

January 5, 2015

VIA EMAIL TO: rules.comments@iowacourts.gov

Clerk of Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

To Whom It May Concern:

I am a new lawyer, sworn into the bar in September 2014. Student loans and starting my career make finances tight for me, as for many young lawyers. Nevertheless, a key part of the legal profession is helping those unable to hire an attorney. Legal Aid takes on that important work, and I would be happy to contribute $100 a year to ensure they are able to continue.

I spent two weeks in 2012 doing pro bono work at Iowa Legal Aid while I was in law school. The clients I saw during my short time emphasized the important role Legal Aid plays. It is the only option for people facing a variety of imposing situations from eviction to domestic abuse to recovery of their government benefits. The validity of legal claims is not correlated to income but, unfortunately, the ability to pursue claims often is. Justice should not be dependent on socio-economic status.

Habits are learned early. While finances are tight for many young attorneys now, it is important to find a way to balance our priorities. For the legal community, Iowa Legal Aid should be one of our top priorities.

Sincerely,

Emily Schirmer

IOWA community Action ASSOCIATION
Helping People Changing Lives

ICAA
Proudly Serving all 99 Iowa Counties

Iowa Community Action Assoc.
1620 Plesant St. Suite 214
Des Moines, IA 50314 -1677
Phone: 515-244-0328 or 0307
Fax: 515-280-3377
E-mail: llross@iowacaa.com

January 5, 2015

FILED
JAN 05 2015
CLERK SUPREME COURT

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue, Des Moines, IA 50319

To Whom It May Concern,

Iowa Community Action Association (ICAA) is a membership organization for the network of eighteen Community Action Agencies that provide a wide range of programs and services to more than 323,000 individuals with low income annually in Iowa's 99 counties. Our mission is to be a forceful advocate in support of policies and services that address the needs of those striving for economic security and our vision is that Iowa Community Action is the premier force ensuring those with less achieve more. Given our mission and vision, it seems natural for ICAA to submit an opinion regarding the proposed mandatory attorney fee.

Community Action Agencies are often seen as the "go to" organization for those who are experiencing issues due to a lack of financial resources. Agency staff at the local level are well aware of other organizations that help the people we serve and often make referrals to other entities that have the expertise not available within the Community Action Network. One of those organizations is Legal Aid in Iowa.

Financial support for Legal Aid in Iowa has been reduced significantly in the past few years. These reductions have meant longer wait times when individuals and families are in urgent need of legal assistance. Although Iowa Legal Aid currently provides services to approximately 18,127 households per year, it turns away or underserves approximately 13,500 people every year because of the lack of resources to help. As of January 1, 2014, Iowa Legal Aid and HELP Legal Assistance employed 19 fewer attorneys and seven fewer support staff than it employed in 2010. The reduction in attorneys since 2010 resulted in 32% fewer clients obtaining legal assistance in 2013 than in 2010. Iowa Legal Aid has cut back intake hours and has restricted services in several areas of the law, including child support, custody and other family law areas. These types of legal services are vital to many of those we refer to Iowa Legal Aid as our network does not have the expertise to provide this important work.

A mandatory $100 per attorney annual fee, with exceptions for new attorneys, judges, and emeritus attorneys will go a long way in providing improved access to justice for Iowans with a low income. This proposed fee is a minimal amount for most attorneys, but when added together, there is enough funding generated to really make a difference for those with a low income. Iowa Legal Aid helps people with critical legal assistance that can affect a household's ability to meet the most basic needs such as safety, shelter, and health. This assistance helps victims of domestic violence, households facing unsafe

housing or illegal evictions, securing SSI and other basic public benefits and certainly helping Iowans with a low income understand their legal rights and responsibilities.

The partnership between Community Action and Legal Aid began almost 50 years ago and we continue today to be strong advocates for the services each organization provides. Increased funding at a minimal amount of $100 per attorney to support the work of Iowa Legal Aid can have a big impact on the unmet needs of those with less having the ability to have more.

Thank you for considering our statement supporting the proposed attorney fee.

Sincerely,

Lana Ross
Executive Director

Access to Justice
Claypool.David
to:
rules.comments
01/05/2015 02:00 PM
Hide Details
From: <Claypool.David@dorsey.com>
To: <rules.comments@iowacourts.gov>,

FILED
JAN 05 2015
CLERK SUPREME COURT

I strongly support Iowa Legal Aid's recommendation with respect to a mandatory annual attorney fee of $100 and the pro hac vice fee of $250 per attorney per case, all for the purpose of providing improved access to justice for low-income Iowans, as follows:

Iowa Legal Aid requested the court to implement a mandatory $100 per attorney annual fee, with exceptions for new attorneys, judges, and emeritus attorneys, for the purpose of providing improved access to justice for low-income Iowans. Iowa Legal Aid supports the mandatory $100 fee being deposited in the IOLTA fund, but recommends that disbursements of the fee proceeds be limited to the unified system of legal assistance providers that work together to provide services throughout the state on an equal basis. Those providers are currently Iowa Legal Aid, HELP Legal Assistance in Davenport and the Polk County Bar Association Volunteer Lawyers Project. Iowa Legal Aid does not support an opt-out system that would allow attorneys to elect not to pay the annual fee since all attorneys have an ethical duty to support legal assistance for low-income people. Iowa Legal Aid also supports the pro hac vice fee.

The $100 mandatory annual attorney fee would help lawyers in Iowa fulfill their ethical duty to support legal assistance for low-income people.

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801 Grand, Suite 4100
Des Moines, Iowa 50309
Direct: (515) 699-3265
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REYNOLDSON & VAN WERDEN, L.L.P.

200 WEST JEFFERSON STREET

ROBERT W. REYNOLDSON
ELISABETH S. REYNOLDSON

P.O. BOX 199
OSCEOLA, IOWA 50213-0199
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JANET A. REYNOLDSON
1965--1986

Of Counsel
LAWRENCE P. VAN WERDEN
JAMES W. BROWN

January 6, 2015

FILED
JAN 05 2015
CLERK SUPREME COURT

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

Re: Access to Justice

Dear Chief Justice Cady and Members of the Court:

As a practicing lawyer from rural Iowa and a member of the Iowa Legal Aid Board of Directors, I am writing in support of the proposal to assess an annual fee to support civil legal services in Iowa. As members of the bar, lawyers have a unique responsibility to ensure that all Iowans receive adequate legal representation. The implementation of this fee is but one way of assuring that every lawyer privileged to hold an Iowa law license is fulfilling this duty.

The current funding crisis facing Iowa Legal Aid has come at a time that the citizens of Iowa can ill afford it. Those benefitting from civil legal services programs are among the most vulnerable Iowans, including domestic violence victims, persons with disabilities, victims of illegal consumer debt collection practices, the unemployed, families involved in child custody disputes, and individuals undergoing foreclosures and other housing issues. Due to current economic conditions, the number of Iowans who qualify for legal services is at an all-time high. According to the 2010 census, nearly 500,000 Iowans now are eligible for civil legal assistance, an increase of 39% from 2000.

As you are no doubt aware, at the same time the need is increasing, sources of funding for legal assistance programs have also diminished. For example, Iowa Legal Aid revenue from IOLTA has decreased due to low interest rates, and is not likely to increase in the foreseeable future. Adequate funding for civil legal services is more critical than ever. Already nearly one in two eligible clients seeking assistance from Iowa Legal Aid is turned away due to lack of resources. The lack of adequate resources causes more litigants to enter the justice system pro se, putting added pressure on an already strained system.

The need for legal aid services far exceeds the funding provided to Iowa Legal Aid. I respectfully request that you assist in providing all Iowans the legal assistance they need and

deserve by approving the licensing and pro hac vice fees. Thank you very much for your consideration.

Sincerely,

Elisabeth S. Reynoldson

Reynoldson &Van Werden, L.L.P.
200 West Jefferson Street, Osceola, Iowa 50213

FILED
JAN 05 2015
CLERK SUPREME COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Chambers of
CELESTE F. BREMER
Chief U.S. Magistrate Judge
435 U.S. Courthouse
123 East Walnut Street
Des Moines, Iowa 50309-2036

tel: 515-284-6200
fax: 515-284-7392

To: Chief Justice Cady and the Justices of the Iowa Supreme Court

From: Chief U. S. Magistrate Judge Celeste F. Bremer

Re: Access To Justice Committee Recommendations

Date: January 5, 2015

I have reviewed the Access to Justice Committee Report, the Legal Services Corporation's (LSC) request to establish an annual $100 assessment for Iowa attorneys that is directed LSC, and the proposal to implement a $250 per case pro hac vice fee, along with all of the supplemental material provided by the ISBA, PCBA, LSC, and the Court.

I was one of the founders of the Polk County Bar Association VLP, and the Iowa State Bar VLP. Throughout my career as a U.S. Magistrate Judge, I have managed our court's programs to meet the need for representation in pro se civil rights cases. My work in this area, and my experience in devising programs to meet the needs of pro se litigants in federal court, give me some additional insights that inform my response to your request for comments on the proposals to address LSC's budget shortfalls.

1. Should Iowa adopt a $250 per attorney per case pro hac vice fee?

No. I think that amount is so arbitrary, and so high, it gives the impression that we are gouging out-of-state lawyers, just because we can. As an out-of-state attorney, I would interpret that fee as unwelcoming and hostile. The pro hac vice fee in federal court in Iowa is $75 per attorney per case.

I do support a pro hac vice fee that is directed to programs that meet the needs of low-income Iowans. If there aren't enough pro hac vice admissions to generate a significant amount of money, so be it. Realizing that fee-setting is not an exact science, my estimate is that a pro hac vice fee in the neighborhood of $100, which is the surcharge proposed for Iowa lawyers, would be a fair and equitable amount.

2. Should the Court implement a mandatory $100 per attorney fee, to be deposited with IOLTA, and subject to the standard IOLTA rules for distribution?

I can only support this recommendation tepidly. Addressing unmet legal needs for low-income Iowans is not a problem solely for lawyers to solve. And the $100 does not even meet one-half of the budget shortfall LSC states it has; thus, the $100 assessment will have to be increased annually – all to still leave LSC in the hole, and a significant amount of unmet legal needs for low-income Iowans.

However, not doing anything strikes me as standing by while the Younkers building burns down, wondering whether it would be a good idea to run over with a bucket of water. Of course we should help, but the $100 per attorney per year assessment is just a drop in the bucket. The loss of an iconic landmark impacted all of the community; we did not expect only those who shop at Younkers, or those who live downtown, or those who like Younkers, to come and help put this fire out. We expected the entire community to address this catastrophe.

Similarly, unmet legal needs impact our society and how the court system functions (or doesn't); it should be addressed by our entire community through adequate State funding. The State will never be motivated to step up if the Legislative and Executive branches of government think that this problem is "solved" by the Judicial Branch taxing lawyers.

If the Judicial Branch has taxing power to solve issues impacting the delivery of justice, I do not see this action as limited to unmet legal needs as confined to cases under the purview of LSC. What about unmet legal needs of indigent criminal defendants? The present state and federal public defender systems could use an infusion of cash also. Specific groups merit programs to meet their needs, such as the homeless, veterans, or domestic abuse survivors. Why not develop assessments targeting these populations?

Further, there are ways to address unmet legal needs other than staffing LSC offices, namely through county bar and state bar VLP programs. Thus, at a minimum, the funding should go through IOLTA, and be distributed as grants, under their standard procedures. The money should not be earmarked solely for LSC.

I do have some concerns with the structure of the proposed assessment, and offer these suggestions:

A. Do not exempt judges. We are lawyers. We have the same ethical obligation to support programs that provide legal services to low-income Iowans.

B. Recognize that young lawyers have significant school debt, and are frequently in low-pay entry-level or sole-practice positions. Exempt them for the first three years of their admission to the Iowa Bar. They are also building up the amount they are paying into the Client Security Fund, so the additional Access to Justice assessment hits them harder.

C. Recognize that a full fee of $100 for part-time practitioners will disproportionally impact women. Lower the fee to $50 for attorneys not engaged in the full-time practice of law.

D. Have some system to evaluate the consequences of the $100 mandatory assessment, particularly if this fee increases regularly. My sense is that some lawyers will drop their local bar association, or specialty bar association memberships. They also may be less likely to take a VLP case because they will think "I gave at the office," and have paid a sufficient amount that meets the legal needs of low-income Iowans, when actually the proposed $100 assessment just makes a dent in the LSC budget shortfall. The special assessment comes on top of the "extra" assessment for the Client Security Fund, which is imposed when that Fund's reserves drop. While it is laudable that Iowa protects clients who have been defrauded by their attorneys, there is a more compelling argument that we should first meet the needs of low-income Iowans. Perhaps we should lower the assessment for the Client Security Fund, and only partially compensate victims of fraud or theft, to reduce the impact of the new Access To Justice assessment.

Also, an evaluation component should be required to identify the cost of providing assistance on a per-case basis; to measure whether the number of Iowans receiving legal services has increased, and by how much; and to assess whether the number of pro se litigants has decreased, thus, making case management easier, and reducing the backlog for everyone who uses the court system. An evaluator should recommend whether (and how frequently) the Access to Justice assessment needs to be adjusted, and provide a five-year plan, so that attorneys can budget for their Supreme Court fees, Bar dues, expenses relating to pro bono service, and membership in specialty or local bar associations. An evaluator could review all of the fees and assessments incurred by Iowa lawyers, and make a recommendation about the overall system of funding attorney discipline, client protection, and access to justice. Without an evaluation and some data, we just end up continuing programs when the evidence might indicate a different approach is warranted.

3. Should the $100 assessment be "voluntary;" with attorneys opting-out if they state that they provide pro bono publico services?

No. In federal court we have an "opt-out" provision from the fee that is used to provide support for attorneys who take prisoner civil rights cases. If an attorney does not want to pay the fee, they indicate that they will take a prisoner case. While that sounds simple, it is not. I am the one who tries to get attorneys to take these cases. Even though they have agreed, their excuses for not taking cases are plentiful: it is always "not a good time," or "they aren't sure they are competent in this area of the law," or "they would prefer to wait for another type of case." We frequently send a case to five attorneys before we find one who will take it. We are only asking for the attorney's time, as we have funds to pay for out-of-pocket expenses. Most of our cases do not go to trial; we are seeking assistance with discovery and motions for

summary judgment. And it is still difficult to timely secure counsel in these cases. Attorneys are not stepping up, even when they have promised to do so; I cannot imagine that they will in a state system, where no one is specifically asking them to take a case in exchange for exemption from the fee.

The Polk County Bar VLP sends a monthly request to its members for services, and lists about 30 cases that have immediate need for counsel. Each week, the VLP sends another email that updates its members as to which cases have been placed, and notes which attorneys took cases from the list. It is almost always the same attorneys taking cases every month. Letting attorneys "opt-out," even if they have the best of intentions to take a case from LSC or VLP, will not increase provision of services to indigent Iowans.

4. Should Iowa do something innovative and bold to assure representation of low-income Iowans in civil and criminal matters?

Yes. Don't fiddle around the edges with a $100 assessment when, as of 2014, you actually need a $200 assessment to get just LSC back to 2010 funding levels, and do nothing to help the VLPs. Don't try to meet legal needs of Iowans all over the state through the services of the existing limited number of LSC and VLP attorneys. Make legal services accessible statewide by providing incentives to lawyers to take cases. The Access to Justice Assessment should be large enough so that a lawyer prefers to take a case for a low-income Iowan, or pays an amount closer to the actual cost of meeting that legal need. Make the assessment $450 per year. Yes, that number was plucked out of thin air. However, LSC and VLP should be able to provide data about how long the average case takes to handle. I assumed 5 hours @ $90/hr. This is still well below the goal 50 hours of pro bono publico services annually that attorneys are meant to achieve, but enough to encourage attorneys to do something to address unmet legal needs.

If a lawyer takes a case, they would get a voucher from the agency that requested help: Defender Services, LSC, or a VLP; they could submit the voucher to the Supreme Court in lieu of paying the assessment. If the lawyer is not in a position to take a civil or criminal case, they can pay the assessment, and know that they have significantly contributed to addressing Iowans' unmet legal needs. If lawyers are in a position to take multiple cases, they can sell their vouchers on a secondary market – kind of like cap and trade. This could be brokered by the ISBA, or the vouchers could be used like scrip, to pay other court fees or bar dues. That way, the lawyers who regularly respond to the requests to serve indigent Iowans can use their vouchers to generate funds to pay off their student loans, or pay overhead in rural Iowa practices. This would encourage and assist Iowa lawyers to meet needs throughout the state, and not limit the availability of services to those who meet LSC criteria.

FILED
JAN 05 2015
CLERK SUPREME COURT

KNAPP
PROPERTIES, INC.

January 5, 2015

Honorable Justices to the Iowa Supreme Court,
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Access to Justice Fee

Dear Justices:

This letter is to express my support to implement a mandatory $100 per attorney annual fee with exceptions for newly admitted attorneys, judges and emeritus attorneys. I do not support a fee system which allows attorneys to opt-out.

I recommend that the mandatory fee be deposited in the IOLTA fund with disbursements limited to the unified system of legal assistance providers in the State of Iowa currently consisting of Iowa Legal Aid, HELP Legal Assistance in Davenport and the Polk County Bar Association Volunteer Lawyers Project.

Although not in private practice, I am a licensed attorney in good standing admitted to practice in the State of Iowa. It is a core belief of mine that competent legal service be made available to persons who cannot afford such access.

I was in private practice in Polk County when the interest on lawyers trust accounts was first established with the purpose of providing funding of legal assistance for low income persons. At the time, interest rates were such that it generated very significant funding. Now we face a time where government support to legal assistance providers is being cut and the low interest rates have decimated the amount of funds available from IOLTA.

I urge the court to adopt a mandatory annual fee of $100 to be deposited in the IOLTA fund with distributions to the three unified systems of legal assistance providers.

Thank you for consideration of these comments.

Respectfully submitted,

Gerard D. Neugent, JD
AT0005810
President and CEO

Polk County Bar Association
625 E. Court Ave., Suite 100
Des Moines, IA 50309-2007

FILED
JAN 05 2015
CLERK SUPREME COURT

January 5, 2015

The Honorable Mark S. Cady, Chief Justice
Iowa Supreme Court
Judicial Branch Building
1111 East Court Ave
Des Moines, IA 50319

Transmitted via email to: rules.comment@iowacourts.gov

Re: Access to Justice

Chief Justice Cady:

In my capacity as President of the Polk County Bar Association, acting on behalf of its governing board, I submit this letter adopting the positions expressed by the Polk County Bar Association Volunteer Lawyers Project (PCBA VLP) in its letter dated November 19, 2014.

The Polk County Bar Association's governing board voted to adopt the positions of the Polk County Bar Association Volunteer Lawyers Project at its most recent meeting, on November 19, 2014, following a spirited discussion.

In sum, the Polk County Bar Association (PCBA) fully supports the proposal to impose a $250 Pro Hac Vice fee. The PCBA agrees that these funds should be allocated by the IOLTA grant program or a similar process, to be used to support the organizations and programs supported with IOLTA grant funds.

The PCBA does not support a mandatory fee as proposed. As stated above, the PCBA adopts the positions and reasoning set forth in the PCBA VLP's letter.

The PCBA does not support a voluntary fee as proposed. A number of unanswered questions remain regarding allocation of any such funds. The PCBA adopts and supports the positions and reasoning set forth in the PCBA VLP's letter.

On behalf of the Polk County Bar Association, I thank you for your thoughtful attention to the important issues surrounding our joint efforts to ensure full and meaningful professional legal assistance for all low income Iowans.

Respectfully submitted,

Emily Gonell Chafa

Emily Chafa, President, Polk County Bar Association

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FILED
JAN 05 2015
CLERK SUPREME COURT

In the Supreme Court of Iowa

In the Matter of Request for Public Comment Regarding Access to Justice Recommendations	Public Comment

Ensuring that all Iowans have equal access to the courts and that the lawyers who represent them are afforded the same tools that other lawyers have at their disposal is a significant cause that the ACLU of Iowa supports. In tough economic periods, many legal aid organizations haven't been able to keep up with the increasing number of poor people in need of assistance. Even while legal aid lawyers work endlessly to assist financially disadvantaged people in their legal affairs, many qualified low-income persons still lack adequate legal representation.

To that end, the ACLU of Iowa supports the use of public funding for civil legal assistance organizations. Correspondingly, the ACLU of Iowa generally supports the goals of the three proposed fees of covering funding gaps that obstruct equal access to justice.

However, the ACLU of Iowa suggests that the proposed rules be modified to allow limited exemptions in appropriate circumstances so as to avoid undermining the very purpose of the rule by burdening nonprofit law firms and organizations.

Many states which have *pro hac vice* fees also provide exemptions for attorneys representing clients pro bono; some also provide exemptions for attorneys employed or associated with a pro bono project or nonprofit legal services organization; some provide exemptions for attorneys involved in a criminal case or a habeas proceeding for an indigent defendant. The ABA model rule on pro hac vice admission also provides for an exemption for pro bono representation:

> 3. Exemption for Pro Bono Representation. An applicant shall not be required to pay the fee … above if the applicant will not charge an attorney fee to the client(s) and is:
>
> a. employed or associated with a pro bono project or nonprofit legal services organization in a civil case involving the client(s) of such programs: or

b. involved in a criminal case or a habeas proceeding for an indigent defendant.[1]

The ACLU of Iowa recommends that the exemption include nonprofit organizations submitting amicus curiae briefs on their own behalf as well. The imposition of a $250 per-attorney *pro hac vice* fee, without an appropriate exemption, will severely limit the ability of nonprofit organizations to contribute amicus curiae briefs to assist the Court's ability to assess the ramifications of a pending case on unrepresented parties.

Similarly, the proposed $100 annual fee should include an exemption or fee reduction for attorneys working full time in the public interest, including attorneys working for local and state government and nonprofit organizations. Many of those organizations, like the ACLU of Iowa, typically cover licensure fees for public interest attorneys, who earn considerably less than they would by working in the private sector. The increase in fees to support one type of legal aid would thus come from funding raised to support another form of *pro bono* work.

Nonprofit organizations like the ACLU of Iowa run on tight budgets. In many cases, such as cases in state court asserting violations of state constitutional rights, and amicus curiae work, these organizations are unable even to seek legal fees to recoup costs for the important public interest legal work they perform.

Respectfully submitted,

Randall Wilson, AT0008631
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ACLU of Iowa Foundation
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[1] ABA Model Rule on Pro Hac Vice Admission, adopted Aug. 12, 2002, *available at* http://www.americanbar.org/content/dam/aba/migrated/cpr/mjp/rule_prohac.authcheckdam.pdf.

Assessments to Benefit Iowa Legal Aid
Robert_Pratt
to:
rules.comments
01/05/2015 03:11 PM
Hide Details
From: Robert_Pratt@iasd.uscourts.gov
To: rules.comments@iowacourts.gov,

FILED
JAN 05 2015
CLERK SUPREME COURT

Chief Justice Cady and Associates Justices of the Iowa Supreme Court

I favor the imposition of both the pro hac vice fee and the mandatory assessment of Iowa lawyers of 100 dollars. These small contributions that out of state lawyers who appear in Iowa Courts and Iowa lawyers who practice here in Iowa are not burdensome and would represent a basic investment in the "civil justice" system here in Iowa. It is widely acknowledged by law schools, bar associations and legislative bodies that the "justice gap" in the United States is substantial and that to a large degree our legal system has become inaccessible especially to those who fall below the poverty line as established by the federal government. The oath that will take as Iowa lawyers requires that we swear fealty to both the Iowa constitution and the United States Constitution. Having these two mandatory assessments would demonstrate the legal profession in Iowa's commitment to assure domestic tranquility and access to the judicial department at both the state and federal levels. Thank you for promulgating this potential rule and for your work in assuring access to justice..

Sincerely

Robert W. Pratt

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FILED
JAN 05 2015
CLERK SUPREME COURT

January 5, 2015

VIA E-MAIL rules.comments@iowacourts.gov
Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

RE: Access to Justice

To Whom it May Concern:

Thank you for the opportunity to comment on the proposal to assess a $100 fee on Iowa lawyers to help fund civil legal services for persons living in poverty. I agree with the comments made by the late Arthur Neu in his letter published in the Iowa Lawyer.

Those who oppose the fee argue that the responsibility to provide civil legal assistance to those living in poverty and facing certain legal problems is not solely the responsibility of lawyers. I agree that legal services for the poor should not be funded solely by lawyers. In fact, these services are funded by a variety of sources, including federal and state funding. The funding that would be generated by this $100 fee would help to replace decreased funding from IOLTA and would allow Iowa Legal Aid and other funded organizations to provide services to those in need.

While the responsibility to provide funding for legal services to the poor is not solely the responsibility of lawyers, we are in a unique position. We have the right to practice law in this state, and with this right comes responsibility to our system of justice. It should be of primary importance to lawyers to do what we are able to do to help ensure justice and dignity to those in need, while at the same time helping the Iowa court system to operate more efficiently (due to fewer pro se parties) and fairly (because of equal access to justice).

I hope you will approve the $100 mandatory fee.

Sincerely,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.

Deb Tharnish

Deborah M. Tharnish

#2548117
DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

BELINMCCORMICK
ATTORNEYS AT LAW

FILED
JAN 05 2015
CLERK SUPREME COURT

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January 5, 2015

Clerk of the Supreme Court
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50309

Re: *Access to Justice*

Dear Chief Justice Cady and Justices of the Iowa Supreme Court:

I write in support of the implementation of a mandatory $100 per attorney annual fee to support providing legal assistance to low-income Iowans, and believe attorneys should not be allowed to elect not to pay the fee.

Nearly two decades ago the Iowa Supreme Court recognized the important role it could play in helping to fund legal assistance programs for low-income Iowans by creating our IOLTA program. Iowa was among the first states to implement such a program.

Iowa's IOLTA funding, however, has decreased drastically in recent years. While IOLTA funds for Iowa Legal Aid approached $1 million at their peak in 2009, current IOLTA funding for Iowa Legal Aid of $142,200 is now below its *1987* level of $151,101. Despite a significantly increased need for civil legal services by low-income Iowans, the number of Iowa Legal Aid attorneys on staff decreased by 19 lawyers from 2010 to 2014—a reduction of *more than 25 percent.*

Some have argued filling a gap in legal aid funding through a mandatory fee on lawyers sends a message to other funders that "the court will handle it" and thus those funders can ignore Iowa Legal Aid's future pleas for funding. In my time on Iowa Legal Aid's board and advisory council, I have met dozens of times with potential funders to secure funding for Iowa Legal Aid, and never has any funder asked about money that lawyers might be contributing to the program. The court has received letters from Robert Brownell of the Polk County Board of Supervisors and Mary Sellers of the United Way of Central Iowa—two organizations with long histories of funding support for Iowa Legal Aid. These letters strongly suggest the speculative concerns about some negative impact on organizational funders' future decisions are unlikely ever to materialize.

Helping to fund legal representation for individuals who might otherwise represent themselves *pro se* in our judicial system offers significant cost efficiencies in administering our judicial resources. While the court has made helpful strides in assisting self-represented litigants by making available forms for certain types of cases, a form is obviously no substitute for a lawyer. The complex nature of the law and court procedures makes *pro se* representation exceedingly inefficient for our court system. Legal aid representation helps to alleviate this problem.

Lawyers have a special duty to provide for indigent legal services because we recognize and understand the importance of legal representation better than anyone else. The Iowa Supreme Court recognized this in dedicating IOLTA funds, in large part, to provide *legal assistance* to low-income Iowans as opposed to any of the scores of other social services out there—for example, those addressing specific societal problems like homelessness, domestic violence, or hunger. The beauty of legal aid programs is that, on top of ensuring basic legal protections for low-income people, they also address these social problems and more, often at a stage before the problems spiral into worse and even-harder-to-address circumstances. Lawyers, more than anyone in society, see and know the terrible consequences individuals without lawyers potentially confront. The proposed fee simply affirms the court's longstanding recognition of this.

IOLTA funding, of course, comes from pooled interest on our clients' funds. We, as lawyers, should join our clients in helping to fund legal aid programs through a licensing fee. If legal assistance for the poor is important enough to spend our clients' money on, it is certainly important enough for the court to require us to reach into our own pockets to help fund.

Sincerely,

Matthew C. McDermott

MCM/lm
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FILED
JAN 05 2015
CLERK SUPREME COURT

January 5, 2015

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

RE: Access to Justice

Dear Chief Justice Cady and Members of the Court:

Thank you for the opportunity to comment on the following proposals:

1. Should the court implement a mandatory $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds.

2. Should the court implement a $100 per attorney annual fee, which an individual attorney may affirmatively elect not to pay, with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds.

3. Should there be a pro hac vice fee of $250 per attorney per case with the proceeds deposited into the client security Trust Fund?

OVERVIEW

I support Iowa Legal Aid's request to the Court to implement a mandatory $100 per attorney annual fee, with exceptions for new attorneys, judges and emeritus attorneys, for the purpose of providing improved access to justice for low-income Iowans.

I further support the mandatory $100 fee being deposited in the IOLTA fund, but respectfully recommend disbursements of the fee proceeds be limited to the unified system of legal assistance providers that works together to provide services throughout Iowa on an equal basis. Those providers currently include Iowa Legal Aid and the Polk County Bar Association Volunteer Lawyers Project.

I do not support an opt-out system that would permit attorneys to elect not to pay the annual fee since all attorneys have an ethical duty to support legal assistance for low-income people. However, if the court is inclined to afford attorneys a choice between paying a fee or providing mandatory pro bono legal representation directly to low income Iowans, I respectfully suggest the Court set the required number of mandatory pro bono legal service hours at a minimum of 50 hours per year. Doing so will permit attorneys an opportunity to avoid incurring a mandatory fee – consistent with their stated financial conditions and/or philosophical viewpoints – while still achieving a meaningful and lasting difference in improving access to justice for low-income Iowans, while strengthening our legal system's delivery of quality and timely services to all.

I support the pro hac vice fee of $250, but I believe it should also be deposited into the IOLTA fund to support legal assistance for low-income Iowans, if permitted under our current rules. I understand the director of the Office of Professional Regulation has concluded in his report these fees can only go into a client security or similar-type fund, apparently determining the fees cannot go into IOLTA.

REASONS WHY

The Proposed $100 per Attorney Fee, Which is Projected to Generate $903,400 per Year, Will Provide Timely Legal Assistance that Helps Low-Income Families and Positively Impacts the Lives of Children

Access to our court system is important for everyone, but especially for low-income people. Every day, the courts and state and federal agencies decide critical issues affecting the safety, security and stability of low-income families. Court decisions involving domestic abuse protection orders, evictions and home foreclosures have a major impact on whether low-income families will be safe or in danger of violence and whether they will be housed or homeless. Agency decisions about food, medical, disability and unemployment benefits, and cash support for children may be the difference between being fed or going hungry.

Iowa Legal Aid and HELP Legal Assistance closed 18,127 cases in 2013 that helped an estimated 43,191 Iowans, 18,580 of whom were children. Over 71% of their clients are women, while 21% are elderly.

Iowa Legal Aid helps people with critical legal needs that affect safety, shelter, sustenance and health, such as protecting victims of domestic violence, protecting families from unsafe housing and illegal evictions, and protecting elderly Iowans from consumer fraud, elder abuse and financial exploitation and securing health care, SSI and basic public benefits for low-income Iowans and helping Iowans understand their legal rights and responsibilities.

"Kim" is an example of how access to the court system helps low-income Iowans. Kim was a victim of domestic violence, which adversely affected her and her two children. Iowa Legal Aid helped Kim obtain a protective order and a divorce from her abusive

husband. She was then able to return to school and get her bachelor's degree. She is now employed and is involved with organizations helping children with special needs.

"Bob and Sandra" are disabled, elderly homeowners, who have lived in their home for 40 years. They refinanced their mortgage to pay for repairs with an adjustable interest rate loan which soon raised their mortgage payments past their ability to make payments. The mortgage servicer added on several large late fees and other questionable charges that made it even more difficult for them to get caught up on their payments. When a foreclosure lawsuit was filed, Iowa Legal Aid helped negotiate a modification of the mortgage that fixed the interest rate and monthly payments at an affordable level and the foreclosure was dismissed.

More Low-Income People Need Help

The 2010 census data indicates that 499,474 Iowans have income at 125% of the poverty level ($29,438 for a family of four) or below. This is a 39% increase from the 2000 Census. The increasing inability of legal aid programs and volunteer lawyers to provide the legal assistance needed by low-income Iowans creates a justice gap in which people will not get help with critical issues involving domestic abuse, illegal evictions and foreclosures, consumer frauds and the denial of SSI, Medicaid and other public benefits.

Funding for Legal Aid in Iowa is Down Significantly Since 2010

Funding from the IOLTA Commission to Iowa Legal Aid and its subgrantee, HELP Legal Assistance, which merged into one organization on January 1, 2015, is $163,290 for 2014-2015, an 839% reduction from the $935,195 received five years ago. Iowa Legal Aid is the only legal aid provider in Iowa that receives federal funding from the national Legal Services Corporation (LSC). With the merger, Iowa Legal Aid provides legal services to low-income Iowans in all 99 counties.

Cuts in federal funding have resulted in the LSC funding being $250,138 less in 2014 than it was in 2010. LSC funding for Iowa in 2014 is $2,454,108, which is less than it was in 1981. If Iowa Legal Aid's 1981 funding was adjusted for inflation, it would be $6,907,912 in 2014. State funding for Iowa Legal Aid and HELP Legal Assistance was increased for FY2015 to $2,400,000, but because of reductions in prior years, the total state funding for FY2015 is only $400,000 more than the level of state funding in FY2008.

Current estimates indicate it would cost $2,700,000 to return Iowa Legal Aid's staff and services to 2010 levels, taking into account funding reductions and increased insurance, personnel and other expenses. It is important to note, however, that even at the higher staffing level, Iowa Legal Aid would still be turning away or under serving thousands of Iowans every year. Although the proposed increase in the licensing fee would not completely fill this gap in funding, it would provide a partial replacement

of the lost funding. Iowa Legal Aid is continuously trying to obtain grants and other funds to further reduce the funding gap.

Fewer Low-Income Persons Can Be Helped Due to the Reduction in Legal Aid Staff

Although Iowa Legal Aid currently provides services to approximately 18,127 households per year, it turns away or underserves approximately 13,500 people every year because of the lack of resources to help them. As of January 1, 2014, Iowa Legal Aid and HELP Legal Assistance employed 19 fewer attorneys and seven fewer support staff than it employed in 2010. Accordingly, Iowa Legal Aid has had to cut back intake hours and to restrict services in several areas of the law, including child support, custody and other family law areas. The reduction in attorneys since 2010 resulted in 32% fewer clients obtaining legal assistance in 2013 than in 2010.

Lawyers have a Special Responsibility to Support a Justice System that Ensures Access for Low-Income Iowans

The Iowa State Bar Association (ISBA) has stated on its website that "first and foremost Iowa lawyers are committed to justice and dedicated to their profession" and that the ISBA has served as the voice of Iowa lawyers, not only on behalf of the profession, but also on behalf of the legal rights of all Iowans."

Similarly, ethical guidelines set forth in the Rules of Professional Conduct underscore the legal community's commitment to justice. Our Rules encourage Iowa lawyers to provide at least 50 hours of pro bono legal services per year, the substantial majority of which should be provided to persons of limited means or organizations that are designed primarily to assist persons of limited means. *See* Iowa Rule of Professional Conduct 6.1.

Lawyers' financial support of legal aid and its low-income clients is critical for other fundraising efforts. The state and other funders frequently ask whether lawyers, who are the people who are most knowledgeable about the need for legal assistance, contribute financial support to Iowa's legal aid programs.

The Proposed $100 Annual Attorney Fee Should Be Distributed through the IOLTA Fund to the Unified System of Legal Assistance Providers and Doing so will Ensure Equal Access to Justice Throughout the State of Iowa

Iowa has a unified system of legal assistance providers that works together to provide services throughout the state on an equal basis. Those providers currently include Iowa Legal Aid and the Polk County Bar Association Volunteer Lawyers Project. Together, these organizations provide direct legal assistance in all 99 Iowa counties. They also coordinate the referral of cases to volunteer attorneys in all 99 counties. Limiting the distribution of the attorney fee proceeds to Iowa's existing unified system of legal assistance will ensure that

services funded by the fee are provided to low-income Iowans in all counties on a relatively equal basis.

The $100 Annual Attorney Fee Should be Mandatory

All attorneys have an ethical duty to support legal assistance for low-income people, by providing pro bono services to people who cannot afford a lawyer and by providing financial support to programs that provide legal assistance to low-income people. Although many Iowa lawyers generously give both time and money to assist low-income Iowans with legal problems, the Iowa Supreme Court has reported in 2012 approximately only 26% of lawyers reported they provided any pro bono services to persons of limited means and only 18% of lawyers reported they made a financial contribution to any organization that provides legal services to persons of limited means. The proposed access to justice fee would allow for a more fair distribution of a professional obligation that should be met by all lawyers.

The proposed access to justice fee would not go into effect until after the current client security special assessment is over. The proposal considered by the Access to Justice Committee of the ISBA and referenced in Iowa Legal Aid's July 3, 2014 letter also includes exemptions from the fee for newly licensed lawyers in their first five years of practice, judges and emeritus lawyers.

The $250 Pro Hac Vice Fee May Help Fund Legal Aid Services

I agree with the ISBA Access to Justice Committee's recommendation that the proceeds from the Proposed pro hac vice fee should go to fund legal aid services. However, I am aware the director of the Office of Professional Regulation has concluded in his report these fees can only go into a client security or similar-type fund, apparently determining the fees cannot go into IOLTA.

Even if the pro hac vice fee would not directly support civil legal assistance for low-income Iowans, implementation of the fee would likely help reduce the financial burden on Iowa lawyers by providing additional funds to the Client Security Trust Fund. As a result, there may be less need for special assessments or at least lower assessments, if necessary.

The staff comment notes that forty-four jurisdictions have adopted a pro hac vice fee. Accordingly, implementation of the proposed pro hac vice fee would not constitute an unusual fee. Also, the amount of the proposed pro hac vice fee is less than the average per case fee nationwide.

Thank you for your consideration of these proposals and comments. I am pleased to discuss these matters further if doing so would assist the Court's ongoing commitment to improve Iowa's system of justice.

Respectfully,
Alan O. Olson

TULLY
LAW OFFICE, P.C.

Thomas P. Tully

P: 515 • 556 • 4692

FILED
JAN 05 2015
CLERK SUPREME COURT

January 6, 2015

The Supreme Court of Iowa
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Proposed Lawyer Annual $100 fee for Iowa Legal Aid

Dear Members of the Supreme Court of Iowa:

As a newer attorney licensed to practice in Iowa, I have concerns about meeting my various financial obligations. However, the payment of an additional $100 in a mandatory annual law license assessment which would go to help provide civil legal services to low-income Iowans is a payment I am willing to make.

In my opinion, there are not enough Iowa legal aid attorneys, along with pro bono services by the private bar, to meet the legal needs of low-income Iowans, so we attorneys can and should step up to provide additional funding. I came to the practice of law with an interest in helping people of all walks of life have access to and navigate the legal system. I know how difficult it can be for persons without representation to handle themselves throughout the entire process and I feel that without this knowledge it makes our court system inefficient and ultimately my clients suffer for it. This payment will go one step further in providing increased access to justice for more Iowans in need.

Although I am a fairly new attorney in solo practice and having large student loans and overhead to pay, $100 per year is the least I can do for our low-income Iowans who have no other alternatives for civil legal representation.

Therefore, I support the proposed mandatory fee and ask that it be approved.

Sincerely,

Thomas P. Tully

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January 5, 2015

FILED
JAN 05 2015
CLERK SUPREME COURT

Clerk of Court
Iowa Supreme Court
Judicial Branch Building
1111 E Court Avenue
Des Moines, IA 50319

RE: Access to Justice

Dear Clerk and Justices:

We are writing in support of the proposal for a mandatory $100 per attorney annual fee to support civil legal assistance to low income persons. Each year, the legal needs of thousands of Iowans go unmet because of a lack of financial resources. Even in the best years, there has been a shortfall in help available and this problem has certainly been exacerbated in recent years. We both are clinical professors in the Iowa Law School's clinical program which serves clients who do not have the financial means to employ counsel. In that position, we are acutely aware of the shortage of legal assistance for low income persons. The funds generated will not solve this problem entirely, but it goes a long way to bringing funding for legal services to the level it had been before the economic downturn.

Many who oppose this proposal have commented that the responsibility for maintaining a reasonably accessible legal system should be shared broadly by all who benefit from that system (that is, all of us) and should not be borne particularly by lawyers. The legitimacy of a legal system is undercut to the extent that certain members of the society do not have meaningful access to that system. See, e.g., *Boddie v. Connecticut*, 401 U.S. 371 (1971)(holding unconstitutional a state statute that would deny filing of a petition for divorce solely because of inability to pay a filing fee). As Justice Harlan observed in *Boddie*, it is the "rule of law that allows society to reap the benefits of rejecting what political theorists call the 'state of nature.'" Id. at 374.

Maintaining a legal system for the resolution of disputes no doubt benefits us all and we should all share in the costs of maintaining that system, including the costs of assuring access to all persons regardless of means. We should call upon government to take steps to maintain the legitimacy of the courts by providing adequate funding. Having said that, federal and state funding have always been inadequate to meet the goal of equal justice under law and history would suggest that this will persist into the future.

This Court and the lawyers who practice before it do have a special interest in assuring reasonable access for low income persons to preserve the legitimacy of the institution. The Court has legitimate concerns about the effect recent budget cuts have had on legal assistance for low income persons. Given that the legislative responses have been inadequate, the Court should take steps to address these concerns. The imposition of a modest fee for lawyers, with appropriate exceptions for those who are unemployed, is a reasonable step toward ensuring meaningful access.

Sincerely,

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Barbara A. Schwartz
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FILED
JAN 05 2015
CLERK SUPREME COURT

January 5, 2015

Vivian P. Meyer Betts, Attorney
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Waterloo, IA 50704
(319) 504-3261

Clerk of the Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Delivered via e-mail to:
rules.comments@iowacourts.gov

Re: **Access to Justice Recommendations**

Honorable Justices of the Iowa Supreme Court:

There are **four reasons why I support the recommendations** of the Access To Justice Committee of the Iowa State Bar Association. I serve on the Access To Justice Committee and there has been considerable study of options for improving access to justice in Iowa over the past two years. My personal and professional reasons are set out in this letter.

It is for all the reasons stated below that I support all the recommendations of the Access To Justice Committee including: (1) The mandatory $100 annual attorney licensing fee (with the recommended exceptions) to be placed in the IOLTA fund; (2) Distribution of said funds to Iowa Legal Aid--the unified system which serves Iowans in all 99 counties in Iowa; and (3) the pro hac vice fee of $250 per case per attorney. As attorneys we all have a duty to support legal assistance for low-income people with pro bono service as well as by providing financial support to programs that provide legal assistance to low-income persons. I urge the Iowa Supreme Court to ratify and adopt these recommendations in the best interests of all Iowans in the long run. I don't believe any Iowan is in favor of maintaining a class of impoverished persons made up of seniors, children, victims of domestic violence, etc. Action is urgently needed and we as a legal community have the means to begin to take action to help low-income citizens redress their meritorious, civil legal grievances. It will be up to us all as a larger community of Iowans to take more steps in this process in the future.

The following are my personal and professional reasons for supporting the recommendations generally and as a member of the Committee:

1. Fundamental belief in equal justice for all and recognition that all citizens of this country should have access to justice regardless of their financial circumstances.

I was born and raised by first generation immigrant parents living in New York City. They felt strongly about equal justice for all and raised me to be a "tribune of the people" no matter what occupation and interests I would choose when I became an adult. As a child living in Oklahoma I watched the civil rights movement evolve on black and white television in the 50s. As a student in Minnesota in the 60s I watched and participated in activities to end the war in Southeast Asia. As a student at the University of Wisconsin-Madison I studied the history of the American legal system while majoring in American History and Political Science. I also studied the women's rights movement and participated in activities associated with that movement as well.

After graduating from college in 1974 my first full-time job was working for the Wisconsin Department of Public Instruction helping to identify and provide special education services to

over 80,000 Wisconsin students with disabilities. In that job I also worked on curriculum designed to address sexism and racism. After working for the state of Wisconsin I decided to return to school. As a University of Iowa law student in the 70s I studied the development of the movement to provide adequate medical care to veterans of the Vietnam War which evolved into a movement to protect the rights of all persons with disabilities through the Americans with Disabilities Act and the IDEA. Through all of this educational and employment process I learned that indeed, a right without a remedy, when one is aggrieved, is no right at all.

I also learned as a law student studying legal ethics that I have a duty as an attorney to provide pro bono service to persons who cannot afford to pay for legal assistance. I had learned long before law school that I have a moral duty as a citizen of the United States to ensure that the rights of others are protected for the reasons stated so eloquently by Rev Martin Niemoeller concerning his complacency while the Nazi Party came to power in pre-war Germany: ".....[W]hen [the Nazis] came for me there was no one left to [do anything to help me].

2. **Working in private practice.**

When I left law school I was privileged to work with Charles O. Frazier, a solo practitioner who had been in practice at that time for 35 years. He did not pay me a salary but he provided me with work to do for him, an office, access to his library, the help of his secretary, and introduction to the legal community in Lee County, IA. He knew when I joined him that I wanted to work as a solo practitioner in the long term. He was a wonderful mentor and he encouraged me to practice law with strict attention to ethical behavior and civility with peers as well as establishing a cordial and productive relationship with my clients. I began serving clients as a court-appointed attorney in Juvenile and District Court. I also began to develop my own client base and participated in a great deal of civic activities in Keokuk. From the beginning of my career I worked with, at that time, Legal Services Corporation of Iowa, as a member of the Volunteer Lawyer Project. I did not know it at the time but I was taking a large number of family law cases which LSCI found were difficult to place. I worked closely with the Manager of the Ottumwa Office of LSCI and learned a great deal from the CLEs put on by LSCI attorneys. It became very clear to me how great the need was for clients to have representation in such cases (as well as in others I handled). At that time it was not unusual to see child support ordered at $10 or $20 per week--if at all--upon which the parent (generally the mother) was expected to raise one or more children.

3. **Working as a Part-time Judicial Magistrate.**

In 1981 I was appointed as a Magistrate and handled all manner of cases including small claims, state and city traffic and criminal matters, search warrants, emergency mental commitments, contempt proceedings, extradition appearances, etc. What struck me most was the level of functional illiteracy present in most of the litigants who appeared before me. For example, I would hand a criminal complaint to a defendant to allow that person to read it for him or herself. Once I inadvertently handed a complaint to a defendant upside down. He reviewed the document--upside down--and stated that he had reviewed it and agreed with what it said. I then read it to him and he seemed to be shocked at what was being asserted and denied that he had done such a thing. It was then that I began to pay greater attention to the reading abilities of litigants. I would estimate that approximately 80 percent of the people who came before me in that capacity were unable to read with comprehension. I made many other observations about the individuals in that court as well. Suffice to say that it seriously

undermined my belief that people were able to understand simplified court proceedings and effectively assert their rights or even adequately tell their story.

4. Deciding to change the path of my career as an attorney.

In 1993 I decided that after 15 years as a private practitioner and VLP member, I felt I needed to accomplish two things: (a) move closer to my elderly parents in MN and (b) provide more help to those who needed my help most. I stopped taking cases in early 1993 and closed out my practice in September 1993. The only cases I was unable to place with other attorneys were my VLP cases. I started work with Legal Services Corp. of Iowa in October 1993 after moving to Waterloo and selling my house in Keokuk. I spent a year and a half commuting between the two cities to finish representation of my VLP clients in Keokuk while working full-time in Waterloo for LSCI. I have worked in Waterloo for the last 21 years. While I am a Managing Attorney I also have maintained a caseload over the years. My primary work involves representing adult and child victims of domestic violence. I also handle a variety of other cases, as needed, including landlord-tenant, evictions, collection defense, special education, custody and divorce, advance directives, unemployment, etc. My work with legal aid has been very gratifying and has convinced me that there is very substantial need for civil legal assistance to low income (as well as middle-income) clients who cannot afford to hire an attorney. This is particularly so: in rural areas; for seniors; for minor children; for the disabled; for parents of children in special education or who need such services; for Veterans; for immigrants; and persons with functional illiteracy. Contrary to myths about our clients, many if not most of our clients work--often 2 or 3 jobs--to make ends meet and support their families. Transportation is a huge barrier as is access to safe, decent and affordable housing. Finding adequate and safe daycare is a barrier to employment. Domestic violence is at epidemic levels -- with familicide a growing trend -- and most children in families with domestic violence, substance abuse and mental illness (or all three as is often the case) are being traumatized and injured at alarming rates (and have been for decades). What I am seeing in my clients' lives and their children's lives is nothing like my life as a child or adult.

This thought goes through my mind frequently: "If not now--when? If not me--who?" I do this work because I cannot think of any more gratifying way to spend my work life. I am proud to be an Iowa lawyer and to serve Iowans. I am glad to love the work I do and the time I spend doing it. I am privileged to work with others who feel as I do about our work. But there are not enough of us to address all the issues which desperately need to be addressed. We need to work on this as a community, as a state and as a nation to effectively search for and implement solutions.

I have seen over the years many of the attorneys with whom I have worked, and who have been opposing counsel, working with low income clients as volunteers, at discounted fee rates and without charge as private attorneys. I don't doubt that they make efforts to assist needy clients--sometimes even heroic efforts. I also know from experience as a private practitioner how much of a struggle it is to contain costs, generate enough income to pay the overhead and to support one's family. I believe we can harness the good will and intentions of Iowa's Lawyers to better and more effectively serve low-income clients. It is for this reason I serve on the ISBA Access To Justice Committee -- to try and help develop new and innovative ways to serve these clients and to find funding to support that work over the long haul.

By way of full disclosure, I am currently employed as Managing Attorney of the Waterloo Regional Office of Iowa Legal Aid. I have worked for Iowa Legal Aid since 1993.

Thank you for the opportunity to comment on Access to Justice in Iowa.

Sincerely,

/s/ Vivian P. Meyer Betts

Vivian P. Meyer Betts
Attorney at law

FILED
JAN 05 2015
CLERK SUPREME COURT

January 6, 2015

Samuel E. Jones
Shuttleworth and Ingersoll
115 3rd St. SE
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VIA E-MAIL

Clerk of the Iowa Supreme Court
Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319
Rules.comments@iowacourts.gov

Re: Proposed Mandatory Attorney Licensing Fee

Hello:

I am writing to offer my comments on the proposed mandatory attorney licensing fee being considered by the Court. I feel strongly that this mandatory fee will increase services to low income Iowans and should be adopted by the Court.

As I am sure you are aware, the proposed $100.00 per attorney fee is projected to generate $903,400.00 per year. That additional funding will be used to provide access to the civil court system. In particular, these funds will increase representation in domestic abuse protection matters and evictions and home foreclosures. This relatively small amount of money will do a tremendous amount of good and is precisely the type of citizenship the Bar should require.

This funding is particularly important because it is clear that low income Iowans are currently not receiving sufficient assistance. There are simply too few Iowa Legal Aid attorneys and attorneys willing to donate time to assist in these matters. Consequently, the Bar should take it upon itself to protect those most vulnerable members of our society.

The increase in the number of citizens living in Iowa at or near the poverty line has occurred as funding for Iowa Legal Aid has decreased. As you know, funding from the IOLTA Commission to Iowa Legal Aid will have decreased 83% in 2014-2015 from the funding levels five years earlier. This trend must stop.

It would be unacceptable to prevent so much good to be accomplished at such a small cost to members of the Bar. If you have any questions or concerns regarding my belief that the Court should adopt the proposed mandatory attorney licensing fee, please don't hesitate to contact me.

Sincerely yours,

SAMUEL E. JONES
sej@shuttleworthlaw.com

SEJ:pmp

FILED
JAN 05 2015
CLERK SUPREME COURT

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ELIZABETH A. ARAGUAS

JULIA MEARS
LYNN M. ROSE

Comment opposing $100 mandatory Iowa Legal Aid fee to Iowa attorneys

I am writing in opposition to the proposed $100 annual fee for Iowa attorneys, to fund Iowa Legal Aid. From the time I was admitted to the Iowa Bar in September 2013 until now, I have donated over 950 hours of my time to Iowa Legal Aid. From September of 2013 until May of 2014, I served as an Americorps Member Attorney in the Iowa City office of Iowa Legal Aid. In exchange for my service, I received a small stipend. Working for this low rate (below minimum wage) was a hardship for my husband and me, but I took the position because I care deeply about serving Iowa's poor, and it was a meaningful way for me to build practice experience. I was not alone as a young attorney volunteer, either. While I served at the Iowa City Office, I worked with several other volunteer attorneys, all of us recent graduates with significant student debt loads. When you consider that a typical hourly rate for a new attorney in our area is around $150, we gave far beyond the proposed $100, even the volunteers who only served a couple of hours. However, none of us were in the position at that time to have afforded a cash donation.

The proposed annual fee would hit young attorneys like me the hardest: attorneys who often give generously of their time to Iowa Legal Aid and other similar organizations. Becoming an attorney is an expensive profession as it is; the average debt load for a new graduate is almost $150,000, while the average starting salary for a full time attorney is around $60,000[1]. Each additional expense makes it more difficult to succeed as a young lawyer. I ask the Court to please deny Iowa Legal Aid's request to impose this fee.

Liz Araguás
Attorney & Mediator
Mears Law Office, Iowa City

[1] http://money.cnn.com/2014/07/15/pf/jobs/lawyer-salaries/

FILED
JAN 0 5
CLERK SUPREME

To: Iowa Supreme Court Justices

From: Kids First Law Center
Legal Aid Society of Story County
Muscatine Legal Services

Re: Access to Justice

Date: January 5, 2015

Should the court implement a mandatory or elective $100 per attorney annual fee with the proceeds deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds?

We respectfully oppose the assessment of a mandatory $100 fee per attorney.

This may seem surprising given that we are operating nonprofit legal aid organizations that depend in part on the support of attorneys and the legal community. We do struggle at times to find adequate funding to support our operating budgets. We have also experienced a cut in our funding from IOLTA in recent years. And none of us receive funding from the federal government (as only one organization per state can receive LSC funding), nor do we have a line-item in the state budget.

However, we believe that individual gifts to legal aid organizations should be voluntary rather than mandatory. Voluntary charitable giving should be a choice, as that distinguishes us from governmental organizations that are supported by mandatory taxation.

Setting a $100 requirement may set the bar too low in some cases and too high in others. For recent law graduates loaded with law school debt, or for attorneys working in rural areas, for example, a $100 fee may be too onerous. On the other hand, many attorneys are capable of giving much more than $100 per year; setting the $100 requirement suggests that it is all that is expected. We encourage attorneys to donate annually an amount equivalent to their hourly rate or higher when giving to legal aid organizations that assist people in their community.

One concern is that mandatory assessments may negatively impact voluntary giving, as attorneys may believe they have met their expectation when it comes to charitable giving. This may especially impact smaller legal aid organizations like ours. In some counties, for example, attorneys give money to local legal aid organizations as part of a voluntary assessment with their county bar fees. For example, Kids First received $10,000 from the Linn County Bar Association and $3,406 from IOLTA funds in 2014. If a mandatory statewide assessment is in place, county bar associations may discontinue their local assessments and giving. Because legal aid organizations other than Iowa Legal Aid receive a small percentage of IOLTA funds, we will likely see revenue decrease if attorneys give through a state assessment instead of through local bar associations.

One alternative in lieu of a statewide assessment is for the Court to encourage county bar associations to survey their members and determine whether a county-wide voluntary or mandatory assessment is of interest; then local bar members could determine how best to allocate funds among that county's legal aid organizations.

Iowa Legal Aid has published a document called "Facts Regarding Licensing Fee" which outlines its recommendation for a mandatory $100 fee with proceeds "limited to the unified system of legal assistance providers that work together to provide services throughout the state on an equal basis. Those providers are currently Iowa Legal Aid, HELP Legal Assistance in Davenport and the Polk County Bar Association Volunteer Lawyers Project." We oppose this recommendation. We note that no one legal aid organization helps all Iowans. For example, the three organizations listed by Iowa Legal Aid do not assist undocumented immigrants; Iowa Justice for our Neighbors does. They do not represent children in contentious family law cases; Kids First does. They do not represent people in Story or Muscatine County; Legal Aid Society of Story County and Muscatine Legal Services do. If the Court does approve a mandatory or voluntary assessment, the contributions given should not benefit only a certain few legal aid organizations.

If an elective assessment is in place, it should encourage attorneys to give the equivalent of one billable hour of their time rather than $100. For attorneys who only accept court appointments, they could donate $60; other attorneys may donate $300.

Further, if an elective assessment is put in place, the Court should consider allowing attorneys to designate which nonprofit legal aid organization(s) among the IOLTA-supported organizations to receive their donation. This would allow attorneys to ensure that their contributions support the organizations that benefit people in their counties. If an attorney does not designate a certain organization, then the voluntary assessment should go into the general IOLTA fund.

The following representatives from these named organizations respectfully ask the Court not to impose a mandatory or elective assessment. However, should the Court impose an elective assessment, it should allow attorneys to designate which organization should receive their contribution and should encourage attorneys to give the equivalent of a billable hour of their time rather than $100.

Respectfully,

Jenny Schulz, Executive Director, Kids First Law Center
Tara van Brederode, Executive Director, The Legal Aid Society of Story County
Jean Pfeiffer, Executive Director, Muscatine Legal Services

THE LAW SCHOOL

FILED
JAN 05 2015
CLERK SUPREME COURT

Drake
UNIVERSITY

January 5, 2015

Clerk of the Iowa Supreme Court
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

Re: Access to Justice—
Iowa Legal Aid Recommendations regarding a Licensing Fee

Dear Members of the Court:

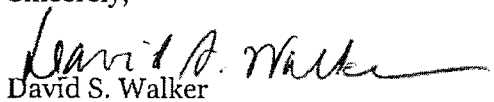
I am writing in response to the proposals made by Iowa Legal Aid regarding a Licensing Fee to support the provision of legal services for those unable to afford them. I am have reviewed the "Facts Regarding Licensing Fee" which Iowa Legal Aid prepared, submitted to the Court, and distributed to lawyers.

I have always been a supporter of legal services for low-income and indigent persons. I believe that making legal services available to persons who otherwise would not have access to legal services serves our Judges and the rule of law. Too often people who have a claim or defense and deserves to be heard does not have access to legal representation. Or they try to represent themselves. The dramatic increases in the number of *pro se* litigants evident now for many years now burdens Judges, causes delays, increases expense, and leaves neither side in a dispute satisfied. Pro se litigants cause the Judges to appear to be taking the side of the unrepresented, and inevitably resolution of the dispute moves inefficiently.

We are a society based upon the rule of law, and bringing disputes into court for assertion, hearing, referral to mediation, or resolution serves the rule of law. Indeed, very often a person just needs to be heard and to have access to advice as to his or her rights or responsibilities and what to do about them. That advice generally needs to come from a licensed attorney. Our legal services providers in Iowa do a very good job, I believe, in serving these purposes and the rule of law, but even with increases in resources in recent years, including critical support from the State of Iowa, resources have not kept pace with the need.

I therefore (1) support implementation of a mandatory $100 per attorney annual fee for attorneys who have not gone inactive, with the proceeds to be deposited in the IOLTA fund and subject to the normal rules for distribution of IOLTA funds; (2) believe attorneys should not be able to "opt out" of the fee but also believe that the fee should be adjusted depending upon whether the attorney is a "new attorney;" and (3) believe that a *pro hac vice* fee of $250 per attorney per case, with the proceeds deposited in the Client Security Trust Fund is appropriate.

Sincerely,



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1/5/14

Dear Iowa Supreme Court Justices,

I strongly support the Access to Justice mandatory annual fee being proposed. Through my volunteer work with the Black Hawk Branch of the NAACP, I have attend court hearings for some local citizens who were given court-appointed attorneys. I see how important this service is and hope it will be supported even more through this fee proposal.

I also know a few lawyers who act as court-appointed attorneys and in my opinion they are top-notch attorneys, thoroughly committed to all of their clients.

Thank you,

Carole Yates
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319-277-4782