

# PRESS RELEASE

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## TBA Asks Court to Make Free Legal Help More Accessible

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(Nashville, TN / November 20, 2008) Even before today's tough economic news, Tennessee lawyers have been preparing to step up their pro bono activity to help folks unable to pay a lawyer. Today, the Tennessee Supreme Court put out for comment the Tennessee Bar Association's recommendation that the rules on pro bono volunteer legal services be enhanced.

The recommendation is part of a yearlong TBA campaign called 4 ALL, a multi-faceted campaign to enhance access to justice for Tennesseans who cannot afford legal representation. The 4 ALL campaign was announced by TBA President Buck Lewis when he took office in June. It includes the following elements:

- The production of a five minute DVD that outlines the severity of the problem of access to justice and urges attorneys to volunteer to assist indigent clients. Through screenings at bar meetings and CLE sessions, the DVD eventually will be viewed by thousands of lawyers in Tennessee.
- A statewide pro bono service day on April 4, 2009. The statewide service day will include church and courthouse clinics, wills for heroes (firefighters and police and other first responders) projects and phone banks, to name a few.
- A request that the Tennessee Supreme Court adopt an aspirational goal that each lawyer performs 50 hours of pro bono work per year.
- A request that the Tennessee Supreme Court require all lawyers to report the amount of pro bono work done by them each year.
- A revised conflict of interest rule for limited scope representations in which lawyers perform pro bono work at afternoon courthouse legal clinics or Saturday legal clinics.
- A request that the Tennessee Supreme Court allow lawyers from neighboring states to work with Tennessee pro bono agencies to provide assistance to Tennesseans in the event of a natural disaster in the state of Tennessee.
- A request that the Tennessee Supreme Court amend the class action rule in the Tennessee Rules of Civil Procedure to make it clear that judges and parties to class actions may enter into settlement decrees providing for unclaimed class action funds to be paid to the Tennessee Voluntary Fund for Indigent Civil Representation. This is a state fund established in 2006 to help legal aid programs represent low-income Tennesseans through donations, class action residuals and grants.
- A request that the Tennessee Supreme Court make more comprehensive the rule providing for the payment of interest on law firm trust accounts to agencies that serve the legal needs of the poor.

4 ALL is designed to educate the legal profession and the public on the severity of the need to find new ways for lawyers to participate in pro bono service. The initiative involves collaborating with local and county bar organizations and the Tennessee Supreme Court to study access to justice issues and search for legislative initiatives to increase access to justice for the poor.

According to Mr. Lewis, who is a shareholder in the Memphis office of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, the need for pro bono representation is especially urgent now as many of the state's residents continue to struggle in the current climate of widespread economic uncertainty. "According to the 2000 census, Tennessee had more than one million citizens living at or below the Legal Services eligibility threshold," Mr.

Lewis said. "That was eight years ago, before 9/11, before the wars in Iraq and Afghanistan, and before the current financial crisis. You can imagine how critical the need is now."

Mr. Lewis notes that Memphis Area Legal Services, which provides free legal services for the poor, is turning away four out of every 10 people who are eligible for service. "Many of these people are trying to deal with problems related to creditors or medical bills. A high percentage of them are women, many of whom are victims of domestic violence and are left alone to care for children."

Mr. Lewis adds that there are ripple effects that have a far-reaching impact, because Tennesseans who cannot resolve basic legal problems often end up requiring more resources from other state and federal agencies. "Our goal is to increase the amount of pro bono service that Tennessee lawyers undertake in order to ensure adequate representation for the poor. Ultimately, this helps minimize the strain on the other agencies that these people would inevitably be forced to turn to without basic legal representation."

The Tennessee Bar Association (TBA) is the largest professional association in Tennessee with about 9,000 members. Founded in 1881, the TBA provides opportunities for continuing legal education, professional development and public service. The TBA's dedication to serving the state's legal community is evidenced by its membership roll, which represents the entire spectrum of legal practice: plaintiff and defense lawyers, corporate counsel, judges, prosecutors, public defenders, government lawyers and legal services attorneys.