



Ohio Legal Assistance Foundation

2005 PRESIDENTIAL AWARD

*Recognizing Outstanding Leadership in the Delivery
of Pro Bono Legal Services in the State of Ohio*

The Ohio Legal Assistance Foundation is a private, non-profit organization created by the Ohio Legislature in 1994 as a response to the serious deficiencies in meeting the civil legal needs of all Ohioans. In partnership with the state and local bars, elected officials, and local legal service providers, the Foundation continues to coordinate statewide resource development, support the delivery of legal services by local legal aid providers, and promote innovative approaches to ensure justice for all.

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May 11, 2005

To the Members of the Ohio State Bar Association Council of Delegates:

On behalf of the Ohio Legal Assistance Foundation, thank you for your commitment to serving our profession as a member of the Council of Delegates. The Foundation relies upon your leadership as together we seek to fulfill our profession's responsibility to increase access to legal representation for Ohioans of limited means.

We face a daunting challenge. According to the most recent statistics, only 25% of low-income Ohioans receive any assistance at all with their civil legal problems. Legal aid societies are doing all that they can with limited resources, but all of us, as lawyers licensed to practice law in Ohio, need to do our share to supplement their services by providing pro bono legal services to help to fill the 75% gap.

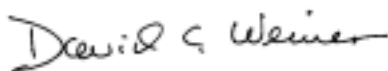
Our collective challenge underscores the importance of the Foundation's 2005 Presidential Awards, which recognize outstanding leadership in the delivery of pro bono legal services in the State of Ohio. There are very hopeful signs that pro bono service is on the increase in Ohio, thanks in no small part to the two individuals we are honoring today.

The Honorable Walter Herbert Rice, Judge of the United States District Court for the Southern District of Ohio, has played a key role in the establishment and success of the Greater Dayton Volunteer Lawyers Project ever since its inception in 1988. Whenever new volunteers are trained, outstanding volunteers are honored, Dayton-area attorneys are recruited, or Dayton law firm leaders are contacted, odds are that Judge Rice will be there, offering his gentle and witty - yet compelling and persuasive - perspective on the importance of pro bono service. He provides an outstanding example of the impact that judges can have on the success of pro bono efforts in their communities.

The Cleveland Bar Association's President for 2004-2005, David A. Kutik of Jones Day's Cleveland office, has led an unprecedented community-wide campaign to enlist the commitments of hundreds of Cleveland-area attorneys to give their time to an impressive array of pro bono and community service opportunities. In a single year, his efforts have truly transformed Cleveland's pro bono culture, but I know that he would be the first to tell you that the most important thing is that this level of commitment be sustained and even increased in coming years.

The Foundation looks forward to its continuing partnership with the Ohio State Bar Association as we address the need for access to legal representation for those who cannot afford legal services. Thank you for this opportunity to feature two from among us who have helped to show the way.

My very best,



David C. Weiner, President
Ohio Legal Assistance Foundation



David C. Weiner
2005 Board President
Partner
Squire, Sanders &
Dempsey, Cleveland

2005 OLAF Presidential Award Recipient:

JUDGE WALTER HERBERT RICE



At a Dayton Bar Association luncheon in October of 1988, the Honorable Walter Herbert Rice described the newly-created Greater Dayton Volunteer Lawyers Project (GDVLP) as the single most important initiative that the Dayton Bar Association and the Legal Aid Society of Dayton had ever undertaken. Judge Rice saw the GDVLP as a way for Dayton lawyers to satisfy their professional obligation to provide quality pro bono legal services and help to meet the need for civil legal representation for persons of limited means. In response to Judge Rice's presentation, 100 Dayton lawyers committed themselves to supporting the new project. As a result of the project's success, the GDVLP was presented with the OLAF Presidential Award in 2000.

Judge Rice is being recognized with the same award this year for his tireless efforts to guide and promote the GDVLP. A member of its Board of Trustees since the project's inception, Judge Rice has given countless presentations at Dayton Bar Association luncheons and Continuing Legal Education seminars to promote the project to Dayton-area attorneys. Judge Rice has personally hosted a number of luncheons for managing partners of Dayton law firms to ensure their commitment and continued support for the GDVLP. The project mails 100 letters per month to area attorneys who are not yet participating in GDVLP, which Judge Rice continues to sign by hand. His continual support is an important reminder to members of Dayton's legal community of how important their support is in enabling GDVLP to provide such a high quality and quantity of assistance to low-income persons throughout Greater Dayton. Judge Rice's sustained commitment to GDVLP demonstrates the extent to which he embodies the highest ideals of the legal profession, and provides a worthy example for other members of the judiciary to emulate.



2005 OLAF Presidential Award Recipient:

DAVID A. KUTIK



When David A. Kutik took office as President of the Cleveland Bar Association for 2004-2005, Cleveland was absent from *American Lawyer* magazine's list of the top U.S. cities by pro bono hours worked, and Mr. Kutik's firm, Jones Day, was the only Cleveland firm ranked in the top 100 firms for pro bono nationally, at number 86. Well aware of the great need for civil legal assistance in a city with one of the highest poverty rates in the country, Mr. Kutik initiated the Cleveland Bar Association's "Our Commitment to Our Community" campaign, an unprecedented effort to enlist Cleveland attorneys to meet the growing need in Northeast Ohio among low-income individuals and nonprofit groups for quality legal representation.

Mr. Kutik likens the program, which he hopes will continue as an annual bar association commitment, to a United Way campaign. "What we'd like to do is come back every fall and say, "This is what we did this year, and this is what we've got lined up for next year," he says. In its first year, the campaign gathered pledges from 35 law firms or legal departments representing 2,000 lawyers who have committed to providing more than 70,000 hours of volunteer service in 2005. Each volunteer was asked to commit to participating in a specific volunteer project. Many are staffing the 36 free clinics that the bar association, in conjunction with the Legal Aid Society of Cleveland, is sponsoring in 2005. Esther Lardent, President and CEO of the Pro Bono Institute in Washington, D.C., has called Mr. Kutik's initiative "a significant step forward" for a city that "has not been known for its pro bono work." The Ohio Legal Assistance Foundation celebrates David A. Kutik's leadership in bringing about such a significant increase in pro bono service by Cleveland-area attorneys.



THE STATE OF PRO BONO IN OHIO

A recently-completed survey, co-sponsored by the Supreme Court of Ohio, the Ohio State Bar Association, the Ohio Metropolitan Bar Association Consortium and the Ohio Legal Assistance Foundation, indicates that about one-third of all Ohio attorneys (37%) provide pro bono legal services to low-income individuals, and about one-fifth (22%) provide pro bono services to the nonprofit organizations that serve persons of limited means. The Foundation is grateful for the efforts of these attorneys who volunteer on average 26 hours per year for low-income individuals and 27 hours per year for charitable nonprofits. When these hours are spread out over all Ohio attorneys, however, the average Ohio attorney provides less than 16 hours of pro bono service annually to persons of limited means and the nonprofit organizations that serve them.

Ohio's 2004-07 State Plan for the delivery of legal services set an ambitious goal of "100% participation by Ohio lawyers in organized pro bono projects." The need for such widespread participation in pro bono programs is evident. Our most recent statistics show that low-income Ohioans receive assistance with their civil legal problems only 25% of the time. If we are to make significant progress in closing the gap for the 75% of low-income Ohioans who go without legal representation, much higher rates of participation in organized pro bono programs will be necessary.

The Foundation has proposed a version of ABA Model Rule 6.1 that, if adopted by the Supreme Court of Ohio, would go a long way toward achieving the goal of 100% participation in organized pro bono projects, and toward closing the 75% gap in the availability of legal services to persons of limited means. Four states (Florida, Maryland, Mississippi and Nevada) have adopted a version of ABA Model Rule 6.1 that includes a requirement that attorneys are to report the extent of their pro bono involvement. In these states, the adoption of a pro bono reporting requirement has resulted in increases of 30-40% in the percentage of attorneys who provide pro bono services, and increases of up to \$2 million annually in donations to legal services organizations.

The adoption of proposed Ohio Rule 6.1 has the potential to have a similar impact here. It could result in two-thirds - instead of one-third - of all Ohio attorneys providing pro bono services to low-income persons, and over one-half - instead of one-fifth - providing pro bono services to charitable organizations. If these additional volunteers were to donate hours at the same rate as pro bono volunteers do currently, then the statewide average of 16 hours of pro bono service annually would double, to 32 hours per attorney per year.

The adoption of proposed Ohio Rule 6.1 thus stands to have an unprecedented impact on levels of pro bono service. By adopting this rule, Ohio attorneys could take a very significant step toward closing the 75% gap in the availability of legal services to persons of limited means, and toward achieving our goal of 100% participation in organized pro bono projects.

Past OLAF Presidential Award Recipients

Diana Thimmig (2004); Richard Cordray (2003); Greater Cincinnati Volunteer Lawyers Project of the Volunteer Lawyers for the Poor Foundation and Magistrate Stephanie Clark of the Licking County Court of Common Pleas (2002); Attorney General Betty Montgomery (2001); Greater Dayton Volunteer Lawyers Project (2000); Sternberg, Newman, Shifrin & Associates of Akron, Barkan & Neff of Columbus, and Gilliam & Ireland of Dayton (1999); Denis Murphy (1998); Bill Weisenberg, Government Affairs Director, Ohio State Bar Association (1997); and, Vorys, Sater, Seymour and Pease, Columbus (1996).

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