



## *Ohio Legal Assistance Foundation*

### **2006 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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Letter from David C. Weiner, OLAF Board President.....	3
Award Recipient - The Honorable W. Scott Oelslager .....	4-5
Past OLAF Presidential Award Recipients .....	5
The State of Pro Bono in Ohio .....	6
OLAF Board of Trustees and Staff.....	7

May 3, 2006

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 we together seek to fulfill our profession's responsibility to increase access to legal representation for Ohioans of limited means.

To this end, we face a daunting challenge. According to the most recent statistics, low-income Ohioans receive assistance with only 25% of 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 more to supplement their efforts. A recent study found that 37% of private attorneys provide pro bono legal services to the poor. We need to double or even triple this level of participation if we are ever going to narrow the gap between those who have and do not have access to justice.

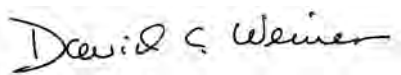
The state's biennial budget, enacted in June 2005, included the Foundation's request for an increase in the filing fee surcharge, which significantly increases the resources available for legal aid services, including efforts to promote and support pro bono opportunities. We anticipate the \$10 increase (\$3 on small claims cases), which was supported by the Council of Delegates, will generate approximately \$6 million additional revenue annually for the legal aid delivery system in Ohio.

The 2006 Ohio Legal Assistance Foundation Presidential Award recipient, State Representative and fellow attorney **W. Scott Oelslager**, championed and defended a legal aid filing fee surcharge increase in the state legislature. Without his leadership, we would not have this filing fee increase. We are very fortunate to have such a good friend of legal services in Representative Oelslager. For these reasons, Representative Oelslager is the Foundation's 2006 Presidential Award recipient.

On the following pages we have provided a profile of Representative Oelslager and summarized some of the more recent developments with pro bono in Ohio. Please feel free to contact Bob Clyde or me with additional questions or comments regarding this material.

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 pro bono and one outstanding attorney from among many in our profession.

My very best,



David C. Weiner



**David C. Weiner**  
*2005-2006 OLAF Board President*  
Partner  
Squire, Sanders & Dempsey,  
Cleveland

*2006 OLAF Presidential Award Recipient*

# THE HONORABLE W. SCOTT OELSLAGER



Representative Oelslager championed inclusion of the 2005 legal aid filing fee surcharge increase in the Governor's budget and defended it in the legislature. In addition to the more routine legislative management, he facilitated resolution of issues involving: interpretation of proposed language; controversy regarding application of the surcharge to certain new case areas; and, the Ohio Public Defender's last-minute and unanticipated amendment to add an additional \$1 to the proposed increase. Without his leadership, we would not have achieved this filing fee increase or the additional resources that will be generated to support Ohio's legal aid delivery system. We are very fortunate to have such a good friend of legal aid services in Representative Oelslager. For these reasons, Representative W. Scott Oelslager is the Foundation's 2006 Presidential Award recipient.

## *Recipient Profile:*

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Representative Oelslager is proud to be both a lawyer and legislator. Scott is Of Counsel with the Okey Law Firm in Canton. Scott also has an impeccable history in legislation and politics embodied by his 2003 election as State Representative to the 51st Ohio House district, which he currently holds. Previously he served as State Senator representing most of Stark County, Ohio from 1985 until 2002. Among Scott's most recent noted achievements are the 2004 Outstanding Legislator of the Year award bestowed by the Franklin County Trial Lawyers Association, and the Friend of Education Award in 2002 awarded by the East Central Ohio Education Association for outstanding efforts in supporting education.

Scott earned his Juris Doctor in 2002 from Capital University Law School and was admitted into practice in Ohio the same year. He earned a Bachelor of Arts in History from Mount Union College, Alliance, Ohio.

Scott lives in North Canton and is married to Elsie Oelslager. He is a member of the Ohio Legal Assistance Foundation Board of Trustees, an Honorary Member of the Canton Rotary Club, and a member of the Capital University Law School Board of Counselors. Scott has previously been active with Canton Kiwanis Club; United Way; Buckeye Council Boy Scouts of America Board Member; Greater Canton Chamber of Commerce Business Understanding Committee; YMCA Membership Drive Volunteer; Chamber of Commerce Blitz Team Captain; Practical Political course teacher for two years; Canton Jaycees; and, Fine Arts Christian Evangelism Board.

Representative Oelslager is a true statesman and a deserving recipient of the 2006 OLAF Presidential Award.

### **Past OLAF Presidential Award Recipients**

The Honorable Walter Herbert Rice and David A. Kutik (2005); 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).

# THE STATE OF PRO BONO IN OHIO

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." A survey completed in 2005, 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 37% of all Ohio attorneys provide pro bono legal services to low-income individuals, and 22% provide pro bono services to the nonprofit organizations that serve persons of limited means.

The need for greater participation in pro bono programs is evident. Our most recent statistics show that low-income Ohioans receive assistance with their 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 advanced ABA Model Rule 6.1, a version of which was supported by the Ohio State Bar Association Council of Delegates in 2005. The Supreme Court of Ohio's Task Force on Pro Se and Indigent Litigants has recommended to the Court a similar version of the rule, which contains a requirement that attorneys report, as part of their biennial registration, details of their pro bono service during the previous two-years. If adopted by the Court, the Rule would help to achieve the goal of 100% participation in organized pro bono projects, and to close the 75% gap in the availability of legal services to persons of limited means. It is estimated that this Rule could result in more than two-thirds of all Ohio attorneys providing pro bono services to low-income persons.

In addition to recommending the adoption of Rule 6.1, the Court's Task Force made several other significant recommendations regarding the use of private attorneys acting in a pro bono capacity in order to reduce the number of litigants who are appearing either pro se before a court or not at all because they are indigent. Among other recommendations, the Task Force urged the Court to:

- Sponsor periodic measurement and evaluation of pro bono activity in Ohio;
- Encourage all Ohio law schools to present pro bono service as part of their educational programs;
- Encourage all trial courts to facilitate pro bono representation by scheduling clinic dockets and accommodating court appearances by volunteer lawyers; and
- Identify ways to recognize attorneys and law firms making a substantial commitment to pro bono representation, and that it encourage other courts, bar associations, and pro bono programs to recognize outstanding volunteers.

Finally, the Foundation has developed a statewide pro bono resources web site ([www.ohioprobono.org](http://www.ohioprobono.org)), which features a searchable, online directory of pro bono opportunities. The purpose of the site is to provide attorneys with a central location to learn about pro bono resources and opportunities in Ohio. The site also allows attorneys to electronically search and sign-up to volunteer with one or more pro bono initiatives.

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