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Greetings Lisa:

I am writing you in your capacity as Chair of the Health Law Section of the Idaho State Bar on behalf of Access to Justice Idaho which I have the pleasure of chairing.

My purpose for writing is quite simple – to ask your Section to join our 2021 Campaign with a generous contribution.

Access to Justice Idaho, as you likely know, is a group of volunteer lawyers throughout Idaho who conduct annual fund-raising campaigns to supplement the pro bono efforts of the Idaho Volunteer Lawyer Program, Disability Rights Idaho and Idaho Legal Aid Services. Each year, donations from ISB Sections, District Bars, lawyers and judges help deliver legal advice and representation state-wide to over 10,000 vulnerable Idahoans who need legal assistance but cannot afford hiring a lawyer.

Since 2014, the ISB Sections have been dependable, stalwart supporters of this noble cause. Last year, collectively, the Sections donated over \$30,000. This is a tribute to the professionalism of all members of the Idaho Bar regardless of their areas of practice.

Nonetheless, this year, without more gifts from the ISB Sections, we will fall very short of reaching our goal. And, importantly, the ability of the pro bono programs we support to address the increasing demand for their services caused by COVID-19 and Idaho's growing population will be notably compromised.

So, as we enter the last month of our 2021 Campaign, I'm writing to make one last appeal.

At your earliest opportunity, please ask the Executive Committee of your Section to approve a generous gift to Access to Justice Idaho. We appreciate the budgets of ISB Sections vary considerably but hope your Section will do the very best it can with available year-end funds.

To the extent you or your other Section officers may need more information on the chronic demand and need for pro bono legal services affecting the programs we sponsor, **I have attached a copy of an article I wrote for the September issue of the ADVOCATE – “Pro Bono Legal Services in the Time of Pandemic.”** Please share it with your Section officers, and don't hesitate to contact me directly, if there are any questions or concerns.

Sincerely,

Bill Mauk, Chair

Justice for All Begins with Access to Justice



Pro Bono Legal Services in the Time of Pandemic

William L. Mauk

The COVID-19 pandemic had a major impact on low-income Idahoans during 2020 and, in turn, on the demand for and delivery of pro bono legal services extending into the current year.

Cases of senior neglect, domestic violence, and stalking increased. Seniors and disabled residents in assisted living facilities became isolated from families and health care providers, many threatened with facility closures and evictions. Special education students thrust into virtual learning required considerable attention and accommodations. With rampant unemployment and huge rent hikes, thousands of tenants lacking legal representation were threatened with becoming homeless. As courts, school boards, regulatory agencies, and hospitals fashioned and implemented safety mandates and protocols, legal advocacy took on a broader focus.

Responding to these changing client needs during the pandemic, has been challenging for legal aid organizations which provide free, life-line assistance to vulnerable Idahoans – in particular, the three organizations sponsored by the Access to Justice Idaho campaign: DisAbility Rights Idaho (DRI), Idaho Legal Aid Services (ILAS), and the Idaho Volunteer Lawyers Program (IVLP). Each is constrained by limited budgets and depends on an ever-changing mix of one-time grants, many restricted to geographic areas of Idaho or to certain types of legal concerns.

Fortunately, the financial support the Access to Justice Idaho campaign provides to each of these pro bono programs are unrestricted funds. This allows them flexibility in serving their clients, which proved essential in addressing the problems spawned by the pandemic. Since 2014, over 600 benevolent lawyers, law firms,

and judges throughout the state – together with all seven District Bar Associations and 15 Idaho State Bar Practice Sections – have contributed over \$1.3 million to the Access to Justice Idaho campaign. These supplemental funds have enabled ILAS, DRI, and IVLP to extend free legal advice and representation to thousands throughout Idaho each year.

As the pandemic took hold, DisAbility Rights Idaho assumed a pivotal advocacy role on behalf of its disabled client base. To ensure a continuity of learning to children in special education programs during virtual school sessions, DRI sent letters to all Idaho school districts and the Department of Education outlining education services mandated by various federal statutes. It also provided legal representation to parents whose children were deprived of these services.

DisAbility Rights Idaho advised all



Idaho colleges and universities regarding their responsibilities to provide accessible education accommodations to students with disabilities during the pandemic. It reviewed the COVID visitation policies of hospitals, offered them information about accommodation requirements under the Americans with Disabilities Act, and worked with them to craft exceptions for patients with disabilities needing assistance with communication, mobility, and mental health support.

As the pandemic spread, DRI investigated numerous complaints of abuse and neglect in residential care facilities and brought them to the attention of licensing agencies. Working with ILAS, the Intermountain Fair Housing Council, and the Idaho State Ombudsman, DRI provided training on resident's rights to long term care providers and interceded to prevent illegal evictions.

The pandemic caused many changes at the Idaho Legal Aid Services offices. ILAS switched from an office-based to a remote delivery model without interruption of client service. It adopted a new online intake system to allow more people to easily apply for legal assistance. In April 2020, ILAS launched an attorney staffed "COVID-19 Legal Advice Line" to help low-income Idahoans address evolving, pandemic-related concerns. This augmented its ongoing domestic violence, housing,

and senior advice lines, and remained in place for 15 months, until ILAS offices became open to the public.

All ILAS attorneys were provided with the technology, tools, and training to enable them to litigate cases via video streaming. With a spike in eviction cases, ILAS housing attorneys expanded their practice, even filing amicus briefs for pro se tenants to enforce the CARES Act eviction moratorium and collaborating with the ACLU to enforce the right to jury trial in eviction cases.

Access to Justice Idaho contributes significantly to the annual budget for the Idaho Volunteer Lawyers Program, a program of the Idaho Law Foundation. In response to the pandemic, IVLP ceased in-person clinics and implemented a new telephone clinic program. As an enhanced benefit, the telephone clinics allowed IVLP volunteers to offer vital legal advice in rural, as well as urban areas across Idaho. To service the surge of requests on housing issues, IVLP recruited attorneys to represent clients in eviction cases and offered free "eviction basics" training with CLE credit to lawyers who pledged to volunteer. As it transitions back to in-person clinics, with Access to Justice funding, IVLP plans to maintain the statewide telephone clinics as a supplemental service.

We all hope the worst of the pandemic is over. But, with expanding delta variant infections, most certainly, we are far from returning to a pre-pandemic normal. The demand for pro bono legal assistance precipitated by the pandemic has not abated and the constraints of delivering those services are destined to persist throughout 2021 and, most likely, beyond.

The federal government's eviction moratorium and mortgage forbearance period both expired on July 31, 2021. The CDC is now attempting to extend the moratorium until October where COVID infections are increasing, but not without legal challenge. Regardless, those with housing insecurity needing pro bono legal assistance are expected to increase substantially, extending into 2022. If the majority of Idahoans remain unvaccinated, social distancing precautions will continue in many schools, hospitals, group residential facilities, and more. Additionally, because Idaho's population continues to grow, it is inevitable the demand for pro bono representation in cases of senior and domestic abuse, neglect, and violence will persist, regardless of the pandemic.

At the Idaho State Bar Annual Meeting in July, Chief Justice G. Richard Beven advised that there are presently over 40,000 criminal cases pending in the Idaho state courts – 24% over the backlog that accumulated in 2020. With the priority of these cases, the scheduling of civil jury trials will remain challenging throughout 2021. With limited exception, remote judicial proceedings are likely here to stay. Courts in smaller Idaho counties are struggling to find alternative locations for jury trials which can accommodate safe social distancing, and the ability to finance upgraded broadband in rural counties is constraining all dimensions of remote legal services.

Most civil litigants in Idaho courts appear without counsel, largely because they cannot afford an attorney. Thus, with or without a continuing health crisis, the demand for pro bono legal services in Idaho is ever constant. And the delivery of those services will continue to exceed the capacity of the legal aid programs best suited to address the need.

One of the core values of the legal profession is a shared responsibility for the provision of pro bono legal services to those of limited means whose access to



“In 2020 there was an outpouring of donations to Access to Justice Idaho exceeding \$200,000, distributed to the pro bono programs it sponsors.”

a new convert to this noble cause, every Idaho lawyer and judge can make a generous, tax-deductible gift online without any service charge by visiting <http://isb.idaho.gov/ilf/accesstojustice/> and clicking the donate button, or by mailing your individual or firm donation directly to Access to Justice Idaho, c/o Idaho Law Foundation, P.O. Box 895, Boise, Idaho 83701-0895.

Justice for all begins with access to justice. Your gift will change lives. Please help.

justice will be compromised without professional advice and advocacy. Rule 6.1 of the Idaho Rules of Professional Conduct describes this as the “individual ethical commitment” of all Idaho lawyers regardless of area of public or private practice. Fulfilling this commitment, the Rule expresses two things every member of the Bar should do every year. First is rendering legal service to those in need but unable to pay “without fee or expectation of fee.” “In addition,” but often missed, “a

lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.”

In 2020 there was an outpouring of donations to the Access to Justice Idaho campaign exceeding \$200,000, distributed to the programs it sponsors. This year, the Access Leadership Committee – comprised of 50 lawyer volunteers state-wide – has a goal to raise even more.

Whether you are a repeat donor or



Bill Mauk is a native of Pocatello and a founding member of Mauk Miller & Hawkins PLLC in Boise. During his 46 years of practice, he has handled a broad

spectrum of complex civil litigation with an emphasis on employment law. For the past four years he has served as the volunteer Chair of the Access to Justice Idaho Campaign.