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SENATE JOINT RESOLUTION NO. 295

Offered January 17, 1997

Establishing a joint subcommittee to study alternative means of ensuring compliance by attorneys with the obligation to provide pro bono legal services.

Patrons—Gartlan; Delegate: Almand

Referred to the Committee on Rules

WHEREAS, the preamble to the Virginia Code of Professional Responsibility governing attorneys licensed by the Commonwealth states that "[t]he Canons are statements of axiomatic norms, expressing in general terms the standards of professional conduct expected of lawyers in their relationships with the public, with the legal system and with the legal profession"; and

WHEREAS, Canon 2 provides that "A lawyer should assist the legal profession in fulfilling its duty to make legal counsel available and should render pro bono publico legal services"; and

WHEREAS, some national surveys suggest that there is at least an 80% gap between the legal representation needs of our indigent public and the services being provided due, at least in part, to reductions in governmental funding for legal services programs for the poor and increases in the populations served by these programs; and

WHEREAS, lawyers have met rigorous educational requirements, have been certified to be of honest demeanor and good moral conduct and, as a result, enjoy a unique status and ability to represent others in securing the ends of justice before the courts; and

WHEREAS, due to this unique status, it is incumbent upon lawyers to fulfill their obligation to ensure that all persons have access to the means necessary to protect life, liberty and property through our judicial system; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study alternative means of ensuring compliance by attorneys with the obligation to provide pro bono legal services and ensuring that all persons have meaningful access to the courts. The joint subcommittee shall be composed of eleven members, which shall include seven legislative members and four citizen members as follows: three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; four members of the House of Delegates, to be appointed by the Speaker of the House; and four citizens who are licensed to practice law in the Commonwealth, two to be appointed upon recommendation of the Virginia State Bar from among their membership as representatives of the civil and criminal bar by the Senate Committee on Privileges and Elections and two to be appointed upon recommendation of the Virginia Bar Association from among their membership as representatives of the civil and criminal bar by the Speaker, each to have voting privileges.

The direct costs of this study shall not exceed \$7,250.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by representatives of the Virginia Capital Resource Center, the Virginia Poverty Law Center, the Virginia Legal Services Corporation, and the Executive Secretary of the Supreme Court. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

INTRODUCED

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