

BY EMAIL

January 5, 2015

The Honorable Mark S. Cady  
Chief Justice of the Iowa Supreme Court  
Iowa Judicial Branch Building  
Des Moines, IA 50319

Re: *In the Matter of Request for Public Comment Regarding Access to Justice  
Recommendations filed October 1, 2014*

Dear Chief Justice Cady:

The Association of Corporate Counsel (“ACC”) and its Iowa Chapter hereby respectfully submit the following comments to the above-captioned request for public comments on the Access to Justice Recommendations proposed by the Iowa State Bar Association and Iowa Legal Aid. Specifically, those recommendations propose to address the significant funding decrease confronting Iowa’s legal aid programs by imposing mandatory fees on attorneys practicing in Iowa.

As an initial matter, ACC and its Iowa Chapter commend the Iowa State Bar Association and the Iowa Supreme Court for their work in this area. Although ACC and its Iowa Chapter do not oppose any of the specific proposals set forth in the Access to Justice Recommendations, they believe that prior to enactment of any of the proposals, other avenues should be studied first to determine whether they are more fair and cost effective.

*Interest of ACC and Its Iowa Chapter*

The ACC is a professional organization that promotes the common professional and business interests of in-house counsel who work for corporations, associations and other private sector entities. ACC has over 35,000 members who are in-house lawyers employed by over 10,000 organizations in more than 85 countries. Its Iowa Chapter has approximately 200 members working in companies and other organizations in Iowa. Given that mandatory fees would directly impact its members that practice in Iowa, ACC and its Iowa Chapter have a keen interest in this matter.

*Additional Measures To Help Fund Civil Legal Services for Low Income Iowans Should Be Evaluated Before Enacting Mandatory Fees*

ACC and its Iowa Chapter respectfully suggest that before approving imposition of mandatory fees on attorneys practicing in Iowa, additional consideration should be given to the following alternative measures to provide cost effective services to low income Iowans.

1. **PROACTIVE VS REACTIVE / AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE**: In our view, the first step should be to analyze, catalog and determine the most important legal needs of low income Iowans. After that, an examination should be undertaken as to whether it would be more effective to enact preventive measures vs. reactive measures. For instance, let us assume that said study shows that low income Iowans' greatest legal need is for civil protective orders. If that is the case, it would be productive to research whether it would be more cost effective to attempt to prevent domestic abuse through programs such as public education or instead enact legal programs to deal with the consequences of said abuse.
2. **COORDINATION / EFFICIENCIES**: A second approach to consider is whether greater coordination amongst the existing providers of services to low income Iowans (or providers on a nationwide basis) would create efficiencies. For example, the additional sharing of resources or coordination of services may create tremendous savings and/or benefits.
3. **HAS THE WHEEL ALREADY BEEN CREATED?** A third suggestion is to study the methods used by other states and countries to provide legal services to individuals with low incomes. Possibly there are "off the shelf" systems in place that can be readily adapted for Iowa.
4. **INCENTIVES FOR ATTORNEYS**: A fourth recommendation is to examine whether steps can be taken to make the traditional low income case economically attractive for private attorneys. For instance, it would be useful to study whether a private attorney would be more likely to accept a low income domestic abuse assignment if he or she could:
  - a. recover their legal fees from the abuser (assuming the abuser was found to be liable);
  - b. place a lien or get a priority lien on the abuser's property (assuming the abuser was found to be liable) for their legal services;
  - c. obtain a tax credit or tax deduction for the time spent working on the domestic abuse matter; and/or
  - d. acquire CLE credit for the time spent working on a domestic abuse matter.
5. **IOWA PRISON INDUSTRIES AND/OR IOWA WORKFORCE DEVELOPMENT**: A fifth possible area to investigate is whether Iowa Prison Industries and/or Iowa Workforce Development would be agreeable to providing willing and

trainable individuals to help organizations dealing with legal issues for low income Iowans.

6. **EDUCATION / INTERSHIPS:** A sixth potential area of inquiry is whether classes for individuals in law schools or paralegal programs should be mandated or expanded that deal exclusively with issues for low income Iowans. In addition, organizations dealing with legal issues for low income Iowans could be approached to gauge their interest in starting or expanding internships.

*Conclusion*

In sum, prior to enacting any of the proposed mandatory fees outlined in the Access to Justice Recommendations, ACC and its Iowa Chapter recommend that a variety of alternatives be explored to determine whether they may provide a more just and cost effective solution.

ACC and its Iowa Chapter thank the Supreme Court of Iowa for considering our comments. Please do not hesitate to contact us in the event you have any questions.

Respectfully submitted,

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