



NEW JERSEY STATE BAR ASSOCIATION

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MEMORANDUM

To: NJSBA Board of Trustees

From: Valerie L. Brown, Esq., Legislative Counsel

Date: April 29, 2008

Re: **ABA Lobby Day 2008 Summary of Activity**

This was the sixth time NJSBA participated in ABA Lobby Day. The ABA identified two issues of primary importance for discussion with the New Jersey Congressional delegation:

- Supporting Legal Services Corporation (LSC) funding and Legal Services of New Jersey (LSNJ)
- Preventing the erosion of the attorney-client privilege

President Newsome identified four NJSBA issues for discussion with members of Congress:

- Military Legal Assistance Program (MLAP)
- Diversity Pipeline Project
- Anti-Gang Violence Project
- Medicare Secondary Payer Act (MSP) (Technically, this is an ABA issue and background for this issue; however NJSBA has been a national leader on this issue with the assistance of the NJSBA Workers' Compensation Section.)

The New Jersey delegation included the following persons:

- Lynn Fontaine Newsome, President
- Allen A. Etish, First Vice President
- Wayne J. Positan, Immediate Past President
- Thomas R. Curtin, ABA State Delegate
- Angela Scheck, Executive Director
- Valerie Brown, Legislative Counsel

The delegation held meetings with the following members of Congress:

- Rep. Donald M. Payne
 - Rep. Rodney P. Frelinghuysen
 - Rep. Bill Pascrell, Jr.
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- Rep. Steven R. Rothman
- Rep. Rush D. Holt
- Rep. Scott Garrett

Meetings with key staff members were held with the following:

- Reisha Phills for Rep. Robert E. Andrews
- Joni M. Zielinski for Rep. Jim Saxton (Saxton is retiring from office)
- Lance Seibenhener for Rep. Frank A. LoBiondo
- J. Tuley Wright for Rep. Frank Pallone Jr.
- Greg Orlando for Rep. Michael Ferguson (Ferguson is not seeking re-election)
- Gene Martorny for Rep. Albio Sires
- Sara Catherine Valenzuela for Sen. Robert Menendez
- Michelle D. Schwartz for Sen. Frank R. Lautenberg

RESULTS OF MEETINGS WITH MEMBERS OF CONGRESS AND KEY STAFF

Legal Services Funding

Virtually every member of Congress, despite partisan differences, was supportive of LSC and LSNJ. Democrat members said they would be willing to sign on to the LSC letter. In 2007, members of Congress voted in support of LSC consistent with party affiliation.

LSC is seeking 471 million in FY2009. The current LSC budget is 350.5 million. The Bush Administration has recommended 311 million. In New Jersey, IOLTA funding is down 23% this quarter and is expected to decline by 53% this summer. Almost 12% of LSNJ's funding comes from the federal government. IOLTA funding amounts to 57.6%; funding from the State of New Jersey is 27.9% and the remaining amount comes from county and private sources.

Attorney Client Privilege

The ABA supports the preservation of the attorney-client privilege and work product doctrine and opposes governmental policies and practices that erode these protections, including the routine practice by government officials of seeking to obtain a waiver of the attorney-client privilege through the granting or denial of any benefit or advantage.

The House has already passed H.R. 3013. Both Senators staff were supportive of the pending Senate bill sponsored by Senator Spector, S 186.

NJSBA'S Military Legal Assistance Program (MLAP)

All members of Congress and their staff were most engaged by NJSBA's MLAP. Many members expressed a willingness to read a statement into the Congressional Record in recognition of NJSBA's efforts. Many voiced support for S-1569, sponsored by Senator Feingold, which creates a pilot program to fund programs like NJSBA's MLAP. I will be following up with staff to encourage them to co-sponsor the bill and to obtain introduction in the House of a similar bill.

Diversity Pipeline Project

Many members expressed support for the collaborative efforts of the NJSBA, NJSBF, law schools and others working in partnership to increase diversity within the ranks of the legal profession.

Anti-Gang Violence Project

Again, members found it useful to know about the collaborative efforts of the NJSBA, NJSBF and other groups to address the issue of gang violence, which has become a prominent issue in recent years with the rise of gangs in New Jersey's cities and suburbs.

Medicare Secondary Payer Act

Finally, House members expressed support for H.R. 2579, corrective legislation endorsed by NJSBA and the ABA to establish clear criteria for when Medicare set aside would be reviewed by the Center for Medicare Services.

cc: Paulette Brown, Esq.
Dennis Drasco, Esq.
Angela Scheck
