the Legal Reformer
HALT'S MEMBERSHIP NEWSLETTER • January–March 2006

Lawyers Still Not Making the Grade

HALT Releases 2006 Lawyer Discipline Report Card

Fresh off the presses, HALT's 2006 Lawyer Discipline Report Card reveals that consumers are still not adequately protected by state systems that investigate only a small fraction of cases, almost never impose sanctions, attempt to intimidate and silence victims, hide misconduct behind a veil of secrecy, and often take years to process even open-and-shut cases.

There has been little progress over the last four years with most states still earning a C or lower (Utah flunked outright). While Connecticut takes top 2006 honors, it only got a mediocre B-minus.

"Our Report Card documents a discipline system plagued by toothless sanctions, unnecessary secrecy, biased procedures and endless delays," stated HALT Executive Director Jim Turner. "After 35 years of ignored calls for reform, the situation just is not getting any better."

HALT graded lawyer discipline systems in six categories:

Adequacy of Discipline — The most critical category produced the weakest grades. Analyzing the ABA's most recent statistics, HALT found that only six states—Maine, Massachusetts, Nevada, New Hampshire, West Virginia and Wisconsin—review every grievance, while the average state investigates only 58 percent of the complaints it receives. And unfortunately, investigations rarely result in discipline.

A whopping 24 states impose formal public sanctions—disbarments, suspensions and public reprimands—in just **five** percent of investigated cases. In the average jurisdiction, only 7.8 percent of investigations yield public discipline. Almost half of the sanctions take the form of private discipline, rendered behind closed doors. "A secret reprimand amounts to little more than a slap on the wrist," explained HALT Associate Counsel Suzanne Blonder. "Because it is so lenient, it fails to deter unethical conduct and because it is done in secret, it fails to warn consumers about which attorneys to avoid."

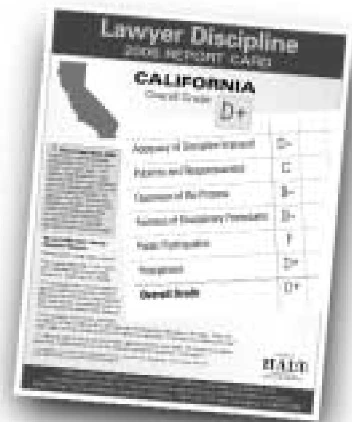
Continued on page 4

THE TOP TEN *(starting with the best):*

1. Connecticut
2. Colorado
3. Arizona
4. Tennessee
5. Pennsylvania
6. Vermont
7. New Jersey
8. District of Columbia
9. Georgia
10. Mississippi

THE WORST TEN *(starting with the worst):*

51. Utah
50. North Carolina
49. Montana
48. Hawaii
47. Alabama
46. Arkansas
45. California
44. South Carolina
43. Alaska
42. Iowa



What's New Since 2002

The biggest news is how little most disciplinary bodies have changed since we issued our last Report Card four years ago. Sadly, the grades remain abysmal and most states maintain their general standing.

There are three noteworthy exceptions, however. Pennsylvania, which HALT rated as worst in the nation four years ago, ascended to 5th in the nation in 2006. "While the system is far from perfect, Pennsylvania's dedication to reform should be a model to the rest of the nation," stated HALT Associate Counsel Suzanne M. Blonder.

Following the release of the 2002 Report Card, Pennsylvania disciplinary officials requested HALT's assistance to develop a more effective and ***Continued on page 4***

Inside This Issue

Illinois Raises Small Claim Limit 2
Legal Reform News........................ 3
Which Legal Self-Help Products Should You Use?........................ 5
A Look Back at Last Year's Legal Reform Developments 5
An Insider's Look at DC's Discipline System...................... 6
HALT Pushes Small Claim Reforms.. 7
From the Mailbox 8

HALT Releases New *Do-It-Yourself Law* Edition, see page 5

the **Legal** Reformer

Theresa Meehan Rudy *Editor*

Christopher McGee *Art Direction*

HALT BOARD OF DIRECTORS

Conrad Martin, *Chair*
Fund for Constitutional Government

Danielle Brian
Project on Government Oversight

Katherine S. Broderick
Dean, UDC David A. Clarke School of Law

Louis A. Clark
Government Accountability Project

Catherine Elias Jermany
National Self-Help Law Project

Sally Greenberg
Consumers Union

George A. Miller
George A. Miller Family Fund

Jake Warner
Co-founder, Nolo

HALT STAFF

James C. Turner
Executive Director

Theresa Meehan Rudy
Program Director

Thomas M. Gordon
Senior Counsel

Suzanne M. Blonder
Associate Counsel

Stacie Branham
Membership Coordinator

Mary Thuell
Program Assistant

the Legal Reformer, **©2006, HALT — An Organization of Americans for Legal Reform**. All rights reserved. No part of this publication may be reprinted without the permission of HALT. Anyone contributing $25 or more per year to support HALT will receive *the Legal Reformer* free of charge. Contributions are tax-deductible and should be made payable to HALT.

Members: Please include your address label when submitting address changes.
Postmaster: Send address changes to:
HALT, 1612 K Street, NW, Suite 510
Washington, DC 20006
Telephone: (202) 887-8255
Fax: (202) 887-9699
Web site: *www.halt.org*
E-mail: *halt@halt.org*

Illinois Raises Small Claims Limit

HALT testimony prompts larger increase

On December 6, the Illinois Supreme Court announced that it would increase the state's small claims jurisdictional limit from $5,000 to $10,000. The increase, which went into effect on January 1, came after a hearing where HALT was the leading voice in support of the reform.

Illinois is among the few states that set its small claims jurisdiction by court rule, rather than by statute. As a result, the decision to raise the limit was made by the Illinois Supreme Court. The initial proposal considered by the Supreme Court Rules Committee was that the limit be increased only to $7,500. At last January's hearing on the proposed rule, HALT Senior Counsel Tom Gordon testified that raising the limit to $7,500, while a step in the right direction, would serve mostly to cover the effects of inflation since the dollar limit was last changed in 1995. Gordon suggested that it would be more appropriate for the dollar limit to be raised to $10,000 or $15,000, as a way of ensuring that more people can resolve their legal disputes without lawyers.

HALT's proposal that the court consider an additional increase drew the attention of the committee, which asked a subsequent witness—Judge Wayne Rhine, Supervising Judge of the Non-Jury Division for Cook County's 1st Municipal District—what he thought of an additional increase. Judge Rhine, who had said that a higher dollar limit would be "a godsend to judges," agreed that $10,000 would be a more appropriate cutoff point for small claims cases.

HALT's suggestion of a higher limit apparently met the approval of the Rules Committee, as it announced the change to a $10,000 jurisdictional cap on December 6, 2005, with the change taking effect less than a month later, on January 1, 2006. Gordon reacted with delight to the announcement of the amended rule, saying, "HALT is thrilled that Illinois has opened up their small claims courts to the bigger dollar cases that average people increasingly face."

Illinois is the fifth state to allow small claims courts to hear cases of $10,000 or more. Tennessee and Georgia allow small claims cases of up to $15,000, while Alaska, New Mexico and the city of Philadelphia hear cases up to $10,000. Nationally, the average small claims dollar limit is approximately $5,300.

Several other states are considering increases in small claims dollar limits in 2006. Among them are Wisconsin and Michigan, which have bills pending to raise small claims jurisdiction to $7,500 and $10,000, respectively. "I am hopeful that Illinois' neighbors will join the increasing number of states that are close to eliminating the legal no-man's land where cases are too large for small claims courts but too small to hire a lawyer," said Gordon. ■

HALT's 2006 Spring Interns

HALT is delighted to have three interns this spring.

Ian Quin, a senior at the University of California, Berkeley is a double major in psychology and political science.

Payal Pathak, a senior at the University of California, Irvine is a political science major with a minor in conflict resolution.

Emily Smith, an American University junior is a double major in political science and journalism with a minor in history. ■

Emily Smith, Payal Pathak and Ian Quin.

Legal Reform News

CALIFORNIANS ASSESS COURTS

The first public opinion study of California courts in 13 years shows that, though overall opinion of the courts has improved, a majority of Californians are still uneasy about dealing with the judicial system. The Judicial Council of California released *Trust and Confidence in the California Courts* on September 7, 2005 and plans to use the findings to develop plans and programs for improving public opinion of the courts.

The study found that public knowledge about the courts is low and not increasing over time, prompting recommendations that the council should "identify and disseminate aggressively the essential information the public needs to protect its rights and use the courts appropriately."

The council, noting that California courts have been a "national trailblazer" in developing self-help centers and information services, recommended that these projects be expanded further. Twenty-five percent of respondents considered taking a case to court but decided not to, a majority citing the cost of hiring an attorney as a reason not to go to court.

SWEETHEART DEAL FOR ILLINOIS ATTORNEYS

In some cases, judges can award punitive damages (additional money on top of any other money awarded) to send a strong message to the wrongdoer. However, the 3rd District Appellate Court of Illinois recently held in *Kennedy v. Grimsley* that punitive damages may *not* be awarded in legal malpractice cases.

Plaintiff Judith Kennedy hired Leanna Grimsley to handle a medical negligence case and claimed that she only hired Grimsley because of her assurance that she was "well familiar" with such cases. However, when Grimsley failed to file a medical malpractice suit before the statute of limitations expired, Kennedy sued in trial court for malpractice fraud under Sec. 2-1115 of the Illinois Code of Civil Procedure. The code states that "in cases involving legal, medical, hospital, or other healing-art malpractice," no punitive damages shall be allowed, unless a complaint alleges common-law fraud.

On appeal, the District Appellate Court said that Kennedy's claim was for legal malpractice, not fraud. "Plaintiff's attempt to carve out a separate course of action is understandable in light of Sec. 2-1115, but it creates an artificial distinction between the formation of the attorney-client relationship and its consequences." In issuing its ruling, the appeals court defined legal malpractice broadly, concluding that it covers the "[attorney's] actions and statements in the creation of the attorney-client relationship."

SUNSHINE IN SOUTH CAROLINA?

The South Carolina Bar passed a resolution to improve the bar's Web site by posting disciplinary actions against attorneys. While a growing number of state bars have long provided disciplinary actions on their Web sites, the South Carolina Bar provided only limited online information about its attorneys, such as their contact information and where they attended law school.

That's about to change. Under the new rule, the South Carolina Bar will include information about an attorney's history of suspensions, disbarments and other forms of formal discipline.

The new bar Web site will provide direct links to disciplinary orders posted on the South Carolina Judicial Department's Web site. According to John Jolley, chairman of the state bar's Professional Responsibility Committee, it remains unclear "whether we post something forever." Some committee members argued that attorneys who have served suspensions have already been penalized. The bar will finalize the details and add this new component to its Web site later this year.

IDAHO HELPS DO-IT-YOURSELFERS

Several states, most notably Idaho, are empowering residents to take basic legal matters into their own hands in order to ease the financial burden of hiring an attorney as well as help relieve back-logged and under-funded legal aid groups. The Idaho judiciary has led the *pro se* (do-it-yourself) charge by opening a series of offices across the state designed to walk people through relatively uncomplicated legal procedures such as undisputed divorces, name changes and powers of attorney.

Additionally, Idaho is developing an interactive Web site which will allow users to input answers to questions in English or Spanish and print out the proper court form; the functionality of the Web site is similar to several legal software packages on the market.

"Idaho's system is fairly cutting edge, providing more services to *pro se* litigants than most other states," commented 4th District Judge Michael Dennard.

The efforts by Idaho and other states to make *pro se* options available eases the burden on low income individuals who lack the financial means to hire an attorney.

—Compiled by Spring 2006 interns, Payal Pathak, Ian Quin and Emily Smith

2006 Report Card, Cont. from page 1

Publicity and Responsiveness — While disciplinary bodies are not publicized in courthouses and local media as much as they were four years ago, their online resources have dramatically improved since 2002. Today, most disciplinary Web sites offer downloadable complaint forms, information about upcoming hearings and clear explanations about the disciplinary process—features that most states lacked four years ago. Unfortunately, telephone services have not seen as much progress. California is one of the nation's worst offenders, forcing consumers to wade through a complex and time-consuming automated system before they can obtain information from bar staff.

Openness — Attorney discipline continues to be shrouded in secrecy. Nine states—Alabama, Delaware, Hawaii, Idaho, Iowa, Maryland, Nevada, Utah and Wyoming—prohibit the public from attending disciplinary hearings. Hamstrung by rules that require them to keep the process secret, officials in the vast majority of states refuse to release information about attorneys' discipline histories. Oregon and Arizona have always been the exceptions to the rule, providing consumers with complete records, including whether a grievance was ever filed against a lawyer. After HALT submitted comments to New Hampshire in 2004, the state adopted new rules which now allow disciplinary officials in that state to release complete disciplinary histories.

Fairness — Disciplinary systems still utilize biased procedures. The most egregious—Alabama, Arkansas, Delaware, Iowa, Mississippi, South Dakota, Texas and Utah—prohibit consumers from disclosing information until the disciplinary body imposes public discipline in the case. New Jersey and Tennessee are the only two states that significantly improved in this area. At HALT's urging, supreme courts in both states struck down their gag rules as unconstitutional.

Public Participation — On most hearing panels just one out of every three members is a nonlawyer. Six states—California, Hawaii, Kansas, Mississippi, South Carolina and Tennessee—do not allow a single layperson to hear evidence in disciplinary proceedings. Idaho is the only jurisdiction in the country where nonlawyers comprise the majority on hearing committees.

Promptness — Shamefully, 18 states—Alaska, Arkansas, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, North Carolina, South Carolina, Vermont, Virginia, Washington and Wisconsin—stonewalled, refusing to release information about their timeliness to the ABA. Of the states that did report on the pace of their case processing, the average jurisdiction took nine months just to bring charges against an attorney and an additional five months to impose sanctions. Louisiana, the nation's most inefficient disciplinary body, took an astonishing 45 months—nearly four years!—to file formal charges in the average case.

Until there is meaningful reform, the legal profession has only itself to blame for the widespread public mistrust that mars every attorney's reputation.

"American legal consumers deserve a system that investigates promptly, deliberates openly, and weeds out unethical or incompetent attorneys," stated Turner. "Until there is meaningful reform, the legal profession has only itself to blame for the widespread public mistrust that mars every attorney's reputation."

A copy of the 2006 Lawyer Discipline Report Card is available from HALT upon request and available for free download from *www.halt.org*. ■

What's New Since 2002, Cont. from page 1

consumer-friendly structure. In 2003, HALT helped the Office of Disciplinary Counsel to develop the state's first attorney discipline Web site. Today, it is one of the best disciplinary Web sites in the nation. In addition, Pennsylvania has improved its reporting to the American Bar Association and abolished its overbroad confidentiality policy which, for 30 years, had required disciplinary hearings be held in secret.

Massachusetts' standing also changed significantly, but this time for the worse; nosediving from best disciplinary system nationwide in 2002 to 17th in the country. Over the past four years, Massachusetts cut back on publicizing its system and incredibly slowed down its case processing. Already one of the most inefficient disciplinary bodies in the nation, Massachusetts now delays bringing formal charges against an attorney for an average of two years after a complaint is received by the Board of Bar Overseers.

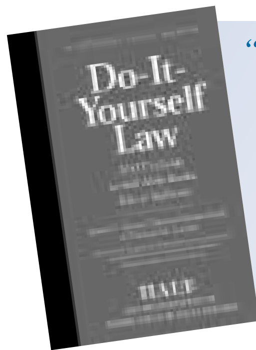
California's standing also fell dramatically. In 2002, HALT rated California in the top quarter of disciplinary bodies across the country; today, the state ranks an abysmal 45th in the nation. Although the Bar was investigating every complaint it received four years ago, the 2006 Report Card shows that California is now only reviewing one out of three. In addition, the Bar's automated telephone system is a disaster. It makes some callers feel as though they're caught in an endless and intricate loop that never takes them to a live person or to the answer to their question.

Find out how your state has changed by downloading the Report Card from *www.halt.org*. ■

Which Legal Self-Help Products Should You Use?

HALT Identifies its "Best Buys" in the latest edition of Do-It-Yourself Law

For many, the thought of handling legal matters without an attorney is a little intimidating. But there's no need to be afraid. A growing number of publishers offer carefully written and attorney-reviewed products that will help you do your own legal work at a fraction of the cost a lawyer would charge. Detailed information and step-by-step instruction is available on everything from selling your home, to writing your will, to drafting simple contracts. Here's a sneak preview of some of HALT's "Do-It-Yourself Best Buys," from the latest edition of *Do-It-Yourself Law: HALT's Guide to Self-Help Books, Kits & Software*.



"The most useful and authoritative consumer guide to self-help legal resources. Everyone who wants to file their own divorce, plan their estate or set up a business should consult this unique reference book."

— Stephen Brobeck, *Executive Director, Consumer Federation of America*

• For help filing your taxes – *TurboTax Deluxe* by Intuit (A comprehensive, state-of-the art, interactive software program that contains virtually every tax form and worksheet you'll need to prepare your federal and state tax returns.)

• For help getting a divorce – *Divorce Yourself: The National Divorce Kit* by Nova Publishing (A plain language, step-by-step guide that lets you prepare a no-fault divorce agreement anywhere in the United States.)

• For help writing your will – *Quicken WillMaker Plus* by Nolo (An incredibly powerful, sophisticated and easy-to-use software program that helps you produce a state-specific, custom made will based on your answers to a number of questions. Also lets you create other estate planning documents.)

• For general legal help – *Home and Business Lawyer Deluxe* by Broderbund (A comprehensive software program that offers a huge selection of forms, agreements, letters and notices for handling everything from requesting a birth certificate to writing your will.)

• For help setting up a business – *Quicken Legal Business Pro* by Nolo (An encyclopedic, electronic reference guide that offers a wealth of information on small business ownership and over 140 forms, letters and checklists.)

To see the full list of HALT Do-It-Yourself Best Buys, visit *www.halt.org*. To order a copy of *Do-It-Yourself Law*, see the order form on page 8. ■

A Look Back at Last Year's Legal Reform Developments

HALT won some critical victories for legal consumers in 2005.

Small Claims Court Increases. California and Illinois both passed large dollar limit increases with Illinois doubling its previous limit to $10,000 and California bringing its limit to $7,500. California's legislation also mandated improved training for small claims judges and expanded resources for small claims advisors. HALT has been working since 1997 on the California legislation, and testified in support of the increased limit in Illinois in January of 2005.

Reversal of Gag Rules. The New Jersey Supreme Court reversed the state's gag rule, which prohibited individuals who had filed a complaint against an attorney to talk about their complaints. The New Jersey Supreme Court ruled against the antiquated restriction after HALT submitted written testimony arguing that the gag rule violates complainants' constitutional rights. The Tennessee Supreme Court also repealed a gag rule concerning complaints about judges after the court ruled against the state's gag on complaints against attorneys.

Limiting the Lawyers' Monopoly. In April, the Illinois Supreme Court ruled that mortgage companies that prepare documents are not engaged in the unauthorized practice of law. The Court agreed with HALT's *amicus curiae* brief which urged that lawyers are not needed to fill out simple real estate documents. This important victory will save consumers a lot of money.

Malpractice Insurance Disclosure. Several states considered rules requiring attorneys to disclose whether they carry malpractice insurance, following the ABA's model rule released in late 2004. HALT submitted comments to each of the states urging them to adopt these rules and provide attorneys' insurance status to the public. Illinois, Arizona and Minnesota all agreed with HALT's recommendations, passing rules requiring disclosure of insurance status and will provide lawyers' status to the public. Virginia, which already requires insurance disclosure, went a step further by requiring attorneys to disclose their status throughout the year, rather than just annually. ■

An Insider's Look at DC's Discipline System

An interview with Michael Frisch, former Assistant Bar Counsel, District of Columbia Office of Bar Counsel. Frisch is the author of No Stone Left Unturned: The Failure of Attorney Self-Regulation in the District of Columbia *and is Ethics Counsel and Adjunct Professor of Law at the Georgetown University Law Center.*

By Theresa Meehan Rudy

Michael Frisch

What can consumers who hire DC lawyers expect from the discipline system when they file a complaint against an attorney?

They can expect it to take a long time and there's at least a possibility that they will be victimized again by the disciplinary system.

Why?

Well, there are too many levels of review. It takes far too long and too often, the victim of attorney misconduct is treated with disdain and often has their credibility questioned. The person who files a complaint against an attorney is sometimes attacked by the hearing committee that decides these cases and as I say revictimized by the system itself.

Aren't hearing committees supposed to be impartial? Why are they attacking the person who files a complaint?

Hearing committees are supposed to be impartial. Unfortunately, there is a pronounced tendency to attack the motives of the complainant and the prosecutor. It is easier to forgive the accused lawyer when the complainant is deemed incredible or unworthy of protection.

Another problem is that the hearing committees are basically self perpetuating. What you see too often in their selection is the same firms getting their attorneys appointed to the disciplinary system with a very hostile mindset to both the disciplinary prosecutor and the victim of misconduct and it sort of perpetuates itself by the way the hearing panels are selected.

In your 17 years as Assistant Bar Counsel, had things improved at all?

Yes, there have been improvements. When I started, hearings were confidential. They no longer are. They're open to the public and the mechanisms for detecting and enforcing reciprocal discipline have improved as well. In reciprocal discipline, I have seen the bar less willing to second guess other jurisdictions, so I think some progress is being made there and I hope my article had some impact on that.

Your article cites many discipline examples where the DC Court of Appeals ultimately corrects improper rulings made by the bar. What's the problem?

Well I think the problem is the standard of review. The standard of review is that the court defers to the board's sanction recommendation unless it is "inconsistent with comparable cases or otherwise unwarranted." This gives far too much power to the board and assumes that they have a better sense of fairness than the court. I think the idea that volunteer lawyers have a better sense of sanction than judges is wrong-headed and abdicates judicial authority to the bar.

What about taking discipline away from the judiciary altogether and setting up an independent, publicly accountable system that either has executive or legislative oversight?

I think the judiciary is probably the best place and can do it well so long as it doesn't defer to the bar. But that's just my opinion.

Specifically, what reforms are you suggesting?

I don't think volunteer lawyers should serve as adjudicators and be the ones who decide discipline. I think that's where an independent administrative law judge would be far superior because I think there's far too much of "There but for the grace of God go I" in both evaluating the facts and deciding the appropriate sanction.

Who are these administrative law judges and who would appoint them?

I think they should probably be appointed by the court and serve for fixed terms and then all they would do is try disciplinary cases. So I'm thinking of experienced lawyers who would be serving as administrative law judges. California has such a system and I think it's worked pretty well there.

So do nonlawyers have a role to play?

If the system stays the way it is, I would say yes. But in my proposal no. I'm talking about giving disciplinary responsibilities to real professionals whose expertise is in professional responsibility and judging. And as far as I'm concerned, they can be paid by the bar as long as they're independent in their decision making. ■

CHEERS to the Arizona Supreme Court for issuing an order that will require all Arizona attorneys in private practice to disclose to the state bar whether they have professional liability insurance. The state bar in turn will be required to make that information publicly available through its Web site. The rule goes into effect January 1, 2007, giving attorneys who wish to find insurance time to do so.

HALT Pushes Small Claims Reform

By Mary Thuell

Building on its recent successes in California and Illinois, HALT is working on small claims court reform in several other states. Here is a summary of recent developments and pending legislation. Since state legislation often moves quickly in the first few months of the year, please check the HALT Web site *(www.halt.org)* for the most up to date information.

VIRGINIA: House Bill 1201, sponsored by Delegate Brian Moran, raising the small claims limit from $2,000 to $5,000, has passed the General Assembly. Governor Tim Kaine is expected to sign the legislation, which will take effect on July 1. Senior Counsel Tom Gordon testified before the Virginia House of Delegates in support of the bill. Before this legislation, Virginia had the second lowest jurisdiction for small claims in the nation.

WISCONSIN: Assembly Bill 680, introduced by Representative Joan Ballweg, would double the small claims dollar limit to $10,000. HALT is collaborating with Representative Ballweg by providing research and statistics that illustrate the benefits such an increase would have for the residents of Wisconsin.

NEBRASKA: Legislative Bill 1014, sponsored by Senator Doug Cunningham, would raise the current small claims dollar limit of $2,700 to $4,000. Currently, Nebraska has the sixth lowest dollar limit for small claims courts in the country. Senior Counsel Tom Gordon submitted testimony to the Legislature Judiciary Committee encouraging them to approve this overdue change, and recommending that the committee consider an even larger increase to bring its dollar limit more in line with the national average, which is approximately $5,300.

MASSACHUSETTS: Several bills are pending in the state legislature to raise the state's small claims dollar limit to $5,000 or $10,000. HALT is working with the Harvard Small Claims Advisory Service to encourage the state legislature's Judiciary Committee to report favorably on one of these bills. Massachusetts is currently tied with Virginia for the second lowest small claims dollar limit, at $2,000.

NEW HAMPSHIRE: The New Hampshire House Judiciary Committee has rejected Representative Robert H. Rowe's House Bill 1234. The bill would have cut in half the current small claims dollar limit from $5,000 to a mere $2,500, giving New Hampshire the fourth lowest limit in the country. No state has ever lowered its dollar limit in the history of small claims courts. According to HALT Senior Counsel Tom Gordon, "This bill was the first time in my nearly six years of following small claims courts that I've even seen anyone propose a reduction in small claims jurisdiction. The national trend has been to expand jurisdiction, since these courts provide such a valuable forum to people looking for a simple, fair resolution of their disputes."

MISSOURI: House Bill 1345, sponsored by Representative Bob Nance, and Senate Bill 847, sponsored by Senator Matt Bartle, would raise the small claims court dollar limit from $3,000 to $5,000. Currently, Missouri's small claims court has the seventh lowest dollar limit in the country.

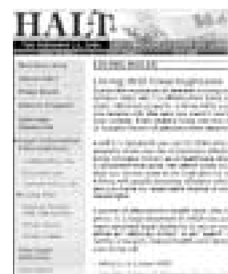
VERMONT: Senator Phillip Scott introduced Senate Bill 264 to increase the dollar limit from $3,500 to $7,500. That would bump the state up from the bottom third of limits to above the national average dollar limit of $5,300. ■

Praise for HALT's Living Wills

On Monday, November 28, Harry Gross featured HALT in his popular *Philadelphia Daily News* column. Gross emphasized the importance of having a living will, which indicates an individual's preferences for medical treatment and intervention in the event that he becomes unable to communicate his desires himself, and names a health care agent to make medical decisions on his behalf.

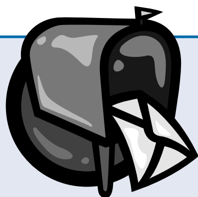
"I have seen a great many form living wills, as well as lawyer-drawn living wills," Gross stated. "Most of them do the job well. The best I have seen is published free by an organization called HALT. It's about a page-and-a-half long and is easily understood and filled in." Gross encouraged readers to contact HALT to obtain a free, state-specific living will form, and HALT immediately received over 300 requests for living wills.

In addition to completing a living will, your close family and friends should know that you have a living will and know what your health care choices are in case you become incapacitated. You may want to give a signed copy of your living will to your family. When family is gathered together, is a great time to have this important conversation.



HALT provides living wills to the public free of charge. We have forms for all 50 states and the District of Columbia on our Web site at *www.halt.org*. ■

From the Mailbox



Dear HALT,

My mother passed away last year. How do I know if her estate will owe money under the federal estate tax?

Frazzled in Fresno

Dear Frazzled,

It depends on the size of her "taxable" estate. According to the IRS, very few estates actually owe any money under the federal estate tax; it only affects the wealthiest two percent of all Americans. In 2005, a taxable estate had to exceed $1.5 million before any taxes were owed. The taxable estate is the amount left after allowable deductions. And, there is usually no tax if the estate goes to a spouse or if it goes to a qualified charity at your death. For questions about determining your mother's taxable estate, you can call the IRS at (800) 829-1040.

The taxable estate cutoff is being raised until 2010, when there will be no estate tax. The tax will begin again in 2011 unless Congress extends the current law. The cutoff amounts are:

2005	$1.5 million
2006-2008	$2 million
2009	$3.5 million
2010	No estate tax
2011	$1 million *(unless law is extended)*

Book Sale

To purchase any of the titles listed, mail in the **Publication Order Form** along with a check, money order or your credit card information to: HALT, 1612 K Street, NW, Suite 510, Washington, DC 20006. Or, if it's more convenient, call us toll-free at (888) 367-4258 and charge your order. Please allow 4-6 weeks for delivery. DC residents add 6% sales tax.

DO-IT-YOURSELF LAW–New Edition!
Learn which products are HALT "best buys" and which products to avoid with evaluations of the most popular do-it-yourself law books, kits and software programs on the market. ***$12.00***

HOW COURTS & JUDGES WORK
Ever wonder where to file a lawsuit? Explains the organization and hierarchy of our state and federal courts and the relationship between them. ***$12.00***

THE LEGAL RESOURCE DIRECTORY
Get answers to a multitude of everyday legal issues and concerns. Lists hundreds of contacts, Web sites and other resources for individuals and groups. ***$12.00***

THE SAVVY CONSUMER
Spar with car salesmen, avoid paying crooked mechanics and bargain down closing costs when you buy a house with this helpful guide. ***$18.95***

Publication Order Form

Title(s)	Price
(DC Residents: Add 6% Sales Tax)	
S&H 1-2 books $4.95/3-4 books $7.00	
Additional Gift to HALT	
TOTAL	

Name: ______________________________

Address: ______________________________

City: ____________________ **State:** ________ **Zip:** __________

Please charge to my credit card:

❑ Visa ❑ MasterCard ❑ American Express

Credit Card No.: ______________________________

Expiration Date: ______________________________

Signature: ____________________ Date: ____________

Phone Number: ______________________________

Combined Federal Campaign/United Way # 2206

HALT
An Organization of
Americans for Legal Reform
1612 K Street, NW • Suite 510
Washington, DC 20006

Non-profit
Organization
US Postage
PAID
AMI 22304