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General Docket

US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 97-16567
 Nsuit: 3440 Other civil rights (Fed)
 Legal Aid Society, et al v. Legal Services Corp
 Appeal from: District of Hawaii (Honolulu)

Filed: 8/22/97

Case type information:

- 1) civil
- 2) private
- 3)

Lower court information:

District: 0975-1 : CV-97-00032-ACK
 presiding judge: Alan C. Kay, District Judge
 court reporter: Debra K. Chun, Court Reporter
 court reporter: Lisa Groulx
 Date Filed: 1/9/97
 Date order/judgment: 8/7/97
 Date NOA filed: 8/18/97

Fee status: paid-----
Prior cases:

None

Current cases:

None

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97-16567 Legal Aid Society, et al v. Legal Services Corp

LEGAL AID SOCIETY OF HAWAII
 Plaintiff - Appellant

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97-16567 Legal Aid Society, et al v. Legal Services Corp

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LEGAL SERVICES OF NORTHERN
CALIFORNIA, INC.
Plaintiff - Appellant

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Paul Alston
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LEGAL AID SOCIETY OF ORANGE
COUNTY

Plaintiff - Appellant

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Paul Alston
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Margaret C. Crosby, Esq.
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Steven R. Shapiro, Esq.
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ALASKA LEGAL SERVICES

Stanley E. Levin, Esq.

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CORPORATION

Plaintiff - Appellant

(See above)
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Paul Alston
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Stephen V. Bomse, Esq.
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CALIFORNIA STATE CLIENT
COUNCIL
Plaintiff - Appellant

Stanley E. Levin, Esq.
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Paul Alston
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THE HAWAII JUSTICE FOUNDATION
Plaintiff - Appellant

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Paul Alston
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97-16567 Legal Aid Society, et al v. Legal Services Corp

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THE IMPACT FUND
Plaintiff - Appellant

Stanley E. Levin, Esq.
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Paul Alston
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Margaret C. Crosby, Esq.
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LLOYD VAN DE CAR
Plaintiff - Appellant

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Paul Alston
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97-16567 Legal Aid Society, et al v. Legal Services Corp

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GARY F. SMITH
Plaintiff - Appellant

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Paul Alston
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Margaret C. Crosby, Esq.
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UNITED STATES OF AMERICA
Intervenor - Appellee

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97-16567 Legal Aid Society, et al v. Legal Services Corp

Washington, DC 20530-0001

v.

LEGAL SERVICES CORPORATION
Defendant - Appellee

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LEGAL AID SOCIETY OF HAWAII; LEGAL SERVICES OF NORTHERN
CALIFORNIA, INC.; LEGAL AID SOCIETY OF ORANGE COUNTY; ALASKA
LEGAL SERVICES CORPORATION; CALIFORNIA STATE CLIENT COUNCIL;
THE HAWAII JUSTICE FOUNDATION; THE IMPACT FUND; LLOYD VAN DE
CAR; GARY F. SMITH;

Plaintiffs - Appellants

v.

UNITED STATES OF AMERICA

Intervenor - Appellee

and

LEGAL SERVICES CORPORATION

Defendant - Appellee

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8/8/97 Filed Lisa Groulx's notice of order of transcript. RT ordered 8/26/97; Expected payment date: 08/28/97; Number of pages: 89 ; Expected completion: 9/25/97 [97-16567] (ot)

8/22/97 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): yes. The briefing schedule is as follows: CADS is past due; CADS must be filed no later than 8/29/97 for Bradford L. Tannen; aplts' designation of RT is due 8/28/97; aples' designation of RT is due 9/8/97; aplts shall order transcript by 9/17/97; court reporter shall file transcript in DC by 10/20/97; certificate of record shall be filed by 10/27/97; aplts' opening brief is due 12/4/97; aples' brief is due 1/5/98; aplts' reply brief is due 1/20/98. [97-16567] (jr)

8/22/97 Filed Appellants Legal Aid Society, Legal Services of CA, Legal Aid, AK Legal Services, CA State Client, HI Justice, The Impact Fund, Lloyd Van De Car and Gary F. Smith's motion to expedite appeal, served on 8/22/97 [3292414] (PROMO) [97-16567] (sm)

8/28/97 Rec'd notice of representation of Stephen V. Bomse, Charles, N. Freiberg, Adam M. Cole and Hope L Hudson for Plfts. CASEFILE [97-16567] (ot)

8/28/97 Received Appellants Legal Aid Society, et al. notice of designation of reporter's transcript. CASEFILE [97-16567] (ot)

8/29/97 Filed Appellee Legal Services Corp response, opposing appellant's motion to expedite appeal, served on 8/28/97 (WIP/PROMO) [97-16567] (ot)

8/29/97 Filed Stanley E. Levin for Appellants Gary F. Smith, Lloyd Van De Car, The Impact Fund, HI Justice, CA State Client, AK Legal Services, Legal Aid, Legal Services of CA, and Legal Aid Society Civil Appeals Docketing Statement served on 8/29/97 (to CONFATT) [97-16567] [97-16567] (ot)

8/29/97 Filed Appellants Legal Aid Society, Legal Services of CA, Legal Aid, AK Legal Services, et al., reply to aples response to appellant's motion to expedite appeal, served on 8/29/97 (WIP/PROMO) [97-16567] (ot)

9/2/97 Entered appearance of Debra Chun as Court Reporter in this case. [97-16567] (ot)

9/2/97 Filed Debra K. Chun's notice of order of transcript. RT ordered 08/26/97; Expected payment date: n/a; Number of pages: 40 ; Expected completion: 09/25/97 [97-16567] (ot)

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9/5/97 Filed order (Deputy Clerk: jlc) Aplts opposed mtn to expedite this appeal is denied. Aplts may file a renewed mtn to expedite brfg that provides info when all the transcdsgn for this appeal have been filed in the dc. Local R 27-12. If the transc are filed before the current due date of Oct 20, 1997, the crt would be able to advance brfg after consideration of any renewed mtn to expedite. Crt records do not currently reflect that aplt have submitted the CADS to this crt. W/in 14 days from the date of this order, aplt shall file the CADS. [97-16567] (ot)

9/8/97 Filed notice of appr of Matthew M. Collette and Barbara L. Herwig (Withdrew as counsel: attorney Peter Robbins for USA [97-16567] (ot)

9/8/97 Filed certificate of record on appeal RT filed in DC 08/28/97 [97-16567] (ot)

9/8/97 Entered appearance of Lisa Groulx-Thompson as Court Reporter in this case. [97-16567] (ot)

9/9/97 Filed Appellants' Legal Aid Society, Legal Services of CA, Legal Aid, AK Legal Services, CA State Client, HI Justice, The Impact Fund, Lloyd Van De Car, and Gary F. Smith's renewed motion to expedite appeal, served on 9/9/97 [WIP/PROMO] [97-16567] (ot)

9/15/97 Filed Appellee Legal Services Corp renewed response opposing appellant's motion to expedite appeal, served 9/15/97 (WIP/PROMO) [97-16567] (ot)

9/16/97 Filed order (Deputy Clerk: jlc) Aplts' opposed renewed mtn to expedite this appeal is granted in part. The brfg schedule is expedited as follows: opening brf, excerpts due 10/14/97; aples brf due 11/13/97; ROA due 11/20/97; rpy brf due 14 days from svc of aples brf. [97-16567] (ot)

9/22/97 Received Appellants Legal Aid Society, Legal Services of CA, Legal Aid, AK Legal Services, CA State Client, HI

Justice, The Impact Fund, Lloyd Van De Car, and Gary F. Smith's ntc under Local R. 28-4, served on 9/22/97 (NAN/ptys are not separately represented) Csl Adam M. Cole so adv by clk. CASEFILE [97-16567] (ot)

10/9/97 Case released from Pre-Briefing Conference program. (mlm)

10/14/97 Filed original and 15 copies Appellants Legal Aid Society, Legal Services of CA, Legal Aid, AK Legal Services, CA State Client, HI Justice, The Impact Fund, Lloyd Van De Car and Gary F. Smith's opening brief (Informal: n) 58 pages and five excerpts of record in 1 volumes; served on 10/14/97 [97-16567] (sm)

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10/20/97 Rec'd notice of change of address from Attys Matthew M. Collette and Barbara L. Herwig for Appellee USA dated 10/10/97. New Addr: Civ Div/Aplt Staff, DOJ; 601 D St. NW, Rm 9552, WA DC 20530-0001 [97-16567] (ot)

11/17/97 Filed original and 15 copies Appellee USA brief, 46 pages, 0 Exc. vols: served on 11/13/97 minor defcy: brief covers should be red not green. Notified counsel. minor brief deficiency response due 12/1/97; (sm)

11/18/97 Received Amicus Washington Legal Fd, Amicus Allied Educational, Amicus Bill McCollum's brief in 15 copies of 25 pages; deficient: need mtn to file, served on 11/13/97 [97-16567] (ot)

11/18/97 Filed original and 15 copies Appellee Legal Services Corp brief, 62 pages, 05 Suppl Exc. 01 vol., served on 11/13/97 minor defcy: no Corporated Disclosure Statement, Statement of Related Cases, and Certificate of Service. Notified counsel. [97-16567] appellants' reply brief due 12/5/97,, ; record on appeal due 12/5/97; (ot)

11/19/97 Received Appellee Legal Services Corp satisfaction of (minor) brief deficiency. Orig & 15 copies of the following 1) Corporated Disclosure Statement 2) Statement of Related Cases, served 11/14/97 RECORDS [97-16567] (ot)

11/24/97 Received Appellee USA satisfaction of (minor) brief deficiency. g & 15 copies of the brief w/RED cover to replace the previous brf w/green covers. RECORDS [97-16567] (ot)

11/25/97 Filed motion & order :(Deputy Clerk: teh) The mtn of Wash Legal Fd., Allied Educational Fd., and the U S Rep Bill McCollum and Ernest J. Istook, Jr. for leave to file an amicus brf in support of aple and any opposition shall be rfr to the pnl that considers the merits of the case.

Copies of the proffered brf shall be provided to the pnl to aid resolution of mtn. Any further requests to file friend of the crt brfs shall be treated in the same fashion. (Motion recvd 11/18/97) [97-16567] (ot)

11/26/97 Filed original and 15 copies Legal Aid Society, Legal Services of CA, Legal Aid, AK Legal Services, CA State Client, HI Justice, The Impact Fund, Lloyd Van De Car, Gary F. Smith reply brief (Informal: no) 33 pages, served on 11/26/97 [97-16567] (ot)

12/22/97 FILED, AS OF 09/08/97, CERTIFIED RECORD ON APPEAL IN 10 VOLS.(total): 08 CLERKS REC; 02 RTs (ORIG) [97-16567] (ot)

1/12/98 Calendar check performed [97-16567] (aw)

1/16/98 Calendar materials being prepared. [97-16567] [97-16567]

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(uk)

1/20/98 Filed Legal Services Corp additional citations, served on 1/15/97 (MERITS/PNL) RECORDS [97-16567] (ot)

1/22/98 CALENDARED: SAN FRAN Mar 13 1998 9 00 am Courtroom 1 [97-16567] (uk)

1/27/98 Filed Legal Services Corp additional citations, served on 1/15/98 PANEL [97-16567] (crw)

2/4/98 Filed Lloyd Van De Car, Legal Services Corp, USA stipulation to dismiss, served on 2/2/98 (fax/pnl) [97-16567] (ot)

2/26/98 Filed USA motion to increase argument time. (PANEL) [97-16567] served on 2/25/98 [3403111] (tsp)

3/3/98 Filed Legal Services Corp motion to enlarge the record served on 3/2/98 [3405690] PANEL [97-16567] (crw)

3/6/98 Filed order (Deputy Clerk: gb) The mtn of the USA to increase oral arg time by 5 min. for each side is hereby granted. The aples shall be responsible for allocating theri total oral arg time of 25 min betwn themselves. [97-16567] (ot)

3/9/98 Filed Appellants Legal Aid Society, et al. response aple Legal Svc Corp mtn to enlarge the record, served on 3/9/98 (fax/pnl) [97-16567] (ot)

3/13/98 ARGUED AND SUBMITTED TO Byron R. White, John T. NOONAN, Sidney R. THOMAS [97-16567] (aw)

5/18/98 FILED OPINION: AFFIRMED the dc's judgment that the LSC restrictions do not violate aplts' first amendment rights. We VACATE the dc's judgment that the LSC restrictions do not violate the due process and equal protection rights of indigent person, and REMAND the case with instructions to dismiss the complaint insofar as it asserts the rights of indigent persons because aplts have no standing to raise these issues. (Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Byron R. White, author; John T. NOONAN; Sidney R. THOMAS.) FILED AND ENTERED JUDGMENT. [97-16567] (tsp)

6/9/98 MANDATE ISSUED [97-16567] (jjf)

8/24/98 Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 98-296 filed on 8/17/98. [97-16567] (tsp)

12/7/98 Filed Supreme Court order, certiorari denied on 11/30/98. Supreme Court No. 98-296 [97-16567] (ot)

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97-16567 Legal Aid Society, et al v. Legal Services Corp

4/11/00 RECORD RETURNED. (See control card for details.) (jay)

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