



The Pennsylvania Legal Aid Network (PLAN) is an ideal place to direct *cy pres* awards. PLAN is the state's coordinated system of organizations providing civil legal aid for those with nowhere else to turn. PLAN offers a continuum of critically needed legal information, advice and representation to low-income individuals and families who face urgent civil legal problems. These problems affect basic needs such as food, shelter, employment, consumer issues, healthcare, and family safety.

In today's society, justice is not always easily achieved, it must be pursued. The need for civil legal aid by Pennsylvania's poorest and most vulnerable families exceeds the current resources available to provide legal services. *Cy pres* awards from class action residual funds and estates or trusts, where the original bequest cannot be honored, can be directed to the Pennsylvania Legal Aid Network. These awards will have a major impact on the lives of legal aid clients.

## The Pennsylvania Legal Aid Network & *Cy Pres* Awards

### What are *Cy Pres* Awards?

*Cy pres*, meaning "as near as possible," was originally used as a way of distributing an estate or trust fund whose primary purpose could not be fulfilled. The *cy pres* doctrine enables funds to be distributed to the "next best" use. It allows for the reallocation of class residual funds, estates or unclaimed trusts for a purpose as near as possible to the interests of the class or intended use of estate or trust.

### **Class Action Residual Funds**

In a class action case, a fund with settlement monies is sometimes created. Sometimes, however, not all funds can be distributed to class claims, which may result in residual moneys left in the fund. Under the *cy pres* doctrine, these funds may be allocated by the court to legal service providers for purposes similar to those in the original action.

### **Unclaimed Estates and Trusts**

In cases when the stated beneficiary no longer exists, cannot be located, or the original bequest cannot be honored, the attorney can recommend the direction of the remaining monies to help fund legal service programs.

# You Can Make A Real Impact on Our Justice System

Members of the Bench and Bar can help make access to justice a reality for thousands of low-income Pennsylvanians who have nowhere else to turn, by proposing that residual or unclaimed funds be designated to support equal access to justice.

*Cy Pres* Awards have proven to be one of the best means currently available to help bridge the justice gap in our society. For more information about how you can make an impact by directing a *cy pres* award to the Pennsylvania Legal Aid Network, please call Christine Kirby at PLAN, Inc. at **(412) 586-6137**.

## **Why direct *cy pres* awards to the Pennsylvania Legal Aid Network?**

The Pennsylvania Legal Aid Network, Inc. works to expand access to justice and secure additional funding for civil legal services for victims of domestic violence and the poor throughout Pennsylvania. Oftentimes, civil legal aid is an appropriate recipient of *cy pres* funds because legal aid is often the next best use of unclaimed funds to indirectly benefit members of a class. Legal aid benefits those who are most likely to be unrepresented in the justice system and it benefits the broader society as well, by insuring that the justice system itself remains fair, accessible, and equitable.

Legal aid programs that comprise the Pennsylvania Legal Aid Network provide critically needed legal representation and advice for low-income individuals and families who face urgent civil legal problems. These problems affect basic needs such as food, shelter, employment, healthcare, and family safety.

Although PLAN strives to ensure access to justice for all, the need for civil legal aid by Pennsylvania's poorest and most vulnerable residents exceeds the resources available to provide those legal services. A *cy pres* award would have a consequential impact on the lives of domestic violence victims, the elderly, families, and other legal aid clients, as it would allow us to expand services to clients.

# Examples

People *Cy pres* awards would benefit:

## Help Make Equal Access to Justice a Reality

For more information about how victims of domestic violence and/or low-income families can benefit from a *cy pres* award to legal aid or how to fashion a *cy pres* remedy, please contact your local legal services program or:

*Christine Kirby*  
*PLAN Development Director*  
*(412) 586-6137*  
*ckirby@palegalaid.net*



### Preserving shelter for a young family

During the winter, "Paula" and her two children were being evicted from her apartment. Her application for public housing had been denied. With help from legal services, this family was able to remain in the apartment for a few weeks, arrange for repayment of a utility bill, and get approval for public housing, giving them a responsible new start.

### Protection from a violent boyfriend

"Amanda," a 17-year-old high school student, looked to legal aid for help when her boyfriend was stalking, terrorizing, harassing, and assaulting her. When her mother filed a Protection From Abuse Petition on her behalf, the judge granted a protection order. Amanda no longer lives with the constant threat of violence.

### Combating Consumer Fraud

Legal aid helped "Lee," an elderly, legally-blind gentleman keep his home. A contractor had promised to fix the house if Lee took out a high interest mortgage at three times the home's value with a third party lender. When he was unable to make the payments, legal aid attorneys negotiated a settlement. The lender cancelled the contract and mortgage. Lee now owns his home and is free of any debt.



# F.A.Q.s

## Who executes *cy pres* awards?

The *cy pres* doctrine can be applied only by a court. Once conditions are deemed suitable for the conferment of *cy pres*, the court has broad discretion in the framing of a scheme for the application of the charitable fund to a purpose “as near as possible” to the one designated by the settlor.

## Why do I need to be aware of *cy pres*?

As judges, lawyers, mediators, and others who may be in a position to influence *cy pres* awards, this information is being provided to:

1. Make you alert to the unmet civil legal needs in Pennsylvania;
2. Illustrate the appropriateness of Pennsylvania’s network civil legal aid programs as a recipient of *cy pres* funds; and
3. Guide you to where you can get more information about such awards.

## Why fund civil legal services for the poor with *cy pres* funds?

Certain cases and estates produce remaining funds or penalties that are appropriate for allocation to a public purpose under the *cy pres* doctrine. The nexus may be direct and apparent such as a judgment or penalty against a pharmaceutical company — where poor people spent a disproportionate amount of their income on medications. The nexus might arise out of a case involving facts that are just patently unfair or outrageous. Funding (with a *cy pres* award) an access to equal justice program, like PLAN, for low-income people is a reasonable way to counter such injustice. PLAN is only able to serve a fraction of eligible people in need. Meeting those needs is a clear public interest, as it helps fulfill the promise of legal aid service: ***Equal justice for all.***

## How will PLAN utilize *cy pres* awards?

PLAN will exercise flexibility in its use of *cy pres* awards to expand and further its comprehensive civil legal aid program or target funds towards a specific access to justice project, consistent with the original purpose of the funds.

[www.palegalaid.net](http://www.palegalaid.net)

Pennsylvania  
**Legal Aid** Network

For more information about the Pennsylvania Legal Aid Network’s work in the community, please visit our web site at [www.palegalaid.net](http://www.palegalaid.net) or call us at **800.322.7572**.