

Opening Remarks
Access to Justice: The Role of New York's Law Schools --
A Conversation about the Role of Law Schools in Helping to Meet the
Civil Legal Needs of Low Income New Yorkers
Convened by the Task Force to Expand Access to
Civil Legal Services in New York
Tuesday, May 22, 2012
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It is my great pleasure to welcome all of you to this unique conference to explore how our state's law schools can work with each other, with providers of civil legal services, law firms, bar associations, and the courts to help meet the civil legal needs of low income New Yorkers.

I want to acknowledge and thank the extraordinary Task Force to Expand Access to Civil Legal Services in New York -- which I appointed in 2010 -- for convening this first-of-its-kind gathering. I especially want to thank Task Force Chair, Helaine M. Barnett, and Task Force Member, Dean Matthew Diller of Benjamin M. Cardozo School of Law, and their Planning Committee members, for their herculean efforts in making today's conference a reality. The formation of the Task Force was announced at the same time that I stated my intention to hold annual hearings on the unmet need for civil legal services in New York. Since then, the Task Force has assisted the leadership of the court system and the State Bar in conducting these hearings and has performed its own groundbreaking research and analysis, described in their comprehensive reports issued in 2010 and 2011.

It was in their November 2011 report that the Task Force indicated its intention to convene this group for today's conversation. While acknowledging that law schools already play a significant role in the delivery of civil legal services, and do a great deal to

inspire and prepare students to perform public service both in law school and after graduation, the Task Force found that “greater law school involvement can help reduce the gap between the need for civil legal assistance and available services” in matters involving the “essentials of life” -- housing, family matters, health and education, and subsistence income. The Task Force also concluded that more could be achieved in addressing the justice gap if the law schools in our state were to work with one another, as well as with civil legal services providers, law firms, bar associations and the Courts, on increasing the availability of civil legal services.

The Task Force rightly believed that a joint effort of the law schools and other stakeholders could do so many things: like identify those areas of unmet civil legal needs that are amenable to law school assistance; determine which existing projects are good models for replication or inspirations for more and better programs; coordinate efforts, where possible, to develop capacity and expertise for training and supervision that would be difficult for a single law school to match; foster collaborative projects among and between all of you and the courts that can maximize the likelihood that law students will render valuable services to the needy; and develop programs that more effectively tap into the pool of recent law school graduates to help close the justice gap. And, in fact, these subjects are a very large component of today’s agenda.

Not just by chance, I assure you, the significance of today’s event was underscored by my own announcement on Law Day, just three weeks ago, of a 50-hour pro bono requirement for admission to the New York Bar. In our state, it is the Appellate Divisions of the Supreme Court through their Committees on Character and Fitness that oversee and approve all admissions to the bar. I am delighted that the Presiding Justices

of the four Appellate Departments have embraced this new pro bono requirement as a critical step in instilling a culture of service in the next generation of lawyers in our state. And it is gratifying that we have received such widespread support for the idea that new lawyers must embrace the core values of our profession prior to admission to the New York bar.

Since we are the first state to move in this new direction, the eyes of the legal community around the nation are on New York as to exactly how this new requirement will be implemented, and questions abound as to details and how much flexibility will be built into our rules.

I realize full well that all of you in this room want to know exactly how the new requirement will be put into effect and enforced, and there has been much speculation about the criteria for pro bono service that we will put into place. Let me briefly explain to you the process we will use to set the parameters of the new pro bono protocols for admission applicants -- and ultimately answer all the questions you may have.

I am announcing today the formation of the Advisory Committee on New York State Pro Bono Bar Admission Requirements, whose mission will be to receive and solicit input from all of the affected constituencies in our state and make implementation recommendations to the Chief Judge and the Presiding Justices. The Committee will be co-chaired by my Court of Appeals Colleague Victoria A. Graffeo and Alan Levine, a partner at the law firm of Cooley LLP and former Chair of The Legal Aid Society. I am greatly appreciative of the willingness of Judge Graffeo and Mr. Levine to take on this task along with this distinguished Committee. They include members of the legal community who have great expertise and interest in the well being of our profession. Among them are

one former and one current law school dean, representatives of two legal services providers, a law firm pro bono counsel, former and present bar presidents, a former Presiding Justice of the Appellate Division, as well as Deputy Chief Administrative Judge Fern Fisher, Director of New York State Courts Access to Justice Program, and last but certainly not least, Helaine Barnett, Chair of the Task Force. The Presiding Justices of the Appellate Divisions will be ex officio members of the Committee.

The members working under the leadership of Mr. Levine and Judge Graffeo are, in addition to Judge Fisher and Ms. Barnett:

Steven Banks	Attorney in Chief, The Legal Aid Society
Betty Weinberg Ellerin	Senior Counsel, Alston & Bird; Vice Chair Committee on Character and Fitness, First Department; former Presiding Justice of Appellate Division, First Department
John D. Feerick	Norris Professor of Law; former Dean, Fordham University School of Law; former President, New York City Bar Association
Sharon Katz	Special Counsel for Pro Bono, Davis Polk & Wardwell LLP
Hon. George H. Lowe	Of Counsel, Bond, Schoeneck & King; and Co-Chair, New York State Bar Association President's Committee on Access to Justice; former United States Magistrate for the Northern District of New York
Makau Mutua	Dean, SUNY Buffalo Law School; SUNY Distinguished Professor
Lillian M. Moy	Executive Director, Legal Aid Society of Northeastern New York, Inc.

Jerold R. Ruderman	Of Counsel, Wilson, Elser, Moskowitz, Edelman & Dicker, LLP; President, Westchester County Bar Association
William M. Savino	Managing Partner, Rivkin Radler LLP; former President, Nassau County Bar Association; former Chair, United Way of Long Island
Samuel W. Seymour	Partner, Sullivan & Cromwell LLP; former President, City Bar Association
Stephen Younger	Partner, Patterson Belknap Webb & Tyler LLP; former President, New York State Bar Association

The Advisory Committee has been asked to consider input from all stakeholders and to provide me and the Presiding Justices with their advice and recommendations in the Fall, when the new rule will be put into place, effective January 1, 2013. The specific methodology for soliciting and receiving information, questions and suggestions will be announced by the Committee in the coming weeks on nycourts.gov. In the interim, all correspondence and requests should be sent by email to advisory-committee@nycourts.gov. The process will be wide ranging and inclusive and, with help from all of you, the Committee's recommendations will inform the necessary amendments to the Character and Fitness Rules for admission to the bar.

I want to put all this into context and make our purpose and objectives very clear. Just a few short months before I became Chief Judge, the economy went into a tailspin from which it still has not recovered. We have seen shrinking state coffers, reduced court budgets, and a dramatic impact on the legal profession, including law firms, law schools, the courts and legal services providers. At the same time, the critical need for legal

services for the poor and the most vulnerable in our society could not be more evident as they struggle with legal problems involving the essentials of life. Funding for the federal Legal Services Corporation has been cut, and revenues for IOLA programs -- which depend on interest rates paid on attorney accounts -- have been dramatically reduced by the drop in interest rates. Our Task Force estimates that we are at best meeting only 20 percent of the civil legal services needs of New York State's low-income residents -- and this is at a time when 15% of the people in our state live at or below the poverty level. The state courts are the emergency rooms of our society -- the most intractable social problem find their way to our doors in great and increasing numbers. The net result is that literally millions of litigants each year are left to navigate critical legal problems both in and outside our courtrooms without the help of a lawyer.

Thanks to our partners in the legislative and executive branches, the judiciary's budget has included substantial funding for civil legal services over the last two years. I am proud of the fact that in New York we have established a template to publicly fund civil legal services for the poor in a systemic and reliable way. This year, the Judiciary Budget includes \$40 million to support civil legal services -- that total being by far the highest level of state funding for civil legal services in the country, but yet the tip of the iceberg in terms of the need. The funds that we have obtained for legal services could not be more important given that the economy has impacted most heavily on those who can least help themselves and created greater demands for legal services than ever before in our history.

While greatly increased state funding has gone, and will go, a long way to addressing the desperate straits many litigants with limited means find themselves in, money, by itself is not enough -- and our overburdened but courageous legal services

providers can do only so much. Bridging the justice gap requires more. We need the continued individual efforts of practicing lawyers doing their part. We are indeed fortunate that, in New York, so many lawyers are already embracing a culture of service to others. So many lawyers understand that it is their special responsibility to use their skills and their position to help ensure that we are providing for the justice needs of all New Yorkers. Pro bono service is deeply rooted in our traditions and has been part of the lawyer's professional lives for centuries. Our great State Bar, as well as countless other bar associations around the state and the country, remind us of the ethical and social responsibility to volunteer our time and resources to provide legal services for those in need.

Pro bono service has also become very much a part of the law school culture as well, and I'm proud of the good deeds fostered by New York's outstanding law schools. New York's practice rules -- like those of many other states -- allow law students to perform legal work under the supervision of law school faculty or legal service organizations, thereby enabling students to appear in court and put their name on court filings.

I believe it is time to connect the dots between the ongoing professional responsibility of lawyers to perform pro bono service and the experience of law students. If pro bono is a core value of our profession, and it is -- and if we aspire to have all practicing attorneys devote a meaningful portion of their time to public service, and we do -- these ideals ought to be instilled from the start, with the hands-on experience of helping others with our legal skills as a pre-requisite to meaningful membership in the bar of our state.

By requiring, as a condition for admission to the bar and the practice of law, that applicants demonstrate 50 hours of participation in law-related and uncompensated pro bono service, we are sending a very strong message that assisting in meeting the urgent need for legal services is a necessary and essential qualification to becoming a lawyer. We are stating loudly and clearly that service to others is an indispensable part of our legal training, and that you cannot call yourself a lawyer in New York, unless you show your commitment to our profession's ideals.

This approach not only benefits the clients who are in dire need of legal assistance but also, so importantly, will help prospective attorneys build valuable skills and acquire the practical experience so crucial to becoming a good lawyer. We know that newly-minted lawyers are simply better at their jobs when they receive direct experience in the practice of law. Where, under appropriate supervision, they assist a family facing eviction or foreclosure, draft a contract for a fledgling not-for-profit, help a victim of domestic violence obtain a divorce, or help state and local government entities in a time of economic stress, law students can access the real-world lessons that are such an important foundation for successful law practice.

I have no doubt that they will also experience the intrinsic rewards that come from helping others through pro bono service, so much so that many of them will be hooked for life on the joy of using their legal skills to help those most in need -- not to mention the enormous benefits that will come to New Yorkers desperately in need of legal help from at least an additional half million hours of pro bono legal services here in New York State alone. The positive impact on persons of limited means, communities and organizations that would gain from this infusion of pro bono work is immeasurable.

We honor the commitment of the thousands of practicing lawyers who take on legal work for poor and low-income individuals -- more than two million hours donated each year -- and we hope, through this initiative, to pass on that commitment to a new generation of lawyers. Pro bono service is part and parcel of our legal culture, affecting both the way we perceive ourselves and the way the public and community perceive us as well. In so many ways, it can and should define us as being part of a noble profession and a higher calling.

And, today you can contribute so much to this effort and do a tremendous service by applying your knowledge, experience, and creativity to the original goals of this program, and to the four subjects that the Work Groups have been charged with exploring. I refer especially to identifying the most effective, existing access-to-justice related law school programs and collaborations -- and proposing new ones -- whether they involve pro bono projects, post-graduate initiatives, clinics, externships, or experiential courses. Just as important is developing ideas on incorporating access to justice in the basic, substantive law school curriculum. The Task Force is very much looking forward to your recommendations -- as am I -- and I know they will inform the work we will continue to do together to meet the challenge of assuring access to justice for all New Yorkers. Thank you.