**"The Judiciary as the Leader of the Access to Justice Revolution"**
Twentieth Annual Justice William J. Brennan Lecture on State Courts and Social Justice
March 11, 2014

Hon. Jonathan Lippman

NYU School of Law

Good evening. I am honored to be delivering the 20th annual William J. Brennan, Jr. Lecture on State Courts and Social Justice. I have had the privilege of attending so many of the Brennan Lectures and introducing the speakers in recent years, including my friend, Stuart Rabner, who gave such a fascinating talk two years ago on the New Jersey Supreme Court's landmark eyewitness identification case, State v. Henderson. I want to thank Stuart for that lovely introduction tonight. He is kind and generous and represents the absolute best in judicial leadership in our country. I could not be more grateful to him for his friendship and support and for his gracious remarks. And I am so delighted tonight, at my own law school, to become a small part of the ideas and scholarship that have marked the Brennan lectures since their inception, including the kick off address by my dear friend and wonderful predecessor, Judith Kaye, back in 1995, and continuing over the years with so many of my treasured colleagues from around the country.

I want to commend NYU and the Dwight D. Opperman Institute of Judicial Administration for recognizing 20 years ago the fundamental importance of state courts in addressing social problems and delivering equal justice. And I want to thank the Institute and Professors Chase and Estreicher for inviting me to speak to you tonight.

I want to talk about how the Judiciary, conceptually and in practice, should be and is in fact the leader of the access to justice revolution that is taking place in our state and

in our country. It is no secret that our nation faces a crisis in access to justice. The distressing lack of civil legal aid for the poor is one of the most daunting challenges facing the justice system today, but all of the players - - the profession, the providers, the academy, and in particular the Judiciary - - are increasingly and dramatically confronting this crisis and taking action to even the scales of justice, to guarantee the rights and liberties of all, and to preserve the rule of law.

Let me set the stage, at least from my own experience since becoming Chief Judge in New York. In 2009, it was clear to me that for far too long, far too many litigants in civil cases concerning the most basic necessities of life had no access to legal help. More than 2.3 million litigants came into the New York courts each year without legal representation. These are individuals and their families who were unable to pay for a lawyer or to access free legal help - - people facing the loss of their homes, suffering persecution by predatory lenders, seeking to keep custody of their children or escape the abuse of a family member, or looking to protect their very subsistence. These vulnerable litigants must have greater access to legal representation if we are to achieve our constitutional mission of fostering equal justice for all - - rich and poor, high and low alike.

Access to justice is particularly challenging during a time of economic hardship for our state and the entire country. New York is still in the midst of an economic recovery. More than one-third of New York residents are living at or below 200 percent of the poverty level, a benchmark for receiving civil legal services grants and other benefits, with 40% living at that level in New York City. Meanwhile, federal, state, and local budget cuts have shrunk the social safety net for the poor. Our most vulnerable constituents have fewer and fewer places to turn.

On top of this sobering economic reality, the Legal Services Corporation in Washington, D.C., the largest funding stream for civil legal service providers in the country over the last 40 years, has seen its funding cut again and again by a Congress that too often fails to place a priority on social or economic programs to help the poor. State funding through Interest on Lawyer Trust Accounts has been another mainstay for legal service providers. But its revenues are generated by interest on the accounts that lawyers use for short-term maintenance of client money. With interest rates at an historic low, the interest payments funneling into IOLA accounts has thinned to a trickle - - in New York, from $32 million a year to $7 million almost overnight. The troubled economy and the fragility of the existing sources of funding have exacerbated the problem of the unrepresented in our courts.

In New York, from Buffalo to Brooklyn, legal service organizations are filled with lawyers dedicated to ensuring that even the poorest New Yorkers can vindicate their rights through our legal system. But for all their inspiring and tireless work, there are just not enough of them to go around. The Legal Aid Society in New York City has to turn away 3 out of 4 people who come to them seeking help relating to civil matters. They simply do not have enough money and staff to meet the need. While the pro bono efforts of the Bar have been significant - - with estimates of 2 1/2 million hours of volunteer pro bono work - - we are at best meeting 20-25% of the need for legal services for poor people fighting for the necessities of life - - the roof over their heads, their physical safety, their livelihood and the well being of their families.

But in the face of such challenges, beacons of hope are emerging, fueled in large measure by state judiciaries who, on access issues, are uniquely suited to be the

conveners of the discussion, the deliverers of the message, and the generators of large-scale change and innovation. Given our pivotal role in government, society and the profession, the Judiciary can and should be the agenda builders, pushing the envelope for the entire legal community when it comes to the pursuit of justice - - our historical task and duty since biblical times.

Having grown up in New York, with its progressive social and governmental tradition and ethos, it was second nature for me, upon becoming Chief Judge, to see the Judiciary as the leader in pursuing the ideal of equal justice in New York. If the Judiciary and the profession would not stand up for the most vulnerable among us in dire need of legal assistance, it was clear to me, no one else would. The first step in New York was to measure the extent of the problem. To that end, joined by the leaders of the legal profession in our state, I began by holding annual hearings in each of New York's four judicial departments. Those hearings built a new record of support for civil legal services and the vital role they played in the life of our communities. We also formed the Task Force to Expand Access to Civil Legal Services chaired by the incomparable Helaine Barnett, former head of the Legal Services Corporation in Washington, D.C., to help organize the hearings, create the infrastructure to examine the problem, gather information, and identify specific solutions. So many of the initiatives New York has launched had their origins in the civil legal service hearings and the work of the Task Force.

The most important among the Task Force's recommendations was to secure funding for civil legal services as part of the judiciary budget. The prior unreliable patchwork of revenue sources was not enough to address the need - - federal revenue streams, private contributions that went up and down with the economy, legislative member

items, and pay as you go court fees left a trail of disappointment and unpredictability for legal service providers. Steady and substantial funding by state government is fundamental to providing civil legal services for the poor. Through the hearing testimony and the work of the Task Force, we were able to demonstrate to the Legislature and the Governor that funding in the Judiciary budget was critical - - that civil legal services for the poor was as much a priority for our state and society as housing, schools, education, and the other essentials of life. Not only that, we were also able to show that investing in civil legal services made good economic sense and returned money to our State through increased federal support and reduced shelter and social services costs.

Testimony by community leaders, bankers, hospitals and businesses bolstered our arguments and made a counter-intuitive case for civil legal services funding as an antidote for the poor economy. For every dollar invested in legal services for the poor, we were able to demonstrate that $5 to $6 were returned to the state - - meaning hundreds of millions of dollars for the state economy. Securing that funding in our budget was not easy. At the same time that we received $27.5 in legal services funding by the state in the judiciary budget, in 2011, we saw our overall court operating budget reduced by $170 million, forcing the courts to lay off hundreds of employees, institute court closing times of 4:30, and eliminate a range of important programs. Yet, legislators understood that it was not enough to keep our courthouse doors open if we didn't have equal justice for all inside those doors. It was important to us to make clear to our partners in government that the New York courts stood for something - - equal justice and meaningful access to the courts for all - - and that those were paramount considerations for our branch of government.

Since that time, funding for civil legal services has grown and grown. The second

year, the Judiciary budget included a total of $40 million for civil legal services; the year after that, it increased to $55 million and, this year, we have requested $70 million - - and we started from zero! Public funding for legal services has been critical in New York in our efforts to close what we call the justice gap - - the huge gulf between the finite legal resources available and the dire need for legal services for the poor and people of limited means. Such funding from the public fisc is and must be a fundamental pillar of any state's efforts to promote access to justice. It has been a catalyst for us in New York, sparking numerous other new approaches to the problem, many of which I will discuss tonight including: efforts to spur pro bono work by the bar, the use of aspiring lawyers to provide legal assistance to those most in need, harnessing the legal talents of baby boomers and corporate counsel, and exploring new, creative methods of delivering legal services including the use of non-lawyers to provide assistance in and outside of the courtroom. Ours is an analytical, multifaceted, incremental approach to closing the justice gap in our state, built around the leverage and credibility that the Judiciary and its leadership have, and utilizing all of the financial and programmatic resources available to the Judicial branch - - along with the great talents and energy of our partners in the legal profession, academia, and the legal services communities.

New York's judicial leadership has by no means been alone in working to address the crisis in civil legal services for the poor, whether through public funding or otherwise. Momentum has been building around the country. The Conference of Chief Justices and the Conference of State Court Administrators has urged the nation’s top judges “to take a leadership role in their respective jurisdictions to prevent denials of access to justice."

To be sure, some may not view the role of Chief Justices so expansively and instead

see their primary responsibility as limited to the adjudication of the very important legal issues and cases that come before our state high courts. But, as indispensable as that role is, being pro-active in ensuring access to justice for all is our very reason for being. Without strong judicial leadership on fundamental issues of fairness in the courts and a forceful explanation of why that's needed, the public cannot and will not understand that the justice system matters and is critical to each and every one of them in their daily lives. An ever increasing number of my colleagues around the country know this to be the case, and are moving equal justice forward each and every day.

Texas, under the leadership of its Chief Justice, negotiated an increase in IOLTA interest rates from banks to rescue that program financing legal service providers in the state. Last year, Connecticut's Chief Judge brokered an agreement with large corporate sponsors to hire recent law school graduates as fellows to do pro bono work through the LawyerCorps Connecticut program. The State of Washington's Supreme Court has approved a new category of low-bono legal technicians to help close the justice gap. Chief Justice Rabner in New Jersey boldly addressed the foreclosure crisis in his state that has so impacted consumers and people of limited means, while the Delaware Judiciary has focused heavily on addressing language interpretation issues that have barred access to the courts for so many. Montana is adopting a variation of New York's 50 hour law student pro bono rule, and California is experimenting with civil Gideon pilots funded with state monies. And in the federal courts, my friend Chief Judge Bob Katzmann has put together a wonderful program to provide legal representation to those most in need in immigration cases, that so affects the lives of human beings and their families. And, on and on - - the examples of judicial leadership addressing the crisis in legal services for the poor abound.

We get it - - access to the courts is a central ethical and constitutional responsibility of the Judiciary. If not us, who? But, the Judiciary and the legal service providers that we support financially and otherwise need the support of the broader legal community if we are ever to close the justice gap.

It is the most basic responsibility of members of the legal profession to play a central role in the struggle for equal justice. Historically, lawyers in this country have placed a commitment to clients and to public service above their own financial self-interest. Our canons of ethics and our licensing requirements reflect the idea that the legal profession is a noble one, where the protection of the rule of law and the good of society must matter more than profit. Now believe me: I have nothing against the profit motive in business and law. That motive is the powerful engine of our economic growth. But we ask more of lawyers, and we should. The American Bar Association has long maintained that "Every lawyer, [regardless of professional prominence or work load,] has a professional responsibility to provide legal services to those unable to pay." New York's Rules of Professional Responsibility echo the ABA's. Under New York's rule, "Lawyers are strongly encouraged to provide pro bono legal services to benefit poor persons," "as our society has become one in which rights and responsibilities are increasingly defined in legal terms."

While we know that many lawyers in New York give generously of their time to help the less fortunate, we haven't been able to reliably measure the magnitude of their efforts. Until recently, we had no way to assess with any confidence the efficacy of past and future policy prescriptions. However, last year, the Administrative Board of the Courts, the court system's policy-making body, enacted a mandatory reporting requirement for pro bono service. Seven other states also have instituted the mandatory reporting of pro bono hours.

Those states have seen significant increases in the number of volunteer pro bono hours contributed by lawyers since instituting mandatory reporting. In New York, the new rule requires attorneys to report the number of pro bono hours they performed and the amount of monetary contributions they made to legal services providers as part of their biennial attorney registration process. The demands of the rule are modest and relatively non-intrusive. The rule calls only for approximate hours of service and financial contributions by major, non-specific categories. It focuses solely on services and contributions that benefit poor and underserved clients. The rule does not require disclosure of particular clients or entities served or the targets of aid.

Despite the common sense value of the rule in providing much needed data that will help shape our access to justice strategies going forward, not all members of the bar have embraced it. Many in the bar fear mandatory reporting as a prelude to mandatory pro bono for all lawyers, which would essentially be the imposition of a public service requirement for members of the Bar - - a much-dreaded contingency for many lawyers, given the demands of the modern-day practice of law.

All this, I think, is part of any robust debate over a challenging issue. For as you know, there is nothing new in this controversy. The means and ends of pro bono service by lawyers has been a topic of sharp debate for decades. I recently re-read the 1990 Final Report of the Committee to Improve the Availability of Legal Services in New York, established by Chief Judge Sol Wachtler and skillfully led by the Hon. Victor Marrero, with its recitation of the dire consequences of unmet legal needs of the poor, and its recommendation of a public service requirement for good standing in the New York bar of 40 hours of pro bono work every two years. Following a strong commitment by the State

Bar to mobilize attorneys to meet that need, that recommendation was held in abeyance. Despite the Association's dedicated efforts, the results of that campaign (as reported by the Chief Judge's Pro Bono Review Committee in April 1994) were disappointing; more than half of the members of the New York Bar indicated at that time that they did not engage in providing pro bono legal services of any kind; only twenty-one percent of members of the Bar met or exceeded the 20-hour annual standard proposed by the Committee.

The urgent need for those services has not diminished in the last two decades. The recent reports of the Chief Judge's Task Force on Civil Legal Services, as well as the public hearings on the subject that the Unified Court System and the State Bar have conducted since 2011, provide vital testament that millions of New Yorkers annually face legal process without an attorney, over the most fundamental issues of life especially following the 2008 recession. This has led, both within and outside the legal community, to renewed calls by some for the implementation of a public service requirement.

While, for me and others focused on the justice gap, there is an undeniable visceral attraction to a public service requirement, its imposition is in no way a given. In fact, as I have often said, my own inclination for New York has been not to go there. Living up to the ideals of our profession should be a matter of principle and duty, not a mandatory requirement, and there are logistical, economic and geographic issues that raise warning signals that have informed our more incremental, deliberative approach to a crisis we know the entire legal profession must address. But, I believe that a public service requirement for lawyers is worth discussing among a host of other options to help close the gap that deprives so many of the most disadvantaged of meaningful access to justice. To state the obvious, we need to understand the success or failure of the efforts we are presently

making before we foreclose that option in the regulation of the profession. And how can we not at least ponder about this issue. Let me frame it this way: There are over 160,000 admitted attorneys in New York. If we had a 50-hour public service requirement, the ABA and New York's current aspirational goal, we could generate over 8 million hours of pro bono legal work for the most vulnerable in our society - desperately in need of legal assistance to just obtain the very fundamentals of life that we all should be entitled to. Could that massive level of assistance be anything other than a spectacular accomplishment for our profession and our state, even if it inconveniences us or marginally hurts our bottom lines.

The Judiciary's role as a legal regulator is to protect the public interest, the integrity of our profession, and public trust and confidence in what we do, rather than our own parochial or economic interest. The bar has nothing to fear from a discussion of how we best meet our responsibilities as members of a noble profession. Certainly, the Judiciary cannot and will not shrink from its responsibility to lead that dialogue as to where we go from here in addressing the crisis in access to justice that the legal community so critically faces today.

Let's get the data we need to chart our future course, recognizing that the feedback received will tell us a lot about whether our present voluntary approach is sufficient. I don't believe we've yet even imagined, never mind fully explored, the full scope of volunteerism in the provision of legal services to the poor. That being said, we have some wonderful programs in New York that I am very proud of, including the State Bar's Empire State Counsel Program and pro bono initiatives by local bar associations around the state; the court system's lawyer emeritus program, now almost 1,000 lawyers strong, focusing on

baby boomers looking to do meaningful pro bono work to help the poor; the Volunteer Lawyer For a Day Program in Housing Court, developed by Deputy Chief Administrative Judge Fern Fisher, as an alternative pro bono opportunity for lawyers; our volunteer programs in consumer debt cases, family matters, landlord-tenant, matrimonials and uncontested divorces; and numerous court help programs to provide information, technology and assistance to self-represented litigants.

We have accomplished much, and we can do so much more in the future. Looking to that future, there are untapped resources that we must pursue. Earlier this year, we amended our rules to allow pro bono work in New York by in-house counsel who are headquartered in New York, but licensed out-of-state. Until then, out-of-state lawyers were permitted to do legal work only for their employers and could not appear in court unless admitted to our bar or pro hac vice. While their colleagues who were members of the New York bar could engage in company-sponsored pro bono activities, they remained on the sidelines. Out-of-state in-house attorneys often have decades of relevant experience and an array of applicable legal skills. The top lawyers at many corporations including Randy Milch at Verizon, Ellen Rosenthal, and many others were supportive of the change. The result was a rule that is extremely expansive so that in-house attorneys can maximize their potential contributions. In-house attorneys do not need supervision by a New York attorney or an approved legal provider, and they do not need to seek *pro hac vice* admission when pro bono service requires appearance before a tribunal in New York.

There is national recognition that this makes sense. In 2012, the Conference of Chief Judges passed a resolution that supports allowing “non-locally licensed in-house counsel who are permitted to work for their employer to also provide pro bono legal services." New

York and other states that allow in-house counsel to do pro bono work recognize the tremendous reservoir of talent in the corporate community that can and should be mobilized to address the justice gap. I would also note the wonderful work in this regard done by Esther Lardent and the Pro Bono Institute in D.C., which has been so creative working with the corporate world on pro bono initiatives. And, here in New York, we plan to bring our corporate partners together, armed with the new rule, to explore joint pro bono projects among the corporate powerhouses headquartered in our state - - with all the synergistic benefits that would flow from that. Our corporate community - - almost 2 million strong - - is the envy of the business world. We need to harness their legal talents to serve the urgent legal needs of our citizens.

Whether you are an in-house attorney, a commercial practitioner or a tort lawyer, big firm or small, public or private sector, your training and your values are shaped in law school. Building a culture of service in new generations of lawyers has the potential to change our profession for decades to come. With that in mind, New York became the first state in the nation to promulgate a rule requiring law students to complete 50 hours of pro bono service before gaining admission to the New York bar. Performing 50 hours of legal service at the dawn of their legal careers helps to imbue new lawyers with life-long habits, and performing legal work for the poor will give these young people a window into the real world, building empathy and understanding for the less fortunate.

That's why New Jersey, California, and Montana among others are considering similar rules to the one developed in New York with the guidance of a committee headed by my colleague, Senior Associate Judge Victoria Graffeo and Alan Levine of Cooley, LLP. But, the 50-hour service requirement for law students is just one example of the important

role that state judiciaries can have not just in closing the justice gap, but also in shaping the future of legal education as the legal profession evolves. The Courts are the gatekeeper for bar admission and set the criteria for licensing. That authority gives the judiciary the potential to effect changes in legal education. And there is obviously a need for change. The job market for lawyers has constricted while the cost of a legal education has soared. Around the country, the legal profession is grappling with an oversupply of new attorneys, many of whom are not prepared or trained for practice. Our college graduates are increasingly turning away from a legal education that may mean crushing debt with dubious job prospects after graduation. First-year enrollment at U.S. law schools is at its lowest level since 1977. Many in the legal community predict that in the next decade, we will see law schools go out of business in the United States, particularly law schools not connected to a university. Something has to give!

Here at NYU, Professor Sam Estreicher - - and others in New York and the rest of the country, including even President Obama - - have suggested doing away entirely with the third year of law school. It is an intriguing idea that we may of necessity turn to if we cannot solve the disconnect between declining enrollments, unnecessary debt burdens, and fewer jobs, as measured against the dire need for practice ready, value driven lawyers who can serve all of our different populations. I would suggest, however, that we have far too much invested in the current three-year structure to decapitate legal education as we know it, overnight. Our law schools, and the in-depth 3 year legal education they have provided, have produced generations in the legal profession that have been instrumental in the most dramatic advances in our society. Let's brainstorm together and rethink all 3 years of law school, and ensure their relevance and responsiveness to the legal profession

and the needs of our communities in the year 2014 - - and not throw the baby out with the bath water, before stopping to think about what we're doing.

I believe the Judiciary is a key player in this process, as we oversee the attorney admission process and as a result have great influence on the curricula of our law schools. The idea for New York's new Pro Bono Scholars Program, that I introduced in New York last month, arises in large measure from the intersection of the need to re-imagine the third year in law school on the one hand and the need for civil legal services to the poor on the other. The program gives law students an incentive to devote their last semester of law school to pro bono work, making a significant contribution to addressing the access to justice gap. During the second semester of their third year, Pro Bono Scholars will do full-time legal work for the poor under the supervision of a legal service provider, law firm, or corporation in partnership with their law school.

In return, Pro Bono Scholars will be permitted, for the first time, to sit for the February bar exam while they're in their third year of law school. Until now, law students in New York could first take the bar exam in July after graduation and in the normal course would not be admitted until the following calendar year. With the Pro Bono Scholars program, law students will be able to radically accelerate the pace by which they enter the legal field as licensed attorneys, being admitted essentially upon graduation.

By placing students under the supervision of practicing lawyers, as well as their law schools, we provide practical experience in the real world for law students, address their debt burdens earlier, and give them a leg up on job opportunities, getting them into the job market more quickly. The Pro Bono Scholars Program will promote a culture of service for all participants and put law schools exactly where they should be - - in the access to justice

business! We're all in the access to justice business, no matter what kind of law we ultimately practice. Justice, pursuing justice is the ultimate goal. The Pro Bono Scholars Program in my view, puts law schools right in the middle of this effort and will be a significant step in buttressing the value of a 3 year legal education.

Beyond the law school years and the pro bono slots we find for participants in the program, we are now working on ensuring that a significant number of our scholars continue on as full-time employees after graduation and admission, by using philanthropic dollars to build the capacity of legal service providers to expand and broaden their workforce. We've attacked the first part of the problem by giving students practical experience and hopefully a life-long interest in serving the unmet legal needs of the poor; now we need to start new lawyers on a career path that furthers the public good, ensuring that there are meaningful jobs for them when they graduate.

The Pro Bono Scholars Program has had a generous and positive reception. But, not every new idea receives a universally, warm welcome - - especially if we think more creatively about ways to solve the justice gap. And that's exactly what we are doing when we venture into areas that seemed off limits in the past. One such area for the New York Judiciary is the work of non-lawyer advocates in our courtrooms to support unrepresented litigants. We know that there are many functions that only a lawyer is qualified to perform. Only lawyers have the education, training, examination standards, and ethical mandates that go hand in hand with full legal representation. But there are people without a law degree who nonetheless are more than capable of assisting unrepresented litigants. At a time when millions of litigants can neither afford to pay a lawyer nor are fortunate enough to have the services of a legal services provider, we need to look to others to step in. This

is already done in the medical profession. There is no substitute for a medical degree, but that community has recognized for many years that people with health care needs can be served in some measure by practitioners with lesser qualifications – like midwives or home health care aides -- providing specified services at lower rates.

While the concept of non-lawyer assistance is not yet widespread in the U.S., there is extensive precedent for it in the common law world. Non-lawyer advisers have an important role in England and Wales. They can accompany litigants to court, provide moral support, help to organize papers, take notes, and quietly give advice on any aspect of the conduct of the case which is being heard. Outside of court, Citizens Advice Bureaus in the UK staffed largely with volunteers provide free, independent, confidential and impartial advice and information on housing, immigration, debt problems, issues with benefits and tax credits, and employment problems – problems that we typically identify as legal ones.

Here at home, non-lawyers who work daily in a particular area often develop expertise and knowledge that equip them to help unrepresented litigants very effectively. Housing Counselors are a perfect example of how people with strong knowledge and skill in a narrow subject area can provide real help. Housing Counselors are funded and regulated by the United States Department of Housing and Urban Development. They provide tools for making informed choices about housing to current and prospective homeowners and renters - - including those involved in foreclosure proceedings or in Housing Court. They have been invaluable to litigants in New York. It is time to capitalize on that kind of knowledge and expand the valuable support that non-lawyer professionals can provide to safeguard due process and access to justice, a dynamic that has been recognized by the United States Supreme Court in the 2011 case of Turner v. Rogers.

Beginning this year, specially trained and supervised non-lawyers, called Navigators, will begin providing ancillary, pro bono assistance to pro se litigants in Housing Court cases in Brooklyn and consumer debt cases in the Bronx. They will provide one-on-one assistance and give information, help litigants access and complete court do-it-yourself forms and assemble documents, and assist in settlement negotiations outside the courtroom. The Navigators will accompany pro se litigants into the courtroom and provide moral support and information. They can respond to factual questions directed to them from the judge, though they may not volunteer information. For unrepresented litigants overwhelmed and intimidated by the process, the help of Navigators will come as a great relief - - especially in the context of today's reality - - 98% of these people are unrepresented. This is shameful!

I'm proud to sponsor these incubator projects, that will help to demonstrate how much non-lawyers can accomplish without crossing the line into practicing law. They can serve a population who cannot hope to pay even modest legal fees. They are in dire need of help, and helping them in no way takes business away from lawyers. And provide that help we must - - even at the sacrifice of our professional mantra that only licensed lawyers can facilitate the legal process. That thinking is outdated and must be changed.

Building on the use of non-lawyers who do not, in a real sense, practice law, we must look at our legal regulatory framework, first, to see if our unauthorized practice of law rules should be modified in view of the crisis in civil legal services and the changing nature of legal assistance needs in society; and, second, to identify if, short of full admission to the bar, there are additional skill sets, separate in concept from our incubator projects, that can be licensed to provide low-bono or less costly services to help those in need of legal

assistance. The high cost of legal services is a real barrier to a growing part of our population gaining access to justice. If lay persons with training in discrete subject areas can dispense legal information or assistance expertly and more cheaply, we should be exploring how best to accomplish that, without diminishing the great legal profession in our state. Fern Schair and Roger Maldonado, the heads of our Committee on Non-lawyers and the Justice Gap, will next take a look at the legal regulatory framework in our state to see if adjustments need to be made to enhance our access to justice efforts.

With all of these changes that I've talked about tonight, we are shifting the landscape for access to justice in New York and around the country. The cumulative effect truly amounts to a revolution, and the Judiciary is and should be at its vanguard - -as we incrementally move closer to a civil Gideon, where we as a society demand that people be represented when the basic necessities of life are at stake. This is what we're supposed to be doing, making equal justice a reality for every single individual, regardless of his or her status in life. We are experiencing that revolution in the way we think about the need for legal services, about society's obligation to the poor, and the ways in which we can fulfill that obligation. State judiciaries are uniquely positioned by our constitutional and societal role to advocate for access to justice and to meet the challenges ahead. We cannot be limited or narrow in defining our role, nor underestimate the impact we can have. By using the Judiciary's authority to regulate the courts and the profession and shape legal education, by developing a record, adopting rules, and focusing on the noble values of our profession, as we promote innovation and change, we can have a dramatic impact on the equal justice paradigm. We, in the Judiciary, are duty bound to change the public dialogue as it relates to legal services for the most needy among us, so that access to justice will no

longer be an afterthought, but rather recognized throughout the country as the fundamental right of every individual in a civilized society. I look forward to working with all of you toward that end.

Thank you.