
THE FUTURE OF PRO BONO IN NEW YORK

VOLUME TWO:

REPORT AND RECOMMENDATIONS
from the
**NEW YORK STATE UNIFIED COURT SYSTEM'S
PRO BONO CONVOCATIONS**

HON. JUDITH S. KAYE
CHIEF JUDGE

HON. JONATHAN LIPPMAN
CHIEF ADMINISTRATIVE JUDGE



NEW YORK STATE UNIFIED COURT SYSTEM

JANUARY 2004

TABLE OF CONTENTS

Executive Summary	iii
I. Introduction	1
II. Recent History of Pro Bono in New York	3
III. Experiences in Other States	7
A. Florida	7
B. Maryland	9
C. Indiana	11
IV. Discrete Task Representation	12
V. Pro Bono Convocations	14
A. Findings of Convocations	15
1. General Findings	15
2. Specific Findings of the Working Groups	16
a. Organizing a Statewide Pro Bono System	16
b. Obstacles to Providing Pro Bono Services	18
c. Facilitating Pro Bono Through Discrete Task Representation	20
VI. Recommendations	22
A. Develop Local Pro Bono Action Plans by Means of Local Pro Bono Action Committees Supported by a Statewide Standing Committee on Pro Bono	22
B. Emphasize the Judiciary’s Leadership Role in Increasing Pro Bono Services ..	26
C. Implement Court-Based Initiatives to Facilitate Court Access for Litigants with Pro Bono Attorneys	26
D. Educate Law Students and Newly-Admitted Attorneys About Pro Bono	27
E. Develop a Methodology for Collecting Data About Pro Bono Services	27
F. Explore the Use of Discrete Task Representation in Litigated Matters by Establishing Pilot Projects Throughout the State	28
VII. Conclusion	28

Appendices

Appendix A	Resolution of the Administrative Board of the Courts
Appendix B	Albany Convocation Program, Keynote Address and Participant List
Appendix C	Buffalo Convocation Program, Keynote Address and Participant List
Appendix D	Geneva Convocation Program, Keynote Address and Participant List
Appendix E	New York City Convocation Program, Keynote Address and Participant List

Executive Summary

The scope and complexity of New York's law and court structure make the assistance of a lawyer critical for obtaining civil justice. New York's one million households living in poverty cannot afford to hire a lawyer; moreover, the amount of free legal help available to them for their civil legal needs is wholly insufficient.

A study of the New York State Bar Association reported that New York's poor households experience an average of 2.37 unmet civil legal needs annually – a total of approximately 2.5 million legal problems for which no lawyer is available. Providing even a minimal amount of legal help for each of these legal problems would require many millions of hours of legal assistance.

How are these additional hours to be provided? Placing emphasis on educational programs and materials for those without a lawyer, while useful, has practical limitations and begs the fundamental unfairness of leaving the poor to fend for themselves in New York's challenging legal arenas. Moreover, while identifying sources of additional public and private funding for civil legal services continues to be essential, those efforts, however successful, are unlikely ever to raise sufficient funds to meet more than a relatively small percentage of the need.

Thus, it is important to consider whether and how New York State lawyers can increase their pro bono activity to serve the legal needs of poor New Yorkers. A statewide survey of the 2002 pro bono activities of the New York Bar found that 46% of New York's lawyers provided some pro bono service for the poor, with 54% providing no such service. Moreover, just 27% provided more than 20 hours of service – the amount recommended by the Administrative Board of the Courts in its 1997 Pro Bono Resolution.

In 2002, the New York State Unified Court System hosted four Pro Bono Convocations to brainstorm issues and develop tangible, feasible ideas and strategies for expanding pro bono service in New York. Judges, Bar leaders and other practicing attorneys, and legal educators from New York and elsewhere were among those participating in the Convocations.

From these Convocations the following **findings** emerged:

- A need exists to increase pro bono services in New York State.
- A formal statewide initiative is necessary and desirable.
- All stakeholders should be involved in the statewide program that is developed to expand pro bono.

- The Judiciary should have a significant role in the statewide program, but local leadership, design, implementation and control are essential for a comprehensive and workable program.
- Pro bono service should be voluntary.

Convocation **recommendations** include the following:

- Local pro bono action committees throughout New York State, supported by a statewide Standing Committee on Pro Bono, should develop local pro bono action plans. The plans should be in place within one year.
- The Judiciary’s leadership role in increasing pro bono service should include, among other things, development of educational, recruitment and recognition programs for attorneys.
- Court-based initiatives should be developed to facilitate court access for litigants with pro bono attorneys.
- Pilot projects should test the efficacy of discrete task (“unbundled”) representation as a way to increase pro bono service.
- Materials for law students and newly admitted attorneys should emphasize pro bono service.
- A methodology should be developed for the ongoing collection of data about pro bono service levels.

Ensuring all New Yorkers access to justice and to the justice system will require commitment, innovation and great effort. The Pro Bono Convocations were designed to generate ideas and potential solutions. The thoughtfulness and hard work of those who attended made the Convocations highly effective for achieving this objective. A more intensive phase lies ahead. The integrity of New York State’s administration of justice demands no less a degree of effectiveness as ideals and concepts are given tangible expression.

I. Introduction

The scope and complexity of New York’s law and court structure make the assistance of a lawyer critical for obtaining civil justice. New York’s one million households living in poverty cannot afford to hire a lawyer; moreover, the amount of free legal help available to them for their civil legal needs is wholly insufficient.¹ The ability to obtain civil justice in New York State has thus become associated with one’s financial status.

A study of the New York State Bar Association reported that New York’s poor households experience an average of 2.37 unmet civil legal needs annually² – a total of approximately 2.5 million legal problems for which no lawyer is available. These unmet needs represent 86% of all civil legal needs of the poor.³ A reasonable estimate is that ten million additional hours of attorney assistance may be required annually to provide New York’s poor with even a bare minimum amount of the legal help that they need.⁴

Who will provide these additional millions of hours of attorney time? The time must be provided; otherwise, New York State must continue to abide the observation that its civil justice system works effectively mainly for people of means. Placing emphasis on programs and materials that provide an elementary degree of legal education and training to those who are without a lawyer, while useful, has practical limitations and begs the fundamental unfairness of

¹ In New York, funding from the two primary funders of civil legal services – the federally-funded Legal Services Corporation (“LSC”) and the Interest on Lawyers Account Fund (“IOLA”) – has decreased by approximately 40% since the early 1990s. While state and local government have sought to address the funding cuts with budget appropriations and earmarked grants, these have not made up for the drastic reductions. For example, an internal Spring 2001 review conducted by The Legal Aid Society of New York City found that the Society turns away six applicants for each one accepted. *See also* Legal Services Project, *Funding Civil Legal Services for the Poor: Report to the Chief Judge*, at 3-4 (May 1998)(“Legal Services Project”).

² New York State Bar Association, *The New York Legal Needs Study 1990* (revised 1993)(“Legal Needs Study”). *See also* *Legal Services Project*, *supra* note 1, at 5-6.

³ *Legal Needs Study*, *supra* note 2, at 157 (finding that only 14% of the civil legal needs of New York’s poor were being met).

⁴ This calculation is based on a minimal average of four hours of legal help for each of the approximately 2.5 million legal problems for which the State Bar found no help available.

leaving the poor to fend for themselves in New York's challenging legal arenas. Identifying sources of additional public and private funding for civil legal services continues to be essential. Yet those efforts, however successful, are unlikely ever to raise sufficient funds to meet more than a relatively small percentage of the need.

Thus, it is important to consider whether and how New York State lawyers can increase their pro bono activity to serve the legal needs of poor New Yorkers.⁵ A statewide survey of the 2002 pro bono activities of the New York Bar found that 46% of New York's lawyers provided some pro bono service for the poor; in other words, 54% provided no such services. Moreover, just 26.5% provided more than 20 hours of service⁶ – the amount recommended by the Administrative Board of the Courts in its 1997 Pro Bono Resolution.⁷

Immediately following the events of September 11th, a surge in pro bono activity occurred of a kind not previously experienced in New York. The post-September 11th pro bono effort to help people affected by the tragedy drew volunteer attorneys from a broad cross-section of the Bar. Many lawyers performed pro bono for the first time. With Bar associations at the helm, a coordinated system was developed that promptly identified legal needs and assigned tasks among lawyers to ensure that services were provided efficiently. A mentoring/facilitator system was established to assist attorneys who had limited experience with the requisite substantive legal areas and with helping people in crisis. This targeted pro bono effort was an

⁵ The New York Bar has a highly-regarded tradition of performing a wide variety of pro bono services, including providing free legal services to charitable and not-for-profit organizations. While these activities significantly contribute to the public good, the goal of the Convocations was to increase the level of pro bono service that directly addresses the specific legal needs of poor individuals and households.

As defined by the Administrative Board of the Courts, pro bono legal services for the poor are: professional services rendered in civil matters, and those criminal matters for which the government is not obliged to provide funds for legal representation, to persons who are financially unable to compensate counsel; activities related to improving the administration of justice by simplifying the legal process for, or increasing the availability and quality of legal services to, poor persons; and professional services to charitable, religious, civil and educational organizations in matters designed predominantly to address the needs of the poor. *Resolution of the Administrative Board of the Courts* (May 1997).

⁶ New York State Unified Court System, *Report on the 2002 Pro Bono Activities of the New York State Bar* (January 2004).

⁷ A copy of the Resolution is attached as Appendix A.

extraordinary success, representing the exemplary public-spiritedness of attorneys and demonstrating how effective a motivated Bar can be.

In 2002, the New York State Unified Court System hosted four Pro Bono Convocations to brainstorm issues and develop tangible, feasible ideas and strategies for expanding pro bono service in New York. This report summarizes the Convocations and their findings. As background, the report first examines New York's recent pro bono history and reviews the experiences of other states in implementing pro bono plans and initiatives. The report then describes the Convocations, with emphasis on the discussions and findings of the Convocation's Working Groups. Finally, the report makes recommendations to be considered for implementation.

II. Recent History of Pro Bono in New York

In the 1980s, the widening gap between the legal needs of the poor and the resources available to meet those needs became dramatically apparent.⁸ To address the matter, former Chief Judge Sol Wachtler appointed the Committee to Improve the Availability of Legal Services (commonly known as the "Marrero Commission") to review the extent of the poor's unmet legal needs and to explore the scope and operation of existing legal services. The Marrero Commission also was charged with devising a plan to increase pro bono services to the poor.

The Committee's report, issued in April 1990, found an enormous unmet need which was causing a crisis in the legal system.⁹ The Committee concluded that existing voluntary pro bono efforts and publicly-funded legal services programs would continue to be insufficient for

⁸ During this time, the New York State Bar Association undertook a study of the unmet legal needs of New York's poor. *See Legal Needs Study, supra* note 2.

⁹ Committee to Improve the Availability of Legal Services, *Final Report to the Chief Judge of the State of New York* (April 1990), *reprinted in* 19 Hofstra L. Rev. 755 (1991). The Marrero Commission relied in large part on the findings of the *Legal Needs Study (supra* note 2), including the findings that only 14% of the civil legal needs of New York's poor were being met and that funding for legal services programs in New York was inadequate to serve more than 4% of those needs.

meeting the legal needs of the poor. The Committee recommended that a mandatory pro bono requirement be adopted in New York for each member of the Bar to perform a minimum of 20 hours a year of qualifying pro bono service or to contribute financially to organizations serving the legal needs of the poor. Qualifying pro bono was defined as:

- legal service rendered in civil matters to persons who cannot afford to pay counsel, or to such persons in criminal matters for which there is no government obligation to provide funds for legal representation;
- activity related to simplifying the legal process for, or increasing the availability and quality of legal services to the poor; and
- legal services provided to charitable, public interest organizations on matters which are designed predominantly to address the needs of the poor.

Chief Judge Wachtler accepted the Committee's findings but deferred decision on its recommendations concerning mandatory pro bono.¹⁰ Believing that voluntary pro bono efforts would be more acceptable than the imposition of a mandatory system, the Chief Judge called upon the Bar to demonstrate that pro bono service could be increased through voluntary efforts.¹¹ To monitor the Bar's pro bono activities, he appointed a Pro Bono Review Committee ("Review Committee") in 1990 to determine the amount and types of pro bono work being done by New York lawyers and the impact of the Bar's renewed voluntary efforts. That committee surveyed New York lawyers about their pro bono work, including the number of hours performed and the reasons for not engaging in pro bono, over a three-year period.

In April 1994, the Review Committee issued its final report. Although there had been

¹⁰ Prior to the Committee's issuance of its final report, the New York State Bar Association issued a report acknowledging the unmet legal needs of the poor but opposing mandatory pro bono as the solution. The State Bar urged the former Chief Judge not to consider any mandatory plan for at least three years, during which time the State Bar would work to stimulate greater voluntary efforts. The report included a "20-Point Activation Plan" that would demonstrate that voluntary pro bono could address the legal needs of the poor as well as, or maybe better, than mandatory pro bono. New York State Bar Association, *Report of the Special Committee to Review the Proposed Plan for Mandatory Pro Bono Service* (October 1989).

¹¹ In deferring a decision on mandatory pro bono, the Chief Judge cautioned the Bar that if voluntary efforts were not successful in increasing pro bono activity, he would seek implementation of the mandatory plan proposed by the Marrero Commission. Hon. Sol Wachtler, *Symposium on Mandatory Pro Bono: Introduction*, 19 Hofstra L. Rev. 739 (1991).

much activity aimed at increasing pro bono¹² between 1990 and 1994, the survey results showed that the percentage of lawyers doing pro bono had remained relatively static during those years, with approximately 48% of New York attorneys providing pro bono services.¹³

In February 1997, the Association of the Bar of the City of New York proposed that New York lawyers be required to report their voluntary pro bono efforts in conjunction with their biennial registrations. The proposal adopted the Marrero Commission's definition of pro bono and suggested that the aspirational goal for any attorney should include a commitment of 20 hours per year or a financial contribution to organizations providing free legal services to the poor.

In May 1997, the Administrative Board of the Courts adopted a resolution urging attorneys to provide 20 hours of pro bono service annually (using the Marrero Commission definition)¹⁴ and to support financially the work of organizations that provide legal services to the poor. A copy of the Pro Bono Resolution is included in every New York attorney's biennial registration materials.¹⁵

Following adoption of the Resolution, the Administrative Board sought to assess the level of pro bono service in New York. It authorized a survey of the 1997 pro bono activities of the New York State Bar. The results of this survey were nearly identical to the earlier results. In

¹² Among the numerous initiatives undertaken were: projects developed by the organized Bar, including creation of the New York State Bar Association's President's Committee on Access to Justice and Department of Pro Bono Affairs; creation of new organizations to connect lawyers with pro bono matters; expansion of existing pro bono programs; increased use of technology to promote pro bono opportunities; implementation of mandatory pro bono at some law schools; and the establishment of the ABA Pro Bono Challenge (an initiative to increase pro bono at large law firms).

¹³ The final report showed that the percentage of New York attorneys providing pro bono services in the years 1990-1993 was as follows: 48.3% in 1990; 49.3% in 1991; and 47.1% in 1993. Pro Bono Review Committee, *Final Report* (April 1994). It is interesting to note that although pro bono service levels remained static during this period, New York experienced a dramatic increase in poverty. In addition, IOLA funding decreased significantly due to a drop in interest rates. *See Legal Needs Study*, *supra* note 2, at vii.

¹⁴ *See supra* note 5.

¹⁵ A copy of the Resolution is attached as Appendix A.

1997, 47% of New York lawyers with a principal place of business or residence in New York State performed qualifying pro bono service.¹⁶ Of those attorneys, 27% reported performing 20 or more hours of pro bono service.

Recognizing the need for greater focus by the courts on access to justice issues, the Administrative Board of the Courts created the post of Deputy Chief Administrative Judge for Justice Initiatives in July 1999 and appointed Judge Juanita Bing Newton to the position. Among her responsibilities is the challenge of increasing pro bono service. Soon after her appointment, she recommended amendment of New York's Continuing Legal Education (CLE) rules to allow CLE credit for the performance of pro bono work. In Spring 2000, the CLE Board adopted this proposal, making New York the third state in the nation to grant attorneys CLE credit for pro bono service. Up to six such hours may be earned for performing uncompensated legal services for clients unable to afford counsel.

In September 2001, the Deputy Chief Administrative Judge for Justice Initiatives hosted the first New York State Access to Justice Conference. The purpose of the Conference was to bring together members of the civil justice community, including judges, court administrators, government officials, Bar leaders, academicians and advocates, to exchange ideas and develop partnerships to eliminate barriers to justice. A major area of focus at the Conference was on how to increase pro bono in New York, examining the role of the Judiciary, Bar associations, private attorneys and law schools. The conference provided an opportunity to discuss pro bono initiatives that might be developed in New York, including establishment of a statewide pro bono system, implementation of discrete task representation ("unbundled" legal services)¹⁷ and creation of additional court-based programs.

III. Experiences in Other States

New York's experience in seeking to increase pro bono service to address the legal needs of the poor is not unique. Throughout the United States, advocates for access to justice have

¹⁶ New York State Unified Court System, *Report on the Pro Bono Activities of the New York State Bar* (February 1999).

¹⁷ *See infra*, at 12.

struggled with the issue of ensuring access to justice for all and the role that pro bono plays in that equation. Florida, Maryland and Indiana are three states that have established statewide plans and structures for Judiciary and Bar involvement in the pro bono effort. A brief description of their statewide systems follows.

A. Florida

In 1993, after four years of intense debate on how best to improve and expand the delivery of legal services to the poor, the Florida Supreme Court adopted a rule that created a statewide voluntary pro bono plan with a mandatory reporting requirement. Under Florida's rule,¹⁸ each of the twenty judicial circuits is required to establish a Circuit Committee, composed of the chief circuit judge or his/her designee and representatives of Bar associations, pro bono and legal services providers, the public and the client community.¹⁹ The Circuit Committees are responsible for assessment of the legal needs, and the availability of services to meet those needs, within each circuit. Pursuant to the rule, the Circuit Committees are required to establish plans for their respective legal communities to address the unmet needs through pro bono service and to promote participation in pro bono legal services. Each circuit must prepare an annual written report that is submitted to a statewide Standing Committee on Pro Bono Legal Services,²⁰ which is responsible for reviewing and evaluating the Circuit Committees' pro bono plans and reports.

In addition to establishing the statewide structures, the rule requires that attorneys report

¹⁸ Fla. Bar R. Prof. Cond. 4-6.5(c).

¹⁹ Pursuant to the rule, the chief circuit judge or designee appoints the Circuit Committee and the committee appoints its chair. *Id.*

²⁰ Fla. Bar R. Prof. Cond. 4-6.5(b). The president-elect of the Florida Bar appoints the members of the Standing Committee as indicated in the rule. *Id.*

their voluntary pro bono activity annually.²¹ Failure to report the information constitutes a disciplinary offense under the rules.²² Following adoption of the rule, there was lengthy and contentious debate over the mandatory reporting requirement. In 1996, the Florida State Bar petitioned the Supreme Court to rescind the rule, arguing that rescission would reduce the “unnecessary hostility” within the Bar and thus increase pro bono activities. In 1997, the Supreme Court denied the Bar’s petition and reaffirmed the importance of mandatory reporting.²³ An unsuccessful federal lawsuit also was brought challenging the constitutionality of the pro bono rule.²⁴

The Florida system has been successful in bringing about significant increases in pro bono activities as can be seen in the following chart comparing the 1994-1995 base year data with 1999-2000 data:²⁵

²¹ Fla. Bar R. Prof. Cond. 4-6.1(d). In adopting the rules, the Florida Supreme Court recognized the necessity of reporting: “We believe that accurate reporting is essential for evaluating this program and for determining what services are being provided under the program. This, in turn, will allow us to determine the areas in which the legal needs of the poor are or are not being met.” *In re Amendments to Rules Regulating the Florida Bar–1-3.1(a) and Rules of Judicial Administration–2.065* (Legal Aid), 630 So.2d 501, 502-503 (Fla. 1993).

²² Fla. Bar R. Prof. Cond. 4-6.1(d).

²³ *In re Amendments to Rule 4-6.1 of the Rules Regulating the Florida Bar–Pro Bono Publico Service*, 696 So.2d 734 (Fla. 1997).

²⁴ *Schwarz v Kogan*, 132 F.2d 1387 (11th Cir. 1998), *cert. denied*, 524 U.S. 954 (1998).

²⁵ The Standing Committee on Pro Bono Legal Services, *Report to the Supreme Court of Florida, the Florida Bar, and the Florida Bar Foundation on the Voluntary Pro Bono Attorney Plan* (December 2001).

	1994-1995	1999-2000	% Change
Members Providing Services	22,283	26,897	21%
Hours of Service	561,352	1,146,502	104%
Contributors	3,608	6,230	73%
Amount of Contributions	\$876,837	\$1,642,033	87%
Lawyers in Firm Plans*	823	1,120	36%
Hours of Service in Firm Plans*	19,698	84,483	329%

* Data are for calendar years 1994 and 2000.

B. Maryland

In February 2002, Maryland also adopted a voluntary pro bono plan with mandatory reporting. Previously, Maryland had rejected a mandatory pro bono proposal and adopted a voluntary recruitment plan.²⁶ While voluntary efforts initially were successful, in the late 1990s the pro bono commitment throughout the state diminished. Recognizing the need for strong and visible leadership by the Judiciary in this area, the Chief Judge appointed the Maryland Judicial Commission on Pro Bono in 1998 to investigate and make recommendations about the role the Judiciary can and should play in expanding pro bono service in Maryland.

Guided by the Commission's recommendations,²⁷ the Maryland Court of Appeals voted to revise the Maryland Rules of Professional Conduct to encourage attorneys to render at least 50 hours of pro bono service each year, with a substantial portion of those hours devoted to helping the poor.²⁸ A related rule established local county Pro Bono Committees, to be composed of the Public Defender, members of the Bar (selected by the president of the county bar association), representatives from legal services and pro bono organizations, and members of the general public (the latter two groups selected by the County Administrative Judge and District

²⁶ Maryland adopted voluntary reporting in 1994. However, in any given year, fewer than 7% of licensed attorneys reported their pro bono services.

²⁷ The Maryland Judicial Commission on Pro Bono, *Report and Recommendations* (March 2000).

²⁸ Md. R. Prof. Cond. 6.1. The rule change was effective July 1, 2002.

Administrative Judge).²⁹ The Pro Bono Committees are responsible for assessment of the legal needs, and the availability of services to meet those needs, within each county. Pursuant to the rule, the Pro Bono Committees are required to establish plans for their respective legal communities, as well as to establish goals and priorities for pro bono legal services. Annually, each Pro Bono Committee must prepare a written submission to the statewide Standing Committee of the Court of Appeals on Pro Bono Services³⁰, which is responsible for overseeing the work of the Pro Bono Committees as well as developing a state pro bono action plan.

Maryland's rules also mandate pro bono reporting by attorneys. Under the reporting requirement, every Maryland attorney must submit an annual pro bono report describing the nature of his or her pro bono service.³¹ In the event of noncompliance, the attorney is subject to a decertification order prohibiting the attorney from practicing law in the state. In making its recommendation for mandatory reporting, the Maryland Judicial Commission recognized that a required reporting system was needed to obtain complete and accurate information about the rendering of pro bono services in the state.³² The collected data would be used by the statewide Standing Committee to monitor the amount of pro bono service being performed by lawyers and the success of pro bono projects.

Maryland's system is too new to assess results.

²⁹ Md. R. Pro. 16-902. Pursuant to the rule, the Pro Bono Committees select their chairs. *Id.* The Maryland Judicial Commission on Pro Bono proposed that judges be included as members of the local Pro Bono Committees. This recommendation was not adopted in the final rule.

³⁰ Md. R. Pro. 16-901. The Standing Committee, appointed by the Court of Appeals, consists of 13 members: eight members of the Bar; two judges; the Public Defender; a representative of a legal services organization; and a member of the public.

³¹ Md. R. Pro. 16-903.

³² *Report and Recommendations*, *supra* note 27, at 59.

C. Indiana

In 1997, the Indiana Supreme Court adopted a rule establishing a voluntary pro bono plan. Under Indiana's rules, lawyers are encouraged to render free or reduced fee services to persons of limited means or public service or charitable organizations, and to financially support organizations that provide legal services to persons of limited means.³³ To ensure that this obligation is met, the Supreme Court adopted a rule establishing the Indiana Pro Bono Commission and the framework for 14 district Pro Bono Committees.³⁴

The Pro Bono Commission is a partnership of the Indiana Bar Foundation and the Supreme Court. It consists of 21 members – 11 appointed by the Supreme Court and 10 appointed by the Bar Foundation – and has overall responsibility and authority for management of the voluntary pro bono plan, including supervision of the district pro bono committees. The primary responsibility of the Pro Bono Commission is to evaluate the district plans and allocate IOLTA funds (through the Bar Foundation) to the local committees for implementation of their plans.³⁵ Through 2003, the Pro Bono Commission has provided funding of \$1.3 million to the 14 district committees.

The 14 district Pro Bono Committees are each chaired by a local trial judge who is responsible for appointing the committee consisting of local bar leaders, law school representatives, judges and individuals who have benefitted from pro bono. The Pro Bono Committees are required to develop pro bono plans that address how legal needs in their community will be met. In order to carry out this responsibility, the Pro Bono Committees monitor the pro bono activity of local attorneys and the gaps in the provision of legal services.

³³ Ind. R. Prof. Cond. 6.1.

³⁴ Ind. R. Prof. Cond. 6.5.

³⁵ Ind. R. Prof. Cond. 1.15(d)(8) provides that IOLTA funds shall be used, among other purposes, to assist or establish approved pro bono programs pursuant to Ind. R. Prof. Cond. 6.5.

Given the relatively short history of Indiana's pro bono plan, data on changes in pro bono service levels are not yet available. However, reports from the district committees indicate that the number of attorneys working toward developing pro bono resources in Indiana has increased.³⁶

IV. Discrete Task Representation

Many states and Bar associations are studying the concept of "discrete task representation" or "unbundled services" as an alternative to traditional full-service representation in order to attract attorneys who might not otherwise undertake pro bono due to limitations on time and resources. Under an unbundled model of representation, the attorney and client agree that the scope of legal services to be performed will be limited to defined tasks, with the remaining tasks to be performed by the client. For example, the client could decide to self-represent in court but retain an attorney to review completed papers and provide advice and research on the law.

Although the concept of unbundled services is often advanced as new, the practice has been used for years in certain areas of the law, particularly in non-litigation areas such as estate planning and certain aspects of business law. Attention is now being focused on how unbundling can be applied in the litigation setting. In February 2002, the American Bar Association House of Delegates adopted changes to the Model Rules of Professional Conduct which aim to clarify and encourage the use of unbundled legal services.³⁷ Many states have followed the ABA's lead, examining how their rules and statutes might be modified to permit

³⁶ Indiana Pro Bono Commission, *Annual Report 2002* (available on the web at www.in.gov/judiciary/probono/attorneys/reports/an-rept-2002.pdf).

³⁷ See ABA Model Rules of Professional Conduct 1.2(c)(amended Feb. 5, 2002), 6.5 (added Feb. 5, 2002) and Comments.

unbundling.³⁸ To date, at least six states – Colorado, Florida, Maine, New Mexico, Washington and Wyoming – have adopted rules governing unbundled legal services.³⁹

In New York, unbundled legal services gradually has been attracting attention. The New York State Bar Association Commission on Providing Access to Legal Services for Middle Income Consumers has been studying the issue of unbundling and recently issued its final report and recommendations.⁴⁰ At the Unified Court System’s Access to Justice Conference, a panel focused on limited representation, discussing how it serves the legal needs of low- and middle-income New Yorkers, and the challenges faced by attorneys and judges in the unbundled environment.

In conjunction with that panel discussion, Administrative Judge Fern Fisher of the Civil

³⁸ See, e.g., California Commission on Access to Justice Limited Representation Committee, *Report on Limited Scope Legal Assistance with Initial Recommendations* (Oct. 2001)(proposed rules and forms for family law matters which were adopted by the California Judicial Council in April 2003); *In re Proposed Amendments to the Rules Regulating the Florida Bar (Unbundled Legal Services)*, No. SC02-2035 (August 2002)(decided November 13, 2003).

³⁹ See, e.g., Colo. R. Civ. P. 11(b) and 311; Colo. R. Prof. Cond. 1.2; Me. Bar R. 3.4(i), 3.4(j), 3.5(a)(4), 3.6(a)(2) and 3.6(f); Me. R. Civ. Pro. 5(b) and 11; Fla. Fam. L. R. P. 12.040; Fla. Bar. R. Prof. Cond. 4-1.2; N.M. Prof. Cond. R. 16-102, 16-103; Wash. R. Prof. Cond. 1.2(c), 4.2, 4.3 and 6.5; and Wyo. R. Prof. Cond. 1.2. See also Ca. R. Ct. 5.170, 5.171; Ca. Judicial Council Forms FL-950 (Notice of Limited Scope Representation form for use in family law proceedings); FL-955, FL-956 and FL-958 (forms for attorney withdrawal upon completion of limited scope representation in family law proceedings).

⁴⁰ New York State Bar Association Commission on Providing Access to Legal Services for Middle Income Consumers, *Final Report and Recommendations on “Unbundled” Legal Services* (Feb. 2003). The Commission’s recommendations include: prohibiting limited appearances in litigated matters as a general rule; permitting lawyers to prepare or help self-represented litigants to prepare court papers, without entering an appearance in the case; amending the Code of Professional Responsibility to include a new ethical consideration which states that discrete task representation is permissible for non-litigated matters; and establishing special conflict of interest rules for lawyers providing discrete task representation through a non-profit or court-annexed legal services program. It is important to note that while the Commission recommended that limited appearances in litigated matters not be permitted, it did recommend that the New York State Bar Association support use of limited appearances by specific court-annexed or non-profit legal services programs “that are structured to accommodate an appearance limited in tasks and objectives.” *Id.* at 7-8.

Court of the City of New York co-authored a law review article urging that unbundled legal services be adopted in New York and recommending how that could be accomplished.⁴¹

Specifically, the article recommends:

- amending CPLR 321(b) to permit limited appearances by an attorney;
- amending the Code of Professional Responsibility to clarify the ethical requirements for discrete task representation;
- permitting attorneys to prepare court documents (“ghostwriting”) but requiring disclosure to the court of such assistance; and
- amending Rule 130 of the New York Code of Rules and Regulations to allow for limited representation signature certification by an attorney.

V. Pro Bono Convocations

In order to build upon the positive outcomes from the court system’s Access to Justice Conference and in light of the outpouring of enthusiasm for pro bono following the events of September 11th, the court system hosted four Pro Bono Convocations around the State in 2002.⁴² These Convocations were designed to bring together the various segments of the Bar for their best thinking on pro bono, looking towards development of a concrete plan for New York. Accordingly, the Convocations were designed as working meetings, kicking off with a brief plenary session for background and then breaking into small working group sessions for intensive discussion and brainstorming on three major pro bono issues:

- Should New York have an organized statewide pro bono system and, if so, what should it look like?;
- What are the obstacles to implementing a statewide system in New York and how can they be overcome?;

⁴¹ Hon. Fern Fisher-Brandveen and Rochelle Klempner, *Unbundled Legal Services: Untying the Bundle in New York State*, 29 Fordham Urb. L.J. 1107 (2002).

⁴² The Convocations were held as follows: June 20, 2002 at Fordham University School of Law in New York City; October 15, 2002 at the University at Buffalo Law School; October 25, 2002 at Albany Law School; and November 8, 2002 at the Ramada Inn Geneva Lakefront in Geneva.

- What role does discrete task representation⁴³ play in expanding pro bono and how can it be implemented in New York?

At the conclusion of the Working Group Sessions, the participants again met in a plenary session to present and discuss the tangible ideas and strategies developed throughout the day.

Participants also were provided an opportunity to submit in writing further thoughts and recommendations for expanding pro bono service in the State.⁴⁴

To ensure enlightened discussion at the Convocations, participants were provided resource materials prior to the events, including a Background Paper on Pro Bono which outlined major initiatives and models for advancing pro bono. The resource materials also were posted on the Unified Court System's web site along with other relevant information about the Convocations.

A. Findings of Convocations

The Convocations produced thoughtful debate and discussion about what is feasible for increasing pro bono in New York State. Summarized below are the findings.

1. General Findings

- A need exists to increase pro bono services in New York State.
- A formal statewide program for pro bono is necessary and desirable.
- All stakeholders should be involved in the statewide program.
- The Judiciary should have a significant role in the statewide program, but local leadership, design, implementation and control are essential for a comprehensive and workable program.
- Pro bono services should be voluntary.

⁴³ *See supra*, at 12.

⁴⁴ *See* Appendices B-E for details of the Convocations, including the programs, texts of the Keynote Addresses and lists of participants.

2. Specific Findings of the Working Groups

a. Organizing a Statewide Pro Bono System

The Convocations provided an opportunity for extensive discussion about whether a formal statewide pro bono system should be considered for New York and, if so, what the system should look like. The clear consensus was that such a system had good potential for increasing the amount, scope and quality of pro bono, although important concerns were raised. These included whether participation in the system would be voluntary, whether initiatives would be locally designed and controlled, and whether existing programs would be able to continue to operate and coordinate effectively with a new statewide pro bono structure.

Convocation participants recommended a two-tiered structure consisting of local pro bono action committees supported by a statewide standing committee. The participants viewed the local committees as multi-functional, with responsibilities including assessing local needs, devising appropriate pro bono plans, recruiting attorneys, shaping local culture, providing resources, support and recognition, and ensuring accountability. If resources were available, the local committees also could undertake client screening and the provision of referrals to attorneys. There was no consensus among the participants of how “local” should be defined. Generally, participants believed that county committees were not feasible given the large number of New York counties and variations among Bar associations. There appeared to be support for creating local committees based upon New York’s 12 judicial districts, although some participants felt such a system would place the rural areas at a disadvantage. Other suggestions included modeling the local committee structure on the federal Legal Services Corporation’s seven service areas.⁴⁵

With regard to composition of the committees, participants stressed the need for committees to be of workable size, with a suggestion that there should be no more than 12-15 members. Participants believed membership should include the Judiciary, legal service providers,

⁴⁵ Following implementation of New York State’s Reconfiguration Plan, there will be seven Legal Services Corporation service areas in the State: Long Island Region; New York City Region; Hudson Valley Region; Northeast Region; Central Region; Buffalo/Niagara Region; and Finger Lakes/Southern Tier Region.

pro bono coordinators, local bar associations, the State Bar Association and law schools. There was some concern about judicial involvement, *i.e.*, whether judges were ethically barred from committee's activities and whether judicial involvement would hinder rather than promote committee work. Some participants emphasized the importance of membership by the Administrative Judge of each judicial district. Other suggestions for committee membership included pro bono clients, consumer groups, religious leaders and members of the business community. There appeared to be consensus that each stakeholder group should have the right to nominate a member to the committee.

There was less consensus concerning the statewide entity. While many saw the practical benefits of such an entity, others feared that it could lead to centralized control and a loss of independence for the local committees. Participants saw the statewide entity as being largely responsible for backup, support and training. In addition, it would address statewide issues, such as analyzing legal needs and the plans developed to address those needs, identifying gaps in funding and providing funding to fill the gaps, promoting pro bono through message and media campaigns, developing uniform practice procedures, seeking simplification of laws and procedures, and ensuring balance between New York City and the rest of the State. While some suggested that one or two designated individuals could perform these roles, others felt a committee was more appropriate and necessary. There was no consensus regarding the committee's makeup but participants made clear that the committee had to be geographically diverse, and not dominated by the Office of Court Administration or the State Bar Association. A few participants suggested that the statewide entity be composed of the chairs of the local pro bono committees, but concerns also were raised about this proposal.

The participants discussed how the local committees and statewide entity would report progress and activity. While the participants recognized the value of collecting data to monitor progress and secure funding,⁴⁶ there was deep division about individual reporting by attorneys.

⁴⁶ Data to be collected would include: amount of hours of pro bono performed; number of cases in which pro bono was performed; types of cases in which pro bono was performed; how cases were taken (*i.e.*, through individual or organizational referral); and the dollar amount contributed in lieu of pro bono service.

At the New York City Convocation, the Working Group participants favored mandatory reporting of pro bono as a means both to collect data and to increase the visibility of pro bono. Outside New York City, participants opposed mandatory reporting and recommended that the local committees collect data on the services being performed.

The participants saw numerous obstacles to implementing a statewide system. These included lack of funding for administrative support and client services, fear of mandatory pro bono, lack of trust among stakeholders and existence of geographic differences around the State. For the most part, participants thought these obstacles could be overcome, particularly with the leadership and support of the Judiciary. With regard to funding, there appeared to be a consensus that the Office of Court Administration should provide funding to support a statewide pro bono system.

b. Obstacles to Providing Pro Bono Services

The Convocations provided participants an opportunity for frank discussion of the obstacles that would hinder development and implementation of a statewide pro bono system. Overall, there was a general consensus regarding the numerous obstacles and how they can be overcome.

The participants first discussed the components of an ideal pro bono system. The participants generally agreed that an ideal pro bono system should be locally based and involve all stakeholders working collaboratively and in partnerships to meet the assessed unmet legal needs of the community. An ideal pro bono system would require that an infrastructure be established to: provide funding and resources, training and support, and evaluation and monitoring; serve as a central clearinghouse for clients and attorneys; and promote pro bono and the good work of attorneys who undertake it. It is interesting to note that data collection and reporting were deemed essential components – to ensure greater publicity and recognition for attorneys.⁴⁷ The ideal system also would create incentives and rewards for attorneys who perform pro bono.

⁴⁷ Many participants supported the use of technology (such as electronic reporting) to facilitate the collection of data.

Discussion then turned to the obstacles that would hinder the development and implementation of a statewide pro bono system. The chart that follows summarizes the discussions.

OBSTACLES	POSSIBLE SOLUTIONS
Lack of Knowledge/Misconceptions about Pro Bono	<ul style="list-style-type: none"> • Law schools should educate students about pro bono • Mandatory pro bono for students and/or law professors • Pro bono requirement incorporated into law school accrediting requirements • Include information on pro bono in admissions process and swearing-in ceremony • Include pro bono statement on bar admittance form • Include pro bono hypothetical/question on bar exam • Develop campaign to promote the Resolution of the Administrative Board of the Courts
Insufficiency of Volunteers	<ul style="list-style-type: none"> • Create an ethic of participation • Increase judicial support/encouragement • Encourage judges and law professors to be part of the pro bono system • Involve government attorneys • Instill pro bono ethic into daily work of law firms • Develop programs that match needs with interests • Tap into unique skills of attorneys that transcend substantive practice areas
Lack of Expertise	<ul style="list-style-type: none"> • Provide training and mentoring • Partnering with legal services providers • Assign cases within area of expertise • Develop infrastructure to match attorneys and clients, and to support volunteers with needs
Lack of Time	<ul style="list-style-type: none"> • Mechanism for responsible bail-out (return case to provider; have mentors/partners) • Pro bono-friendly court calendars • Pro bono as alternative to bar exam for attorneys who are already admitted • Develop brief advice programs • Implement rules for “unbundled” legal services in the litigation context
Lack of Incentives	<ul style="list-style-type: none"> • Increase CLE credits for pro bono service • Provide tax deduction for pro bono • Provide loan forgiveness or NY tax credit • Hold recognition ceremonies and media campaigns
Lack of Leadership	<ul style="list-style-type: none"> • Courts, law firms and bar associations need to be more involved • Define roles of each stakeholder • Increase judicial involvement, support and encouragement

Lack of Infrastructure/Collaboration	<ul style="list-style-type: none"> • Pro bono is part of a larger delivery system, needs to be tied to staff-based legal services programs • Create a clearinghouse/repository that provides information and resources and a referral mechanism • Partnerships between the courts, bar associations, law schools and legal services providers
OBSTACLES	POSSIBLE SOLUTIONS
Lack of Funding/Resources	<ul style="list-style-type: none"> • Find new private and public funding sources • Explore court system funding for administrative costs and outlays by client • Supplement or replace IOLA funds previously awarded to pro bono legal services • Develop technology for greater efficiencies • Develop collaborations for sharing resources
Lack of Liability/Malpractice Insurance	<ul style="list-style-type: none"> • Inform attorneys of availability • Provide through local pro bono committees
Definition of Pro Bono	<ul style="list-style-type: none"> • Broaden definition to include low- and middle-income individuals • Read current definition more creatively

The participants also discussed which stakeholders are responsible for overcoming the obstacles. There was consensus that all stakeholders had a role to play as the obstacles were not discrete but involved every aspect of the civil justice community. In addition, some participants recognized that the obligation goes beyond the justice community and extends to the executive and legislative branches, as well as other institutions, such as the media, as the crisis in accessing justice is a societal matter.

c. Facilitating Pro Bono Through Discrete Task Representation

In the third Working Group session, participants explored the role of discrete task representation (“unbundled” legal services)⁴⁸ in increasing pro bono services. These sessions were lively, with participants having strong sentiments concerning the appropriateness or inappropriateness of discrete task representation in litigated matters. While there appeared to be a consensus about the usefulness of unbundling in some limited circumstances, many of the

⁴⁸ For a discussion of discrete task representation or “unbundled” legal services, *see supra*, at 12.

participants were concerned about how unbundling would actually operate and whether the negatives of unbundling outweighed the positives. There appeared to be more support for unbundling from legal services providers and New York City participants. Reservations were voiced by the Judiciary and court personnel from outside New York City, and from attorneys in rural areas.

During the session, the participants first discussed the limited services that attorneys routinely perform. There was consensus that attorneys routinely perform discrete tasks, such as gathering facts, providing legal information and advice, performing legal research, drafting documents, negotiating, mediating and providing supportive services/follow-up. However, when the discussion turned to these tasks within the litigation context, some participants questioned the appropriateness of performing them without full representation. Some suggested that unbundling in a litigated matter should be limited to providing advice only.

To fully explore whether unbundling is ever appropriate in litigated matters, the participants then focused on the types of cases where unbundling might be applied. Generally, there was consensus that discrete task representation would be most appropriate in the following types of cases: landlord and tenant; foreclosure (advice and negotiation); child support; custody and visitation; matrimonial; bankruptcy (drafting the petition); consumer; and small estate administration. But even in these types of cases, the participants stressed that the appropriateness of unbundling had to be determined on a case-by-case basis, giving consideration to the case's complexity and whether it was contested or not. Accordingly, at the New York City Convocation, the participants suggested that unbundling be accomplished using a "facilitator" or team model. Cases would be screened by experts in the substantive areas to determine the type of representation needed and, after assessment, referred for either full or limited representation. Under such a model, the facilitator would remain involved in the unbundled case and provide guidance and resources, such as mentors, as necessary.

Even in the most ideal situation, participants saw obstacles in implementing limited representation in New York. In particular, concerns were raised about the unfamiliarity of attorneys and judges regarding unbundling. Many participants were not convinced that attorneys would more

readily perform pro bono under an unbundled system because it is contrary to their training. They believed that attorneys would be unwilling to step into a case after a litigant has appeared pro se or where work was done by another attorney, and for fear of not being able to step out of it. Concerns about malpractice and ethics also were repeatedly voiced.

Some of the judges in the Working Group session were averse to unbundling in litigated matters. They voiced concern that unbundling would require judges to serve as advocate rather than neutral fact-finder when the “unbundled” attorney was not before the court. This view was countered by some judges who believed that unbundling does not change the role of the judge. Rather, they opined, it is consistent with a judge’s obligation to make inquiry, particularly when a matter involves a self-represented litigant.

Generally, the participants thought that certain obstacles to discrete task representation could be overcome if the CPLR were amended to allow for limited appearances.⁴⁹ Participants agreed that the education of judges and attorneys about unbundling was essential. They also agreed that providing model forms, including a model Retainer Agreement and Release Form, would facilitate unbundling both for the attorney and the self-represented litigant, and address malpractice and ethics concerns. With regard to malpractice, participants thought it necessary to meet with insurers to educate them about unbundling and, if necessary, to seek statutory changes.

VI. Recommendations

A. Develop Local Pro Bono Action Plans by Means of Local Pro Bono Action Committees Supported by a Statewide Standing Committee on Pro Bono

The experiences of Florida and Indiana support establishing a New York framework for voluntarily increasing pro bono by means of local Pro Bono Action Committees supported by a statewide Standing Committee. The Pro Bono Action Committees would oversee development and implementation of the local pro bono action plans to increase pro bono within their jurisdiction. The plans, which would be completed within one year after formation of the committees, would feature specific goals, targets, actions and timetables.⁵⁰ Among other things, the plans would address local

⁴⁹ There was some discussion about whether limited appearances should only be available to poor litigants or whether it should be available to all litigants.

⁵⁰ It is recommended that the local Pro Bono Action Committees assess the unmet legal needs of the poor within their jurisdictions, quantify the hours of pro bono service that would be necessary to meet those needs and articulate a strategy for increasing pro bono to meet some, if not all, of those needs.

promotion of pro bono; recruitment, training, and support of attorneys for pro bono; incentives and rewards for attorneys performing pro bono; development of an infrastructure to match attorneys with prospective clients; procedures for monitoring assigned matters and the quality of services being provided; and coordination between stakeholders for implementation.

It is recommended that the State be divided into ten local Pro Bono Action Committees. Such a division would permit coverage of the entire State with a rational geographic scheme. The ten local Pro Bono Action Committees would be as follows:

1. New York City (with subcommittees for each borough);
2. Third Judicial District (Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan and Ulster Counties);
3. Fourth Judicial District (Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren and Washington Counties);
4. Fifth Judicial District (Herkimer, Jefferson, Lewis, Oneida, Onondaga and Oswego Counties);
5. Sixth Judicial District (Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga and Tompkins Counties);
6. Seventh Judicial District (Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates Counties);
7. Eighth Judicial District (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming Counties);
8. Ninth Judicial District (Dutchess, Orange, Putnam, Rockland and Westchester Counties);
9. Tenth Judicial District (Nassau County);
10. Tenth Judicial District (Suffolk County).

Convocation participants strongly recommended that the Judiciary should take the leadership role in increasing pro bono. To this end, it is recommended that outside New York City, the local Pro Bono Action Committee members be selected by the respective Administrative Judge of the Judicial District, in consultation with the Presiding Justice of the respective Judicial Department and

local Bar president(s), from the broad base of stakeholders, including trial judges, representatives of local Bar associations, attorneys from government and private practice, representatives of pro bono and civil legal services providers, legal educators, representatives of community groups and individuals who have experienced and benefitted from pro bono.⁵¹ It is further recommended that the committees have joint Judiciary-Bar leadership, with the Administrative Judge of the local Judicial District co-chairing the local Pro Bono Action Committee with a local attorney (preferably a local Bar leader).

Inside New York City, given the court system's administrative structure,⁵² it is recommended that the local Pro Bono Action Committee members be selected by the Deputy Chief Administrative Judge for New York City Courts, in consultation with the Presiding Justices of the First and Second Departments, the local Administrative Judges and the local Bar presidents. It is further recommended that the Judiciary co-chair of the citywide Pro Bono Action Committee be an Administrative Judge of one of the citywide courts. It is anticipated that the New York City Pro Bono Action Committee would operate with five subcommittees, representing each of New York City's boroughs. The members of these important subcommittees, which would be responsible for developing and implementing borough action plans under the direction of the citywide Pro Bono Action Committee, would be chosen by the citywide committee in consultation with local Bar leadership.⁵³

The statewide Standing Committee would provide guidance and support to the local Pro

⁵¹ Having representative committees is a more important objective, on balance, than attempting to limit the size of the committees; issues of size can be handled by using subcommittees to carry out specific work.

⁵² In New York City, there are nine administrative judges: six administrative judges for the Supreme Courts and one administrative judge for each of the three courts of citywide jurisdiction (Civil Court of the City of New York; Criminal Court of the City of New York; and Family Court of the City of New York).

⁵³ Each Administrative Judge whose court or courts have jurisdiction over civil matters has an Access to Justice Team comprised of representatives from the major Access to Justice stakeholder groups. In selecting local Pro Bono Action Committee members, these teams should be consulted to ensure that the committees are representative of the local communities.

Bono Action Committees by studying and reporting on pro bono needs and shortfalls,⁵⁴ promoting pro bono through message and media campaigns, and developing and recommending solutions to obstacles and issues impacting the performance of pro bono (e.g., malpractice insurance). It is recommended that the Standing Committee be composed of no more than 21 members, appointed by the Chief Judge, including: representatives of the New York State Bar Association;⁵⁵ a representative of a statewide Bar association other than the New York State Bar Association; representatives from local Bar associations; appellate and trial level judges;⁵⁶ a representative each from a law school within New York City and outside New York City; the Executive Director or designee of the Interest on Lawyers Account Fund of the State of New York; representatives from pro bono and civil legal services organizations; and a member of the general public.

As previously described in this report, during the decade-long period preceding the Pro Bono Convocations, extensive good-faith study, discussion and promotion of voluntary pro bono activity took place. Despite this, New York's pro bono service levels remained static even in the face of a worsening crisis in the availability of civil legal services for the poor. This period also featured a rejection of mandatory pro bono. The successful coordinated design and implementation of local action plans supported by a statewide Standing Committee, as recommended here, represents a major new approach and initiative for increasing pro bono in New York State.

⁵⁴ As mentioned, the most recent data suggests that approximately half of New York State's lawyers provide pro bono and that the average number of hours provided annually by each lawyer is 41. This data translates very roughly into approximately two million hours of pro bono. Yet at least ten million additional hours of legal help may be needed to address the poor's unmet civil needs. *See supra*, at 1-2. How much of that estimated gap can additional pro bono services reasonably be expected to close? The statewide Standing Committee should carefully examine this issue.

⁵⁵ The representatives of the New York State Bar Association should include a member of the President's Access to Justice Committee and a member of the Pro Bono Coordinator's Network.

⁵⁶ There should be at least one trial level judge from a court of limited jurisdiction.

B. Emphasize the Judiciary’s Leadership Role in Increasing Pro Bono Services

The Judiciary’s leadership and active involvement in pro bono initiatives are essential to increasing such services statewide. The following activities are recommended to be undertaken by the Judiciary:

1. Design and implement programs to educate the Bar about the need for pro bono services, the opportunities available for providing pro bono and the professional responsibility of lawyers to provide it;
2. Design and implement attorney recruitment programs for pro bono;
3. Coordinate training and legal education programs for pro bono;
4. Design and implement programs to recognize attorneys who provide pro bono; and
5. Designate staff from the Office of the Deputy Chief Administrative Judge for Justice Initiatives to provide technical support to the statewide Standing Committee.

In devising their pro bono action plans, the local Pro Bono Action Committees should address the Judiciary’s involvement in activities one through four above.

C. Implement Court-Based Initiatives to Facilitate Court Access for Litigants with Pro Bono Attorneys

To the extent feasible, courts should provide flexible scheduling and docket preferences for pro bono cases when doing so will not contravene statutes or policies that give preferences to other cases. Courts should consider other accommodations such as providing courthouse space, free copying and telephone access for pro bono attorneys with limited resources. Each local Pro Bono Action Committee, in conjunction with a Judicial District’s or court’s Administrative Judge, should develop specific accommodations that take into consideration the needs of the court, pro bono lawyers and litigants. When a uniform rule or practice appears appropriate for facilitating pro bono, the statewide Standing Committee should recommend modifications to existing rules or policies for accomplishing that end.

D. Educate Law Students and Newly-Admitted Attorneys About Pro Bono

The findings of the Convocations demonstrate the need for education of the Bar about pro bono and the legal needs of the poor. New York law schools can play an important and unique role in this regard. Law students need to be educated about the importance of pro bono; this should be accomplished by incorporating materials on pro bono into coursework, particularly Professional Responsibility and Legal Ethics, and by providing students opportunities for pro bono service. In addition to educating their students, law schools should actively encourage their law professors to engage in pro bono work and to share their experiences with students.

The Bar admission process also should be used as a means to educate young attorneys about pro bono. The Board of Law Examiners and the Appellate Divisions should explore where current policies and procedures might be modified to stress an attorney's obligation to provide pro bono services, such as: incorporating a question dealing with pro bono into the bar examination; adding written materials about pro bono service to the Bar Admissions packet; incorporating a discussion of pro bono in the character and fitness interview process; and incorporating a discussion of the importance of pro bono into the Bar Admission ceremony.

E. Develop a Methodology for Collecting Data About Pro Bono Services

An effective voluntary pro bono system that meets the civil legal needs of the poor must collect and report comprehensive data about the extent and nature of the need. This is particularly important in the initial years of a statewide pro bono system – at least until goals are met and confidence exists in the ongoing success of the system. To ensure the availability of this data, it is recommended that the statewide Standing Committee, in coordination with the local Pro Bono Action Committees, establish a means for assessing the legal needs of the poor within the local committees' jurisdictions and the pro bono services being provided to meet those needs.

Based upon Florida's experience with reporting pro bono service, it is further recommended that the statewide Standing Committee, within its first six months of formation, examine the issue of individual pro bono reporting and recommend to the Chief Judge whether and how individual reporting should be accomplished in New York.

F. Explore the Use of Discrete Task Representation in Litigated Matters by Establishing Pilot Projects Throughout the State

Based upon the literature and the experience of some participants at the Pro Bono Convocations as well as in other states, it appears that discrete task representation or “unbundled” legal services can be beneficial in promoting pro bono service by attorneys. However, because there are many unreconciled viewpoints throughout the State, we do not recommend that rule changes be implemented at this time to allow for limited appearances by attorneys in litigated matters. Rather, within the first two years of its formation, the statewide Standing Committee should recommend whether new rules or rule changes should be adopted in this regard and, if so, what they would contain. The Standing Committee should take particular note of the pros and cons expressed at the Convocations as well as the experiences of New York and other states in applying discrete task representation.

It is further recommended that the statewide Standing Committee, in collaboration with the local Pro Bono Action Committees, bar associations and legal services programs, establish and report on pilot discrete task representation projects in four locations (New York City, suburban New York City, urban upstate and rural upstate). At each location, one type of proceeding (*i.e.*, housing, custody and visitation, child support or matrimonial proceedings) would be selected for a pilot. The four pilots would be monitored to identify common problems, issues and outcomes, and to assess the reactions and perceptions of litigants, attorneys and judges.

VII. Conclusion

Ensuring that poor New Yorkers can use their justice system as effectively as those with means will require commitment, innovation and great effort. The Pro Bono Convocations were designed to generate ideas and potential solutions. The thoughtfulness and hard work of those who attended made the Convocations highly effective for achieving this objective. A more intensive phase lies ahead. The integrity of New York State’s administration of justice demands no less a degree of effectiveness as ideas and concepts are given tangible expression.

**THE FUTURE OF
PRO BONO IN NEW YORK**

APPENDICES
TO VOLUME TWO:

Report And Recommendations

NEW YORK STATE UNIFIED COURT SYSTEM

APPENDIX A

RESOLUTION OF THE ADMINISTRATIVE BOARD OF THE COURTS

Lawyers are strongly encouraged to provide pro bono legal services to benefit poor persons. Every lawyer should aspire (1) to provide at least 20 hours of pro bono legal services each year to poor persons and (2) to contribute financially to organizations that provide legal services to poor persons.

Pro bono legal services that meet this goal are:

- professional services rendered in civil matters, and in those criminal matters for which the government is not obliged to provide funds for legal representation, to persons who are financially unable to compensate counsel;
- activities related to improving the administration of justice by simplifying the legal process for, or increasing the availability and quality of legal services to, poor persons; and
- professional services to charitable, religious, civic and educational organizations in matters designed predominantly to address the needs of poor persons.

Appropriate organizations for financial contributions are:

- organizations primarily engaged in the provision of legal services to the poor; and
- organizations substantially engaged in the provision of legal services to the poor, provided that the donated funds are to be used for the provision of such legal services.

APPENDIX B

NEW YORK STATE UNIFIED COURT SYSTEM

PRO BONO CONVOCATION:
WORKING TO DESIGN A PRO BONO SYSTEM *for* NEW YORK

ALBANY LAW SCHOOL • DEAN ALEXANDER MOOT COURTROOM
80 NEW SCOTLAND AVENUE, ALBANY, NEW YORK

PROGRAM

REGISTRATION AND CONTINENTAL BREAKFAST

8:30 A.M. – 9:00 A.M.

OPENING REMARKS, KEYNOTE ADDRESS AND
OVERVIEW OF A PRO BONO MODEL

9:00 A.M. – 10:00 A.M.

Opening Remarks -

Hon. Anthony V. Cardona, *Presiding Justice, Appellate Division Third Department*

Keynote Speaker -

Lorraine Power Sharp, Esq., *New York State Bar Association*

Overview Presenter -

Kent Spuhler, Esq., *Florida Legal Services*

WORKING GROUP SESSIONS

10:00 A.M. – 12:00 P.M.

Small breakout sessions to discuss panel presentation and begin addressing Working Group topics

I. Organizing a Statewide Pro Bono System: What Makes Sense for New York?

FACILITATORS: Kent Spuhler, Esq. and Dan Weitz, Esq.

II. Overcoming the Obstacles to Providing Pro Bono Services: What are the Elements of an Ideal Pro Bono System?

FACILITATORS: Hon. W. Dennis Duggan and Mark Collins

III. Facilitating Pro Bono Through Limited Representatio: How can this be Accomplished in New York?

FACILITATOR: Hon. Fern Fisher

BUFFET LUNCH

12:00 P.M. – 1:00 P.M.

WORKING GROUP SESSIONS (CONTINUED)

1:00 P.M. – 3:00 P.M.

REPORTS OF WORKING GROUPS AND CLOSING REMARKS

3:00 P.M. – 4:30 P.M.

**Keynote Address of Lorraine Power Tharp, Esq.
New York State Unified Court System Pro Bono Convocation
Albany Law School, October 25, 2002**

On behalf of the New York State Bar Association, I am so pleased to be part of this convocation. I am passionate about pro bono, about helping attorneys fulfill their pro bono obligations – and, I might add, I am passionate about keeping pro bono voluntary. In addition to all of the above reasons for my “passion” let me add two others. Many of you have heard me speak about my father who was a country lawyer in Massena, New York. He did “pro bono” as part of his every day practice. He may not have called it pro bono, but what he did was to provide legal services to people regardless of their ability to pay. I recall one gentleman who was constantly getting into scrapes with the law, and who would call my father day and night. When my father became District Attorney, this gentleman did not understand why my father could no longer help him!

The second reason for my passion is something that the State Bar does that is quite wonderful. Each President-Elect in the year before becoming President, co-chairs the President’s Committee on Access to Justice. Even though as Bar leaders, we are sensitive to the issues of access to justice, pro bono and legal services providers more than most, it is not until you sit in these meetings and hear the statistics and the data and the politics that you really become involved.

As I contemplated the past, present and future of legal services and pro bono in New York, I thought of the current television commercial of the man who unearths a magic lamp while using his metal detector. The genie tells him three wishes will be granted. Upon production of the first wish – a snazzy automobile – the man drives off, leaving the genie in the dust and satisfied with only the realization of his initial dream.

So what wishes would I identify to facilitate legal services for those in need? If a regularized funding mechanism could be secured, I, too, would be tempted to rush off without waiting to make additional wishes. I would hurry to tell the legal services providers that they could now concentrate more fully on their mission of counseling the indigent on legal matters, rather than having to divert time and resources to seek funding year after year.

But until – and notice that I am saying “until” – *not* “if” – we realize a defined funding source, there is a vital component of these efforts for access to justice that must be preserved and indeed nurtured. This is the public-private partnership of dedicated and involved voluntary attorneys complementing staff attorneys in assuring that counsel is available for those in need.

This is this element that I believe has enabled us to do as much as we have in the face of enormous challenges of funding cutbacks and restrictions while caseloads grew in number and complexity. This is the key that I identified in speaking about New York’s legal services initiatives last week at a conference of bar leaders of the Mid-Atlantic states.

In calling for voluntary pro bono service and setting out concrete steps to enhance volunteerism, the Association’s 1989 report on the subject stated: “. . . the best, the strongest and the most effective volunteer efforts have evolved at a local level, when the local bar, paid legal services staff and the local judiciary have come together cooperatively to address the local need and to tailor a local solution.”

We are pleased that the view of private attorneys as “important partners” and “vital allies” to staff programs is reiterated in the newly prepared Plan for Justice of the New York State Planning Steering Committee.

This is the formula that the Association has stressed over the years. It is an approach that we must continue to embrace. Despite the economic boom of the 1990s, the percentage of poor persons in New York increased from 13 to 14.6 percent. That simply stated fact and figure translates into some 2.7 million citizens, including 535,935 families, living in poverty.

It is a fact that must weigh on us today as fiscal conditions crumble, all around us, as government resources and other funding become harder to grasp for staffed programs, and as the demands on practitioners leave little time for other activities, no matter how altruistic. These tight conditions provide another reason why public and private legal services attorneys need each other and why neither public nor private programs should go it alone. These programs should be structured to tap into the expertise and efforts of both staff and volunteers.

Bill Dean of the Volunteers of Legal Service has aptly pointed out that effective use of pro bono service is not without cost but necessitates support to identify, screen, match cases with volunteers, and provide training, mentoring and backup. As such, government officials must recognize that reducing funding for legal services programs also unravels the valuable work of pro bono partners. And they also must comprehend that while the Bar will continue its professional responsibility to assist in assuring the availability of legal counsel, the profession cannot and should not fully shoulder what is truly a societal concern.

As proposals are shaped for a statewide pro bono structure, such a movement should not abandon the involvement of bar associations and other entities that have toiled for so long in the vineyards of access to justice.

The bar and other organizations have developed experience and connections in working with practitioners in outreach and training. As observed by the Steering Committee, bar associations and others are invaluable allies in advocacy in the Legislature, in the media, at public forums, and in discussions with community and business leaders, in addition to providing legal counsel. I am pleased to report to you that the State Bar Association is taking action to deliver its message to lawmakers and the public by concerted, coordinated, and multi-faceted means. We plan to take every opportunity to raise our voice.

Communicating the critical need to do more to assure practical access to justice is a top priority for us. It is a message describing why this is a societal concern, not a singular problem to be worked out by the profession. And it is a message explaining why these services must be provided through stable staffed programs, complemented by private practitioners assisting on a *volunteer* basis, not a mandatory one, in order to be truly effective.

We also will be depicting the faces behind this need, showing the impact on the individual citizen living in poverty, on the community, and on the state and describing the ultimate price that is paid by shortchanging justice. We welcome the opportunity to partner with you in this communication.

As we seek to promote and leverage pro bono service and foster public-private alliances, I suggest that we look back a half century and listen to the access to justice advocates when the concept of staffed legal services, coupled with volunteer service, began to take root across the state and country. We can take a cue from their vision and from their message to colleagues, lawmakers and the public.

“It may seem curious that a Legal Aid organization actually helps the private lawyer, but that is the overwhelming consensus,” reported Orison S. Marden, a New York practitioner and extraordinary bar leader, known as “Mr. Legal Aid” for his devotion to hands-on volunteer service throughout his career.

“The establishment of Legal Aid takes a great load from those members of the profession who give so generously of their time in helping people who cannot afford to pay a fee,” Mr. Marden said, pointing out that the public-private approach saves time and money, in addition to being more efficient and effective. Further, he noted the valuable training and experience gained by young attorneys who participate on staff or as volunteers.

Mr. Marden also cited the benefit of legal assistance to social services agencies, by bringing legal counsel to bear in calling for necessary remedial legislation and in relieving these agencies of problems of a legal nature. He added that a well-publicized Legal Aid program fosters goodwill for the profession by spreading the word that lawyers are people who can provide help for problems and prevent difficulties. This initiative demonstrates that justice is accessible for those without means, with this awareness building the public’s understanding of the law and promoting respect in the process.

Each of these points has currency and each is worth retelling practitioners and bar and community leaders. In today’s parlance, it resonates.

And we can continue to identify with the faces painted by Attorney General Katzenbach in his discussions when civil legal services were initiated in the War on Poverty. “Too often,” he said, “the poor man sees the law only as something which garnishes his salary; which repossesses his refrigerator; which evicts him from his house; which cancels his welfare; which binds him to usury; or which deprives him of his liberty because he cannot afford bail. The adversary system on which our courts are based fails whenever one side goes unrepresented and judgment is entered by default.”

We are engaged in a fight against such failure. It is a struggle that will take the tremendous talent, dedication and perseverance gathered in this room today. It will take all of us, working together. There is no cause more critical. Thank you for inviting me to join you and we look forward to pursuing this dialogue and the development of solutions beyond today’s proceedings.

Teresa Van Alstyne
Pro Bono Coordinator
Albany County Bar Association
Albany County Courthouse
Albany, NY 12207

Patricia A. Beeler, Chief Clerk
Rensselaer Family Court
1504 Fifth Avenue
Troy, NY 12180-4107

Eugenia M. Brennan
P.O. Box 217
21 Reed Street
Coxsackie, NY 12051

Glen W. Brownell
152 Barrett Street
Schenectady, NY 12305

Patricia K. Bucklin
Executive Director
New York State Bar Association
1 Elk Street
Albany, NY 12207

J. David Burke, President
Schenectady County Bar Association
Montgomery County Courthouse
P.O. Box 1728
Fonda, NY 12068

Hon. Anthony V. Cardona
Presiding Justice
Appellate Division 3rd Dept.
Albany County Courthouse
Albany, NY 12207

Thomas J. Cawley
Assistant County Attorney
Sullivan County
100 North Street Government Center
Monticello, NY 12701

Hon. George B. Ceresia
Supreme Court Justice
Rensselaer County Courthouse
Congress & Second Streets
Troy, NY 12180

Mark Collins
Assistant State ADR Coordinator
Office of Court Administration
98 Niver Street
Cohoes, NY 12047

Juliette M. Crill
Columbia County Bar Association
119 Rodman Road
Hillside, NY 12529

Charles E. Diamond, Chief Clerk
Albany County Courthouse - Rm. 102
Columbia & Eagle Streets
Albany, NY 12207

Richard DiMaggio
1009 London Square
Clifton Park, NY 12065

Hon. W. Dennis Duggan
Albany County Family Court
One Van Tromp Street
Albany, NY 12207

Wendy Durand, Executive Director
Capital District Women's Bar
The Legal Project
6 Executive Park Dr.
Albany, NY 12203

Anne Erickson
Executive Director
Greater Upstate Law Project, Inc.
119 Washington Avenue
Albany, NY 12210

Cynthia Feathers
Pro Bono Coordinator
New York State Bar Association
1 Elk Street
Albany, NY 12207

Hon. Michael M. Feeder
Kingsbury Town Court
210 Main Street
Hudson Falls, NY 12839-9181

Hon. Fern Fisher
Administrative Judge
New York City Civil Court
111 Centre Street - 12th Floor
New York, NY 10013

Michael P. Friedman
President
Friedman and Molinsek, P.C.
2 Normanskill Boulevard
Delmar, NY 12054

Christine M. Galvin
The Gordon, Siegel Law Firm
9 Cornell Road - Airport Park
Latham, NY 12110

Daniel Hurteau
Nixon Peabody, LLP
Omni Plaza - Suite 900
30 South Pearl Street
Albany, NY 12207

Matthew J. Kelly
Pro Bono Committee Chair
Albany County Bar Association
13 Columbia Circle
Albany, NY 12203

Hon. Frank J. LaBuda
Lawrence H. Cooke Sullivan County
Courthouse
414 Broadway
Monticello, NY 12701

Felicia LaReau, Executive Asst.
3rd Judicial District
Administrative Judge's Office
125 State Street
Albany, NY 12207

Mary A. Lynch, Clinical Professor
Director of Clinical Legal Studies
Albany Law School
80 New Scotland Avenue
Albany, NY 12208

Hon. Bernard J. Malone, Jr.
Albany County Supreme Court
Albany County Courthouse - Rm. 271
Albany, NY 12207

Hon. Gerard F. Maney
Supervising Judge - Family Cts.
3rd Judicial District
1 Van Tromp Street
Albany, NY 12077

Nancy Maurer
Clinical Professor
Albany Law School
80 New Scotland Avenue
Albany, NY 12208

Victor L. Mazzotti, President
NYS Trial Lawyers
Martin, Harding & Mazzotti
501 New Karner Road - Suite 4
Albany, NY 12205

Kathryn McCary
McCary & Huff
107 North Ballston Avenue
Scotia, NY 12302

Lillian M. Moy, Executive Director
Legal Aid Society
of Northeastern NY
55 Colvin Avenue
Albany, NY 12206

Professor Alicia Ouellette
Albany Law School
80 New Scotland Avenue
Albany, NY 12208

Susan L. Patnode
Rural Law Center
56 Cornelia Street
Plattsburgh, NY 12901

Lance Portman, President
Dutchess County Bar Association
63 Washington, P. O. Box 509
Poughkeepsie, NY 12602

Elena M. Rich
Legal Aid Society of Northeastern NY
55 Colvin Avenue
Albany, NY 12206

Richard Rifkin
NY Department of Law
Division of State Counsel
Justice Building, Room 457
Albany, NY 12223

Meredith Savitt, President
Capital District Women's Bar
The Legal Project
6 Executive Park Dr.
Albany, NY 12203

Ellen Schell, Legal Director
Capital District Women's Bar
The Legal Project
6 Executive Park Dr.
Albany, NY 12203

Arthur J. Seigel
Bond, Schoenck & King
111 Washington Avenue
Albany, NY 12210

Professor Laurie Shanks
Assistant Professor & Director
Field Placement Program, Albany Law School
80 New Scotland Avenue
Albany, NY 12208

Camille Siano-Enders
19 Schuster Road
Schenectady, NY 12203

Hon. Joseph M. Sise
Montgomery County Supreme Ct.
Courthouse, P. O. Box 1500
Fonda, NY 12068-1500

Barbara F. Smith, Chair
NYSBA Lawyers Assistant Trust
One Elk Street
Albany, NY 12207-1002

Elizabeth Snyder
Staff Attorney
Legal Aid Society of Mid-New York Inc.
NYSBA Young Lawyer Section
Utica, NY 13501

Kent Spuhler, Director
Florida Legal Services
2121 Delta Boulevard
Tallahassee, FL 32303

Hon. Leslie E. Stein
Albany County Supreme Court
40 Steuben Street, Suite 601
Albany, NY 12207

David L. Sullivan, Executive Assistant
NYS Unified Court System
Empire State Plaza
4 ESP - Suite 2001
Albany, NY 12223-1450

Hon. John W. Sweeny
Putnam County Supreme Court
40 Glendeida Avenue
Carmel, NY 10512

Lorraine Power Tharp, President-Elect
New York State Bar Association
Whiteman, Osterman & Hanna, LLP
1 Commerce Plaza
Albany, NY 12260

Nicholas E. Tishler
Vice-President
Federation of Bar Associations, 4th J.D.
1917 Mayfair Road
Niskayuna, NY 12309-5428

Regina Treffiletti, Law Clerk
to Hon. Thomas W. Keegan
Albany County Ctchse, Rm 433-A
125 State Street
Albany, NY 12207

Todd W. Weber
Principal Law Clerk to Hon. Jan Plumadore
Supreme Court Chambers
30 Main Street
Saranac Lake, NY 12983

Daniel Weitz
State ADR Coordinator
Office of Court Administration
25 Beaver Street - 8th Floor
New York, NY 10004

APPENDIX C

NEW YORK STATE UNIFIED COURT SYSTEM

PRO BONO CONVOCATION:
WORKING TO DESIGN A PRO BONO SYSTEM *for* NEW YORK

STATE UNIVERSITY AT BUFFALO LAW SCHOOL • O'BRIAN HALL
BUFFALO, NEW YORK

PROGRAM

- REGISTRATION AND CONTINENTAL BREAKFAST** 8:30 A.M. – 9:00 A.M.
- OPENING REMARKS, KEYNOTE ADDRESS AND OVERVIEW OF PRO BONO MODELS** 9:00 A.M. – 10:00 A.M.
- Opening Remarks -*
Hon. Eugene F. Pigott, Jr., *Presiding Justice, Appellate Division Fourth Department*
- Keynote Speaker -*
Paul Michael Hassett, Esq., *Brown & Kelly*
- Overview Presenter -*
Cheryl Zalenski, Esq., *Assistant Staff Counsel, ABA Center for Pro Bono*
- WORKING GROUP SESSIONS** 10:00 A.M. – 12:00 P.M.
- Small breakout sessions to discuss panel presentation and begin addressing Working Group topics*
- I. Organizing a Statewide Pro Bono System: What Makes Sense for New York?
FACILITATORS: Hon. E. Jeannette Ogden and Cheryl Zalenski, Esq.
 - II. Overcoming the Obstacles to Providing Pro Bono Services: What are the Elements of an Ideal Pro Bono System?
FACILITATORS: Hon. Rose Sconiers and Paul Michael Hassett, Esq.
 - III. Facilitating Pro Bono Through Limited Representation: How can this be Accomplished in New York?
FACILITATORS: Hon. Fern Fisher and Sharon Thomas
- BUFFET LUNCH** 12:00 P.M. – 1:00 P.M.
- WORKING GROUP SESSIONS (CONTINUED)** 1:00 P.M. – 3:00 P.M.
- REPORTS OF WORKING GROUPS AND CLOSING REMARKS** 3:00 P.M. – 4:30 P.M.
-

**Keynote Address of Paul Michael Hassett, Esq.
New York State Unified Court System Pro Bono Convocation
State University at Buffalo Law School, October 15, 2002**

I am flattered to have been asked to deliver this keynote address at the second ever in the history of the world conference on pro bono legal services and I have wrestled with the chore of finding an appropriate topic for this occasion for some time. I kept sticking articles in a file until it got so big that no one could distill the substance of them into a consistent message but I have been able to extract a few thoughts that I hope will be worth sharing with you this morning. I was heartened by a letter which we all received from Judge Newton last week describing the convocation in general terms and noting that it would begin with a brief presentation for background purposes before we split up into working groups and begin the real task of the convocation. I take it that I'm to deliver that brief presentation.

I have given considerable thought to our topic – creating a system for pro bono delivery and organizing efforts on a statewide level with appropriate roles for all collaborating partners. There are two major challenges embedded in that definitional statement: first, can we find an advantage in a statewide organizational effort? That is, is bigger always better? and second, even if it's better, is it possible to do it in a state so economically, geographically, politically and culturally diverse?

And even if it makes sense and if it can be so structured, will it be successful? Is there any way to increase, in a meaningful way, the not inconsiderable pro bono efforts already existing in our state? Perhaps the answer can be found in the tragic lessons we learned from the horrible events of a year ago and their effect on our profession, about which much as already been said and written, for example:

- Judge Kaye's masterful Marden lecture of last March at the City Bar which is posted on the website for this convocation and if you have not read it you certainly should and her remarks at Fordham last spring which we heard this morning.
- Reports of bar presidents and others detailing the magnificent pro bono effort resulting from the attacks - beginning almost immediately and continuing for months, even until today in some cases.
- The stirring account of Michael Miller, now president of the New York County Lawyers Association, in his message which has been often reprinted throughout the country.

I have to pause here to confess my total admiration for Michael, a man whom I am proud to call my friend, who has been a beacon for us all and whose service in Bosnia and Kosovo prefaced his weeks of devotion in New York City. I was most honored to be in attendance last August at the ABA Annual Meeting in Washington when he was presented with the Pro Bono Publico Award by the American Bar Association for his many efforts, especially during the World Trade Center attacks.

While Michael Miller was at the pinnacle of our profession's pro bono response, thousands more of our colleagues – from large firms, small firms, sole practitioners, government lawyers, law school faculty and students – gave freely and selflessly of their time and talent during those horrible and frightful weeks. In the words of Judge Kaye in the Marden lecture: “Never did I dream . . . that our values would be so tested by other nations or that in America we would see such an outpouring of patriotism, humanitarianism, professionalism.” And Michael Miller in his remembrances told us: “I find it difficult to reflect on September 11th without a rush of pride at the extraordinary legal relief effort. In fact, that effort, which continues today, is a dramatic reminder of that, more than any other profession, lawyers serve the public good. While the events of that morning were dreadful, it was also the beginning of one of the Bar's finest hours . . .” He continued: “While there are lessons to be learned, I believe two important messages emerged from those cowardly attacks. First, as lawyers, as New Yorkers, and as Americans, when things are at their worst, we are at our very best. Second, there is still a great nobility in our profession.”

It is clear that the World Trade Center attacks were the catalyst for the most stirring example of pro bono activity ever, proof positive that it can be done – New York lawyers in large numbers will volunteer to help those in need who cannot afford to pay for legal services: the families of victims, neighbors of the Trade Center, small businesses, police and fire personnel and their families. The day the attacks occurred I was in Albany at an Access to Justice conference. Judge Kaye was there. Judge Lipmann was there. Judge Newton was there, as were many other lawyers and judges interested in access to justice. Sometime during that morning, a decision was made by Judge Kaye and Judge Lipmann to keep the courts open and open they were, sometimes without power - without telephones – without transportation in the red zone. That they remained open for the transaction of business stood as a symbol of our refusal to allow the horrid perpetrators of that tragedy to succeed in deterring one of the proudest accomplishments of our democracy - access to our justice system.

In the days following, when the magnitude of the profession's response became obvious I remember thinking: “How can we bottle this? How can we preserve it so that when we return to normalcy lawyers will remember and continue this burst of volunteerism?” What made that effort so different, so dramatic? Let me offer a couple of thoughts:

- In responding to the Trade Center disasters, lawyers felt the immediacy of the need - the certainty that their assistance would make a difference in the lives of those whom they helped;
- In responding to the Trade Center disasters, lawyers were reacting to a tremendous patriotic urge, an urge to fight against an attack on our fundamental American values, on our freedom, on our whole system of law and justice.

But is it really any different if you and I show up at Bob Elardo's door tomorrow and offer to help a family about to be evicted from their home or a parent facing bankruptcy with small children to support or a young mother seeking assistance in Family Court?

We all know that programs like Bob's can help only a small portion of those who need us; and that most of these programs stop taking calls from new clients in the first half-hour or so of every day. But the reality is that those whom we cannot help face futures every bit as bleak as those faced by our unfortunate neighbors who suffered from the great tragedy of September, 2001.

And are we really any less patriotic, any less devoted to our fundamental American values, when we offer to help a pro bono client with an adoption, with an employment or immigration matter, and in doing so, ensure that our American ideal of equal justice, of equal access to our system of civil dispute resolution, is available to all of our citizens not just those who have the means to afford our services? I suggest that there is no fundamental difference in the motivations of those who stood in line to help the victims of the attacks on the Trade Center from the motivations of those of us who add their names to the Roster of the Erie Bar's Volunteer Lawyers Project.

So, how do we convince New York's lawyers that the motivation and the reward for us, here in Buffalo, are identical to the motivation and reward of our colleagues who poured forth in New York City a year ago? That, my friends, is the task we face and it is by no means an easy one. We have to do it without the help of the media who kept everyone's attention rooted on the need. We have to do it for clients whose problems are not constantly at the forefront of our awareness. We have to do it all by ourselves, remembering how important our help is to those who need us and acknowledging our obligation as members of a proud and honorable profession.

I might suggest a few basic principles that must be incorporated in our solution:

- Any system of pro bono delivery must involve all of the traditional providers of pro bono service: bar associations, law firms, law schools, the court system - all of which are independent of each other and whose participation must therefore be absolutely voluntary.
- Many of you may know about the work of the New York State Planning Steering Committee and its efforts over the past couple of years to comply with the Legal Service Corporation's mandate to re-configure New York State and to develop a comprehensive plan for the delivery of civil legal services. Judge Newton has been an essential part of that effort and I have had the opportunity to participate in the last several months. The result is an impressive comprehensive statewide plan and the effort of the Steering Committee will continue towards developing a statewide structure, one without any inherent authority but instead a representative body working to support existing legal services providers. Pro bono is a part of

that planning effort and much can be gained by cooperating in that process because much of the groundwork has already been done. I hope you will consider that during your deliberations today.

- Finally, I have been reading a book (and I read books over the course of many days, sometimes weeks, and sometimes I read the end before the beginning so I am not sure exactly how far along I am in it) but the book is by Steven Sample, former president of the State University at Buffalo and for the last 10 years president of the University of Southern California. Dr. Sample's book is about leadership and in it he espouses something which he calls "thinking free" - free that is from all prior restraints. He says that it's somewhat akin to "thinking out of the box" or "brainstorming," but thinking free takes that process of inventiveness to the next level. He tells us that the key to thinking free is first to allow your mind to contemplate really outrageous ideas and only subsequently apply the constraints of practicability, legality, cost, time and ethics. He tells his readers that the most important inventions in a particular field are often made by people who are new to that field - people who are too naive and ignorant to know all of the reasons why something can't be done and who are therefore able to think more freely about seemingly intractable problems.

I am hopeful that among us today are some who are too naive and too ignorant to know why we can't accomplish our objective – why we can't think free of all the constraints and come up with some fresh approaches to the problem of pro bono legal service delivery in New York State and make Michael Miller's observation that: "There is a great nobility in our profession," prove true. Thank you all for coming and joining in that effort.

Katherine Bestine, President
Volunteer Lawyers Project
Cohen & Lombardo, P.C.
343 Elmwood Avenue
Buffalo, NY 14213-5204

Harry Brand
Executive Assistant
8th Judicial District
206 Erie County Hall
Buffalo, NY 14202

Craig M. Bryson
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604

Elizabeth Clifford
Monroe Community College
Law & Criminal Justice Department
228 E. Main Street
Rochester, NY 14604

William Deninger, Chief Clerk
Steuben County Supreme Court
and Commissioner of Jurors
3 East Pulteney Square
Bath, NY 14810

Robert M. Elardo
Erie County Bar Association
Volunteer Lawyers Project
700 Statler Towers
Buffalo, NY 14202

Paula L. Feroletto, Vice President
Western New York Trial Lawyers
Brown & Kelly
1500 Liberty Building
Buffalo, NY 14202

Sheila A. Gaddis
Executive Director
Volunteer Legal Services Project
80 St. Paul Street, Suite 640
Rochester, NY 14604

Michael T. Harren, Chairman
Access to Justice Committee
Monroe County Bar Association
1600 Crossroads Building
Rochester, NY 14614

William Hawkes
Executive Director
Neighborhood Legal Services
295 Main Street
Buffalo, NY 14203

Katherine S. Bifaro
Executive Director
Bar Association of Erie County
438 Main Street, 6th Floor
Buffalo, NY 14202

Robert E. Brennan
Trevett, Lenweaver & Salzer, P.C.
16 E. Main Street, Suite 700
Rochester, NY 14614

Diane M. Cecero
General Counsel
Monroe Community College
1000 E. Henrietta Road
Rochester, NY 14623

Michael P. Clohessy
Management Analyst
8th Judicial District
92 Franklin Street
Buffalo, NY 14202

Hon. Vincent E. Doyle, Jr.
Administrative Judge
8th Judicial District
92 Franklin Street
Buffalo, NY 14202

Kim Emmitt
Legal Fellow
NYS Supreme Court
One Niagara Plaza, Part 9
Buffalo, NY 14202

Hon. Fern Fisher
Administrative Judge
New York City Civil Court
111 Centre Street - 12th Floor
New York, NY 10013

Vincent C. Ginestre
Vice-President
Niagara County Bar Association
248 Meadow Drive, P.O. Box 523
North Tonawanda, NY 14120

Alan S. Harris
President/CEO
Legal Aid Society of Rochester, Inc.
65 West Broad Street - Suite 400
Rochester, NY 14614-2294

Matthew B. Herdzik, Jr.
3700 Seneca Street
West Seneca, NY 14224

Christine Biggie, Legal Assistant
Erie County Bar Association
Volunteer Lawyers Project
700 Statler Towers
Buffalo, NY 14202

William J. Brennan
Phillips, Lytle, Hitchcock,
Blaine & Huber LLP
3400 HSBC Center
Buffalo, NY 14203-2887

Charles F. Crimi, Jr.
One E. Main Street, Suite 310
Rochester, NY 14614

Steven E. Cole
Wolford & Leclair LLP
16 E. Main St., Suite 600
Rochester, NY 14614

David L. Edmunds, Jr.
President
Erie County Bar Association
438 Main Street - 6th Flr.
Buffalo, NY 14202

Cynthia Feathers
Pro Bono Coordinator
New York State Bar Association
1 Elk Street
Albany, NY 12207

Joyce Funda
Deputy Administrator for Statewide
Matrimonials - OCA
Beaver Street, Rm 1110
New York, NY 10004

Jacqueline M. Grasso, President
Genesee County Bar Association
Rybak, Metzler & Grasso
104 Bank Street
Batavia, NY 14021

Paul M. Hassett
Brown & Kelly
1500 Liberty Building
420 Main Street
Buffalo, NY 14202

Timothy C. Hunt
Librarian
Monroe County Law Library
525 Hall of Justice
Rochester, NY 14614

Regan P. Ihde, President
Women's Lawyers of Western NY
174 Depew Avenue
Buffalo, NY 14214

C. Bruce Lawrence, Co-Chair
Access to Justice Committee
New York State Bar Association
2400 Chase Square
Rochester, NY 14604

Karen Nicolsen
Executive Director
Legal Services for the Elderly
821 Ellicott Sq. Bldg.
Buffalo, NY 14203

Hon. E. Jeannette Ogden
Buffalo City Court
50 Delaware Avenue
Buffalo, NY 14202

Anita L. Pelletier
Nixon Peabody, LLP
900 Clinton Square
P. O. Box 31051
Rochester, NY 14603

Peter Pitegoff, Vice Dean Academic
Affairs & Professor of Law
State Univ. at Buffalo Law School
316 O'Brian Hall
Buffalo, NY 14052

Eugene W. Salisbury
Lipsitz, Green, Fahringer, Roll,
Salisbury & Cambria
42 Delaware Avenue, Suite 300
Buffalo, NY 14202

Tim Stoufer
Court Attorney
Livingston County Court House
2 Court Street
Geneseo, NY 14454

Susan Bing Tobe
Western New York Chapter
Women's Bar Association
56 Chapin Parkway
Buffalo, NY 14209

Steven G. Wiseman
Siegel, Kelleher & Kahn
426 Franklin Street
Buffalo, NY 14202

Henry L. Jesserer, III
Law Clerk
Monroe County Supreme Court
545 Hall of Justice
Rochester, NY 14614

Hon. Douglas W. Marky
Aurora Town Court
471 Main Street
East Aurora, NY 14052

Daniel F. Novak, Law Firm Liaison Attorney
Erie County Bar Association
Volunteer Lawyers Project
107 Delaware Avenue
Buffalo, NY 14202

Mary Ann Oliver
Executive Director
Niagara County Legal Aid Society, Inc.
775 Third Street - P. O. Box 844
Niagara Falls, NY 14302

Robyn G. Pharr
460 Franklin Street
Buffalo, NY 14202

Regina A. Reitz
Erie County Bar Association
Volunteer Lawyers Project
424 Main Street - Suite 622
Buffalo, NY 14202

Melinda Saran
Associate Dean
University at Buffalo Law School
312 O'Brian Hall
Buffalo, NY 14260-1100

Professor Tony Szczygiel
Director Clinical Programs
State University at Buffalo Law School
426 O'Brian Hall
Buffalo, NY 14260

Hon. Sharon Townsend
Administrative Judge
8th Judicial District
One Niagara Plaza
Buffalo, NY 14202

Cheryl Zalenski, Assistant Staff Counsel
Center for Pro Bono
American Bar Association
541 N. Fairbanks Court
Chicago, IL 60611

John Kolaga
Jaekle, Fleischmann & Mugel
Twelve Fountain Plaza
Buffalo, NY 14202

Toni Ann Moore
Chief Clerk
Livingston County Surrogate's Court
2 Court Street
Geneseo, NY 14454-1030

Hon. John F. O'Donnell
Erie County Supreme Court
92 Franklin Street
Buffalo, N.Y. 14202

Marian W. Payson
NYS Attorney General's Office
144 Exchange Boulevard-Suite 200
Rochester, NY 14614

Hon. Eugene F. Pigott, Jr.
Appellate Division, 4th Department
City Court Building, 10th Floor
50 Delaware Avenue
Buffalo, NY 14202

Connie R. Roselli
Deputy Chief Clerk
Rochester City Court
6 Hall of Justice
Rochester, NY 14614

Hon. Rose Sconiers
Niagara County Supreme Court
775 Third Street
Niagara Falls, NY 14302-1710

Sharon Thomas
Chief Clerk
Buffalo City Court
50 Delaware Avenue
Buffalo, NY 14202

Hon. Thomas Van Strydonck
Administrative Judge
7th Judicial District
545 Hall of Justice
Rochester, NY 14614

APPENDIX D

NEW YORK STATE UNIFIED COURT SYSTEM

PRO BONO CONVOCATION:

WORKING TO DESIGN A PRO BONO SYSTEM *for* NEW YORK

RAMADA INN GENEVA LAKEFRONT
41 LAKEFRONT DRIVE, GENEVA, NEW YORK

PROGRAM

REGISTRATION AND CONTINENTAL BREAKFAST	8:30 A.M. – 9:00 A.M.
OPENING REMARKS, KEYNOTE ADDRESS AND OVERVIEW OF A PRO BONO MODEL	9:00 A.M. – 10:00 A.M.
<i>Opening Remarks -</i> Hon. Eugene F. Pigott, Jr., <i>Presiding Justice, Appellate Division Fourth Department</i>	
<i>Keynote Speaker -</i> Claire Parins, Esq., <i>Illinois Tech Center for Law & the Public Interest</i>	
<i>Overview Presenter -</i> Sharon Goldsmith, Esq., <i>Executive Director, Pro Bono Resource Center of Maryland</i>	
WORKING GROUP SESSIONS	10:00 A.M. – 12:00 P.M.
<i>Small breakout sessions to discuss panel presentation and begin addressing Working Group topics</i>	
I. Organizing a Statewide Pro Bono System: What Makes Sense for New York?	
II. Overcoming the Obstacles to Providing Pro Bono Services: What are the Elements of an Ideal Pro Bono System?	
III. Facilitating Pro Bono Through Limited Representation: How can this be Accomplished in New York?	
BUFFET LUNCH	12:00 P.M. – 1:00 P.M.
WORKING GROUP SESSIONS (CONTINUED)	1:00 P.M. – 3:00 P.M.
REPORTS OF WORKING GROUPS AND CLOSING REMARKS	3:00 P.M. – 4:00 P.M.

Keynote Address of Claire Parins, Esq.
New York State Unified Court System Pro Bono Convocation
Ramada Inn Geneva Lakefront, November 8, 2002

I am here today for a couple of reasons.

First, I'm here to help describe the current needs of the rural poor and the crisis that is facing the justice system.

I am also here to tell you about some projects that I saw as Director of the ABA's Rural Pro Bono Project. As you might imagine, there is some creative dancing being done in rural areas where just finding a lawyer, much less one that can work for free, is sometimes harder than giving a cat a bath. Pro bono is often one of many tools used by communities, legal and otherwise, to provide access to court systems and to bring resolution to life-threatening circumstances.

I come to you on the tails of the Rural Law Symposium put on by the Legal Services Corporation last week in Nebraska. Susan Patnode, a participant in today's convocation, and I were invited to be part of a two and a half-day meeting to come up with ideas about improving the delivery of legal services in rural areas. On the first day, we described the face of rural poverty. Attorneys from across the country told different stories about a wide variety of low-income clients with a wide variety of legal problems. Harder were the days that followed – one question – "what is justice?" – was eventually abandoned as unanswerable. The easier part "Who needs help?" has always been clear for many of us, and is probably why some of you went to law school in the first place, and why many of us are here today.

On that first day, this is what Susan and I heard about the face of rural poverty in America:

- ▶ What we have in common is that isolation abounds.
- ▶ But the rural poor are not homogenous.
- ▶ Diminishing rural support systems and infrastructure are leading to increased poverty.
- ▶ There is confusion about the services that are out there, a lack of knowledge about legal rights.
- ▶ Triage is often the main part of a legal services or pro bono attorney's job.
- ▶ Clients come in crisis.
- ▶ They are scared.
- ▶ There are family farmers who need soup kitchens even though they live to grow food for others.

- ▶ Many will not ask for help because there is a lack of privacy in rural areas.
- ▶ Neighbors watch what neighbors purchase with food stamps.
- ▶ Yet many people in America live without basic necessities like health care.
- ▶ We heard about how a family who worked for years to buy their house only to lose it because they purchased a water softener through an outrageous credit scam.
- ▶ We heard about how poverty has a lot to do with race and class. Rural poverty in America is about poor whites, poor African Americans, poor Native Americans.
- ▶ Poverty is sometimes about blatant discrimination.
- ▶ It's about the stigmatization of the poor – disdain for those who live on the wrong side of the tracks.
- ▶ Poverty is about giving up on children's educations just because their parents before them could not read.
- ▶ Poverty is about domestic violence in immigrant communities. It's about Cajun fishermen who don't have social security cards.

But it is also about New Yorkers. And the faces you could draw would probably be similar to what you've just heard. What I heard last week in Nebraska was about how broad the array of difference looks on the surface, but how deep the common thread of need can run from heart to heart. And the attorneys who help these people represent communities, not just individuals, and they include judges, legal services attorneys, solo practitioners, government attorneys, paralegals, and law students.

Susan Patnode, my mentor and friend, heads the Rural Law Center of New York in Plattsburgh. She told me a story shortly after I met her about a woman who rode her daughter's bicycle to work – 25 miles – there and back – before Susan's program was able to help provide her with a car through a Wheels-to-Work program. The Rural Law Center finds other ways to reach clients – including Judges' Best Practice Seminars – Judges, pro bono coordinators, and attorneys, with the help of CLE credit, found a way to work together to make pro bono cases happen.

In Oregon, communities are getting together develop a statewide system of pro bono delivery. Pro bono mini-summits involve networks of business, nonprofit, and government advocates. Legal and other service providers from the same local community strategize about new legal service delivery models and build networks in four rural areas.

In Tennessee, there's an urban-to-rural hotline. Clients in the rural service areas of two legal services programs receive consumer law advice and counsel by telephone through a large Memphis law firm.

In Ohio, attorneys have joined forces with churches. The Interfaith Legal Services clinics in two rural counties are a collaboration among the private bar, legal services attorneys, clergy, and other stakeholders. The partnerships aim to overcome the historical biases and tensions that a "big city" legal services program may experience in a rural area, and they involve diverse organizations.

In Maine, a paralegal and half-time attorney opened a branch office to recruit pro bono attorneys. The Volunteer Lawyers Project, part of Pine Tree Legal Assistance, knew that they had to establish a greater physical presence to serve the predominantly northern and central areas of the state. Local Pro bono attorneys refer cases to other attorneys in their community.

In all these cases, the projects were designed to be replicated and shared, and could be extended throughout the state and across all borders. And while the jury is still out on what the number of volunteers will be, the important thing is hundreds of clients have been served and relationships made.

We are here today to work towards solutions for New York and to find ways to help build a statewide pro bono delivery system that starts to address the diminishing support systems that we encounter lately in our own communities, in our court system and, in some cases, our own lives.

I commend Judge Newton and everyone here today and others who attended the three other convocations this fall. With partnerships like those forged here, you all are going to set an example for the rest of the country. It is only through partnerships, time, and truth about the real needs in rural delivery that our system can begin to change.

Today, some of you will struggle with how to increase pro bono services, others will debate how structured the pro bono delivery system should be, still others will define the obstacles to establishing a statewide system at all. I invite you all to think about all of these questions, but to keep a bigger picture in mind as you proceed. Instead of making the debate just about how to increase pro bono, think about framing the debate like this: How will New York ensure that low-and-moderate income citizens, rural, and urban alike, have increased access to the court system and as a consequence, better lives? How will New York maintain the momentum of volunteerism put in motion by 9/11 so that it does not have to settle on the diminishing returns of a slowing economy, the effects of welfare reform, overworked attorneys, and overcrowded courts? How can New York show its reverence for community and people? That's the real question we all face today. How shall we proceed?

Susan Backstrom
Tompkins County Bar Association
4 Bolton Point Road
Ithaca, NY 14850

Susan M. Conn, Senior Attorney
Legal Aid Society
of Mid-New York, Inc.
255 Genesee Street, 2nd Floor
Utica, NY 13501

Marcia DiRose, Chief Clerk
Broome County Family Court
65 Hawley Street, P.O. Box 1766
Binghamton, NY 13902

Thomas S. Dubel, Exec. Director
Chemung County Neighborhood
Legal Services
215 East Church Street, Suite 301
Elmira, NY 149012743

Philip Ferrara
Manager of Selection and Placement
Office of Court Administration
25 Beaver Street
New York, NY 1004

Sheila A. Gaddis
Executive Director
Volunteer Legal Services Project
80 St. Paul Street, Suite 640
Rochester, NY 14604

Jeff Hogue, Staff Attorney
Legal Assistance of the Finger Lakes
One Franklin Square
P.O. Box 487
Geneva, NY 14456

Dennis A. Kaufman, Exec. Director
Legal Services of Central New York
Inc.
472 South Salina Street, 3rd Floor
Syracuse, NY 13202

Michael Lausell, Staff Attorney
Legal Assistance of the Finger Lakes
One Franklin Square, P.O. Box 487
Geneva, NY 14456

Michael Morrisey, Chief Clerk
Ontario County Family Court
Ontario County Courthouse
27 North Main Street
Canandaigua, NY 14424

Amy L. Christensen
Southern Tier Legal Services
104 East Steuben Street
Bath, NY 14810-1622

Mary Corbett, Executive Director
Monroe County Bar Association
One Exchange Street, 5th Floor
Rochester, NY 14614

Hon. Craig J. Doran
Ontario County Courthouse
27 North Main Street
Canandaigua, NY 14424

David K. Ettman, President
Seneca County Bar Association
P. O. Box 805
Seneca Falls, NY 13148

Cynthia Feathers
Director of Pro Bono Affairs
New York State Bar Association
1 Elk Street
Albany, NY 12207

Sharon Goldsmith, Executive Director
Pro Bono Resource Center of Maryland
The Maryland Bar Center
520 W. Fayette Street
Baltimore, MD 21201

Mark H. Kachadourian
President
Tioga County Bar Association
209 Court Street
Binghamton, NY 13901

Hon. Dennis M. Kehoe
Wayne County Hall of Justice
54 Broad Street
Lyons, NY 14489

Mary W. Lightsey
Ontario County Bar Association
21 Sly Street
Canandaigua, NY 14548

G. Russell Oechsle, Executive Assistant
6th Judicial District
State Office Bldg.
44 Hawley Street, Rm. 1501
Binghamton, NY 13901-4466

Mark Collins
Assistant State ADR Coordinator
Office of Court Administration
98 Niver Street
Cohoes, NY 12047

G. Lawrence Dillion
Director
Oneida County Bar Association
258 Genesee Street - Suite 504
Utica, NY 13502

Helen D. Druce
Executive Director
Onondaga County Bar Association
109 South Warren Street, Suite 1000
Syracuse, NY 13202-1860

M. Akram Faizer
Mackenzie Hughes, LLP
102 South Salina Street
P.O. Box 4967
Syracuse, NY 13221-4967

Desiree Francis
Legal Fellow
Onondaga County Courthouse
401 Montgomery Street
Syracuse, NY 13202

Elizabeth Hendy
Staff Attorney
Legal Assistance of the Finger Lakes
One Franklin Square, P.O. Box 487
Geneva, NY 14456

Professor Arlene S. Kanter
Director of Clinical Legal Education
Syracuse University College of Law
P.O. Box 6543
Syracuse, NY 11321-7654

Michael Klein
Principal Law Clerk to Administrative Judge
Onondaga County Courthouse - Room 400
Syracuse, NY 13202

Kevin M. McArdle
County Attorney
7624 N. State Street
P.O. Box 128
Lowville, NY 13367

Hon. Judith F. O'Shea
Administrative Judge
6th Judicial District
203 Lake Street
Elmira, NY 14902

Claire L. Parins, Director of Content
Management & Training
Illinois Tech Center for LPI
565 West Adams Street
Chicago, Illinois 60661

David M. Pellow
Chair, Pro Bono Practice Committee
Onondago County Bar Association
342 South Salina Street
Syracuse, NY 13202

Hon. Eugene F. Pigott, Jr.
Presiding Justice
Appellate Division, 4th Department
50 Delaware Avenue
Buffalo, NY 14202

Marty Martha Roberts
Supervising Attorney
Legal Assistance of the Finger Lakes
One Franklin Square, P.O. Box 487
Geneva, NY 14456

Scott C. Smith
20 Gorham Street
Canandaigua, NY 14424

Kathleen Sweeney, Chief Clerk
Ontario Supreme & County Court
27 North Main Street
Canandaigua, NY 14424

Gregg A. Thomas
Chemung County Neighborhood
Legal Services
215 N. Cayuga Street
Ithaca, NY 14850

Esther Weingarten
Legal Services of Central NY, Inc.
472 South Salina Street - Suite 300
Syracuse, NY 13202

Susan L. Patnode
Rural Law Center
56 Cornelia Street
Plattsburgh, NY 12901

Ken Perri, Managing Attorney
Legal Assistance of the Finger Lakes
One Franklin Square, P.O. Box 487
Geneva, NY 14456

Peter Racette
Executive Director
North Country Legal Services, Inc.
P.O. Box 989
Plattsburgh, NY 12901

Deborah Robillard, Chief Clerk
Auburn City Court
153 Genesee Street
Auburn, NY 13021

Hon. Colleen Stella
Town Justice
Eaton Town Court
P.O. Box 66
Morrisville, NY 13408

Hon. Ann Marie Taddeo
Supervising Judge
Monroe County Family Court
304F Hall of Justice
Rochester, NY 14614

Susan Bing Tobe
Western New York Chapter Women's Bar
Association
56 Chapin Parkway
Buffalo, NY 14209

Christopher Wiles
Assistant Attorney General
NYS Department of Law
615 Erie Boulevard West
Syracuse, NY 13204

Ronald W. Pawelczak, Chief Clerk
Monroe County Family Court - Room 360
Hall of Justice
Rochester, NY 14614

Alan J. Pierce
Hancock & Estabrook
1500 Mony Tower I
P.O. Box 4976
Syracuse, NY 13221-4976

Kim Reisch
Legal Assistance of the Finger Lakes
57 High Street
Geneva, NY 14456

Barbara S. Romeo, Coordinator
Onondaga County Bar Association
Volunteer Lawyers Project
1000 State Tower Bldg.
Syracuse, NY 13202

Simone Sterling
Legal Fellow
Broome Supreme Court
6th Judicial District Office
Binghamton, NY 13902

Thomas D. Terrizzi
Executive Director
Prisoners Legal Services of New York
118 Prospect Street - Suite 307
Ithaca, NY 14850

R. Craig Van Buren
Jefferson County Surrogate's Office
Jefferson County Office Bldg. - 7th Floor
175 Arsenal Street
Watertown, NY 13601

Robert W. Zimmerman, President
Ontario County Bar Association
Zimmerman & Tyo
6 East Main Street, P.O. Box 7
Shortsville, NY 14548

APPENDIX E

NEW YORK STATE UNIFIED COURT SYSTEM

PRO BONO CONVOCATION:

WORKING TO DESIGN A PRO BONO SYSTEM *for* NEW YORK

FORDHAM UNIVERSITY SCHOOL OF LAW • JAMES B. M. MCNALLY AMPHITHEATRE
140 WEST 62ND STREET, NEW YORK, NEW YORK

PROGRAM

REGISTRATION AND CONTINENTAL BREAKFAST ATRIUM 8:30 A.M. – 9:00 A.M.

OPENING REMARKS AND KEYNOTE ADDRESS AMPHITHEATRE 9:00 A.M. – 10:00 A.M.

Opening Remarks: HON. JUDITH S. KAYE, *Chief Judge of the State of New York*

HON. JUANITA BING NEWTON, *Deputy Chief Administrative Judge for Justice Initiatives*

Keynote Speaker: MICHAEL A. CARDOZO, *Esq., Corporation Counsel of the City of New York*

PANEL PRESENTATION AND DISCUSSION AMPHITHEATRE 10:00 A.M. – 11:30 A.M.

MODELS FOR EXPANDING PRO BONO

Moderator: HON. STEVEN W. FISHER, *Administrative Judge, Queens County Supreme Court*

Panelists: HON. PHILLIP ADLER, *Chair, 7th District Pro Bono Committee, Indiana*

DEAN ELLEN CHAPNICK, *Center for Public Interest Law, Columbia Law School*

SHARON GOLDSMITH, *Esq., Executive Director, Pro Bono Resource Center of Maryland*

CHERYL ZALENSKI, *Esq., Assistant Staff Counsel, ABA Center for Pro Bono*

WORKING GROUP SESSIONS CLASSROOMS 11:30 A.M. – 12:30 P.M.

I. ORGANIZING A STATEWIDE PRO BONO SYSTEM: What Makes Sense for New York?

FACILITATORS: Hon. Phillip Adler, Sharon Goldsmith, Esq. and Cheryl Zalenski, Esq.

II. OVERCOMING THE OBSTACLES TO PROVIDING PRO BONO SERVICES: What are the Elements of an Ideal Pro Bono System?

FACILITATORS: Dean Ellen Chapnick and Michael Miller, Esq.

III. FACILITATING PRO BONO THROUGH LIMITED REPRESENTATION: How can this be Accomplished in New York?

FACILITATORS: Hon. Fern Fisher and Lynn Kelly, Esq.

BUFFET LUNCH ATRIUM 12:30 P.M. – 1:30 P.M.

WORKING GROUP SESSIONS (*CONTINUED*) CLASSROOMS 1:30 P.M. – 3:30 P.M.

REPORTS OF WORKING GROUPS AND CLOSING REMARKS AMPHITHEATRE 3:30 P.M. – 4:30 P.M.

**Keynote Address of Michael Cardozo, Esq.
New York State Unified Court System Pro Bono Convocation
Fordham University School of Law, June 20, 2002**

Thank you so much Judith, that's really very kind. I hesitate to start by correcting our Chief Judge, but the facts are that she has now admitted error. Judge Cardozo never graduated from Columbia Law School. The story is that while Judge Cardozo was in Columbia Law School, Columbia changed the law school from a two-year curriculum to a three-year curriculum, made the rule retroactive. Not only did Judge Cardozo refuse to abide by this retroactive decree, but that is the reason, people say, is why he was interested in prospective overruling. But that's not the subject for today.

From my perspective, I think that this conference is just terrific. As she has done so often in the past, our Chief Judge has seized the moment to present a critical challenge to all of us: design a workable system for pro bono services in New York. Rarely has there been a time when the need is so great, and in my view, rarely has there been a time when the Bar has shown – at least a large part of the Bar – a willingness to take up the challenge. I think our question today is “how do we capture the pro bono spirit that we saw post-9/11, and how do we incorporate that spirit into some kind of workable system?” And as I look around this room, and I know almost as many of you as Judith does, I can't imagine a better group of people to solve that problem.

Certainly, as the Chief Judge said, we don't need to tell this audience the need for pro bono help. The unmet legal need of the poor is overwhelming. We have cases involving eviction, deportation, homelessness and so much more. I hesitate to put a damper on the enthusiasm of the day, but I do want to say that one area that I do not think can be looked at, in the foreseeable future, for any significant help, is the government. Unfortunately, you have all read about the deficits. The City's deficit next year is projected to be higher than the deficit that, hopefully, will be closed when the City Council passes the budget this afternoon. The State's deficit is even worse, projected to be even worse next year. While we can all as advocates argue that the government should spend more money on Legal Services because that will reduce many of the things that government has to do, I think the brutal reality is that the likelihood of finding significant increased government help, in the foreseeable future, is small, which makes our challenge today even greater.

History has taught that in times like this, the Bar has stepped forward. The history of lawyers doing good work dates back to the beginning of time practically. I did a little research and found that as early as four hundred A.D., clergymen were being directed to find people to help the poor, to help them in their legal problems. Moreover, as we all know, the pro bono obligations that we all feel in this room are embodied in the lawyer codes of our country. But I found it frightening and disturbing, when I read the materials for this conference, to learn that about half of the lawyers in this state do not perform any public service at all, and an equal number of them remain unconvinced that they should perform such service, and that it is in their interest and that it is fun to do so. It was Edmund Burke, in the eighteenth century, who said that “the only thing necessary for the triumph of evil is for good men to do nothing.” We can't do nothing. We've got to find a way, and I'm convinced that there is a way, and there is particularly a way if we focus our efforts at younger lawyers, and younger people.

I was recently at a graduation ceremony at Dartmouth College, where my niece graduated, and there was a program there that honored all the graduating students who had performed public service. I was just amazed at the overwhelming number of people in that graduating class who had done things ranging from working in soup kitchens to spending a semester in Africa working with people with AIDS. The examples could go on and on. I said to myself, "A lot of these people are graduating and going to law school, and after they graduate from law school they are going to start practicing law. How can we capture the spirit that is exemplified by these young people graduating from college, full of enthusiasm; how can we capture that spirit, so that after three years of law school and after they join a law firm or a legal employer, we can remind those people that they were so enthused about public service when they were in their early 20s." There is a willingness out there, and somehow too frequently we lose that willingness five or ten years later when those people start practicing law. How do we capture that enthusiasm?

I think one way to do it is to focus on law school programs. I know Columbia has one, I'm sure many, many other schools have as well, which inculcate the pro bono spirit into law students, teaching them about how much fun it is, how much satisfaction it is, what an obligation it is. It's vital.

Yesterday at the City Bar Association, there was a project sponsored by the Committee on the Homeless where it invited some associates to hear about pro bono opportunities in that area. They heard a terrific panel of speakers, including some of the people in this room, talking with enthusiasm in doing pro bono work; we have to build up that enthusiasm. Last year there was a conference of younger lawyers on the same subject. We have got to focus our attention on that. Because there is no doubt that, despite the fact that half the Bar remains unconvinced, there is a terrific pro bono spirit out there.

The Chief Judge has called the 9/11 efforts by the Bar the Bar's shining moment. I think of the lawyers who lined up down 44th Street, around onto 6th Avenue a few days after 9/11, standing up to get training with the Bar Association to help the families of the victims. It's a story that needs to be told over and over again. The examples of the Bar stepping up after 9/11 are not just limited to what we have heard of the typical Bar Associations. The Trial Lawyers formed an organization – Trial Lawyers Care. They gave free legal advice to all the families of the victims as they went through and made applications to the Victims' Compensation Fund. What a terrific statement of public spirit.

Also of extraordinary significance, in my view, is the way inside corporate counsel responded to the tragedy of 9/11. At least when I was president of the Bar Association, one of the problems we found when we talked about pro bono is that as difficult as it was to get the private Bar to step up to the plate, it was even more difficult to get inside corporate counsel to be involved. Well, there was a celebration last week sponsored by the American Corporate Counsel Association of all the efforts that were made by inside corporate counsel. I think it is extraordinarily significant that hundreds of inside corporate lawyers participated in all these post 9/11 events. I also think it is noteworthy that there is at least one corporation, and its representative is here today, that has established a Pro Bono Coordinator for the inside corporate counsel modeled after the way some private law firms are organized. I think that is very significant as we ponder how can we get more people involved in pro bono activities. It should not take a crisis of the dimension of 9/11 to convince our colleagues that pro bono should be a part of our regular practice.

But as Evan Davis wrote, “Adversity almost always has a counterpoint. From scandal comes reform; from disease comes medical advance The tragedy with which we are coping has revealed the Bar’s deepest character.” I think we have got to find a way to capture that character.

So what lessons can we learn from 9/11, what can we do, how can we make this all work? Let me suggest three principles as you go forward in your work today. First, we must motivate people to do pro bono; we must make them understand the satisfaction you get from doing pro bono work. Second, we must create a framework for legal employers to understand that it is in their self interest to encourage lawyers to perform pro bono work, and third, we must make it as easy as possible for that pro bono work to be performed. Let me expand on these themes just a little bit.

Motivation: Everyone in this room could tell story after story about the satisfaction he/she has received from doing pro bono work. I do think it is a useful story for me to say that six months ago I was a partner in a major New York City law firm. I had an interesting practice. Now I am privileged to have what I think is one of the greatest jobs in New York City. I have that job not because I was a partner at Proskauer but because of the pro bono and legal services work that I did. It was there – private law firms are great and my law firm was great – but it was in the public service activities that I was exposed to the issues of the pro bono challenges, the 18-B issues, the homelessness issues and so forth.

One of my most enduring images as president of the Bar Association – which today pales in significance to what happened on 9/11 – but what I can remember vividly, is going to Kennedy Airport after the crash of TWA 800. I stood there talking to the families of the victims of that tragedy and telling them that there were 30 lawyers in the room standing there ready to help. That was the satisfaction that I got, that I will never forget. We have to publicize that satisfaction over and over again. I think that the tragedy of 9/11 opened up the eyes of many, many lawyers to the satisfaction that you can gain.

But we can’t stop there. We must make it in the employers’ self- interest to have employees perform pro bono service. It’s not enough for us to ring our hands and say these private law firms, they are making lots of money, their lawyers are being paid extraordinary amounts of money and oh, if they would only take a step back and do some pro bono service. That is nice rhetoric, but we’ve got to make it in their self-interest.

It’s hard to believe, but it’s not so many years ago that we were having this debate about how can you persuade private law firms that it’s in their self interest to employ minorities and employ women. It’s an issue that we don’t even debate today, it’s self evident and we have to make it self evident to the private law firms that it’s in their self interest to perform pro bono work. I think we can do that. I suggest, number one, that we go back to the law students, the best and the brightest whom the law firms are competing for, and we have to encourage those law students to say “Hey, which is the firm where I can best continue my pro bono efforts?” They will have to ask the questions of the law firms “what will my opportunities be to perform pro bono legal services if I go to firm A verses firm B” because I think that is pressure. At one law school with

which I am affiliated, the Board of Visitors of that law school passed a resolution encouraging law students to ask the questions of their prospective employers, "What can I do if I go to your law firm for pro bono work?" We have to encourage that demand.

Second, as the Chief Judge has suggested, because pro bono is fun and is interesting, it is a way for younger lawyers to gain greater satisfaction in the practice of law. While private law firms are great and the challenges there are interesting, we all know that there are too many young lawyers who are not happy in the practice of law, and they are happier when their practice can have added to it, not just long hours, but the fact that they are also doing something where they are in court right away, where they are helping people right away and that they are not just on a team of four, five or six lawyers.

Pro bono service does make the practice of law more enjoyable, and we have to educate the employers that it is in their interest to have their lawyers do the pro bono work because there will be great satisfaction. In that regard, I am encouraged by the following story even though it stretches the definition of pro bono just a little bit. As you all know the City has a fiscal problem. I put out a SOS to all the law firms in the City, and I said the Corporation Counsel's office does not have enough lawyers and we cannot hire any more lawyers because of the fiscal problem, please help. The response of the private bar has been extraordinary. Twelve law firms donated an associate to us for six months at no charge to try cases. Close to thirty law firms have agreed to represent the City on a pro bono basis. Part of that is because of the hands on training these young lawyers are going to get and the experience, but part of it is because the lawyers in the law firms, I think, recognize a need, a desire of the younger lawyers to help – not just help the City, which is what I was interested in, but to help in some way. There is a great desire out there to help.

I also think that the corporate counsel example that I mentioned a few moments ago is another way that we have to focus on, to show that it is in the private employer's interest for its employees to perform pro bono work. I commend Pfizer and the other corporations that have stepped up to the plate. We have to reward the corporations, we have to reward the law firms who do step up to the plate, to help it make it in their self-interest, because we do need, as the Chief Judges has said, we do need leadership from the top to encourage the younger lawyers to do the work. We have to find a way to make it good business for the law firms and the corporations to do pro bono service.

Finally we have to make it easy. There are so many lessons from 9/11 that many of you know far better than I. The one-stop shopping, I call it, that we offered after 9/11 where the lawyers were sitting there, after appropriate training, helping people, serving as lawyers for families of the victims. We have to make it efficient and uncomplicated, we have to eliminate the barrier. Every time you do pro bono work and you have a bureaucracy to cut through, we lose the momentum. It has to be made easy. I'm not sure how to do that. I hope you can find some ways to do that today. I do know, in my view, that the energy of the lawyers and the willingness of the lawyers is there and is untapped. It is particularly there among the younger lawyers. I hope today that everyone in this room can find a way to tap that energy, harness it in some way so that we can have a workable pro bono system in this State.

Thank you very much.

Betty Ackerman
Director of Public Sector Careers
Hofstra University School of Law
108 Hofstra University
Hempstead, NY 11549

Helaine Barnett, Attorney-in-Charge
Civil Division
The Legal Aid Society
199 Water Street
New York, NY 10004

Carol Bockner, Director
Public Service Network
Association of the Bar Of NYC
42 West 44th Street
New York, NY 10036

Hon. Joan B. Carey
DC Administrative Judge
for NYC Courts
100 Centre Street
New York, NY 10013

Dean Ellen Chapnick
Center for Public Interest Law
Columbia Law School
435 West 116th Street - Box A-26
New York, NY 10027

Steven D. Cohn
Past President
Brooklyn Bar Association
16 Court Street
Brooklyn, NY 11201

Ramonita Cordero
Director - Legal Program
InMotion, Inc.
70 West 36th Street - Suite 903
New York, NY 10018

Kevin J. Curnin, Director
The Public Service Project
Stroock & Stroock & Lavan
180 Maiden Lane
New York, NY 10038

William Dean
Executive Director
Volunteers of Legal Service
54 Greene Street
New York, NY 10013

Julie Dinnerstein, Director
Center for Battered Women's Legal
Services
67 Wall Street, Suite 2211
New York, NY 10005

Hon. Phillip Adler
Vigo Superior Court #2
33 South 3rd Street
Terre Haute, IN 47807

Lorna Blake
Executive Director
IOLA Fund of the State of NY
11 East 44th Street - Suite 1406
New York, NY 10017

Hugh W. Campbell, President
New York State Trial Lawyers Association
Rodman & Campbell, PC
1428 E. Gun Hill Road
Bronx, NY 10469

Anthony Perez Cassino
Assistant Director of Public Service
Milbank, Tweed, Hadley & McCloy
1 Chase Manhattan Plaza
New York, NY 10005-1413

Allen J. Charne, Executive Director
Legal Referral Service
Association of the Bar of NYC
42 West 44th Street
New York, NY 10036

Hon. John P. Collins
Acting Administrative Judge
Bronx County Supreme Court
851 Grand Concourse
Bronx, NY 10451

Hon. Alma Cordova
Bronx County Family Court
900 Sheridan Avenue
Bronx, NY 10457

Lois Davis
Director of Pro Bono Programs
New York County Lawyers Association
14 Vesey Street
New York, NY 10007

Sean Delaney
Executive Director
Lawyers Alliance for New York
330 Seventh Avenue - 19th Floor
New York, NY 10001

Hon. Marian Doherty
Bronx County Housing Court
851 Grand Concourse
Bronx, NY 10451

Joy M. Alessi, Chairperson
Young Lawyers Division
Nassau County Bar Association
34-23 71st Avenue
Jackson Heights, NY 11372

Hon. Lois Bloom, US Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Michael Cardozo
Corporation Counsel
New York City Law Department
100 Church Street - 6th Floor
New York, NY 10007

Hon. Cheryl Chambers
Kings County Supreme Court
360 Adams Street - Room 527
Brooklyn, NY 11201

Saralyn Cohen
Pro Bono Coordinator
Shearman & Sterling
599 Lexington Avenue - 11th Floor
New York, NY 10022

Michael A. Cooper
Sullivan & Cromwell
125 Broad Street
New York, NY 10004

Elizabeth Cronin, Director
Office of Legal Affairs
U.S. Court of Appeals - 2nd Circuit
40 Foley Square
New York, NY 10007

Sonja Davis, Principal Law Librarian
Westchester County Supreme Court Library
111 Dr. Martin Luther King, Jr., Blvd.
White Plains, NY 10601

Prof. Matthew Diller
Fordham Law School
140 West 62nd Street
New York, NY 10023

Julie A. Domonkos
Executive Director
My Sister's Place
2 Lyon Place - Suite 300
White Plains, NY 10601

Hon. Joseph Dorsa
Queens County Supreme Court
88-11 Sutphin Blvd.
Jamaica, NY 11510

Hon. Laura Douglas
Supervising Judge
Bronx County Civil Court
851 Grand Concourse
Bronx, NY 10451

Catherine J. Douglass
Executive Director
InMotion, Inc.
70 West 36th Street - Suite 903
New York, NY 10018

Vicki L. Eastus, Director
Public Interest Law Center
NYU Law School
110 West 3rd Street - 2nd Floor
New York, NY 10012

Sara Effron
Assistant Director
Volunteers of Legal Service
54 Greene Street
New York, NY 10013

Cynthia Feathers
Director of Pro Bono Affairs
New York State Bar Association
One Elk Street
Albany, NY 12207

Hon. Paul Feinman
Bronx County Civil Court
851 Grand Concourse
Bronx, NY 10451

Daniel Feldman, Deputy Attorney General
for Program Development
NYS Attorney General's Office
120 Broadway - Floor 26
New York, NY 10271

Philip Ferrara
Manager of Selection & Placement
Office of Court Administration
25 Beaver Street - 10th Floor
New York, NY 10004

Hon. Steven W. Fisher
Administrative Judge
Queens County Supreme Court
88-11 Sutphin Boulevard
Jamaica, NY 11435

Hon. Fern Fisher
Administrative Judge
New York City Civil Court
111 Centre Street - 12th Floor
New York, NY 10013

Hon. Marcy S. Friedman
New York County Supreme Court
111 Centre Street
New York, NY 10013

Jennifer Friedman, Director
Center for Battered Women's Legal
Services
67 Wall Street, Suite 2211
New York, NY 10005

James Garfein
Chief Court Attorney
Westchester County Supreme Court
111 Martin Luther King, Jr. Blvd.
White Plains, NY 10601

Joseph S. Genova
Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005

Julie Goldscheid
General Counsel
Safe Horizon
2 Lafayette Street
New York, NY 10007

Herman Goldsmith
Proskauer Rose, LLP
1585 Broadway
New York, NY 10036

Sharon Goldsmith, Executive Director
Pro Bono Resource Center of Maryland
The Maryland Bar Center
520 W. Fayette Street
Baltimore, MD 21201

Jill Laurie Goodman
NYS Judicial Committee
on Women in the Courts
25 Beaver Street - Room 878
New York, NY 10004

Chip Gray
Project Director
South Brooklyn Legal Services
105 Court Street
Brooklyn, NY 11201

James Grayer
Kramer Levin, Naftalis & Frankel
919 Third Avenue
New York, NY 10022

Kenneth Greenstein
CUNY School of Law
Community Legal Resource Network
65-21 Main Street
Flushing, NY 11367

Cary Grimm
Cleary, Gottlieb Steen & Hamilton
1 Liberty Plaza
New York, NY 10006

Richard Gruenberger
New York Legal Assistant Group
103 East 59th Street - 14th Floor
New York, NY 10022

Rachel Hahn, Principal Court
Attorney to Administrative Judge
New York City Family Court
60 Lafayette Street
New York, NY 10013

Marlene Halpern
Supervising Attorney
Legal Aid Society - Volunteer Division
230 E. 106th Street
New York, NY 10029

Joyce Hartsfield
Executive Director
Judicial Commission on Minorities
25 Beaver Street
New York, NY 10004

Vilia Hayes
Hughes, Hubbard & Reed, LLP
One Battery Park Plaza
New York, NY 10004

Michael Hertz
President
probono.net
151 W. 30th Street - 10th Floor
New York, NY 10001

Maria Imperial
Executive Director
The City Bar Fund
42 West 44th Street
New York, NY 10036

Hon. Debra James
New York County Supreme Court
111 Centre Street - Room 659
New York, NY 10013

Elizabeth Kane
Director of Public Service Project
Brooklyn Law School
250 Joralemon Street
Brooklyn, NY 11201

Hon. Deborah A. Kaplan
New York City Civil Court
111 Centre Street
New York, NY 10013

Lynn M. Kelly
Executive Director
MFY Legal Services, Inc.
299 Broadway - 4th Floor
New York, NY 10007

Hon. Judy Harris Kluger
Administrative Judge
New York City Criminal Court
100 Centre Street
New York, NY 10013

Hon. Susan Knipps
Supervising Judge
New York County Family Court
60 Lafayette Street
New York, NY 10013

Lydia Lai
Counsel to CLE Board
Office of Court Administration
25 Beaver Street
New York, NY 10004

Hon. Joseph M. Lauria
Administrative Judge
New York City Family Court
60 Lafayette Street
New York, NY 10013

Jennifer Lee
Director of Dedicated Liaison Project
Center for Battered Women's Legal Services
67 Wall Street, Suite 2211
New York, NY 10005

David M. Lubitz
Swidler Berling Shereff Friedman
3000 K Street NW - Suite 300
Washington, DC 20007

Roseann B. MacKechine, Clerk of Court
U.S. Court of Appeals for the 2nd Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Thomas Maligno
Director of Public Interest
Touro Law School
300 Nassau Road
Huntington, NY 11743

Hon. Sallie Manzanet
Bronx County Supreme Court
851 Grand Concourse
Bronx, NY 10451

Linda Manley, Senior Staff Attorney
Lawyers Alliance for New York
330 Seventh Avenue, 19th Floor
New York, NY 10001

Bernard McCarthy
Chadbourne & Parke, LLP
30 Rockefeller Plaza
New York, NY 10112

Allison McDermott
probono.net
151 West 30th Street - 10th Floor
New York, NY 10001

Thomas McGrath
Association of the Bar of the City of NY
Shearman & Sterling
599 Lexington Avenue
New York, NY 10022

Joan McNichol
President
Women's Bar Association
4 Tiffany Lane
Smithtown, NY 11787

Anne F. Mead
Director
Women's Bar Association
144 Fourth Avenue
Bay Shore, NY 11706

Dean Vanessa Merton
Pace University School of Law
78 North Broadway
White Plains, NY 10603

Michael Miller
President
New York County Lawyers Association
2 Park Avenue - Suite 2200
New York, NY 10016

Alice Morey, Managing Attorney
Community Outreach Law Project
The City Bar Fund
42 West 44th Street
New York, NY 10036

Elizabeth Murno
Director of Legal Affairs
Safe Horizon
2 Lafayette Street
New York, NY 10007

Martin S. Needelman
Project Director & Chief Counsel
Brooklyn Legal Services Corp. A
256 - 260 Broadway
Brooklyn, NY 11211

Barbara Nichols
Pro Bono Coordinator
Weil Gotshal & Manges LLP
767 5th Avenue
New York, NY 10153

Hon. Francis A. Nicolai
Administrative Judge
Ninth Judicial District
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, NY 10601

Leslie Nizin
President
Network of Bar Leaders
125-10 Queens Blvd.
Kew Gardens, NY 11415

Mark H. O'Brien
probono.net
151 West 30th Street - 10th Floor
New York, NY 10001

Jean O'Hare
Senior Corporate Counsel
Pfizer, Inc.
150 East 42nd Street
New York, NY 10017

Barbara Berger Opatowsky
Executive Director
Association of the Bar of NYC
42 West 42nd Street
New York, NY 10036

Miriam Pismeny, Managing Attorney
Nassau/Suffolk Law Services
Committee, Inc.
One Helen Keller Way - 5th Floor
Hempstead, NY 11550

Robert M. Redis, Chair
Pro Bono Committee- McCarthy,
Donavan, Drazen & Smith, LLP
11 Martine Avenue
White Plains, NY 10606

Michael Rothenberg, Exe. Director
New York Lawyers for the Public
Interest
151 West 30th Street
New York, NY 10001

Andrew Scherer
Executive Director
Legal Services for New York City
350 Broadway
New York, NY 10013

Thomas Schoenherr, Assistant Dean
Public Interest Resource Center
Fordham University School of Law
140 West 62nd Street
New York, NY 10023

Barry M. Smolowitz
Suffolk County Bar Assn. -
Pro Bono Foundation
7 Maryland Drive
Kings Park, NY 11754

James Stillwaggon
Chair, Pro Bono Committee
White & Case, LLP
1155 Avenue of the Americas
New York, NY 10036

Ronald J. Tabak
Special Counsel
Skadden Arps Meagher & Flom
4 Times Square
New York, NY 10036

Jeffrey S. Trachtman
Kramer Levin Naftalis & Frankel
919 3rd Avenue
New York, NY 10022

David Weschler, Attorney-in-Charge
Legal Aid Society
Volunteer Division
230 E. 106th Street
New York, NY 10029

Leslie Platt, Director
Public Service Law Network
New York University School of Law
110 West 3rd Street, Suite 318
New York, NY 10012

Hon. Diane Renwick
Bronx County Supreme Court
851 Grand Concourse - Room 845
Bronx, NY 10451

Hon. Patricia Satterfield
Queens County Supreme Court
88-11 Sutphin Blvd.
Jamaica, NY 11435

Hon. Micki Scherer
Administrative Judge
New York County Supreme Court
100 Centre Street
New York, NY 10007

Maurice Segall
Deputy Director
Pro Bono Partnership
237 Mamaroneck Avenue, Suite 404
White Plains, NY 10605

Elly Spiegel
Pro Bono Coordinator
Chadbourne & Parke, LLP
30 Rockefeller Plaza
New York, NY 10112

Hon. Jeffrey Sunshine
Richmond County Supreme Court
927 Castleton Avenue
Staten Island, NY 10310

Sonya Tennell
President
Black Bar Association of Bronx County
c/o P.O. Box 1519
Bronx, NY 10451

David Udell
Director - Poverty Program
Brennan Center for Justice
161 Avenue of the Americas - 12th Floor
New York, NY 10013

Hon. Dana Winslow
Nassau County Supreme Court
100 Supreme Court Drive
Mineola, NY 11501

Barbara Reaves, Clerk-in-Charge
Office for the Self-Represented
New York County Supreme Court
60 Centre Street - Room 102
New York, NY 10007

Fred Rooney
CUNY School of Law
65-21 Main Street
Flushing, NY 11367

Daniel R. Schaffer
Lesbian & Gay Law
Association of Greater NY
799 Broadway - Suite 340
New York, NY 10003

Prof. Elizabeth M. Schneider
PIL Fellowship Program
Brooklyn Law School
250 Joralemon Street
Brooklyn, NY 11201

Hon. Jacqueline Silbermann
Administrative Judge
New York County Supreme Court
60 Centre Street
New York, NY 10007

Hon. Robert Spolzino
Westchester County Supreme Court
111 Dr. Martin Luther King, Jr., Blvd.
White Plains, NY 10601

Hon. Patrick A. Sweeney
Suffolk County Family Court
400 Carleton Avenue
Central Islip, NY 11722

Hon. Bruce Tolbert
Westchester County Supreme Court
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, NY 10601

Joseph Vaccarino
Executive Director
Queens Law Associates
118-21 Queens Blvd., Suite 212
Forest Hills, NY 11375

Cheryl Zalenski, Asst. Staff Counsel
Center for Pro Bono
American Bar Association
541 N. Fairbanks Court
Chicago, IL 60611