

CHIEF JUDGE JONATHAN LIPPMAN'S
LAW DAY 2012

Today on Law Day, we pause from our busy routines to celebrate our nation's faith in the rule of law and the liberties we so dearly cherish. And we reaffirm the ideals of equality and justice that are the roots of our national prosperity.

While we enjoy the freedoms guaranteed to us by our Constitution, we cannot take for granted that the continued vitality of those freedoms -- the very life of those freedoms -- depends on the active engagement of each of us. Those who are privileged to call ourselves lawyers have a special duty as the gatekeepers of justice to participate in preserving what we hold so dear.

With that in mind, my remarks today will focus on a most pressing responsibility for all of us: instilling and fostering a culture of service in the men and women who enter our profession as lawyers each year. It is the legal profession's commitment to equal justice and to the practice of law as a higher calling that has made service to others an intrinsic part of our legal culture. The new protocols that I will announce today for admission to the bar in New York, will challenge every law student to answer very basic questions that are fundamental to the very fibre of the legal profession: How will you choose to benefit your fellow man and your community with your new skills? Will you use your legal acumen to foster equal justice in our state? Do you recognize that being a lawyer requires an understanding that access to justice must be available to all New Yorkers regardless of their station in life? From the start, these responsibilities of the profession must be a part of every lawyer's DNA - - to support the values of justice, equality and the rule of law that make this state and this country great.

We are facing a crisis in New York and around the country. At a time when we are still adjusting to the realities of shrinking state coffers and reduced budgets, more and more people find themselves turning to the courts. The courts are the emergency rooms of our society -- the most intractable social problems find their way to our doors in great and increasing numbers. And more and more of the people who come into our courts each day are forced to do so without a lawyer.

The critical need for legal services for the poor, the working poor, and what has recently been described as the near poor could not be more evident. Our Task Force to Expand Access to Civil Legal Services estimates that we are at best meeting only 20 percent of the civil legal services needs of New York State's low-income residents -- and this is at a time when 15% of the people in our state live at or below the poverty level. That means that literally millions of litigants each year are left to navigate our court system without the help of a lawyer.

Given the magnitude of this problem, and thanks to our partners in government in the legislative and executive branches, the judiciary's budget has included substantial funding for civil legal services over the last two years. I am proud of the fact that we have established a template in New York to publicly fund civil legal services for the poor in a systemic and reliable way. This year, the judiciary's budget includes \$25 million to support civil legal service providers directly and another \$15 million in rescue funding to IOLA -- the total of \$40 million being the highest level of state funding for civil legal services in the country. These funds could not be more important given the economic crisis that has impacted most heavily on those who can least help themselves in our state and created greater demands for legal services than ever before in our history.

But we must do more to bridge the gap between this rising need and the services we provide. While greatly increased state funding will go a long way to addressing the desperate straits many litigants with limited means find themselves in, by itself, money is not enough. We need the continued individual efforts of lawyers doing their part. We are indeed fortunate that, in New York, so many lawyers are already embracing a culture of service. So many lawyers understand that it is their special responsibility to use their skills and their position to help ensure that we are providing for the justice needs of *all* New Yorkers.

Pro bono service has been part of the professional lives of lawyers for centuries. It is deeply rooted in our traditions. Our own fabulous New York State Bar Association, as well as countless other bar associations around the state and the country, remind us of this. For so many years, they have recognized our ethical and social responsibility to volunteer our time and resources to provide legal services for those in need.

These same considerations have become very much a part of the culture at law schools as well. The conviction that serving the public is an essential component of our professional identity as lawyers has caught hold at law schools around the country. In fact, New York's practice rules -- like those of many other states -- allow law students to perform legal work under the supervision of law school faculty or legal service organizations, thereby enabling students to appear in court and put their name on court filings.

But, now it is time to connect these dots between the experience of law students on the one hand and the ongoing professional responsibility of lawyers to perform pro bono service on the other. If pro bono is a core value of our profession, and it is -- and if we aspire for all practicing attorneys to devote a meaningful portion of their time to public

service, and they should -- these ideals ought to be instilled from the start, when one first aspires to be a member of the profession. The hands-on experience of helping others by using our skills as lawyers could not be more of a pre-requisite to meaningful membership in the bar of our state. So today, on Law Day, 2012, we turn over a new page in the bar admission process in New York -- by requiring each and every applicant for admission to contribute 50 hours of participation in law-related and uncompensated pro bono service before they can practice in New York State.

With this step, as it should be, New York will become the first state in the nation to require pro bono service for admission to the bar. What better way to send the strongest message to those about to enter our profession -- assisting in meeting the urgent need for legal services is a necessary and essential qualification to becoming a lawyer. With this new initiative, New York will lead the way in stating loudly and clearly that service to others is an indispensable part of our legal training and that before you can call yourself a lawyer in New York, you must demonstrate in a very tangible way your commitment to the ideals of our great profession.

Every year, about 10,000 prospective lawyers pass the New York Bar Exam. While 50 hours of law related pro bono work would amount to little more than a few days of service for each year of law school, the aggregate would be a half million hours each year that benefits New York and those in need of legal help. If every state in the country were to join us in taking up this mantle, that would mean at least two and a half million hours of additional pro bono work - - what a positive impact on persons of limited means, communities and organizations that would gain from this infusion of pro bono work.

And by doing so, we will not only benefit the clients who are in dire need of legal

assistance but, so importantly, we will also be helping prospective lawyers to build the valuable skills and acquire the hands-on experience so crucial to becoming a good lawyer. There can be no argument that newly-minted lawyers are simply better at their jobs when they receive direct experience in the practice of law. By assisting a family facing eviction or foreclosure, by working with an attorney to draft a contract for a fledgling not-for-profit, by helping a victim of domestic violence obtain a divorce, or by using their legal talents to help state and local government entities in a time of economic stress, law students can access the real-world lessons that are so important to succeeding in legal practice and hopefully also experience the intrinsic reward that comes from helping others through pro bono service.

How will this new admission requirement work in New York? First, it will not be solely the responsibility of law schools to provide pro bono opportunities, although there are law schools that already require some pro bono service to graduate, and most law schools today have an impressive array of clinical programs to offer their students. These students also may want to look outside the campus walls to legal service providers in their area and explore internships, or work with local bar associations to find pro bono possibilities. And while most applicants to the bar will want to complete their pro bono service during the law school years or over the summers, they will also have the option to do so after graduation, or even after taking the bar exam or after beginning a paid legal position in a law firm or elsewhere.

When applying to the Appellate Divisions for admission to the New York bar, applicants will be required to include an affidavit describing the nature of their pro bono work, the organization and the individual lawyer who supervised them, and the dates and

hours of service. In order to provide sufficient notice to current law students, this requirement will not affect the applicants seeking to join the bar this year. In New York, it is the Appellate Divisions of the Supreme Court through their Committees on Character and Fitness that oversee and approve all admissions to the bar, and they will ensure that applicants have completed their pro bono service before they are admitted to practice law. The Presiding Justices of each of the four Appellate Divisions have fully embraced this new pro bono requirement for bar admission in our state, and I am so grateful to them not only for their support but also for their advice and wisdom.

It is my hope that New York will serve as the trendsetter nationally in requiring pro bono service for admission to the bar and in recognizing that it is an essential part of what it means to be a lawyer. Across the country, it is critical that we formally recognize pro bono service as an indispensable part of our legal culture. This will not only affect the way we as lawyers perceive ourselves -- it will also shape the way we are perceived in the wider community and the society in which we play such an important role. The legal profession should not be seen as argumentative, narrow or avaricious, but rather one that is defined by the pursuit of justice and the desire to assist our fellow man.

With today's announcement, we celebrate the thousands and thousands of lawyers who perform pro bono work in our state every year, and who have risen to the occasion time and time again to provide legal services and ensure access to justice for all. We honor their commitment to take on legal work for those most in need and pass that commitment on to a new generation seeking to practice law in our state, starting on day one - - helping to shape that generation with the values we all share as members of our noble profession, and I do believe it is noble. As far back as judges and lawyers have

existed, the pursuit of equal justice for all, rich and poor alike, has been the hallmark of our profession. In New York, now more than ever before, we will make this moral imperative a reality before anyone is given the privilege and honor of practicing law in our great state.

Thank you.