

# PRESIDENT'S MESSAGE

DAVID P. MIRANDA

## With Liberty and Justice for All

*“Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status.”*

Supreme Court Justice Lewis Powell, Jr.,  
in an address to the ABA Annual Meeting, 1976

Critical and underfunded legal services programs across New York State are overwhelmed. The confluence of a troubled economy and insufficient funding has left the neediest among us with nowhere to turn when faced with wrongful eviction, home foreclosure, or difficulties obtaining disability, medical, or unemployment benefits. In these difficult times, when we readily open our public coffers to provide government dollars to banks and automakers, we should do no less for the most needy and helpless among us. As attorneys we have an obligation, individually and collectively, to use the strength of our voices to raise awareness of injustice in our society and, more important, to do something about it.

### Attorneys Making a Difference

The Brennan Center for Justice at the New York University School of Law has estimated that 80% of low-income people nationwide have difficulty obtaining legal representation or otherwise accessing the civil court system to protect their property, their family or their livelihood. The good news is that from a peak of 2.3 million in 2010 the number of unrepresented New York civil litigants has been reduced by one-half million in 2014.

This reduction is due in no small part to the assistance of New York's

network of professional civil legal services providers and volunteer lawyers. But that means that 1.8 million civil litigants entered the New York court system without the benefit of attorney representation. Many of these cases were dismissed on procedural grounds – the plaintiff or defendant failed to complete a requisite form or pleading, did not appear in a given court on time or lacked required documentation and/or information. Yet, while an impressive number of New York citizens have benefited from pro bono legal assistance, the number of those in need continues to rise.

We must redouble our efforts to support pro bono. Our profession is unique in its expectation that all attorneys dedicate a portion of their time and expertise to assisting the underprivileged. And the rewards are great. Not just in using our knowledge and skills to help others, but in working with our colleagues in the court, other bar associations and service organizations for the common good we strengthen our legal community. Through our collective efforts we can best serve the needs of the poor.

Each year thousands of New York attorneys donate their time through civil legal service and bar association programs, such as our President's Committee on Access to Justice, our annual Howard A. Levine Award, the



President's Pro Bono Service Awards, and the NYSBA Empire State Counsel program. Established in 2006, our Empire State Counsel program honors those who have performed 50 hours or more of pro bono work in a year. Since the program's inception, more than 11,000 NYSBA members have collectively contributed over 1.7 million hours of pro bono service.

Since 2010, the State Bar has participated in hearings held by Chief Judge Jonathan Lippman's Task Force to Expand Access to Civil Legal Services. We have heard testimony about the importance of civil legal services from providers, government officials and other stakeholders, as well as directly from clients. These hearings have demonstrated that timely and well-trained legal assistance can make a difference.

As President, I have the privilege of sitting on the panel with Judge Lippman, and the most compelling testimony comes from the recipients of pro bono services – a woman with AIDS, a victim of domestic violence, a father about to lose his home – who speak simply and eloquently about their desperate circumstances, how access to legal services changed their lives and helped preserve their most

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basic human dignity. More than anything else, it's their stories that remind us why we do what we do. Judge Lippman should be commended for his leadership; he's used the strength of his position to shine a light on this important concern.

### Necessary Resources

Our Association's charitable branch, the New York Bar Foundation, last year presented more than \$830,000 in grants to law-related projects designed to address the fundamental issues of poverty, homelessness, lack of access to civil legal services and the challenges facing immigrants. Yet we must find ways to engage a larger donor pool and raise additional funds to support statewide pro bono activities.

Working in partnership with the New York Bar Foundation and its President, John Gross, we have created a joint committee with members from both the Foundation and the New York State Bar Association to raise additional resources to support these initiatives. This committee, led by Hon. Barry Kamins and Marion Hancock Fish, will seek ways to attract funding beyond that already allocated to pro bono providers, to further our efforts to bridge the justice gap in New York.

### Statewide Center for Justice

Our Association is in a unique position to do more to address this problem head-on and make a real difference. We have been working on fresh ways to leverage new sources of funding, utilize technology and expand the number of pro bono volunteers from our pool of 74,000 members, to assist an even greater number of indigent New Yorkers in gaining the access to justice they desperately need – and deserve.

We have led the call for an Albany-based statewide Center for Justice to focus on coordinating, enhancing and enlarging the current statewide pro bono network of providers and resources. By providing easily accessible technology and tools to reduce some of the current obstructions that

prevent potential pro bono volunteers from contributing their time and talents, we can increase the number of volunteer opportunities, assist an even greater number of indigent New Yorkers, and significantly increase the pool of pro bono volunteers across the state.

A truly statewide effort will help narrow the justice gap. Our Association can take the lead by coordinating our network of New York pro bono providers, the Office of Court Administration, and private contributors, to build a statewide database where pro bono volunteers can access and sign up for clinics and other pro bono volunteer opportunities in their local communities. Volunteers will also be able to create a personal "pro bono profile," listing their areas of legal expertise, their geographic preferences and the times they are available. Ideally, such a system would match a volunteer's profile with a potential pro bono client's needs.

In addition to helping create a statewide pro bono matching database, we must also further enhance the pro bono opportunities available to NYSBA members. We are currently working on partnering with the American Bar Association in offering to potential attorney volunteers an email-based pro bono system. Utilizing a "limited scope representation model," indigent New York clients will simply post their legal questions on a site where volunteer attorneys can review the questions, which would be posted and sorted by specific practice areas. Volunteers can then reply to the email question with their legal advice and solutions. This particular pro bono opportunity centers on volunteer lawyers simply answering questions – there is no actual courtroom representation. This system would also allow law students to work with licensed attorney mentors and to learn from real life issues and fact patterns. This provides students and mentors the chance to assist indigent New Yorkers in a controlled environment that can be easily accessed anytime and from any location. This

flexibility allows pro bono volunteers to work around their schedules and connect from the comfort of their home or office, making it easier for attorneys to provide pro bono services.

### Justice for All

As a profession, we must continue to find ways to provide access to justice to the thousands of indigent New Yorkers who lack meaningful access because they do not have legal representation. Our Association must find new ways to facilitate the connection between attorneys and those in need. If you are not doing so already, please consider donating your time as a pro bono volunteer. You can access a list of current New York pro bono providers and initiatives by going to our Pro Bono page, [www.nysba.org/pro-bono](http://www.nysba.org/pro-bono). If you prefer to assist our efforts by contributing funds, please contact our New York Bar Foundation, [www.tnybf.org](http://www.tnybf.org), to make your tax-deductible financial contribution.

Attorneys are held to a higher standard, and that is how it should be. Pro bono service is good for our community, good for lawyers, and good for our bar association. When justice is served for the poorest among us, we are all served for the better. ■

