

NEED FOR PRO BONO NEVER GREATER

Henry J. Scudder, Presiding Justice
Appellate Division, Fourth Department

THE RULES of Professional Responsibility strongly encourage lawyers to provide at least 20 hours of pro bono legal services to poor persons each year and to contribute financially to organizations that provide legal services to the poor. The rules reflect our profession's proud tradition of providing legal services at no fee to persons of limited financial means.

Although members of New York's legal community donate many hours of pro bono services and make generous financial contributions to public interest legal organizations, the legal needs of many poor individuals in New York remain unmet. Our troubled economy has led to an increase in the demand for civil legal services.

At the same time, the New York Interest on Lawyer Account Fund and other government funding sources for civil legal service providers are decreasing. Consequently, the need for the provision of pro bono legal services work to poor individuals and financial contributions to the organizations that provide legal services for such individuals has never been greater.

The New York State Bar Association has continued its longstanding commitment to increasing the provision of pro bono legal services. The NYSBA supports pro bono activities in its publications, Web site and mailings, and last year the Association took a leadership role in celebrating the first ever National Pro Bono Week.

The NYSBA also launched "The Good We Do Campaign," which includes a blog that highlights the outstanding pro bono efforts of attorneys across the state. The Association did much to increase pro bono participation, and should be commended for its efforts.

The New York State Unified Court System (UCS) has also played an important role in increasing pro bono participation. In 2002, UCS sponsored a series of pro bono convocations throughout the state. The task was a daunting one: design a workable system for pro bono services in New York.

The effort resulted in the establishment of ProBonoNY, a statewide initiative under the capable direction of Deputy Chief Administrative Judge Fern Fisher, which is aimed at improving access to justice for poor individuals in New York State. The goal is to form a ProBonoNY Action Committee in each judicial district.

Committee members were instrumental in planning activities during National Pro Bono Week. On Oct. 20, 2009, I attended a reception in my hometown of Bath, N.Y., honoring 19 attorneys from Steuben County for their pro bono contributions. Amy Christiansen, a member of the ProBonoNY Committee for the Seventh Judicial District, organized the event. Celebrations such as the one in Bath occurred across the state and provided an opportunity both to recognize attorneys for their pro bono services and to inspire more lawyers to provide them.

UCS has also funded a position entitled Pro Bono Coordinator in five judicial districts. The coordinator works with his or her respective judicial district's ProBonoNY Committee in developing and implementing programs to recruit and support volunteer attorneys.

In the Fourth Department

The pro bono coordinators have proven invaluable in the Fourth Department.

Jim Williams, Fifth Judicial District ProBonoNY Coordinator, Amanda Warner, Eighth Judicial District ProBonoNY Coordinator, and Linda Kostin, Seventh Judicial District ProBonoNY Coordinator, have each done a remarkable job in raising public awareness concerning the unmet legal needs of low income individuals, recognizing the contributions made by attorneys who have participated in pro bono work, providing effective training programs for pro bono attorneys and encouraging more to volunteer. The grant program has proven to be a wise investment.

On Oct. 26, 2009, I signed the Policy Statement on Pro Bono Legal and Volunteer Services for the Appellate Division, Fourth Department, which is designed to encourage and support efforts by Appellate Division employees to provide pro bono legal and volunteer services within the community.

The policy, modeled after pro bono policies issued by the U.S. Department of Justice and the New York State Attorney General, addresses the unique issues faced by government attorneys who perform pro bono work. We are proud to be the first appellate court in New York state to create and implement a formal policy on pro bono legal and volunteer services.

The Appellate Division, Fourth Department, has worked with the Seventh Judicial District ProBonoNY Coordinator, Linda Kostin, and the Volunteer Legal Services Project of Monroe County Inc. in an effort to develop pro bono opportunities tailored to meet the needs of government attorneys.

Ms. Kostin identified a variety of clinics and hotlines, including a wills clinic, a consumer law hotline, a pro se divorce clinic, a family law clinic, and a debt clinic that do not require court appearances. She was also able to arrange on-site training, which helped to make it as convenient as possible for our attorneys to meet their professional obligation to render pro bono legal services.

Appellate Division attorneys in the Fourth Department have a strong tradition of providing pro bono and volunteer services, and we have every confidence that the policy will encourage even greater participation.

The legal profession has made impressive efforts to reduce the number of low income people who face legal problems every year without help from a lawyer. Our challenge is to intensify those efforts as we strive to meet our shared goal of ensuring equal access to justice for all New Yorkers.