

Remarks of LSC Chairman Frank Strickland
NLADA Plenary Session, April 16

Good morning and thank you for this opportunity to speak with you today. I join others, including Mayor Shirley Franklin and former Governor Roy Barnes, who have welcomed you to Atlanta. I hope you are enjoying your visit. I have been Chairman of the LSC Board of Directors since April of last year, and I served on the Boards of the two LSC grantees in Georgia for a combined 11 years before that. So I have a pretty strong understanding of the importance of good planning as we struggle daily to meet the challenges of providing access to civil justice. And, I have an especially great appreciation of the collective body of work represented in this room today. Thank you for taking the time to be here and for caring about equal justice.

I would like to begin by reinforcing Helaine's impressions about our recent experiences on Capitol Hill. I attended the judiciary subcommittee hearing as an observer and testified jointly with Helaine before our appropriations committee in the House. Based on previous LSC hearings, I had been told to expect some hostile fire during our two

days of testimony. I had been warned that some Members may be suspicious of our determination to enforce congressional mandates on our grantees. Well, to my delight, there was absolutely no hostility to be found. Our reception was welcoming, appreciative, and almost universally positive. The two hearings demonstrated that there is solid support for the work of legal services on both sides of the aisle. There is a level of comfort that did not exist even a few years ago and a genuine recognition of the important role that all of us are playing in the administration of civil justice in this country.

However, political support does not always equal budgetary support. During the appropriations hearing, we made the strongest possible case for a four percent increase in our federal appropriation to \$352.4 million. But budgets are especially tight in Washington during this election year and, in all likelihood, we will have to fight hard to maintain existing funding levels as Congress looks for ways to cut government costs and restrain the deficit. This means that the work that all of you do will take on added significance in the coming months.

I agree wholeheartedly with Helaine's assessment about the crucial efforts that have been undertaken at the state level in terms of resource development. Securing additional resources for legal services programs is arguably our most important job. But, if I might, I would like to spend the rest of my time talking about a vast untapped *human* resource that we can all do more to utilize – the skill and manpower of the private bar. With finite financial resources at our disposal, it is imperative that we persuade more of our fellow lawyers to commit to pro bono work. This is particularly important given our changing low-income client base and the challenges raised by litigants with limited English proficiency.

The latest census reveals dramatic demographic shifts in the United States. The proportion of the U.S. population that is foreign-born has doubled since 1970. Our Latino population has increased *40 times over* since 1960. Increasingly, our new arrivals are not settling in immigrant strongholds. This puts unprecedented demands on local legal communities to recruit bilingual advocates or foot the costly bill for translation services.

These linguistic realities impact legal services providers, in particular, since many immigrants are of limited economic means. Twenty-two percent of lawyers at LSC-funded programs are bilingual, but we're talking here about a total workforce of fewer than 3,700 staff attorneys to serve more than *43 million* eligible clients. That's why recruiting pro bono attorneys to ease the burden of our advocates is such a vital goal.

I'd like to share a personal story – one in which my eyes were really opened with respect to how intimidating it can be for a non-English speaking person seeking a fair hearing in this country. I've been in private practice in Atlanta for 38 years, and in 1985 I was privileged to serve as President of the Atlanta Bar Association. That year, I received a call from U.S. District Judge Marvin Shoob conveying word of an impending crisis facing our local justice system. More than a thousand Cuban immigrants had been detained by the INS in the Atlanta Federal Penitentiary after arriving on our shores in the Freedom Flotilla at President Carter's invitation. Habeas corpus petitions for the detainees had been granted by Judge Shoob but reversed on appeal. This meant

that Judge Shoob would have to dismiss more than 1,000 habeas corpus petitions. The judge was understandably concerned because these detainees would then have no access to legal representation. I will never forget the experience of meeting with my Cuban clients at the federal prison with a translator. Not only were these individuals beyond access to our justice system, they were in a foreign country where they didn't speak the language or understand the issues confronting them. This experience had a profound effect on me. With help from the Atlanta Legal Aid Society, we mobilized more than 400 volunteer attorneys to represent some 800 Cubans in administrative parole hearings before INS hearing officers. In doing so, we helped show these men that America pays more than lip service to the idea of "justice for all."

The American Bar Association's Model Rules of Professional Conduct states, and I quote, "A lawyer ... is a public citizen having a special responsibility for the quality of justice.... A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford

adequate legal assistance, and should therefore devote professional time and civic influence on their behalf.”

Just as we have a responsibility to ensure that those of limited economic means are not shut out of our justice system, so too do we owe non-English speakers an opportunity to avail themselves of the rule of law that defines our democracy. The ABA Rules suggest that every member of the bar has an obligation to provide at least 50 hours of pro bono legal services. What we’ve found, though, is that our biggest challenge is getting attorneys to donate that first hour. Once we succeed in this regard, the rewards of pro bono work typically carry their own momentum. In my own life, I have been involved in legal services work ever since the Cuban pro bono project. It was a real awakening for me and, I know, for many of the lawyers we enlisted.

I read with great interest the SPAN report on state pro bono successes. So many states have come up with different structures and approaches to enlist more pro bono support. In Arkansas, there is a *Blueprint to Expand Volunteerism*. In Florida, the “For the Children” initiative has increased pro bono participation. In California, the

legislature requires the state to take pro bono work into account when awarding contracts for legal work. Delaware and Wyoming changed their continuing legal education rules to give credit for pro bono representation. Colorado, New York, and Wisconsin have created a network of local pro bono committees. In Arizona, Nevada, Tennessee, and Montana, the Chief Justices have made personal pleas to members of the bar. At LSC, we require each of our grantees to spend 12.5 percent of their basic field grant on pro bono recruitment efforts. But the companion efforts outlined in the SPAN report are critical, particularly in those places that have seen a recent influx of immigrants with unique legal problems and unique needs for assistance.

There is one suggestion I would make to Access to Justice Committees and local leaders still formulating and fine-tuning their pro bono plans. That is to include corporate legal departments in your outreach plans. Here in Atlanta, we have made significant inroads with major corporations like Coca-Cola, Bell South and UPS, who have seen the marketing advantages and improved morale that come with incorporating pro bono work into the job description of their corporate

legal staffs. The Pro Bono Institute affiliated with Georgetown University in Washington is doing pioneering work in this regard, and I would encourage you to contact Esther Lardent to explore effective strategies for approaching your corporate neighbors. Large corporations do significant international business and employ a significant number of lawyers with bilingual and even multilingual language abilities.

Anybody who has worked in legal services knows our greatest strength is our unity and our shared determination to live up to our oaths to do justice for those least able to afford it. We are living in a time when the unmet legal needs of the poor are rapidly shifting and, unfortunately, greater than ever. On behalf of the Legal Services Corporation Board of Directors, I applaud your commitment and encourage you to continue on your present path. You are making a tremendous difference in improving access to justice. Your efforts have certainly been noticed in the nation's capital and across this country.

Thank you.