



Pro Bono Task Force
Prepared Remarks
John G. Levi
Chairman, Legal Services Corporation
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It is my great privilege on behalf of the Board of Directors of the Legal Services Corporation to welcome you all to the first meeting of our pro bono task force. This is a remarkable and accomplished group. Thank you so much for volunteering your time and energy to this task force.

I also want to thank Harvard Law School for providing us with such a wonderful meeting place. We have two terrific co-chairs for the Task Force—Dean Martha Minow of this great law school and the vice chair of the Board for the Legal Services Corporation, and Harry Korrell, a Board member and partner in the Seattle office of Davis Wright Tremaine.

And I am especially grateful to DLA Piper and Lee Miller, the Joint Chief Executive Officer and Partner at the firm, for showing the true spirit of pro bono by volunteering his firm, DLA Piper, to provide the necessary support for the Task Force. Lisa Dewey, DLA's esteemed Pro Bono Partner since 1999, will serve as Consultant to the Task Force, and she will be joined by Jamie Hoag, a DLA Piper Associate, in this effort.

So we are in very capable hands. Let's start with a round of applause for Dean Minow, Harry Korrell, Lee Miller, Lisa Dewey and Jamie Hoag.

I know that in this room I am preaching to the choir regarding the current circumstances that exist in our civil justice system. Still, I want to give you a sense of where I am coming from and how I see the landscape of civil legal assistance in America. Frankly, the longer I serve on the LSC Board, the more concerned I become about the unmet civil legal needs in low-income communities and our country's commitment to the promise of equal justice for all.

Based on what we know from our grantees, other legal aid programs, justice gap studies and state studies, the unmet need in our civil justice system is staggering. Our LSC programs turn eligible clients away every day because of inadequate resources. The magnitude of this unmet need is what has brought us here together today.

Our nation's citizens have long been known for their volunteer spirit and willingness to help others. In the legal profession, law firms, especially big city firms, have increased their pro bono hours significantly over the last decade. It is something to celebrate, and I do not want my remarks today to be regarded as critical of the significant pro bono work already undertaken in this country.

But unfortunately, with all the efforts made by so many people in past decades, we have been unable to make a dent in meeting the legal needs of low-income Americans or in closing this nation's justice gap.

Moreover, in some way, we've accepted the notion that there will be a huge number of unrepresented individuals who can be helped through online or self-help desks, where unrepresented individuals can be assisted in filling out court forms or other filings they have to make. This is a far cry from actual representation by a trained practitioner.

When we say we have an unmet need, what we mean is this: folks who are not even getting this type of minimal help. We're talking about people who are completely left out, or actually in need of much greater help.

Our goal is to take what we've learned from our programs, from your experiences, from others in the profession, and see if we can find the newest and best practices to help expand the availability of pro bono assistance to even more low-income Americans.

I hope that we will learn together, and then will be in a position to make recommendations to expand access to justice.

Now, we are aware that there have been many efforts to expand pro bono over the years, and that in addition to this group, the ABA will be having a summit later this year. There is great interest in this topic, and it is not a new one. But we must succeed this time or risk an unstoppable downward spiral as a smaller percentage of low-income Americans have any access to justice.

We are trying to do our part at LSC. Although LSC has been swept up with other government programs for funding cuts, the LSC staff is working every day on Capitol Hill to increase LSC funding as Congress moves through the budget process. We also are turning to our friends in the bar to highlight the importance of strong state and local funding for civil legal assistance.

I bring this up because there are suggestions in Washington that cuts in LSC funding can be offset by increased pro bono. I believe all of us agree that pro bono is most effective when supported by robust legal aid programs that screen cases and provide volunteer lawyers with special training or necessary expertise.

In fact, there are critical areas, and we will certainly hear about them as the task force does its work, where legal aid programs have to provide special training and the pro bono lawyer may need the ongoing assistance of people who are trained and can keep an eye on a matter and serve as a resource. This can happen in family law and domestic violence cases, where safety and security and threats of violence and cyber-stalking require trained and expert advice and vigilance.

So we have volunteered for an ambitious effort, but as I recently told the Board, we have no choice. In the spirit of those Boston patriots of 1776—in fact, just across the street from here is the Cambridge Common where George Washington took control of the troops—we must never lose sight of our primary responsibility: to guard a piece of the nation’s core values.

With 63 million Americans eligible for LSC-funded assistance, and with that number likely to grow, it is appropriate to recall the eloquent words of that legendary Harvard Law graduate, Judge Learned Hand, who, in his 1951 address to the Legal Aid Society of New York, said, “It is the daily; it is the small; it is the cumulative injuries of little people that we are here to protect. . . . If we are to keep our democracy, there must be one commandment: thou shalt not ration justice.”

Together, through this Pro Bono Task Force, we must do a better job of educating our fellow members of the bar, who I believe, in the main, are largely unaware, and, more generally, our countrymen, as to the existence of this crisis and the implications for our country if it is not properly addressed.

As I travel the country and speak to the lawyers in our programs—who, I might add, work for the lowest salaries in the profession, and take on some of the most difficult workloads and continually daunting resource challenges—I increasingly appreciate that they are really the keepers of the flame of equal

justice for all. We, because we know it, also have a responsibility to let our country know when that flame is flickering too low—and this is one of those times.

We look forward to working with you, as we take a hard look at how pro bono resources are being deployed and how we can further harness technology and the best practices that we'll learn about here, to make it possible to significantly expand our pro bono efforts in addressing the unmet civil legal needs of low-income Americans across the country and thereby provide greater access to justice.

All of us here have spent our lives in the legal profession and I think, based on the careers we have all had, it has been good to us. In this room, we have some of the most publicly spirited, respected, and busy, leaders—nationally, in communities, in bar associations. And so we are looking to you for help and guidance.

We all know what is at stake—the fundamental fairness and the orderly functioning of our civil justice system, and I thank you for joining in this crucial effort. Frankly, I can't think of a more important endeavor for a lawyer to join in than this one.

Thank you.

It is now my great privilege to introduce our host, our Board's vice chair and the multitalented distinguished Dean of this law school, my friend, Martha Minow.