

Opening Remarks—Prepared for Delivery
John G. Levi, Chairman, LSC Board of Directors
Pro Bono Task Force Roll Out
Chicago, Oct. 15, 2012

Thank you for having me here today and for gathering together as leaders in our profession in Illinois and beyond.

Years ago as a country and as a profession we decided that we would address the civil legal needs of low-income Americans in order to keep our country's pledge of justice for all through a network that combined publically and privately funded clinics with significant pro bono service contributed by the profession.

In fact, in 1974, Congress during the Nixon administration established the Legal Services Corporation as the single largest funder of such civil legal aid for low-income Americans, and it now provides federal grants to 134 non-profit legal aid programs in every state.

The LSC is headed by a bipartisan board of directors whose 11 members are appointed by the President and confirmed by the Senate. President Obama appointed our Board and asked me to chair it, and three of my colleagues on the board are here today--Robert Grey, Victor Maddox and Laurie Mikva. We are also joined by the outstanding president of LSC, Jim Sandman.

As our board took office two and half years ago, we were greeted by two reports from our predecessors that showed that LSC-funded legal service programs were turning away at least one qualified person for every one they helped. Experts in the field now believe that percentage is much higher, and in Illinois, a recent study suggested that this percentage is closer to 80 percent.

As we quickly learned, the so-called Justice Gap-- the disparity between the legal needs of low-income people and the capacity of the civil legal assistance system to meet those needs—has stretched into a gulf and, in my view, is shifting the ground beneath the entire civil justice system.

Most low-income people in America simply do not have access to a lawyer in civil proceedings.

And just two weeks ago, at our formal quarterly board meeting in Durham, North Carolina, distinguished jurists from North Carolina, Virginia, South Carolina, Georgia and West Virginia described how difficult it is for even middle class people to obtain and pay for counsel.

And they spoke of the significant rise of pro se litigants, at all levels, of their court systems, and how it is frankly overwhelming to all of them.

Many...far too many... can't get a lawyer when they need one in divorces, child support cases, home foreclosures, bankruptcies, landlord-tenant disputes and other civil proceedings.

Research, such as it exists, also shows that self-represented litigants often fare less well than those with lawyers.

I think it is fair to say that this is a national disgrace because it betrays a core value of our democracy—equal access to justice—and asks the poor pay for that betrayal.

But as recent studies have clearly shown, the U.S. has been falling behind other countries in honoring that ideal, now ranking the United States 21st on access to justice for disadvantaged groups and 52nd in the world in terms of access to legal assistance.

Legal service lawyers are fighting every day to reverse this, but they are coping with record breaking demand and sharply reduced resources:

- The size of the population now eligible for civil legal assistance —Americans with incomes at or below 125 percent of the federal poverty line— has grown 10 percent since this LSC board was nominated in 2009 to more than 61 million. That is an all-time high.
- LSC’s congressional appropriations have been reduced 17 percent since 2010 to just \$348 million this year. In inflation-adjusted dollars that is an all-time low.
- Funding from other sources for LSC programs across the country has also dropped and combined funding for these programs from all sources fell from \$960 million in 2010 to \$878 million in 2012.
- Legal aid offices have closed, staff has been laid off, more people in need have been turned away. LSC-funded programs are projected to have eliminated nearly 1,500 positions from 2010 to 2012, more than a 15 percent reduction.

This is why significantly increasing pro bono is so important and why last year the LSC Board of Directors formed a national Pro Bono Task Force of more than 60 leaders of the legal community under the remarkable leadership of board members and co-chairs Martha Minow, the Dean of Harvard Law School, and Harry Korrell, a partner at Davis Wright Tremaine in Seattle.

I want to thank the outstanding members of this task force who found time in their busy schedules to devote enormous energy and creativity to this mission, which is reflected in the report.

They too quickly realized what is at stake for our country and our profession.

I also want to thank our wonderful host, DLA Piper, for providing invaluable pro bono administrative, editorial and production guidance and support under the leadership of co-CEO Lee Miller and pro bono partner Lisa Dewey. We could not have done this without them and their team.

The report presents the findings and recommendations of five task force working groups:

Best Practices Urban,

Best Practices Rural,

Obstacles,

Technology, and

Big Ideas.

The report identifies concrete steps that LSC, its grantees, and the entire legal profession--and I mean entire-- can take to help shape pro bono into a more reliable, organized system to deploy increased and consistent civil legal assistance to the areas most affecting low-income Americans.

The report seeks to harness and expand the pro bono talent pool and to better match it with the civil legal needs of low-income Americans

Among the chief recommendations are:

- Devising models of intake, service and backup so that national, state, local and county wide coordination of pro bono increases and produces efficient and seamless service.
- Creating training materials and templates for pro bono attorneys working with or aligned with legal services offices and in collaboration with one another,
- Harnessing new technologies to enlarge access to quality legal services that include interactive sites and mobile apps.
- Expanding the use of para-professionals and other non-lawyer professionals to provide help and also to enable efficient use of lawyer time. This very report was designed and published pro bono.
- Extending successful models of CLE credit for pro bono service and training,

- Permitting appropriate unbundling of services, allowing limited representation, and replicating effective courthouse help desks that we have seen work well in the still far too few places where they are utilized,
- Modifying LSC's own pro bono rule to facilitate better and expanded collaboration with pro bono attorneys, and
- Developing an incubation fund to pilot new ideas in pro bono, including fellowships for new attorneys and service opportunities for retired attorneys.

All of these will help, but the report concludes that pro bono programs will not close the civil justice gap. Moreover, pro bono services can reach their full potential only when there is a fully supported and adequately funded infrastructure of legal services agencies that can manage and oversee these pro bono efforts. These agencies clearly best understand the needs of their communities.

We will not let these recommendations sit on the shelf gathering dust. We have already launched an implementation team co-chaired by board members Robert Grey, a former ABA President, and Victor Maddox, a Kentucky practitioner, who successfully led another LSC task force--our dynamic duo! And, as I have said, both of them are here with us tonight.

They are committed to making significant progress in the coming year.

As all of this makes clear, the need for increased and more effective pro bono has never been greater.

As lawyers, we must rally to this call because we not only have responsibility for our clients, we also have responsibility for the justice system as a whole.

As Pepperdine Law Dean and former Chief Judge of the U.S. Court of Appeals for the Tenth Circuit Deannell Reece Tacha--who is also a task force member-- noted at an LSC board meeting earlier this year in San Diego:

“When the great majority of the individuals and small businesses of the nation no longer can, or believe they no longer can, get a lawyer, be represented effectively, go to court, settle their disputes in a fair and impartial way, and be treated like every other citizen, we quite simply, have lost the guiding principle of our republic—equal justice under law. When that goes, the rule of law goes, and when that goes, the great dreams of those patriots who founded and fought for this republic go with it—never to be reclaimed. Something must be done!”

With this task force report, and its forthcoming implementation, we at LSC are attempting to respond to this powerful call and steward this important effort.

It is now my great privilege to introduce Laurel Bellows, president of the American Bar Association.

Before becoming president in August, Laurel held a number of important posts at the ABA, including chair of the House of Delegates and the ABA Commission on Women in the Profession.

Laurel is an experienced business lawyer and principal of the Bellows Law Group, P.C. Crain’s Chicago Business lists Laurel on its annual list of Power Players. In 2006, she was named one of the 28 Power Lawyers in the City by Chicago Magazine.

With great pleasure, let me introduce my fellow Chicagoan, Laurel Bellows.