

**Opening Remarks—Prepared for Delivery  
Pro Bono Task Force Roll Out  
Boston, Oct. 3, 2012**

Thank you for having me here today. It is great to be back at my law school where 40 years ago I received my J.D. Where did that time go?

And I can't help but think of Paul Freund and Phil Areeda, giants here who meant the world to me.

The Legal Services Corporation is the single largest funder of civil legal aid for low-income Americans, providing federal grants to 134 non-profit legal aid programs in every state.

Established by Congress during the Nixon Administration, 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 four of my colleagues on the board are here today, including Martha Minow, Robert Grey, Gloria Valencia-Weber and Julie Reiskin.

As our board took office, 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.

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 chasm 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. Experts estimate that four-fifths of the legal needs of low-income people go unmet.

And just two days ago, at our formal quarterly board meeting in Durham, North Carolina, chief justices and other judges 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.

Last night as we formally unveiled our Pro Bono Task Force Report at the U.S. Capitol near the Supreme Court, I felt the emotion of that moment and I could not help but think of the Justice Lewis Powell's stirring words:

“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.”

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 co-chairs Martha Minow, the extraordinary Dean of this law school, and Harry Korrell, a partner at Davis Wright Tremaine in Seattle. Harry is also a member of the LSC board.

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 DLA Piper, which provided invaluable pro bono administrative, editorial and production guidance and support under the leadership of managing partner Lee Miller and pro bono partner Lisa Dewey. We could not have done this without them and their team.

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

Best Practices Urban,  
Best Practices Rural,  
Obstacles,  
Technology, and  
Big Ideas.

The task force found examples of superb collaboration and tools to facilitate and extend pro bono work to close the civil justice gap.

The report identifies concrete steps that LSC, its grantees, and the legal profession 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.

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 only reach their full potential 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 will 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--here with us and on a panel today--and Victor Maddox, a Kentucky practitioner, who successfully led another LSC task force--our dynamic duo!

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 pleasure and privilege introduce one of the co-chairs of the Pro Bono Task Force, the vice chair of the LSC Board of Directors, the daughter of my mentor at Sidley Austin, and my dear friend, your amazing Dean, Martha Minow.