

LEGAL SERVICES CORPORATION

RELEASE OF THE  
PRO BONO TASK FORCE REPORT

SPEECH BY  
JUDGE DAVID S. TATEL

Tuesday, October 2, 2012

Washington, D.C.

1                                   P R O C E E D I N G S  
2                   JUDGE TATEL:   John, I was involved so early  
3   in the Legal Services Corporation that you are  
4   looking at the person who filled out and filed the

1 Corporation's application for a tax exemption.

2 (Laughter.)

3 JUDGE TATEL: One day last year, I took my  
4 place on the bench to hear what I expected to be  
5 three fairly routine cases -- an employment  
6 discrimination case, a challenge to how the D.C.  
7 Government dispenses prescription drugs to Medicaid-  
8 eligible people, and a major civil liberties case.

9 As I listened to the argument, I suddenly  
10 realized that all three lawyers, all successful  
11 partners in major law firms, were serving pro bono,  
12 a superb illustration of the legal profession at its  
13 very best. Even though the three clients were  
14 disadvantaged in many ways, thanks to their pro bono  
15 lawyers, they stood before the D.C. Circuit on equal  
16 terms with three powerful, well-represented federal  
17 agencies presenting their claims of abuse of  
18 government authority to a court fully empowered to  
19 provide a complete remedy.

20 But as we all know, this is not how the  
21 legal system works for most people, especially not  
22 for poor people. From many studies, we know that

1 notwithstanding the hard work of publicly-funded  
2 legal services programs, 80 percent -- 80 percent --  
3 of the legal needs of the poor go unmet every year.  
4 And that number comes from surveys conducted before  
5 the great recession. Imagine what it is today.

6 I believe that the report the Legal  
7 Services Corporation issues today could do much to  
8 address this deplorable situation. For one thing,  
9 the report is the best and most comprehensive  
10 catalogue of pro bono programs for serving the poor  
11 that I know of. Any lawyer or law firm can find in  
12 this report every possible model of pro bono work.

13 I have no doubt that if the report is  
14 widely disseminated and if its excellent  
15 recommendations are followed -- you heard Dean Minow  
16 summarize some of these recommendations -- if its  
17 excellent recommendations are followed, it will  
18 produce badly needed help for financially starved  
19 LSC-funded legal services programs. They'll have  
20 many more lawyers from the private bar to work with  
21 and to represent poor clients.

22 I see this report as having another

1 important and related benefit. I hope it serves as  
2 a long-overdue challenge to the legal profession.  
3 The 80 percent gap is a serious indictment of the  
4 profession, which has absolutely no trouble serving  
5 the legal needs of those who can afford its fees.

6 But satisfying the needs of everyone,  
7 ensuring that everyone, without regard to financial  
8 resources, has access to the legal system -- and I  
9 think this is Chairman Wolf's point -- ensuring that  
10 everyone has access to the legal system is  
11 ultimately the responsibility of the legal  
12 profession, which, after all, has a monopoly on the  
13 practice of law.

14 With this report, the legal profession no  
15 longer has any excuses. No longer will lawyers be  
16 able to say, "I'd like to help, I really would, but  
17 I'm not trained to handle the kinds of legal  
18 problems that poor people face." Well, this report  
19 gives examples of lawyers just like them who are  
20 serving poor clients.

21 No longer will lawyers in small towns be  
22 able to say, "I'd like to help, I really would, but

1 I don't know where the clients are or how I can help  
2 them." This report gives examples of lawyers just  
3 like them who are serving poor people.

4 And no longer will lawyers in rural areas,  
5 many of them sole practitioners, be able to say,  
6 "I'd like to help, I really would, but I don't know  
7 how." This report includes many examples of lawyers  
8 just like them who are serving poor clients.

9 I could go on and on, but I hope my point  
10 is clear. With this report, the legal profession no  
11 longer has any excuse for the 80 percent gap. Will  
12 this report solve the entire problem? Of course it  
13 won't. But I hope it will help inspire the legal  
14 profession to begin taking its responsibility  
15 seriously, its responsibility to ensure that the  
16 legal system works for everyone.

17 And for this, we all owe a big thanks to  
18 Congressman Wolf for pushing the Corporation to  
19 undertake this, to John Levi for responding and  
20 leading the effort, to Dean Minow and Harry Korrell  
21 for chairing it, to DLA Piper for coordinating it,  
22 and to the many people who served on the five

1 working groups and who did the heavy lifting that  
2 produced this excellent and valuable report.

3 Thank you.

4 (Applause)

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