

NEW YORK STATE BAR ASSOCIATION PRESIDENT SCHRAVER AFFIRMS ASSOCIATION'S COMMITMENT TO PRO BONO SERVICE

Chief Judge Jonathan Lippman is reported to have said that the State Bar's opposition to lawyers being required to report their pro bono hours and contributions is "parochial" and represents a failure to recognize a basic obligation as attorneys. That is simply wrong.

Access to justice is a core value of the New York State Bar Association, and New York lawyers recognize that they should aspire to provide pro bono legal services to the poor. New York lawyers provide millions of hours of pro bono legal services to the poor and other worthy causes every year.

The State Bar Association has long promoted pro bono civil legal services for the poor through our Department of Pro Bono Affairs, the President's Committee on Access to Justice, the Legal Aid Committee, the Empire State Counsel program, a recent webcast to all New York state law schools on "Civil Gideon," our biennial Partnership Conference for legal services providers from across the state, our various pro bono awards, grants through The New York Bar Foundation, and many other programs and activities.

The State Bar's opposition to the rule that requires lawyers to report their pro bono hours – narrowly defined to include only legal services for the poor – and their personal contributions to organizations that primarily provide legal services to the poor and underserved, is based on the principles that include respect for the privacy of individuals as to how they spend their charitable time and invest their charitable contributions; the coercive effect of requiring the reporting of this information and the potential consequences of failing to report in terms of professional discipline or loss of one's license to practice law; and the effect such a requirement has on the lawyer's sense of nobility in doing the public good by providing pro bono legal services.

Required reporting of pro bono hours and contributions is not necessary to make reasonable estimates of the unmet legal needs of poor persons, and information regarding contributions by private individuals (mostly lawyers) to organizations that provide legal services to the poor can be provided by those organizations.

The State Bar Association does not object to the Office of Court Administration surveying lawyers as to their pro bono hours and contributions to legal services providers. We do object, however, to requiring this information on biennial registration forms and to making individual information publicly available.

Attacking the broadly held opposition to mandatory pro bono reporting as based on the narrow self-interest of lawyers is neither accurate nor constructive. The suggestion that the profit motive is behind opposition to the rule indicates a lack of understanding or an insensitivity to the fact that 60% of the members of the New York State Bar Association are solo and small-firm lawyers, many of whom are challenged to cover expenses and make a modest income, and who often provide legal services at low and discounted fees or without being paid at all. Despite their economic struggles, many render pro bono services as they are able. Many large firms have pro bono partners and have the ability to devote substantial resources to providing pro bono legal services.

We do not seek confrontation with the Chief Judge over these issues, but he is simply wrong when he says that we do not recognize the obligation of lawyers. We welcome further opportunities to discuss our different views with him in an effort to try to accommodate his sincere efforts to close the justice gap as well as the concerns expressed by our members.