

Lippman Encourages More Civil Pro Bono

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Chief Judge Jonathan Lippman yesterday addresses the Family Law Section of the New York State Bar. At right is section chair Bruce J. Wagner.
NYLJ Photo/Rick Kopstein

Warning that history will judge New York in part by how it meets the legal needs of its most vulnerable citizens in times of financial distress, Chief Judge Jonathan Lippman issued a call to arms yesterday for attorneys to provide more pro bono representation to poor civil litigants.

It is "extremely difficult" and "I would say impossible" for civil litigants to fairly defend themselves if they do not have the benefit of counsel, he said.

Yet, he noted, eight out of every 10 poor people seeking civil legal representation in New York City are being turned away by providers. The percentages are probably higher for indigent litigants outside of the city, said Judge Lippman, who addressed the Family Law Section of the New York State Bar Association.

In the past, Judge Lippman has both praised the bar's pro bono contributions and urged more lawyers to become involved.

"We have to close the gap in providing civil representation to the poor in this state and expand our pro bono representation," Judge Lippman said. "As a profession and as a judiciary, we will be judged on how we reach our mission, our very reason for being, to provide equal justice for all under the law. I cannot over-emphasize the importance of this issue to each and every one of you."

Judge Lippman suggested that older lawyers may find themselves well poised to provide more pro bono assistance as their careers come to a close. He cited an American Bar Association study that indicates 40 percent of all practicing lawyers will be retired or transitioning to retirement over the next decade.

Many of those attorneys will still be interested in practicing law on a more limited basis and be in a prime position to donate hours to poor civil litigants, he said.

Judge Lippman made a point during his luncheon address to promote the Unified Court System's "attorney emeritus" program, which offers special recognition to attorneys age 55 and over, with 10 years of legal experience, who donate at least 30 hours a year to pro bono clients. Lawyers offering "attorney emeritus" service are exempted from paying the \$375 biennial lawyer registration fee and continuing legal education requirements.

"We want the attorney emeritus to be a badge of honor," Judge Lippman said. "Most of all, the lawyer emeritus gets the satisfaction, particularly in the second part of their career or retirement, to do something meaningful, that really elevates our noble profession."

Judge Lippman expanded the attorney emeritus program last fall to add practicing attorneys to those eligible for the fee and CLE advantages that had been extended only to retired judges ([NYLJ, Oct. 26](#)).

There are about 45,600 attorneys in the state who are age 55 with 10 years of experience or are retired. As of Judge Lippman's expansion of the attorney emeritus program last fall, about 200 lawyers had registered. The Unified Court System did not immediately return a call yesterday on whether that has brought a substantial improvement in participation.

Judge Lippman said pro bono efforts must be coupled with an initiative in the Judiciary's 2011-12 state budget to provide new state resources to civil legal services programs. The Judiciary proposed spending \$25 million more in the state's next fiscal year on civil legal services, to grow by \$25 million increments over the subsequent three years to an outlay of \$100 million more a year starting in fiscal 2014-15.

Judge Lippman asked the state bar members for their support for those appropriations.

Governor Andrew M. Cuomo is scheduled to propose his 2011-12 budget to the Legislature on Feb. 1. While the governor must pass through the Judiciary budget proposal as it was presented to him, it is unclear whether he will comment on it negatively.

Judge Lippman is expected to make much the same pitch for greater bar participation in pro bono programs for poor clients in need of civil legal services today when he addresses the state bar's House of Delegates, its policy-setting body.

The state bar's annual meeting at the New York Hilton concludes tomorrow.

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