From the Editors

In the Public Interest
As law students, we read and are impressed by the long, proud history of the legal profession, deeply embedded in the notion of public service. In our legal ethics courses we are charged with upholding the principles of justice, dedicating ourselves to the zealous representation of unpopular clients and the preservation of the integrity of the legal system. We study the Code of Professional Responsibility and the Model Rules of Conduct and are empowered by the mandating of an attorney’s obligation to render legal services to those who cannot afford them. And then we are confronted with the reality of a profession that does not practice what it preaches.

This past summer, Chief Judge Sol Wachtler’s Committee to Improve the availability of Legal Services recommended that all lawyers be required to spend at least twenty hours per year working on the problems of the poor. The mandatory pro-bono proposal was followed by a report of the N.Y. State Bar Association which documented “an overwhelming unmet need for civil legal services among New York’s poor.” The report, based on a two year study, estimated that 57% of low income families face at least one non-criminal legal problem per year for which they cannot afford legal representation. With an average of 2.37 legal problems per family last year, ranging from housing evictions to consumer fraud, from immigration to discrimination, the number of situations of unmet legal assistance amounts to a staggering 3 million each year — 3 million instances in which the promise of equal justice cannot be fulfilled because there are simply not enough lawyers for the poor.

And yet, despite these compelling statistics, most of the organized bar in N.Y. blasted the mandatory pro-bono proposal. Even before hearings on the subject had begun, leaders of nine county bar associations expressed their overwhelming opposition to the proposal.

Practicing law is not a business; it is a profession which carries with it a unique commitment to society. As officers of the court, as defenders of justice, we are professionally obligated to ensure the availability of legal services to all segments of society. Our legal system is predicated on the notion of equal access to justice; unless we are willing to resign ourselves to the fact that our system does not deliver justice evenly and fairly, we must re-double our efforts to serving the needs of the poor and underrepresented.

We recognize that mandatory pro-bono is not the only answer to the current crises in the legal system. It is imperative that state and federal funding of legal services organizations be dramatically increased. Furthermore, the commitment to pro-bono work must begin in law school with the provision of training and opportunities for public service experiences for law students. An essential component of the legal education process should be the teaching of skills necessary to serve the disadvantaged. And it is particularly important for us as law students of a public university to recognize that we are using taxpayer and other expenditures of state resources in joining the legal profession. It is fitting, therefore, for us to give something back to our state, by way of using our newly acquired skills to benefit those in need.