

Good afternoon. I am Glenn Lau-Kee, president-elect of the New York State Bar Association. I don't take office as president of the Association until June 1st (five days away, but who's counting?), but I have had the privilege of working closely with David Schraver, the current president of the Association, on mandatory reporting of pro bono services by attorneys, and appreciate his leadership on this tough issue.

I wish to thank the New York County Lawyers' Association for organizing this event, which is in the finest tradition of the bar in dealing with difficult issues through rational debate in an atmosphere of collegiality and respect. There are many distinguished speakers here and many voices to be heard, and I will be brief.

Access to Justice – closing the “justice gap” – is one of the core values of the New York State Bar Association. This has been true for many years, and no more so than today. 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.

Mandatory reporting of pro bono services is one method that has been proposed to close the justice gap. But since 2004, it has been the policy of the New York State Bar Association that any reporting of pro bono services by attorneys be done on a voluntary basis. So when the rule requiring mandatory pro bono reporting was promulgated, president David Schraver, in a letter to Chief Judge Lippman, registered the strong objections of the Association on a number of grounds.

As many of you may know, at the annual meeting of the Association held in January of this year, a resolution was presented to the House of Delegates which reaffirms the Association's opposition to mandatory reporting requirement. This resolution was tabled to the June 21st meeting of the House to be held at Cooperstown. Consideration of the resolution was postponed in part to allow a working group of representatives of the President's Committee on Access to Justice, the Committee on Legal Aid, and the Pro Bono Coordinators Network of the Association to prepare an informational report on the topic. This report,

which is still in progress, would help inform the debate of the House with updated information and recommendations.

In the meantime, there have been numerous discussions and considerations of this issue, both formal and informal, and needless to say it has become apparent that there are a multitude of perspectives on the matter. What has also become apparent is that the subject of mandatory reporting of pro bono services is comprised of a number of issues that can be considered separately, and that the resolution of some of the more objectionable aspects of mandatory pro bono reporting may point to way to resolution of the larger issue.

One of the primary purposes of mandatory pro bono reporting is to gather data on the delivery of pro bono services. The importance of this data was recognized in a report of the Association in October, 1989, drafted by a task force chaired by former Association President Justin Vigdor and adopted by the Association's House of Delegates. The report recommended a series of steps short of reporting through the biennial registration process, but recognized that if these efforts failed, the absence of valid statistics was so critical that the data-gathering process should be institutionalized. We should recognize that the data is important, particularly now when innovative programs are being instituted. We

should use data in appropriate ways, but we must be careful on what we measure. We must also gather the information in ways that respects the privacy of lawyers and recognizes that the capacity for pro bono services varies with practice settings, locations and other factors.

The Association has made Judge Lippman aware of the strong feelings that have been expressed on this topic. The best result would be to find some solution that allows Judge Lippman to achieve his – and our – important objective of enhancing voluntary pro bono service without raising the legitimate privacy concerns that have caused such a strong reaction. I look forward to listening closely to the views of all of the other participants, and thank the New York County Lawyers' Association for the opportunity to share my thoughts.