

Pennsylvania Legal Services Excellence Awards Dinner

March 8, 2005

Remarks of Leslie Anne Miller*

* With grateful acknowledgement to Susan Lewis, Esq.

I am so pleased to be here tonight to help honor these wonderful advocates and supporters of legal aid in Pennsylvania.

The last several years, we've heard a lot of public debate about patriotism and what it means to be an American. We've seen more red-white-and-blue fluttering in the breeze; we've heard more choruses of our national Anthem, and we've taken a harder look at the words in the Pledge of Allegiance we all know by heart. While we may debate many things in this great, diverse, multicultural country, we agree that one of the most fundamental promises of America is that it be a nation with "liberty and justice for all."

Yet we know that we don't yet have equal justice for all. Legal rights and remedies -- without the education to understand them, or the means to enforce them --- become empty promises. Justice without access is no justice at all. This should matter to all of us.

As Martin Luther King wrote in 1963 from a jail cell in Birmingham, Alabama:

"Injustice anywhere is a threat to justice everywhere. We are caught in an escapable network of mutuality tied in a single garment of destiny."

More than a million Pennsylvanians live in poverty. The cry for legal assistance is loud and clear. Pennsylvania Legal Services (PLS) is critical to answering that call. Last year, PLS helped improve the lives of over 700,000 Pennsylvanians and produced measurable outcomes in real dollars pumped into local economies and the creation of jobs:

- by providing representation of people with domestic, housing, consumer and other legal problems,
- by helping people navigate rules and procedures to obtain benefits to which they are entitled;
- with programs to empower and educate people about their legal rights, and
- through broad scope initiatives for community revitalization and job training.

Unfortunately, studies show that these efforts as currently funded reach only a fraction of indigent Pennsylvanians. With over a million Pennsylvanians living in poverty, more resources are needed.

As we are all aware, we are living in difficult times for funding of legal services and other nonprofits. Government budgets are being cut, and domestic initiatives of all types are threatened. But I am optimistic; we have lived through dark times before, and two strengths always get us through the storm.

The first is **innovation** in the way we work and think of ourselves as a community.

The passage of The Access to Justice Act, and the idea of allowing a filing fee surcharge, is a specific example of an innovation that has helped ease the pain of funding cuts from IOLTA and other sources. Unfortunately, this legislation has a sunset provision if the legislature does not extend the act, an important source of revenue will disappear. So all of us must use our own collective influence to help ensure the extension of this vital source of funding for legal services in Pennsylvania.

Another innovation is the way in which pro bono work has evolved in our profession: If you look at the history of legal services, legal aid for the poor once consisted mostly of isolated local efforts, without government funding or significant support from the private bar.

Although the ABA created the standing committee on legal aid in 1921, it wasn't until the 1960's that Congress made federal funds available for legal services to the poor under the Economic Opportunity Act, and not until 1974 that the Legal Services Act was signed.

And it was only about 25 years ago that the Legal Services Corporation first required that a portion of federal funds to local agencies be dedicated to promoting pro bono work by the private bar.

Today, in most places, pro bono work is considered part of a lawyer's professional responsibility. Legal services partnerships with private attorneys, with bar associations, and with legislators and governmental leaders now constitute an integral part of the delivery of legal services.

As an example, one Office of General Counsel program that I am most happy about is the OGC Pro-Bono program. Traditionally, government law offices have been slow to allow their lawyers to take pro bono cases because of concerns about conflicts or the use of the public office for a private purpose. The Office of General Counsel has established a policy that encourages pro bono participation by setting firm guidelines on which cases our lawyers can take and how they can work with the local legal services offices to handle these matters.

We have also looked for innovative ways to enhance our pro bono participation. Last year we established the Virtual Law Clinic with the help of Sandy Ballard and the Dauphin

County Bar Association and our local legal services office. Through this program, our lawyers are able to help clients in a variety of cases that the legal services office does not have the resources to handle. Much of the work can be done by computer, email and phone – thus the name Virtual Law Clinic.

The other strength that has gotten us through difficult times is the steadfast commitment and passion of a strong core of supporters like tonight's honorees – and indeed, nearly everyone in this room. It is the unwavering determination of these supporters --- advocates, legislators, donors, educators and law firms that effectively institutionalized their commitment to service --- that promises a bright sky on the horizon.

I am honored to be here tonight to help celebrate the 2005 Excellence Award winners. Your work inspires us all, and I believe that the importance of us working together cannot be understated. The concept of a government of 'we the people' requires that we be active participants in making the vision of America real for all its citizens.

Associate Justice Stephen Breyer has said that American law is created not simply by legislators or judges, but by a process –

“It is one of law “bubbling up” out of the interaction of groups interested, affected individuals, experts, organizations such as private firms, unions, bar associations, and many others as well. Interactions take place through discussion and debate in the press, in journals, in public meetings, at colloquia, at legislative hearings, and in dozens of formal and informal ways. These interactions take the form of a national conversation ...out of which will emerge a legal product”

Let us take every opportunity to participate – tonight, tomorrow, next week -- to push the conversation forward, to shape a state and a national law that fulfills the vision of our founders, so that we will some day, live in a nation with liberty and justice for all.

Congratulations to the 2005 Excellence Award winners.