A Call to Help Create Access to Justice

PBA President Andrew F. Susko

It is with a true sense of honor and pride, kept in check by the greatly humbling reality that so many of you will read what is written here, that I pen this first "Side Bar" column and do so with some degree of trepidation.

The daily commitment and dedication each of you, as a PBA member, brings to your practice and, through your service, brings to our profession is an inspiration to everyone. That dedication has been so vividly demonstrated by the tireless efforts of our immediate past president and my good friend Ken Horoho, and we are thankful for his exemplary service on behalf of all attorneys in Pennsylvania.

The PBA has so many great programs and benefits that a listing of them would take the entire space of this piece and more. Day in and day out, hardworking PBA committees and sections, their chairs and vice chairs and our educational arm, the Pennsylvania Bar Institute, bring professionalism and excellence to the organized bar. Writing this column is a challenge that brings with it a great sense of urgency to try, even if only in a small and incremental way, to advance the profession and make a meaningful contribution. The real contribution, however, comes from each and every one of us when we exemplify, by our collective conduct, what is best about our noble profession.

Much has been written about the business of the practice of law, and while everyone understands that there is a business dimension to our practice lives, we are all driven, as officers of the court, to the highest aspirations contained in the oath each of us took when we became a member of the bar. After all, the profession and, in particular, the PBA through its original charter and bylaws, attests to that higher calling.

This column takes up one central aspect of our profession addressed with exceptional precision in our PBA bylaws — the accessibility of our justice system. Our PBA bylaws provide that among our several purposes is "to see that no one on account of poverty is denied his or her legal rights." Every day, hundreds of lawyers handle cases, without expectation of payment, for people who cannot afford the services of a lawyer. Representation of a client who is unable to afford the services of an attorney is a deeply embedded tradition of our profession that brings honor and dignity to all of us. Many lawyers across the state understand and cherish the intrinsic reward of providing meaningful access to our justice system through pro bono representation of clients. These honorable attorneys well serve our profession, the justice system and the public at large.

Access to the justice system is a matter of fundamental fairness. Lawyers, both judges and practicing attorneys, know the underlying value of a justice system that is truly accessible. Programs that bring basic filing information to the public, provide legal advice through community-based legal services entities and facilitate private lawyers taking cases for no or a reduced fee all enhance accessibility. During his year as ABA president, Michael Greco called for a civil Gideon right to an attorney under certain limited civil action circumstances, including the endangerment of the welfare of a child, the loss of home or shelter and the loss of health benefits or a right to medical treatment. While individual judges each and every day ensure that basic civil and equal rights are protected under the law, those rights are not fully protected without legal representation providing meaningful access to the justice system.

When we take cases for reduced payment or no pay, we give meaning to the highest aspiration of our justice system — equal justice under the law for all.

Leaders of community-based legal services in Pennsylvania, operating under difficult circumstances and with scarce resources, often do not have their extraordinary efforts adequately recognized. The legal services entities are managed by dedicated attorneys who deserve our constant applause: Rhodia Thomas (MidPenn Legal Services); Vicki Coyle (North Penn Legal Services); Bob Oakley (Northwestern Legal Services); Harvey Strauss and Liz Fritsch (Legal Aid of Southeastern Pa.); Carolyn Johnson (Community Impact Services); Cathy Carr (Community Legal Services); Anita Santos (Philadelphia Legal Aid); Bob Racunas (Neighborhood Legal Services); Rob Brenner (Southwestern Pa. Legal Services); and Cynthia Sheehan (Laurel Legal Services), just to name a few.

Continued on page 10
Unfortunately, these community-based efforts are not nearly enough to meet the needs of working low-income Pennsylvanians. A national study of unmet legal needs, “Documenting the Justice Gap,” revealed that nearly half of those individuals who actually attempted to seek out legal services directly were turned away from community legal services without representation. Several recent state studies, as well as an earlier national American Bar Association estimate, establish that only about 20 percent of the legal needs of low-income Americans are being met. When recently surveyed, nearly half of Pennsylvania’s lawyers answered “no” to the question of whether they had ever taken a pro bono referral. We can and must do better.

Access to our justice system is not just a concern of the judges of the commonwealth. It is a challenge to the organized bar — a challenge that we must acknowledge and address. So many hardworking lawyers find time in their busy schedules to take a case and thereby uphold the honor and dignity that our profession demands. Please accept the call to action, a call to each of you as a Pennsylvania lawyer to make our justice system more fair and accessible by representing a client who cannot afford to pay for your services.

Andrew F. Sisko
PBA President