

## Key Themes



The Committee fought for increased funding for legal services programs, through challenging restrictive Legal Services Corporation regulations and advocating for mandatory participation in the New York IOLA Fund.



The Committee identified critical areas in need of increased pro bono participation, including the representation of indigent immigrants, death-sentenced persons, tenants facing eviction proceedings, and people with disabilities suffering the wrongful termination or denial of public benefits.



The Committee filed amicus briefs in high-profile U.S. Supreme Court cases to protect civil rights plaintiffs through ensuring that statutory attorneys' fees would be calculated and paid in a manner that would incentivize private attorneys to take on meritorious civil rights cases.

1982	1983	1985	1986	1987	1988	1989	1990
<p><b>Creating the Pro Bono Directory, a detailed list of legal services and nonprofit organizations offering pro bono opportunities in New York, to encourage and assist lawyers in participating in pro bono</b></p> <p>"It is the Committee's hope that the <i>Pro Bono Directory</i> will prove to be a useful tool, not only to lawyers in the fulfillment of their public service obligations, but to the public as well, by assisting in the delivery of legal services to those who might otherwise lack representation."</p>	<p><b>Protecting legal services organizations from restrictive LSC regulations</b></p> <p>The Committee submitted detailed comments to the Legal Services Corporation (LSC) opposing proposed regulations (which were ultimately not adopted) that would have restricted the ability of legal service programs to file class actions while expanding the grounds on which LSC could deny funding to existing legal services programs.</p> <p><b>Supporting state law creating IOLA Fund to financially benefit legal service programs</b></p> <p>The Committee supported proposed state legislation, which was signed into law, creating an "interest on Lawyers Accounts" (IOLA) fund. This law enabled the pooling of funds held by attorneys for clients for periods of time too short, or in amounts too small, to earn interest for the clients, and the interest earned on the pooled amount to be distributed to legal services programs.</p> <p><b>Advocating for adequate fees for plaintiffs' attorneys in civil rights litigation</b></p> <p>In a <i>Report on Counsel Fees in Public Interest Litigation</i>, the Committee called attention to the growing reluctance of the Second Circuit to approve fees in civil rights cases at market hourly rates. "The necessity for adequate fees for plaintiffs' attorneys in civil rights and other public interest litigation is particularly great today because of an increased need for broader involvement of the private bar and public interest organizations in representing plaintiffs in civil rights cases."</p>	<p><b>Appearing as amici in civil rights cases to support fair attorneys' fees awards and to challenge the coerced waiver of statutory attorney's fees</b></p> <p>In <i>City of Riverside v. Rivera</i>, 477 U.S. 561 (1986), a U.S. Supreme Court case challenging an award of attorney fees to the successful civil rights plaintiffs, the Committee's amicus brief argued that limiting fee awards to an amount strictly proportional to the damages will discourage the private bar even further from entering the civil rights field of legal practice. The Court held that the attorney's fees to the plaintiff in this "unreasonable physical force" matter were reasonable.</p> <p>In <i>Evans v. Jeff D.</i>, 475 U.S. 717 (1986), a U.S. Supreme Court case in which civil rights plaintiffs waived their statutory right to attorneys' fee in exchange for relief, the Committee argued in its amicus brief that it is unethical for defense counsel to coerce a waiver of statutory attorneys' fees as part of a settlement agreement by pitting a plaintiff counsel's duty to her client against her interest in a fee.</p> <p><b>Championing Increased Funding for LSC</b></p> <p>The Committee adopted a resolution admonishing Congress for approving an LSC funding level "grossly below the minimum" required to ensure access to justice for all citizens, and urged Congress to appropriate no less than \$373 million for LSC in fiscal year 1986 as "a meaningful step forward toward the minimum access funding level."</p>	<p><b>Urging increased pro bono representation of immigrants</b></p> <p>In a report highlighting the pressing needs of indigent immigrants, not only in terms of immigration status but also in the areas of housing, employment, and health care, the Committee denounced LSC restrictions on the representation of immigrants by LSC-funded legal services organizations and urged increased collaboration with volunteer lawyer programs to recruit and train pro bono attorneys to represent immigrants.</p> <p><b>Rallying New York pro bono lawyers to represent death sentenced persons</b></p> <p>In a resolution calling for pro bono representation for death-sentenced persons, the Committee stated "It is intolerable to allow the execution of persons who – unable to afford an attorney for critical post-conviction proceedings – have not had an opportunity to present their substantial constitutional claims to the federal courts. . . . In light of the need, every law firm in New York should seriously consider representing . . . at least one death sentenced person during post-conviction proceedings."</p>	<p><b>Responding to the critical need for funding of disability benefits and contesting wrongful terminations of benefits</b></p> <p>The Committee wrote a series of letters to New York political leaders urging a funding level of \$5 million for the FY 1987-88 Budget for the State Disability Advocacy Program (DAP). Noting that DAP was established in response to federal policies that caused thousands of New Yorkers to be taken off of federal disability programs, the Committee emphasized the critical importance of DAP's contracts with legal services organizations to help people with disabilities contest the wrongful termination or denial of federal social security disability and supplemental security income benefits.</p>	<p><b>Preventing homelessness through pro bono representation of tenants faced with eviction</b></p> <p>The Committee emphasized the importance of representing tenants in eviction proceedings as a means of preventing homelessness and alleviating the burdens of homelessness on state and public financial resources.</p> <p><b>Calling for mandatory participation in the IOLA Fund</b></p> <p>Because only 15% of attorneys eligible to participate in the IOLA program had joined the program, the Committee resolved that the New York IOLA Program should be converted from a voluntary to a mandatory program to enhance its ability to provide important funding for legal services.</p> <p><b>Promoting the Equal Access to Justice Act</b></p> <p>The Committee supported the EAJA as a means of promoting equal justice by authorizing an award of attorney's fees and other reasonable expenses incurred by prevailing parties in civil proceedings against the State. "Equal access to justice is promoted by lowering the economic barriers facing low income individuals or small businesses that lack the resources to contest unjustified governmental action."</p>	<p><b>Supporting the court's authority to appoint counsel for indigent civil litigants</b></p> <p><i>Mallard v. District Court</i>, 490 U.S. 296 (1989)</p> <p>The Committee argued in its amicus brief that federal district courts have the authority to appoint counsel to represent indigent parties in appropriate civil cases.</p> <p><b>Asserting a right to counsel in eviction proceedings</b></p> <p><i>Donaldson v. State of New York</i> (N.Y. App. Div. 1st Dep't)</p> <p>The Committee argued in its amicus brief that indigent tenants facing eviction from their homes in summary proceeding in New York City Housing Court are entitled as a matter of law to assignment of counsel.</p>	<p><b>Establishing the Annual Legal Services Awards</b></p> <p>Now in its 27th year, the Committee's Annual Legal Services Awards, funded through a generous contribution of the Horace Goldsmith Foundation, recognize attorneys and non-attorneys who provide outstanding civil legal assistance to low-income New Yorkers.</p>