

**Commencement Address**  
**Pace Law School**  
**May 8, 2011**  
**Jonathan Lippman**

I am deeply honored to have been invited to be your commencement speaker today and to accept an Honorary Doctor of Laws degree from this great University and Law School.

My first order of business is to extend congratulations to every one of the graduates, to the proud families and loved ones who helped you get to this day with their support and encouragement, and to all the professors and Law School administrators who guided you to this critical moment in your lives. While the v ilies that a

wonderful, satisfying and rewarding career in the law awaits you.

As for me, Pace Law School is very much a part of my personal and professional family, given that the Law School campus is shared by the court system's New York State Judicial Institute, which provides legal education to our judges and nonjudicial staff, and it was here at Pace where my wife Amy, class of 1988, who is with us today, received her J.D. degree and such a fabulous legal education. And with my honorary degree today, that makes two of us in the Lippman family who have Pace degrees, and I am very proud of that fact.

As

Lawrence Peter Yogi Berra, who famously said “when you come to a fork in the road, take it!”

As helpful as that advice will be, however, I thought I’d talk to you just a little more seriously -- actually much more seriously -- about what, I believe, can best guide you if you hope to live up to the ideals of our great and noble profession and make your careers meaningful and truly rewarding.

The profession that you join today can be summed up very simply in two words: pursuing justice. I’m not talking about pursuing justice in just a conceptual or abstract sense, but rather about making it a part of your day-to-day reality and your very identity as a lawyer. We all must earn a living, but we cannot define our existence by the billable hour or paychecks alone. Being a lawyer shouldn’t be so empty, parochial and mechanical. Rather, being a lawyer is all about service, leadership, and compassion. We are at our best, our noblest, when we are serving others, helping clients with their problems, helping to mend broken lives or challenging systemic injustices -- whether as lawyers in the private or public sectors, as professionals devoted to serving low-income clients and communities, or as pro bono volunteers who understand the critical role of access to justice in a democracy. Justice has no real meaning without lawyers to give it life - - unless you can feel it in the very fiber of your being, and unless it is equally applied and accessible to all.

Equal justice is so much a part of the ethical and legal underpinnings of our civilization, going back to biblical times and the Old Testament’s mandate: “justice, justice shall you pursue for rich and poor and high and low alike.” And it is surely the life blood of our democracy. If we cannot deliver on the promise of justice for all, we might as well close the doors of our courthouses and our law offices. The pursuit of justice is what

defines our powerful and privileged profession; it is at the very heart of what it means to be a lawyer -- it is our calling. And when we forget that calling of service to others, especially to the less fortunate among us, we lose our collective soul -- we lose our bearing as a profession.

My thoughts today about the profession are not inspired so much from the perspective of my judicial role -- presiding over the Court of Appeals -- although make no mistake that the pursuit of justice is absolutely the driving force in each and every case we hear. Rather, today I speak to you primarily in my role as head of the Judicial Branch of government -- the role that is not usually covered in law school courses or on bar exams and is not always well understood by the general public. As Chief Judge of the State, I have a duty to ensure that our system of justice is accessible in a meaningful way to each and every New Yorker. No issue is more basic to me than access to justice -- no issue should be more basic to any lawyer. And to my mind, at the heart of access to justice is that it is equally available to all people, including the poor and vulnerable -- and that happens, can only happen, through the services and good works of lawyers like you. Today, with the economic tsunami that we face, there is by any standard a crisis in access to justice for the poor in New York and around the country. As Chief Judge, I am acutely aware of what this means for all who come through the doors of our courthouses seeking justice, and I want to share that with you and sensitize you to your new responsibility

involving the criminal justice system. That right to counsel was recognized nearly fifty years ago by the United States Supreme Court in the landmark case of *Gideon v. Wainwright*, where the Court said: “In our adversary system of justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.” And although the constitutional right to counsel has not solved all the access to justice issues in criminal cases, it remains a principle that has elevated the American justice system in the eyes of history and the world.

What many nonlawyers don't realize, however, is that there is no analogous right to counsel for poor litigants in civil proceedings. The irony is that someone caught in public with an open can of beer is typically entitled to a lawyer -- and rightly so -- but someone appearing in a civil court who cannot afford a lawyer to keep a roof over her head is on her own. Even if the very necessities of life are at stake -- the fate of families and children, one's health and livelihood, or even personal safety -- there is no established leg`xG&•}in

the current economic downturn, probably the worst since the Great Depression, funding for these programs has never been more threatened and resources more strained. Today in New York City, believe it or not, for every person legal services providers represent, eight to ten others are turned away because of a lack of resources.

The sad reality is that the direct legal and human fallout from the economic collapse has brought us a growing number of newly indigent litigants who cannot afford a lawyer. Last year in our courts more than 2.3 million people were unrepresented in civil cases, including a staggering 98 to 99% of tenants in eviction cases; 95 to 97% of parents in child support matters; and the overwhelming majority of homeowners facing foreclosure proceedings.

Access to justice is not a luxury, affordable only in good times -- it cannot be allowed to fluctuate with the ups and downs of the economy. The truth is that the need for civilstraine

all of us, are entitled to their day in court. In your new careers, each of you should also be playing a role in leveling that playing field, and you can do so in so many different ways.

The most direct route is to represent the indigent and the poor, in criminal or civil matters, as your full-time professional career and way of life. Make no mistake: you will not earn a lot of money, but helping the less fortunate among us with your newly acquired legal skills will help make your lives meaningful and fulfilling.

But that role is not for everyone, and some of you may be seeking or have already taken more financially lucrative legal positions in law firms, corporations, or even the government. As private or public sector attorneys not representing the indigent as part of your everyday jobs, your role in ensuring equal justiaRB

Every society is ultimately judged by how it treats its most vulnerable citizens.

And for the legal profession and the Judiciary we can