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Dean's Message

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DEAN'S MESSAGE

*Lawrence Raful**

On behalf of the Touro College Jacob D. Fuchsberg Law Center in Central Islip, New York, I am honored and proud to present to the members of the judiciary, the members of the legal profession, and to the citizens of New York this report on a most compelling issue confronting the poor in our society. If in fact we care today as much as those who sat in Independence Hall in 1776 about the right to "life, liberty and the pursuit of happiness," then we must continue to insure that all of our society, rich and poor alike, are afforded the right of due process in our court system. In the landmark 1963 Supreme Court case of *Gideon v. Wainwright*,¹ Justice Hugo Black announced that the right to assistance of counsel in criminal proceedings was a fundamental right.² Today, we at Touro Law School and we, the members of the New York State Bar Association, invite you to reconsider *Gideon* and ask yourself if the same fundamental right should apply in civil cases. I think it does.

It is entirely appropriate and fitting that this important conference be hosted at this school, in our new building, the first of its kind in the United States, located on a campus across from a federal courthouse and a state courthouse. Our namesake, Jacob D. Fuchsberg, is

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¹ 372 U.S. 335 (1963).

² *Id.* at 343.

best remembered and known as a celebrated trial lawyer who served as a judge on the New York Court of Appeals from 1974 to 1983.³ He earned a reputation, as many know, as a staunch defender of civil liberties and individual rights.⁴ But even more than that, Jacob D. Fuchsberg has an even greater connection to this conference. It is a very intimate and personal connection. In 1963, while Judge Fuchsberg was in private practice in New York, President Lyndon Johnson appointed him to the committee responsible for creating the first national program that funded civil legal aid to the poor. He served as a member of the National Advisory Committee for Legal Services of the United States Office of Economic Opportunity and he later moved to the executive board of that organization.⁵ This effort, like many efforts of LBJ's Great Society,⁶ unfortunately became bogged down in the jungles and rice paddies of Vietnam. But it is very appropriate, it seems to me, that forty-five years later the first steps on the road to renewing Judge Fuchsberg's dream was taken at a conference in the building that bears his name.

This conference, like all significant events, did not just happen. It was the original brainchild of Kathryn Grant Madigan, who served as the 110th president of the New York State Bar Association with great distinction and great passion in the 2007-08 term. She teamed up with one of our shining lights, Thomas Maligno, who is

³ Dean Howard A. Glickstein, *A Tribute to Jacob D. Fuchsberg*, http://www.tourolaw.edu/about/why/fuchsberg_bio.asp (last visited Sept. 3, 2008).

⁴ *Id.*

⁵ See EARL JOHNSON, JR., *JUSTICE AND REFORM: THE FORMATIVE YEARS OF THE AMERICAN LEGAL SERVICES PROGRAM* 98 (Transaction Books, Inc. 1978).

⁶ See Pnina Lahav, *Theater in the Courtroom: The Chicago Conspiracy Trial*, 16 *L. & LITERATURE* 381, 382-83 (2005).

the Executive Director of the Hearst Public Advocacy Center and is the Director of Public Interest at Touro Law Center. I am particularly proud of Tom's role in this conference, although his outstanding work comes as no surprise to the hundreds of New York lawyers who have known him and worked with him over the years, because of his dedication to making legal services available to all. And one more special thanks to the chair of the NYSBA Civil Gideon Committee, Andrew Scherer. Thank you Kate, Tom, and Andy.

The Development Office at Touro Law, led by Assistant Dean Linda Howard Weissman, did a great job of putting together the nuts and bolts of the day-long event. And I must also puff my chest out just a bit to add my pride of our Law Review staff from last year and this year. They already had four issues a year on their plate, and then we came along and asked them to ramp up their efforts and accept a special fifth issue. They accepted our offer and have worked with grace and diligence, and I therefore want to publicly thank 2007-08 Editor-in-Chief Gennaro Savastano and 2008-09 Editor-in-Chief Sarah Marx and all the law students who worked on this issue.

We hope that this Symposium will serve as a beacon to light the way for New York to take the lead in this fundamental right, so that we might make due process available to all.

