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REFORMERS AGAINST THE CLOCK

WILLIAM SLOAN GREENAWALT *

THE REPORT OF THE President's National Advisory Commission on Civil Disorders, issued in late February 1968, may herald a vast attack on poverty and the conditions that cause tension, despair, and riot in the United States. Or it may be only the latest addition to a long list of unfulfilled hopes of our urban poor and, particularly, our black urban poor.

Shall we strive to make the condition of men conform to the law as it is? Or shall we seek to change the law as it affects the condition of men, to improve conditions for those it now treats unfairly? Shall we wait until the summer of 1968 and then repair to ordinances to justify the use of tanks, armored cars, and Mace to quell riots? Or shall we seek to prevent senseless violence on both sides by reforming the laws which cause resentment and lawlessness? Shall we blink at the Commission's findings that federal and state laws prohibiting racially discriminatory hiring and housing practices are observed in the breach? Or shall we press the law upon corporations, unions, real estate agents, and developers?

In short, shall the United States be concerned exclusively with maintaining order at the same time as the law reflects, or allows, inequities and injustices against the poor, the ghetto dweller? Or shall we concurrently strive to correct that which we must enforce?

We simply must recognize the fantastic impact on our urban slums of at least four major domestic developments in the last decade:

- 1) The Civil Rights movement, highlighted by the *Brown* decision in 1954, the Civil Rights Act of 1964, and the Voting Rights Act of 1965,¹ and the Open Housing Act of 1968;

* Legal Service Director, Northeast Region, Office of Economic Opportunity.

¹ See Greenawalt & Greenawalt, *Legal Aspects of Civil Rights in the United States and the Civil Rights Act of 1964*, J. INT'L COMM'N JURISTS, Winter 1964 & Summer 1965.

2) The Economic Opportunity Act of 1964² with its promise of "maximum feasible participation of residents of the areas and members of the groups served" in decisions affecting the priority, planning and operation of programs, and with the whole gamut of manpower, education, and community action projects, including the Legal Services Program;

3) The steadily growing level of prosperity in the United States, coupled with the declining average income in some of our urban ghettos, relatively higher Negro and Puerto Rican unemployment and underemployment, housing and educational inequities, and lack of meaningful access, in some places, to high city officials and police; and

4) Black Power and other movements eschewing integration and sometimes impatient with non-violent solutions.

In a real sense, the promise and performance of the first two are being weighed against the frustrations of past and present, and the merits of lawful protest are being weighed against more hazardous courses.

A 1965 article on civil rights which I co-authored³ discussed the 1964 and 1965 Civil Rights Acts, prior federal and state legislation, and court decisions in the field in these terms:

Already, as a result of this continuing [civil rights] struggle, the civil rights situation, especially in the Southern States, is undergoing radical and far-reaching

changes. These changes are being brought about through processes of democracy and with the necessary checks and balances of the Federal system of government. This democratic process permits freedom of expression by the minority groups by various means, such as oral and written protests, petitions, assemblies, marches, picketing, and other demonstrations and by law suits to contest the legality and constitutionality of existing discriminatory laws and practices. Such law suits are processed through courts maintaining an independent judiciary and with the assistance of private and government attorneys.

Significantly, this struggle, unlike the struggle over slavery, is being waged by peaceful means and not by force of arms. While some of the demonstrations in support of, and in opposition to, the position of the negroes have been marked by excesses, which have violated laws and personal and private rights of others and have provoked forceful arrests and incidents of violence, in the main the changes which are taking place in the civil rights field, as a result of this struggle, are being effectuated by a rule of law and not by a rule of force. The object of this struggle is to achieve the desired ends by establishing a legal framework by which discrimination will be ended and freedom and equality will be guaranteed by enforceable law to all men and women, irrespective of such criteria as race, color, and religion. The capacity of the law to change and affect race relations and to further human rights is again being demonstrated. But law, in itself, is not enough—it must be implemented by changes in the hearts and minds of people and by the uprooting of age-old prejudices.⁴

² 78 Stat. 508, 42 U.S.C. §§ 2701-2981 (1964), as amended, 42 U.S.C.A. §§ 2701-2991 (Supp. 1967).

³ *Supra* note 1.

⁴ *Supra* note 1, Summer 1965, at 52-53.

Since then we have increased our international commitments and have had two long, hot summers, and the potential for another is high. We must immediately eliminate inequities in the law. But changes in civil rights and in economic opportunity must continue to be "effected by a rule of law and not by a rule of force."

A primary instrument in this emergency operation is the OEO Legal Services Program, which is entering its third year.

The Record and Goals of the Legal Services Program

The first National Legal Services Director for the Office of Economic Opportunity began work in late September, 1965. Two months later, the Northeast Regional Director and the Western Regional Director came aboard, and the other five regions were staffed within three months thereafter.

A thumbnail statistical report on the progress of OEO's Legal Services Program since its beginning in the fall of 1965 follows:

In Fiscal 1967, OEO spent over \$37 million on civil legal services for the poor, compared with \$5.3 million (one quarter of 1% of the money spent on all types of legal services) spent in 1965, the highest total ever from all private sources; \$13 to \$14 million of this went to the Northeast.

230 neighborhood law office-type programs have been funded; of these, the Northeast has 72, covering every major city in the eight-state region (Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey), with statewide programs in Maine and Vermont, complete coverage of New Hampshire, programs in

nearly all of Connecticut and New Jersey, and extensive coverage in New York, Massachusetts, and Rhode Island.

800 neighborhood law offices staffed by about 2000 attorneys have been opened in low income areas; the Northeast has approximately 300 offices and 800 attorneys in its programs, including extensive coverage in all its major cities (New York City still must implement part of its grant).

Approximately 300,000 poor people received legal advice or representation from our programs in Fiscal 1967, and the programs are expected to reach 500,000 in Fiscal 1968.

Over 800 community groups have been represented or given advice and help in organizing.

75% of our 5000 trials have been won, as have 62% of our appeals, indicating that our staffs are of high quality and that our clients have meritorious claims.

There are 65 projects throughout the nation which concentrate on areas of research, or training of professionals or non-professionals, or demonstration of experimental concepts; the Northeast has thirteen of these projects.

We averted or won stays of 89% of the 650 evictions sought against poverty-stricken families brought to the attention of our programs.

Several million poor people have received education in legal rights and responsibilities from OEO programs.

Significant law reform efforts have benefited millions of poor.

Overall, about thirty-seven percent of our caseload has been concerned with family problems, such as separation, divorce, annulment, non-support and adoption; although 15,000 clients initially want-

ed divorces or annulments, neighborhood lawyers often helped find other solutions, and only 1,900 were sought and obtained. Twenty-eight percent of the matters related to juveniles, school cases and misdemeanors. Nineteen percent of the matters involved sales contracts, wage claims and bankruptcy; nine percent related to housing; and seven percent involved administrative problems with welfare, social security and other agencies.

Only two to three percent of our matters have involved groups, but the percentage does not reflect the critical nature of the area. The law and lawyers must answer the calls of groups of poor people—often in slums, their members often of racial minorities, their objectives often different from those of the lawyers—for lawful solutions to oppressive conditions, such as apartments with flagrant housing code violations, usurious interest rates and sales contracts, over-priced food, discriminatory educational and employment practices, filthy streets and arbitrary denial of welfare benefits. All our programs call for service to groups. Any default will leave the field to lawless, violent solutions.

Thirty-eight percent of the clients received advice only, forty-four percent of the matters involved representation in disputes which did not reach the courts, and only fourteen percent resulted in court actions. Thirty-five percent of the matters were referred to private attorneys, and to anti-poverty and other agencies.

The OEO program owes a tremendous debt to the legal aid movement begun in 1876 with the New York City Legal Aid Society. Had it not been for the solid work of this movement for nearly a century, it is doubtful that the eighty to

ninety percent federally funded program would have attracted such widespread and illustrious Bar support. The techniques, struggles and lessons of this great legal reform are very much with us.

But OEO has gone much farther. It says that offices should be easily accessible to the poor, a physical part of the community served. It says all civil matters must be serviced, including divorce, bankruptcy and civil rights claims. It says groups must be given advice and representation regardless of their beliefs. It says the poor should not be denied an opportunity to obtain legal advice between arrest and arraignment. It says greater efforts must be made to teach the poor their legal rights and responsibilities, so they will avoid consumer and housing traps set for the unwary, and prevent the need for litigation. It says that a case-by-case treatment of the target population's legal problems is never going to reach far enough, and that attention must be focused on reforms of legislation and agency policies and practices affecting thousands and millions of the poor. OEO staff attorneys and private lawyers have reached nearly two million poor people with preventive community education, talks, discussions, debates, and films and slides, on such subjects as rights when arrested, how to avoid usurious installment contracts, spotting and reporting housing violations, and rights and entitlements as a welfare recipient. The examination by our programs of statutes, ordinances and regulations affecting the poor has resulted in notable new legislation, repeal of unfair legislation, and changes in policies and procedures of various agencies.

However, we have many miles to go before this program reaches its national goals. I would estimate that only one-tenth of the area of the United States is served by our program. There are great geographic gaps, particularly in the Middle Atlantic, Southeast, Southwest and North Central (Great Plains) areas.

An American Bar Foundation study suggests that the poor face fourteen to twenty million legal problems each year, and it has been estimated that 300 to 600 million dollars annually is needed to bring proper legal services to every person in the country unable to afford a lawyer. This really is not much when you stop to think that the Vietnamese conflict costs this country 30 billion dollars a year, or 82 million dollars a day. Many existing programs are severely undermanned and crying for expansion.

Original Creation of the Programs

My professional pleasure as Regional Legal Services Director is, and should be, increasingly vicarious. In the frontier days from late 1965 through 1967, I pilgrimaged, upon invitation of Community Action Agencies or Bar Associations, to state after state, community after community, describing the principal points of the OEO Legal Services Programs and answering often hostile questions from private attorneys, questions based usually on rumors or misinformation about the program. Beyond exposition and advocacy, I believe I communicated my commitment to the program and, perhaps more important, my concern that attorneys recognize the tremendous un-

fulfilled legal needs of the poor and see this program as the only feasible instrument to meet this need. Ordinarily support replaced suspicion in enough Bar Association members in the state, county, or city involved to bring Bar Association approval on the merits alone.

Occasionally, I found it essential to emphasize that under OEO regulations a program could be funded by OEO even without Bar support. Attorneys who found or find this inherently incredible cherish the belief that the legal profession alone is responsible not only for providing legal advice and representation, but also for deciding when, how, and to whom it shall be provided. I explained that the needs of the poor, as perceived by society and expressed in the anti-poverty legislation and regulations, had to prevail over the wishes of individual lawyers if the two were in conflict.

It became clear in short order that, in my mission of personalizing the Legal Services Program and the Office of Economic Opportunity to groups of private attorneys, it was essential to them that I be a lawyer, important to them that I had been in private practice before coming to government, and helpful to me that I had had litigation experience.

The act of creation was direct and personal, and even in the spring of 1967, when thirty new Legal Services Programs were funded for the Northeast, that was the crucial process.

A Question of Quality

Extended geographic coverage through the creation of more programs no longer is so crucial in the Northeast; New York City, however, must speedily implement

its grant and provide the offices and attorneys for complete city-wide coverage. Additional quantity is an acute need in other regions—the Southeast, for example—but Congressional funding levels and shifts of anti-poverty funds from Legal Services and other OEO programs to employment programs have effectively aborted or delayed this effort.

The critical area now is quality. The program is assessed in community after community as the best community action program. The poor use it, trust in it, and consider it their best advocate. Local Bar Associations, nearly all of which approved programs for their areas, like and respect it increasingly with experience. It has been hailed as the most efficient and effective use of anti-poverty moneys.

The noted sociologist, Richard Cloward, stated recently that of all the anti-poverty programs, the Legal Services Program has been the most economically productive for the poor. He noted that, in the welfare field alone, hundreds of millions of dollars have been saved or won for the poor through lawsuits, changes in agency standards, legislative reforms, and advice on legal rights.⁵ California Rural Legal Assistance, one of our programs, has been hailed as securing benefits for its clients which are worth a hundred-fold its annual cost of 1.5 million dollars. Other programs are not far behind.

Sargent Shriver, Director of OEO, on June 29, 1966 called OEO's Legal Services effort "one of the most successful,

⁵ Comment during an OEO Community Action Program Training Session (Northeast Region), New York City, Feb. 16, 1968.

most imaginative and direct of all the programs in the nation's War on Poverty."⁶

The Northeast has many outstanding programs, in urban, suburban, and rural areas. Seven Northeast legal services programs or their Executive Directors received the Urban Service Award this year for a "significant contribution to alleviating poverty" in a city of 50,000 or more population.⁷

The *tabula* is far from *rasa*, and the torch of creation has, in a sense, been passed to those generally excellent and dedicated attorneys manning the local programs. Partially because there are so many programs in the Northeast, the OEO Regional office staff, and *a fortiori* the Washington staff, cannot hope to spot the test case coming into a Lower Manhattan office; cannot possibly brief the Connecticut welfare residency case which was the first OEO Legal Services Program suit to reach the Supreme Court; cannot assail inadequate hospital care in Newark; and cannot take the initiative in getting the New Hampshire legislature to increase the amount of wages exempt from gar-

⁶ AMERICAN BAR ASSOCIATION NEWS, July 15, 1966, at 1.

⁷ The agencies were Albany Legal Aid Society, Mobilization for Youth Legal Services Unit, Newark Legal Services Project, New Haven Legal Assistance Association, and Hartford Neighborhood Legal Service Program. The Director of the Boston University Law School Law and Poverty Project and the former director of the Voluntary Defender Committee (Massachusetts statewide criminal law program) were also recognized. Additional Northeast legal recipients included the Director in Hartford, the Board Chairmen of Newark, Onondaga Neighborhood Legal Services, and the new Norwalk-Stamford-Danbury program, a Rutgers Law School Dean, a Seton Hall Law School professor, and a New York City Legal Aid Society attorney.

nishment. Our project directors and their staffs, selected locally with no OEO involvement, now bear the heavy burden in the courtroom, in negotiation, and in the legislative battle for equal justice.

OEO itself must abet not stifle, liberate not contain, urge on not draw back, dare not despair. When—as happened once in the Northeast—a Legal Services Board of Directors instructs its Chief Attorney not to take any divorces, OEO must go to the community if long-distance persuasion fails, must point to the Legal Services Guideline which calls for the handling of all civil cases,⁸ must take issue with the idea that the program can refuse such claims because divorce is a luxury or is immoral, must support the representatives of the poor seeking equal treatment on this issue, must explain that effective handling of domestic relations matters is a critical “credibility” issue between the poor and the program, and must insist that the program swiftly change its course.

If, after thorough investigation, evaluation, and attempted remedy, programs fall short of the Legal Services standards in overall performance, OEO, in cooperation and consultation with the local community, must decisively change the shape of the program, even at the risk of some political ripples. Because the task of bringing equal justice is so important, our

⁸ “There should not be an arbitrary limit to the scope or type of civil legal services provided to eligible clients. All areas of the civil law should be included and a full spectrum of legal work should be provided: advice, representation, litigation, and appeal.” GUIDELINES FOR LEGAL SERVICES PROGRAMS 7.

standards are high in the critical areas of test cases, appeals, legislative and agency reform, and community education.

Changes Within the Profession

A significant long-term development is the new desire of established legal institutions to right the law’s wrongs against the poor. One of the important purposes of the OEO Community Action Program is to change the attitudes and functions of established institutions toward the poor. Settlement houses, Boards of Education, charitable organizations, women’s clubs, hospitals, Bar Associations—these are a few examples. Although national Bar leaders have long recognized that the need of the poor for legal services had never been met,⁹ many local Bar Associations have only recently moved from opposition to support of the legal services program, and have begun to upgrade their own private contribution of legal services to the poor.

Decision-Making With the Poor

The most controversial way of stimulating institutional thinking was to require “maximum feasible participation” of the poor on Community Action Agency governing Boards, for the first time giving the poor a strong voice about programs which served them. Congress, in the 1966 Amendments to the Economic Opportunity Act, required that at least one-third of those on a CAA governing Board be representatives of the poor, democratically selected.

⁹ See statements collected in Greenawalt, *OEO Legal Services for the Poor: An Anniversary Appraisal*, 12 N.Y.L.F. 67-70 (1966).

Nearly all OEO-funded Legal Services programs have at least one-third representatives of the poor on their governing Boards. This fact in itself has produced a shift in the attitude of some lawyers toward legal services for the poor, and toward the poor themselves.

On many Legal Services Boards the poor raise decisive points at critical times. When I attended a Board meeting of a Massachusetts program which was balking at taking divorces, a Negro minister and two Negro housewives, all representing the poor, demanded to know why some of the lawyers on the Board were, in effect, denying divorces to the poor. Faced publicly in this manner with this question, none of the lawyers could give a relevant answer, and the Board voted to take divorces.

An interesting ethics question was raised at a Connecticut program's Board meeting which I attended: what should a legal services attorney do if a poor woman came to him with the claim that a private attorney had not handled her case properly, and she wanted the attorney brought before the Bar Association's grievance committee? The Board discussion, led by attorney members, was heading to the conclusion that the legal services attorney should call his brother attorney and obtain his version of the matter, then weigh the merits, before instituting a grievance proceeding. Suddenly, a Negro housewife who was poor said that she was tired of lawyers settling such grievance matters between themselves and that she and those she represented thought the woman should have her say before the grievance committee, where the claim, if frivolous, could be quickly thrown out. I could see

the lawyers were moved by this fresh perspective on how their community image was affected by the routine courtesies they had extended to each other and expected from each other over the years. Grasping the sense of the meeting, the Board chairman appointed a committee to discuss the problem and bring back a recommendation. I do not know what the recommendation was, but the important point is that lawyers had to rethink a previously "rote" situation.

Board structures also provide intra-professional broadening opportunities. The Board of Community Action for Legal Services ("CALs"), the "umbrella" coordinating legal services agency for New York City's ten grass-roots legal services corporations funded by OEO, brings together—for the first time under one umbrella I dare say—representatives from the Association of the Bar of the City of New York, each of the five county bars, the Bedford-Stuyvesant Bar Association, the Harlem Lawyers Association, and the Puerto Rican Bar Association.

The current President of the Board is a law school professor, and lay representatives from each of the areas served, selected by the poor, are also on the Board.

Private Attorneys Donate Services

Another stimulus to involvement of the Bar is the requirement that local sources provide ten to twenty percent of the cost of each legal services program. Most programs rely heavily on services donated free of charge by local private attorneys; the federal government will count these toward the "local share" requirement at the rate of twelve dollars an hour.

This effort is being and must be increased, because Legal Services is beginning to feel the Congressional fiscal pinch. We will probably be able to continue all existing programs at current levels, but will not be able to expand all those which merit expansion, or to fund any or many of the 150 new programs sought across the country. In the past, because programs in some regions did not move as quickly as expected, no acceptable application was denied funding, so far as I know. However, this time it is different; one region is pitted against another for legal services money, priorities have been set, and programs worthy of funding will undoubtedly be refused.

No matter what appropriations are for legal services, some of our programs are, and will be, stretched taut by demands on their time and energy. The proximity of neighborhood offices, quality service, and a genuine concern for clients have produced a fast-growing caseload in many places. A number of program directors have begun talking about closing the doors for periods during the week; relieving attorneys periodically from interviewing clients, to allow them to do research, writing, and law reform work; and giving priority to certain kinds of cases.

Precisely because volunteer lawyer services are so important to the programs, the national Bar Association leadership fought hard to keep Congress from requiring that half the local share be in cash. Fortunately, the authorization conference committee derailed this House amendment, because it would have required greater reliance by legal programs, as well as other community action programs, on City Hall. The other side of

the coin is that reliance on cash does not induce or encourage the local community to appeal to its Bar Association and individual attorneys to assist in the program.

For a Bar Association, out of a sense that its members should be directly involved in the program, to proceed to canvass them even with the local share otherwise discharged, is the kind of commitment that speaks mightily for our profession. In New York City, where sufficient local share is provided in cash, that is precisely what the Association of the Bar of the City of New York is doing, and the return is most gratifying. I would encourage similar efforts by every Bar Association.

A lawyer in one Bar Association said to me that he did not think he should volunteer his services or encourage other Bar members to do so because he sensed that the communities where the lawyers would be serving felt some alienation from "The Establishment," which he and his Bar Association clearly were. The lawyers who would control the program lived and practiced in different geographic areas, had a different type of practice and were of a different ethnic background. In the light of past friction, he suggested that those to whom he and his brethren at the Bar might volunteer their services should first apologize and seek to close the gap between the groups.

I recommended to him that he, from his relatively secure status in society, swallow the indignities presumably done to him, present himself in the neighborhood legal offices, and indicate his desire to help as a volunteer. I suggested that he and his brethren go first as individuals rather than as representatives of their Bar

Association. If those in control failed to take up the generous offer, he would have done all he could as a person, without the stiffness which organization labels sometimes produce, to heal the breach. I thought better relations would follow.

Particularly because this program has such great potential to redress the legal and emotional grievances of the poor, I bear in mind Shakespeare's observation in *Twelfth Night*: "[H]ow apt the poor are to be proud."¹⁰

State Bar Associations

I have received unprecedented cooperation from State Bar Associations in readying and carrying out legal services programs. Perhaps the broader the association's base, the more assured, concerned, prosperous, liberal, innovative, and sensitive to national developments its leadership and membership tend to be. The leading role of the American Bar Association in the fight for equal civil justice for the poor is Exhibit A. Certainly Bar Associations appreciate legal services programs funded directly by OEO to the legal services corporation rather than through a Community Action Agency; this was the pattern in Maine and Vermont, where there are statewide programs, and for the southern half of New Hampshire.

The Maine Bar Association members worked out a statewide plan with OEO, Maine State OEO, and Maine's fifteen Community Action Agencies, and the Bar Association voted at its annual meeting in 1966 to support Pinetree Legal Assistance, Inc. Pinetree's new director was a featured speaker at the 1967 conference.

The Vermont experience began most unpromisingly, with a report by the State Bar Committee on Relations with OEO that the Legal Services Program was evil incarnate and was to be resisted to the last Vermont private practitioner. After many months of explanation of the program, we managed to chase away the hobgoblins, and the Bar voted acceptance of a statewide legal services corporation. It then became so enthusiastic that its officers provided primary leadership in a successful fight to have the Vermont legislature appropriate the necessary 50,000 dollars local share for the project, making that state the nation's first to support a project in this way.

The New Hampshire Bar Association approved the first OEO Legal Services Program for northern New England, Tri-County Legal Services, serving the rural north of New Hampshire, and at its 1967 meeting endorsed the program's first year of operation. The State Bar has also worked closely with Community Action Agencies, OEO, and the state anti-poverty agency in shaping a recently funded plan for all of southern New Hampshire.

The Massachusetts Bar Association established a Committee on Legal Aid which has worked with OEO to promote and give technical assistance to Legal Services Programs.

In Connecticut, the State Bar Association worked with OEO and a Community Action Agency to formulate a program for two rural northeast Connecticut counties.

The New York State Bar Association, through its Committee on Professional Responsibility, worked with OEO, county Bar Associations, and eight Community

¹⁰ Act III, Sc. 1, L. 138.

Action Agencies to formulate a plan for a very large eleven-county area in Northeast New York; unfortunately, some of the county Bars are now drawing back on the project. The committee is now taking the initiative in adjoining areas, and its representatives have been of great help in "trouble shooting" throughout the state.

Members of the New Jersey Bar Association responded promptly and generously to the call of its president during the urban disturbances in the summer of 1967, for advice and representation for those arrested in Newark, Plainfield, and other places.

Young Lawyers

Successful private practitioners must heed the voice of recent law school graduates and current law students, because this pool of talent is the profession's future. That voice is clear. Hundreds of law school graduates, at or near the top of their classes, have opted and will opt this June to go into public law, mainly the OEO neighborhood law office program. A recent issue of the *Harvard Law Review* proclaimed proudly that "only eight members of the review plan to enter private practice upon graduation."

In New York City alone, the number of exciting law student and recent law graduate efforts is breathtaking. In the Brownsville section of Brooklyn, a number of young attorneys with large Manhattan firms, inspired in part by socially aware Catholic priests, formed Christians and Jews United for Social Action, and rendered legal services free, initially from a storefront heated only by space heaters. A yet larger group of young Wall Street

attorneys from several firms has been serving the poor without pay in East Harlem for over a year, and is now seeking a formalization of its independent voluntary status through foundation funding or affiliation with a funded organization. A smaller effort was "holding the line" in South Brooklyn while the OEO-funded structure awaited court approval and implementation. I conferred recently with the Young Lawyers Committee of the New York State Bar Association, which expressed interest in a plan for moving young lawyers throughout New York State into voluntary work with OEO legal services programs, including a central Speakers' Bureau of experts on various aspects of the law. The Citizens for Community Service, Inc., another group of active young attorneys, is exploring a similar approach in the Metropolitan area.

Law Student Activity

Progress at law schools is equally dramatic. Courses in Poverty Law have been added to the law school curricula of at least Columbia, New York University, and Fordham Law Schools. 150 students, largely from Columbia and N.Y.U., are involved throughout the school year in the work of the Legal Aid Society of New York City, and other students perform similar work for the Mobilization For Youth Legal Unit. A branch of Law Students Civil Rights Research Council has been active for some years at Columbia. The metropolitan law and social work schools also have special projects—some financed by OEO and some otherwise—on: welfare law, including help on briefs and pleadings in welfare law cases; the impact on the poor of high prices, in-

stallment credit systems, and garnishment; slum housing conditions in Harlem; defective service of process in consumer and housing matters; and many other areas affecting the legal rights of the poor. A new legal journal, *The Columbia Survey of Human Rights Law*, dealing exclusively with legal problems in the fields of poverty, civil rights, and civil liberties, has just been inaugurated at Columbia Law School by a group of its students. Law schools are devoting all or a substantial part of law review issues to a discussion of legal services for the poor.

That is just the metropolitan New York law schools. Cornell University Law School, in cooperation with the New York State Bar Association Committee on Professional Responsibility, wants OEO to fund a project which would introduce Poverty Law courses into every law school in the State and provide practical legal services experience for law students wishing it. Albany Law School had a conference on legal services, and its students are involved heavily in the Albany Legal Aid Society's work. Students and faculty at the New York State University Law School at Buffalo have the first federally funded ombudsman project, and other students are working with the Legal Aid Bureau of Erie County. Harvard has an OEO-funded model neighborhood law office of its own, involving over 100 students. Yale has a Poverty Law field of specialization and Yale students work in the New Haven Legal Assistance Association, the Public Defender's Office, and the Dixwell Legal Rights Association, an exciting OEO project fighting for welfare rights and training target area residents to become legal aides and investigators. Boston University Law School has

an OEO-funded Law and Poverty project, which is analyzing housing and welfare laws in Massachusetts, and which sends deputations to high schools to address students about legal rights and responsibilities.

Last fall, the first Reginald Heber Smith Fellows were graduated. In this OEO-funded program, forty-eight outstanding graduating law students, clerks, and young practicing lawyers received concentrated training in poverty law at the University of Pennsylvania Law School, and were then assigned for one year to Legal Services throughout the country. All had worked on their law reviews. The demand from law schools and the success of the Fellows were so great that this year, 100 Fellows have been selected, and Northwestern University Law School has been added to the training program. Significantly, forty-three of the first Fellows have requested to stay on in legal services programs.

Perhaps this drive of the "new breed" toward the field of poverty law will be slowed by the recent announcement that many of the country's largest law firms will pay 15,000 dollars for men just out of law school. Clearly, at least under current international conditions, government cannot match or approach this. But something about private practice appears to be turning graduates off. Rightly or wrongly, many associates in large firms believe that "charity doesn't pay," not only in the sense of remuneration to the firm, but also in the sense of progress within the firm. I have heard of a Legal Aid Society appeal in a criminal case that was assigned and reassigned to four different associates in a large firm before one finally wrote the necessary brief. Representa-

tion delayed may not be representation denied, but imagine the attitude of the convicted indigent as he learned in his cell block that his long-delayed appeal was being shuffled from one faceless person to another.

Of course many large firms have agreed to take on the responsibility for these appeals, and hundreds of associates have done outstanding work on them. But many firms could make a stronger commitment in this area.

These appeals involve no trial work and, generally, no contact with the client. These shortcomings, which to some extent are also shortcomings of the first few years with larger firms, would be satisfied by participation in neighborhood legal services.

I think those firms which do will reap the practical reward of attracting the broadest-gauged graduates, with qualities of dedication and leadership equally apparent to the dispossessed tenant and to corporate officers defending a merger. At least two possibilities suggest themselves: freer use of leave for associates—or partners—wishing to participate in a grass-roots experience of dealing with the legal problems of the poor; or allowing a number of hours each week for lawyers in the firm to work on these matters. No less an authority than Mr. Justice Brennan has suggested that firms set aside five hours a week of billable time for their lawyers “to devote to any public-service project of their choice.” I am aware that this is easy to suggest and hard to implement, but I would like to see it tried in a variety of ways.

Law firms wanting to meet the concern of idealistic young lawyers and law students, many of whom have also been

active in civil rights causes, may have to make a new time commitment to the legal needs of the poor.

These few examples show how the Legal Services Program, sometimes predictably and sometimes unpredictably, is bringing about dramatic change in Bar Associations, law firms, law schools, and in individual lawyers.

Conclusion

The 1967 Session of Congress passed the Green Amendment, requiring the Board of Directors of each Community Action Agency to be one-third public officials, and permitting the relevant governmental body to reconstitute private CAAs as public bodies. This leaves the Legal Services Program as the chief reliance against arbitrary governmental authority, to call the shots on the basis of the interests of its clients. The pressures against this sort of independence will continue to grow, because in the Legal Services Program's success lies its greatest danger.

The President's Advisory Commission on Civil Disorders, which has so forcefully exposed the urban problem of our times, has indicated that the Legal Services Program can play a major role in its solution:

Among the most intense grievances underlying the riots of the summer of 1967 were those which derived from conflicts between ghetto residents and private parties, principally the white landlord and merchant. Though the legal obstacles are considerable, resourceful and imaginative use of available legal processes could contribute significantly to the alleviation of tensions resulting from these and other conflicts. Moreover, through the adversary process which is at the heart of the judicial system, litigants are afforded mean-

ingful opportunity to influence events which affect them and their community. However, effective utilization of the courts requires legal assistance, a resource seldom available to the poor.

Litigation is not the only need which ghetto residents have for legal service. Participation in the grievance procedures suggested above may well require legal assistance. More importantly, ghetto residents have need of effective advocacy of their interests and concerns in a variety of other contexts, from representation before welfare agencies and other institutions of government to advocacy before planning boards and commissions concerned with the formulation of development plans. Again, professional representation can provide substantial benefits in terms of overcoming the ghetto resident's alienation from the institutions of government by implicating him in its processes. Although lawyers function in precisely this fashion for the middle-class clients, they are too often not available

to the impoverished ghetto resident.

The legal services program administered by the Office of Economic Opportunity has made a good beginning in providing legal assistance to the poor. Its present level of effort should be substantially expanded through increased private and public funding. In addition the participation of law schools should be increased through development of programs whereby advanced students can provide legal assistance as a regular part of their professional training. In all of these efforts, the local bar bears major responsibility for leadership and support.

Hopefully, as black and white, wealthy and poor alike come to see that violence begets violence and that this "new wave" of concerned lawyers will stand tall for the individuals and groups it serves no matter what the pressures, we shall continue to look to the majesty of the law as the instrument for its own reform.



TRENDS

(Continued)

the prestige of evaluators, upon the attitude of the organized bar, upon the role assumed by a majority of the legal aid and defender organizations, and upon the public generally.

All this suggests the size of the assignment of NLADA's Special Committee

on Evaluations headed by E. Clinton Bamberger, Jr., of Baltimore.

It is not too speculative to suggest that during coming months the present interest and concern of the legal profession will be devoted to a sound program of evaluation, thereby remaining participants—not just observers—in the events that determine the trends in Legal Services for the Poor.





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