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P. Vaughn Gearan

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# GENERAL COMMENTS ON THE LEGAL SERVICES PROGRAM IN NEW YORK CITY

P. VAUGHN GEARAN\*

## Introduction

FROM MARCH THROUGH JUNE, 1969, seventeen consultants from various parts of the country visited the twenty-seven community law offices funded by the U.S. Office of Economic Opportunity (OEO) in New York City. Their independent judgment was solicited by the Director of Legal Services for the Northeast Region, OEO, to provide assessments and recommendations regarding the operations of the ten delegate corporations funded through the central corporation, Community Action for Legal Services, Inc. (CALs).<sup>1</sup> Their reports served to assist the Regional Legal Services Director in formulating a general evaluation of the Legal Services Program in New York City which was transmitted to CALs and the delegate corporations on July 31, 1969, and which has become the basis of this article.

On September 19, 1969, the Committee on Professional Responsibility of the Association of the Bar of the City of New York reported on the evaluation comments to the Appellate Division, First Judicial Department, Supreme Court of the State of New York, pursuant to that court's order dated October 10, 1967.<sup>2</sup>

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\* Director, Legal Services Program, Northeast Region, U.S. Office of Economic Opportunity.

<sup>1</sup> For a complete listing of delegate corporations and law offices under CALs, see Appendix.

<sup>2</sup> Brownell, Memorandum to the Supreme Court of the State of New York, Appellate Division, First Department, September 19, 1969.

On December 5, 1969, the OEO Northeast Regional Office, with approval from the National Legal Services Office, signed the current OEO grant for CALS in the amount of \$4.32 million on the following condition:

By December 31, 1969 the delegate, Community Action for Legal Services, Inc., (CALS) shall submit an interim report to the appropriate OEO legal services offices summarizing actions taken and planned in response to the issues raised and recommendations made in the general evaluation letter transmitted to CALS and its delegates on or about July 31, 1969.

By March 31, 1970 the delegate, CALS, shall submit a final report thereon, acceptable to the appropriate OEO legal services offices.

Within 60 days following the receipt of any special evaluation letters referring to specific delegates of CALS, CALS shall submit similar interim reports in the manner described above, and shall submit final reports, acceptable to the appropriate OEO legal services offices by March 31, 1970.<sup>3</sup>

The evaluation was meant to measure the effectiveness of the projects' representation of the poor in terms of the mission of the Legal Services Program, namely: justice through advocacy, opportunity through the elimination of barriers imposed by injustice, and orderly change within the legal system.<sup>4</sup> It addressed major issues

and made broad recommendations which applied to all the delegate corporations, and reserved specific comments on each community law office for subsequent communication.

The evaluation recognized that the New York City program had been fully operational for less than a year, and therefore was to be taken as more constructive than critical, particularly as to the newer delegate corporations. It attempted to suggest ways to improve the management of the program, to more clearly define objectives and goals, and to recommend methodology for engaging in activities directed toward economic development and law reform.<sup>5</sup>

Left unstated, but recognized, are many of the considerable accomplishments of CALS and its delegates.<sup>5</sup> It is in this context that the following comments should be construed.

### Goals and Objectives

At its current level of federal funding, and during its brief existence, New York City's Legal Services Program hardly could be expected to have implemented fully all the goals and objectives which have been defined for it, namely:

1. to provide quality legal services for all the problems accepted for service;
2. to educate poor people about their legal rights and responsibilities;

<sup>3</sup> OEO Grant No. CG 1064-E/3, at 3 (Dec. 5, 1969). CALS received \$2.8 million from OEO in fiscal year 1968, and \$4 million in fiscal year 1969.

<sup>4</sup> Donald Rumsfeld, Director, U.S. Office of Economic Opportunity, *Statement on Legal Services Program*, July 14, 1969.

<sup>5</sup> For a detailed report on the activities of CALS and the delegate corporations, see Report of Community Action for Legal Services, Inc., together with reports of the ten operating corporations, submitted to the Appellate Divisions, First and Second Departments, August 14, 1969.

3. to convincingly demonstrate to an increasingly impatient poverty community that the legal process is an effective instrument for orderly social change;
4. to provide sufficient numbers of legal specialists to the potential number of self-help groups seeking a share of the American economic system;
5. to advocate for and involve the poor in the social decision making process;
6. to encourage attitudinal, procedural, and substantive change in law schools, lawyers, and the legal and judicial system; and,
7. to provide a climate in which all of the foregoing can flourish.

A reasonable expectation, however, is that the ten delegate corporations would be recognizing their limitations and moving, individually and collectively, to establish project priorities within the framework of the guidelines of the OEO Legal Services Program.

From its earliest days, the Legal Services Program has promulgated its priorities in a direction which culminated in Congressional recognition in the fall of 1967, when the Committee on Labor and Public Welfare of the United States Senate, in its consideration of the Economic Opportunity Amendments of 1967, concluded:

The legal services program can scarcely keep up with the volume of cases in the communities where it is active, not to speak of places waiting for funds to start the program. The committee concludes, therefore, that more attention should be given to test cases and law reform.<sup>6</sup>

<sup>6</sup> S. REP. No. 563, 90th Cong., 1st Sess. 40 (1967).

"Law reform," as most recently restated, means appellate litigation, legislative change, innovative actions at the trial level, group development and representation, economic development and other creative and innovative concepts *designed to make a substantial impact on more than an individual client and the cycle of poverty*. It also implies the lack of substantive or implicit restrictions on aggressive representation or activities.<sup>7</sup>

On February 29th and March 1st, 1968, The National Project Advisory Group composed of 24 project directors and staff attorneys from across the nation, emphasized law reform as the highest priority, if not the only goal, of the Legal Services Program. Moreover, the group recommended that this policy be enforced at the national level by using law reform as the chief criterion in evaluating and funding legal services projects.<sup>8</sup>

On February 12, 1969, the Director of the Legal Services Program, Northeast Region, OEO, convened a conference for New York City's project directors, managing attorneys, staff attorneys, and board members. This conference included a presentation of objectives, policies, and priorities of the Legal Services Program; provided for dialogue on matters of concern to the attendees; and suggested project priorities to implement national goals.

On July 14, 1969, the Director of OEO reaffirmed the mission of the Legal Services

<sup>7</sup> OEO Draft Instruction 6140 (emphasis added). This instruction is reprinted in Appendix II following this article.

<sup>8</sup> Report of Legal Services Project Advisory Group, March 1, 1968.

Program in terms totally consistent with the developed priorities, and his statement was forwarded from the Regional Legal Services Office to all the community law offices in New York City.<sup>9</sup>

Despite the repeated promulgation of these national priorities, they have not been implemented markedly by the delegate corporations for several reasons:

1. In attempting to meet the individual legal need of every eligible applicant, the great majority of offices have become inundated with unmanageable caseloads which are not conducive to providing quality legal services and practically exclude consideration of other program objectives. It is assumed that they would welcome supportive technical assistance in applying available legal resources to a maximum number of cases in a controlled situation which allows for professional quality. The resulting preoccupation with caseload has forced the methodology of law reform and economic development to wait in line with the clients.
2. Some project directors and managing attorneys are hesitant to impose methods of controlling caseload because of their genuine empathy with their clients' distress and their desire to provide personal relief to all who need it without limitation. They express a reluctance to say "No" to a client in real and present difficulty, particularly for the sake of advancing the relatively esoteric long range goals of the Legal Services Program.

3. A few projects simply disagree on more or less philosophical grounds with the selected goals and priorities of the Legal Services Program and show little likelihood of willingly supporting them.

All of these positions can be appreciated, particularly as to the newer delegate corporations, and they have been taken into consideration in developing the goals and priorities of the Legal Services Program. The problems presented can be alleviated through technical assistance and continuing dialogue where there is an ongoing good faith effort to comply with legal services guidelines. Appropriate remedial measures must be considered, however, where resistance replaces reservation.

The difficulty of the delegates in developing local priorities which comply with OEO guidelines is reflected further in the total effect of the Legal Services Program in New York City. Citywide issues have not been identified and approached with the coordination and impact that is possible with a force of 150 lawyers, complimented by private legal resources. Mechanisms for voluntary coordination have not been mutually recognized.

Standards for caseload control clearly must be the first order of business of the delegate corporations. Depending on whether an office's caseload is perceived as unmanageable, these standards can be considered preventative as well as remedial.

Prescinding from the law reform priority of the Legal Services Program, its unquestionable first goal is to provide *quality* legal services. "Quality" legal services certainly includes compliance with standards which were embodied in the Canons of Profes-

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<sup>9</sup> Brownell, *supra* note 2.

sional Ethics, requiring the undivided loyalty of an attorney to his client.<sup>10</sup> If pressure to accept new clients forces compromise in the adequacy of representation of present clients, the legal services lawyer faces ethical considerations as well as professional commitment and program compliance.

The National Legal Aid and Defender Association presented proposed standards at its 1968 Conference, and included in its comments to Proposed Standard No. 6 an approach which deserves serious consideration. This method would limit or focus the work of the program directly on law reform priorities, as follows:

- (a) the handling of cases that deal with a problem or grievance shared by a large number of persons served by the organization or about which such persons feel strongly;
- (b) the handling of cases that offer the possibility for enhancing the ability of the persons served by the organization to participate in the solving of neighborhood or community problems;
- (c) the handling of cases that offer the possibility of increasing community understanding of a problem or issue and of advancing the knowledge of the persons served by the organization with respect to their legal rights and responsibilities;
- (d) the handling of cases that foster or assist the development of leadership

among the persons served by the organization;

- (e) the handling of cases that offer the possibility of enhancing the income potential and economic growth of the persons seeking assistance or the area where the persons served by the organization reside;
- (f) the handling of cases that offer the possibility of eliminating a practice or rule that affects a large number of the persons generally served by the organization.

Such criteria are only illustrative and are in no way intended to be exhaustive. They do, however, incorporate a common thesis relating law and legal service to poverty. Unless the limited resources of legal aid services are focused upon approaches to the elimination of the causes of poverty and to the enhancement of the ability of poor people to resolve their own problems, individually and as a group, there will be no end to the continued need for more resources.<sup>11</sup>

Another effective general standard would be a procedural priority for poor people's organizations as preferential clients over eligible individuals. Within this group priority, community law offices can offer a full spectrum of advocacy. As the poverty communities, particularly as represented by the various organizations and groups which *they* control, come to understand *their* rights and responsibilities and opportunities,

<sup>10</sup> ABA CANONS OF PROFESSIONAL ETHICS NO. 15. This Canon is now embodied in ABA CODE OF PROFESSIONAL RESPONSIBILITY NO. 7 (Final Draft, July 1, 1969).

<sup>11</sup> See Bellow, *Reflections on Case-Load Limitation*, 27 LEGAL AID BRIEFCASE 195-202 (1969). For an opposing view, see Getzels, *Legal Aid Cases Should Not Be Limited*, 27 LEGAL AID BRIEFCASE 203-06 (1969).

they can determine a hierarchy of long range and short range goals and select the legal approaches they wish to employ.<sup>12</sup>

Additional techniques for controlling non-priority cases, providing for preferential treatment for generally identified emergencies, can include limitations on: (a) appointments for new cases; (b) maximum open cases per attorney; (c) office hours; (d) number of offices.

Whatever approaches to caseload control the delegates choose, they must insure quality service and be supportive of the law reform priority of the Legal Services Program.

Furthermore, these general standards must be citywide in their application. The record of inattention to caseload control by the delegates, the necessity of applying tactics of exclusion evenhandedly to eligible clients throughout the city, and the need for a common basis for measuring performance all call for citywide standards. Within these mutually developed criteria, the delegates can adapt to local situations.

The second order of business for the delegates is to identify common problems and citywide issues and to adopt coordinated strategies for their resolution. Maximum impact on the cycle of poverty, effective use of personnel, and efficient application of limited funds necessitate such an approach. Additionally, cooperative efforts, directed at pervasive problems, may stimulate the delegates to develop their own local priorities and strategies.

Mechanisms for this coordination can include: (a) joint committees of delegate board members; (b) regular and frequent conferences of project directors, managing attorneys and selected staff; (c) task forces, composed of lawyers from the delegate corporations, assigned to follow through on designated issues; (d) joint meetings of client groups with similar concerns. The various modes of law reform defined by the National Project Advisory Group—test cases, other litigation, negotiations with administrations, legislation, constant accumulated pressure, and group representation<sup>13</sup> all can be utilized in coordinated strategies.

The law reform-technical assistance unit funded by the Regional Legal Services Office in the present OEO grant to Community Action for Legal Services, Inc. can provide significant staff support for the citywide efforts of the delegate corporations. This resource is intended to supplement rather than supplant the initiatives of the delegates who must bear the primary responsibility for implementing law reform objectives. The unit is not precluded, however, from being assigned leadership roles by the delegates, or from filling leadership gaps where they become apparent.

Other resources can be called to support these law reform goals. The Columbia University Center on Social Welfare Policy and Law, the New York University Law School's VISTA Lawyers Project, the legislation unit of the Legal Aid Society of Albany, are among the legal services projects readily available to the New York

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<sup>12</sup> See Gearan, *Legal Services to the Poor: A Political Perspective*, 15 CATHOLIC LAW. 23, 30-34 (1968).

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<sup>13</sup> See Report, *supra* note 8.

City program. Law schools, volunteer attorneys, and bar association committees provide potential legal resources for special projects.

Through the Reginald Heber Smith Fellowship Program at the University of Pennsylvania Law School (funded by the OEO Legal Services Program) the Regional Legal Services Office is providing at least twenty-two of the most promising recent law school graduates recruited throughout the country to support the law reform efforts of the New York City program. They are to be assigned to Community Action for Legal Services, Inc. to be detailed flexibly to the central office's law reform-technical assistance unit, and to the neighborhood offices on terms that assure a coordinated law reform approach. The Regional Office also is arranging for the assignment of a substantial additional number of VISTA lawyers to the program on a similar basis. This additional legal staff should not be regarded as an elite corps, but as an integral supplement to the law reform activities of every staff attorney.

The Regional Legal Services Office stands ready to provide further assistance to the New York program in choosing its own approaches to comply with these guidelines for caseload control, quality service, law reform, and coordination. It should be emphasized that, in addition to mutual cooperation, it is the mission of each delegate corporation to further law reform objectives in its own community, and the foregoing comments apply to intra-delegate as well as inter-delegate performance. Significant movement toward these goals and objectives should be currently

underway with measurable results within the next few months.

## Management

### A. *Governing Boards*

It is the primary responsibility of the governing boards of the delegate corporations to implement the goals and priorities of the Legal Services Program, adapting them to the needs of the poor in their communities. They have considerable potential as marshallers of supportive community resources, buffers from and sounding boards for all elements of the community, fiscal overseers, appellate boards of review, and bulwarks of local control. Yet the governing boards appear to be unaware of, or unresponsive to, the stated goals and priorities of the Legal Services Program, and have little common understanding of their proper functions. Some boards have had no perceptible effect on the operations of their projects, while others have involved themselves inappropriately in professional, programmatic and administrative matters. While a few have undertaken constructive leadership roles, governing boards seem to be rated primarily on the extent to which they do not "interfere" with the program.

The governing boards have not involved the poor sufficiently in the decision-making process. In many cases this is the result of de facto (and in at least one case de jure) domination of the board by other elements in the community, notably the bar. Additionally, representatives of the poor tend to be reticent when inundated with technical jargon and skillful argumentation that



appears to have little relevance to their problems.

Adequate mechanisms for communicating and cooperating in common efforts to break the cycle of poverty are not available to the governing boards. Their representation on the board of Community Action for Legal Services, Inc. is useful for this purpose, but cannot replace more broadly based participation.

Several steps can be taken to encourage the constructive and representative involvement of the governing boards. An initial orientation meeting for all delegate corporation board members should be arranged. Costs for attendance of low income board members are allowable under the OEO grant, and general attendance should be urged, recorded, and reported to OEO. The agenda should include presentations and dialogue on the goals and objectives of the Legal Services Program; the role of the boards of directors; the relationship of the boards to the project directors, other staff, Community Action for Legal Services, Inc., and OEO; and methods for ongoing coordination of operations. Similar general meetings should be convened at least annually.

Task forces, selected citywide from board members, should be formed to follow up on specific issues and report back to the delegate corporations and to Community Action for Legal Services, Inc. Marshalling community resources could well be a major assignment for these groups.

A series of regular meetings should be scheduled for representatives of the poor on governing boards. These meetings would

serve to familiarize these members with basic poverty law issues, the composition of the governing boards and the potential involvement of poor people, and other matters of particular concern to them. Furthermore, this regular contact of representatives of the poor could strengthen and support their active participation in setting the direction of the program on a citywide, coordinated basis. The National Advisory Committee for the Legal Services Program, including representatives of the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association and the American Trial Lawyers Association, have recommended standards for governing boards<sup>14</sup> which are in the process of being incorporated in OEO policy.<sup>15</sup> They have been distributed to the projects, and provide direction for dealing with questions of composition of boards, relationships between boards and staffs, and the role of boards.

#### B. *Staffing*

The commitment of staff attorneys to serving poor people has been reported to be commendably high. The suggestions of professional incompetence are notably few. In the context of implementing the goals and priorities of the Legal Services Program, however, staffs exhibit highly varied qualities of leadership, ability, and disposition to perform. Personnel policies have

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<sup>14</sup> National Advisory Committee for the OEO Legal Services Program, *Recommended Standards for Governing Boards of Legal Services Projects* (Feb. 7, 1969).

<sup>15</sup> OEO Draft Instruction 6443-1, which is reprinted in Appendix II to this article.

been generally underdeveloped and no common standards appear to have been followed.

The use of personnel is inefficient. Such management techniques as systematic office procedures, standard forms, and catalogued brief banks are not sufficiently or uniformly employed. Staff attorneys spend inordinate amounts of time on matters which could be handled appropriately by non-lawyers. Secretarial support in many instances is inadequate. Staff assignments have not been designed to develop coordinated community law firms which can respond flexibly to the major problems in the areas they serve. Caseload demands on staff attorneys restrict the opportunity for research and consultation necessary for quality representation, and virtually preclude sustained efforts to permanently improve the position of poor people. There is little coordination of staff efforts within or among the delegate corporations. Few offices have regular staff meetings, and other communications mechanisms are underdeveloped. There is inadequate opportunity for the staff to share their expertise, express their needs, and participate in establishing the priorities of the program. No arrangements have been made for the temporary detailing of staff either to meet a priority need for legal services outside the area served by a delegate corporation, or to participate in the resolution of issues of common concern to more than one delegate corporation. Training programs responsive to staff needs have been minimal. Only one office has conducted seminars for its own staff attorneys, and the delegate corporations do not take full advantage of continuing legal education programs made

available in New York City by other institutions. Formal training of lay advocates and clerical staff has not been initiated.

A line of approach can be adopted to correct the weaknesses in management and concurrently move the program toward its goals.

A central recruiting service should be made available to the delegate corporations, relieving them of certain sensitive and time consuming functions while preserving their right to select their own staff. This service could assist substantially in bringing quality applicants to each community law office with an efficiency that would free delegate corporations to concentrate on performance. Its functions would include: active recruiting of high potential attorneys and law students, conducting preliminary interviews, developing applicant lists and resume files, announcing position vacancies, counselling present staff seeking upward mobility within the program, and attempting to match applicant qualifications with specific community needs. In return, the delegate corporations should be urged strongly to give priority to this service in filling vacancies, and should be required to consult those responsible for the service a reasonable time prior to any hiring action.

Reasonable controls on the expenditure of more than three million dollars in personnel categories and fair and comparable treatment of staff throughout New York City require that standard citywide personnel policies be adopted in consultation with the delegate corporations. Job descriptions and salary ranges, annual rates for increments, vacation and other leave pol-

icies, promotion and dismissal procedures, etc., should be generally uniform in the interest of the delegate corporations and their staffs.

Office management systems, intake procedures, legal forms and practices, reporting mechanisms and reference indexes should be standardized to remove major administrative impediments to the efficient and effective use of attorney time.

There should be central responsibility for developing training programs for staff lawyers, lay advocates, and clerical staff responsive to the needs of the community law offices.

A coordinated staffing plan should be developed in cooperation with the delegate corporations, providing for assignment of staff to task forces on substantive legal specialties, and the detailing of staff from each delegate corporation to a special unit for temporary relief of emergency situations.

Inasmuch as all staff attorneys should have access to technical assistance in their law reform activities, to reduce duplication of effort, and to assure maximum impact on the cycle of poverty, existing units for research, legislation, and appeals should be coordinated centrally and be available to all delegate corporations. This would not preclude each community law office from assigning similar law reform functions to their own staff.

The staff lawyers in the Legal Services Program in New York City should be encouraged to form a citywide association, and opportunities for regular contact should be provided.

The twenty-two Reginald Heber Smith

Fellows should be assigned with flexibility from the central office of Community Action for Legal Services, Inc. and only in support of law reform goals. This same approach should be taken with any additional VISTA lawyers assigned to the program.

To relieve delegate corporations of time consuming and duplicative ministerial and administrative functions, to increase efficiency and reduce cost, to provide effective fiscal monitoring, and to insure compliance with personnel policies and minimum office standards, payroll, purchasing, bookkeeping, accounting and auditing services should be extended to all delegate corporations. This may require revisions and improvements in the present service provided six of the delegate corporations, and will require similar contractual arrangements with the four delegate agencies not currently being provided the service. Furthermore, this may require appropriate reassignments of staff positions to the central service. Additional comments and suggestions regarding this service are included in the discussion of neighborhood law offices which follows.

### C. *Offices*

Office locations, visibility, size, and accommodations for privacy do not adhere to common guidelines. The National Advisory Committee for the Legal Services Program has adopted recommendations for minimum standards for neighborhood offices<sup>16</sup> which were distributed to Community Ac-

<sup>16</sup> National Advisory Committee for the OEO Legal Services Program, *Recommended Minimum Standards for Neighborhood Offices*.

tion for Legal Services, Inc., and to the attendees at the New York City meeting with the Regional Legal Services Office, February 12, 1969. These recommendations have been circulated as emerging OEO policy.<sup>17</sup> Even within the limitations imposed by the level of funding for these purposes, many offices need to be brought up to standard. Some situations may require the allocation of additional funds, and a few appear to be beyond repair.

There are populous sections of New York City that as yet have not been provided with conveniently located community law offices, and these needs can only be met by closing out relatively unproductive offices, or by a substantial increase in the level of funding beyond what is necessary to improve existing operations.

Presently, six of the delegate corporations obtain their equipment through a purchasing, payroll, and bookkeeping service provided by Community Action for Legal Services, Inc., and their equipment is satisfactory. The remaining four delegate corporations purchase their own equipment, handle their own payroll, and keep their own books, and there are several notable inconsistencies in the choice and distribution of equipment as compared to the other offices. There have been dissimilarities in the prices paid for similar equipment.

Minimum standards for all community law offices in the New York City program, consistent with but more detailed than those mentioned above, should be de-

veloped and implemented in consultation with the delegate corporations, and appropriate remedial action should be initiated regarding those offices that are obviously and substantially below basic general standards. An orderly and detailed program for the improvement, additions, and expansion of office facilities and equipment should be developed in consultation with the delegate corporations, and priorities which anticipate budget limitations should be established.

A central purchasing service should be provided for all delegate corporations. Use of this service should be required for the efficient rental, lease, and purchase of equipment and property at the lowest cost. Central purchasing will relieve the neighborhood offices of ministerial and administrative details which, if given proper attention, may distract them from providing legal services. This service also should provide for the effective monitoring of the equitable distribution of equipment according to the standards and priorities developed in consultation with the delegate corporations. However, the final decisions as to what equipment should be requested or accepted must remain with the delegate agency.

### Conclusion

Clearly, the foregoing comments can be construed simply as a call for centralization. Such a characterization would miss the mark, for centralization connotes withdrawal of control from the neighborhood. What is being suggested is that, in terms of its objectives, the legal services program in New York City is out of control, not only of central monitors, but of neighborhood

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<sup>17</sup> See OEO Draft Instruction 6140 which is reprinted in Appendix III.

staff attorneys and, ultimately, of poor clients.

The problems of poverty in New York City are enormous. If the Legal Services Program is to be an effective resource to poor people in their war against poverty, there must be retrenchment and a regrouping of forces designed to strengthen the lawyer in the field.

Limited resources require limits on objectives, and the ordering of common priorities. The redefinition of law reform as the basic priority is logical and consistent with past policies. While the term "law reform" itself is insufficient and anachronistic it has become a symbol for the primary goal of the Legal Services Program: "substantial impact on more than an individual client and the cycle of poverty." While more apt and acceptable terms to express the same concept are otherwise desirable, it is presently important to retain the term "law reform" as a symbol of continuing

commitment to the priorities of the Legal Services Program. To achieve locally determined mutual objectives within the law reform priority, coordinated strategies must be encouraged for efficiency and effectiveness, but, in the last analysis, each delegate corporation is free to choose the extent to which it will participate in city-wide efforts to complement its response to neighborhood problems.

The centralization called for is a centralization of logistical support for neighborhood attorneys. Free to serve a caseload controlled by commonly agreed upon objectives and reasonable demands upon his professional energy, free from duplicative and distracting administrative functions, undisturbed by adverse pressure locally or from Washington, the legal services attorney can enter into a lawyer-client relationship with the poor of New York City that actually will give a measure of power to the people.

APPENDIX I  
OEO LEGAL SERVICES PROGRAM

*New York City*

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| <p>1. Community Action for Legal Services, Inc.<br/>80 William Street<br/>New York, New York 10038</p> <p>2. Mobilization for Youth, Inc.<br/>320 East 3rd Street<br/>New York, New York<br/>Neighborhood Offices<br/>65 East 7th Street<br/>New York, New York<br/>95 Delancy Street<br/>New York, New York<br/>24 Rutgers Street<br/>New York, New York<br/>759 Tenth Avenue<br/>New York, New York</p> <p>3. Legal Aid Society<br/>Main Office<br/>11 Park Place<br/>New York, New York<br/>CALS Affiliated Neighborhood Offices<br/>A. Bronx Neighborhood Office<br/>1029 East 163 Street<br/>Bronx, New York 10459<br/>B. Rockaway Neighborhood Office<br/>69-20 Rockaway Beach Boulevard<br/>Arvene, New York 11692<br/>C. Staten Island Neighborhood Office<br/>57 Bay Street<br/>Staten Island, New York<br/>10301</p> <p>4. Bedford-Stuyvesant Community Legal Services Corp.<br/>Main Office<br/>1170 Fulton Street<br/>Brooklyn, New York<br/>Branch Offices<br/>1634 Broadway<br/>Brooklyn, New York</p> | <p>1103 Fulton Street<br/>Brooklyn, New York</p> <p>5. Brooklyn Legal Services Corporation A<br/>A. East New York Office<br/>503 Pennsylvania Avenue<br/>Brooklyn, New York 11207<br/>B. Williamsburg Office<br/>260 Broadway<br/>Brooklyn, New York 11211<br/>C. Brownsville Office<br/>424 Stone Avenue<br/>Brooklyn, New York</p> <p>6. Brooklyn Legal Services Corporation B<br/>A. South Brooklyn Office<br/>152 Court Street<br/>Brooklyn, New York 11201<br/>B. Fort Greene Office<br/>662 Fulton Street<br/>Brooklyn, New York 11217</p> <p>7. Queens Legal Services Corporation<br/>A. Long Island City Office<br/>29-28 41st Avenue<br/>Long Island City, New York<br/>11101<br/>B. South Jamaica Office<br/>89-02 Sutphin Boulevard<br/>Jamaica, New York 11435</p> <p>8. Bronx Legal Services Corporation A<br/>A. Morrisania Office<br/>1260 Boston Road<br/>Bronx, New York 10456<br/>B. South Bronx Office<br/>281 East 149 Street<br/>Bronx, New York 10451</p> <p>9. Bronx Legal Services Corporation B<br/>Hunts Point Office<br/>562 Southern Blvd.<br/>Bronx, New York</p> |
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| <p>10. Harlem Assertion of Rights, Inc.<br/>Main Office<br/>35 West 125 Street<br/>New York, New York 10027</p> <p>Branch Offices<br/>1646 Amsterdam Ave.<br/>(at 141st Street)<br/>New York, New York</p> | <p>2133 Eighth Avenue<br/>New York, New York 10026</p> <p>11. Manhattan Legal Services Corporation<br/>East Harlem Office<br/>170 East 116th Street<br/>New York, New York 10029</p> |
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## APPENDIX II

## OEO DRAFT INSTRUCTION 6443-1

## I. POLICY

- a. Relationship of Legal Services Project Board and Local Community Action Agency

The Governing Board of a Legal Services Program is vested with the ultimate responsibility for the policy and administration of the program. It must of necessity be independent of control by the Community Action Agency (CAA) or by local government.

The local Community Action Agency Board has the duty to comment on the results of the Legal Services Program to the OEO and to the Governing Board of the project. The local CAA may review and make comments regarding refunding applications of a Legal Services Program, but may not refuse or fail to forward a refunding application to OEO nor may it attempt to exercise authority over program operation.

Employees of the Legal Services Program are responsible to the Governing Board of the Legal Services Program, and are not employees of the CAA nor responsible to the CAA Board. It is the responsibility of the Governing Board to cooperate with the local CAA and to assure that due consideration will be given to priority legal needs of the poor as suggested by the local CAA.

- b. Relationship of Legal Services Project Board to Staff Lawyers

The Governing Board is responsible for the establishment of standards. These standards cover both the financial eligibility of the applicant and the scope or type of legal services to be made available, keeping in mind the admonition of the guidelines that "all areas of the civil law should be included, and a full spectrum of legal work should be provided: advice, representation, litigation and appeal."

Once the overall standards have been established by the Governing Board, it is the responsibility of the Director, operating within the standards and exercising his discretion, to apply the standards to any specific application for service.

Except in instances in which the Director requests consultation with, and direction by, the Board, neither the Board nor any individual members of the Board have authority to instruct the Director or any member of the professional staff to engage in any given legal matter which is not within the standards or to instruct the Director or any member of the professional

staff not to undertake any legal matter which is within the scope of the standards. Neither the Board nor any member thereof shall interfere at any time with the attorney-client relationship.

The Board shall have the duty to assure that full representation is extended to clients as required by Canon 15 of the Canons of Professional Ethics.

c. Composition of Legal Services Board

Legal Services Boards shall have at least one-third of their members composed of democratically selected representatives of the poor. Legal Services Boards should be broadly representative of the community. No one group or organization of lawyers or poor people should control the Legal Services Board. A majority of the members of the Board shall under normal circumstances be lawyers. Lawyers and lay members, notwithstanding method of appointment, must be committed to the principles and purpose of the Legal Services Program.

While OEO does not generally insist upon any particular method of selection of the Board members, in order to assure that members of the Board are committed to the principles and purposes of Legal Services, OEO may impose, as a condition of funding, any of the following conditions:

- (1) That representatives of the poor should select a portion of the lawyers on the Governing Board so that at least half of the Board members are either representatives of the poor or lawyers selected by those representatives.
- (2) Lay Board members representative of low income citizens shall not be selected exclusively from or by the Community Action Agency but shall be elected by the target area population.
- (3) Lay members democratically elected to the Board shall include a significant number of individuals eligible for services who are within the Client Group of the Legal Services Program.

In funding and refunding programs assurances must be made that the method of selection will conform with these requirements.

### APPENDIX III OEO DRAFT INSTRUCTION 6140

*Applicability:* All CAA grantees with Legal Services Delegate Agencies and all Legal Services Programs funded as Limited Purpose Agencies.

*Definitions:* "Law reform," as used herein, means appellate litigation, legislative change, innovative actions at the trial level, group development and representation, economic development and other creative or innovative concepts designed to make a substantial impact on more than an individual client and the cycle of poverty. It also implies the lack of substantive or implicit restrictions on aggressive representation or activities.



“Routine legal services” means the minimum level of professional services rendered to clients, judged by general standards prevailing in the State. Any restrictions, formal or informal, on the types of services rendered, such as the filing of divorce or bankruptcies, must be justified by an analysis of programs resources.

## 1. POLICY

### a. Staffing and Location

A major purpose of a Legal Services Project is to place the service of lawyers, functioning as a law firm, as close to where clients live as is possible. Where feasible, a staff of lawyers sufficient to meet the case load, properly qualified, grouped together in offices of not less than three and preferably five lawyers, should be situated in neighborhood locations physically distinguishable and separated from but near the Community Action Program multi-service centers. One and two-attorney offices, especially in urban areas, generally are undesirable although some one and two-attorney offices may be justified either by geographic or other necessity or on the basis of their demonstrated ability to perform meaningful law reform or to deliver competent, routine legal services on a client-by-client basis.

### b. Circuit Riding or Part-Time Service at Neighborhood Locations

Circuit riding remains a necessary tool in very large counties, rural and semi-rural, that are served by only one legal services program. Unfortunately, it tends to be inefficient because of minimum staffing and the relative infrequency of service, should be eliminated in urban areas and closely scrutinized elsewhere. Justification for circuit riding should be by geographic necessity and not by budget requirements. There is no requirement that a Legal Services Project provide service at neighborhood centers where such service would not meet professional standards. Instead, it should be the responsibility of Center personnel to assist clients in reaching the Legal Services office.

### c. Maintenance of Service to Communities Previously Served by Circuit Riders or One and Two-Attorney Offices

In implementing these standards, it is intended to avoid, to the extent possible, the withdrawal of legal services from any poor community now being served. Where locations had been previously served by an attorney on the premises, the following methods should be considered for maintaining availability of service: use of volunteer attorneys to interview and advise clients at the location; use of community aides or law students working under the supervision of a legal services attorney to conduct preliminary interviews of clients at the location; use of out-reach or other workers at the neighborhood center to help the client get to the nearest Legal Services office.

### d. Law Office Design

A Legal Services office should always be a place where a client *feels* like a client and where the atmosphere is strictly professional. Offices should

be tastefully decorated to avoid an institutional or "governmental" appearance. Full privacy must be assured for the lawyers office. Waiting rooms should be arranged to provide reasonable dignity, comfort and privacy for the client.

e. Intake Procedure

The intake interview should be conducted in such a manner as not to require the client to reveal information about personal matters (including income, family status, and debts) in the presence of any person not intended to service his problem.

No information should be elicited from the client unless it is necessary to solve his problem or resolve doubts on eligibility. A "full financial statement" or family history is often unnecessary. Affidavits of financial eligibility are intimidating devices and are not approved by OEO as a means of determining financial eligibility. Subjecting clients to various types of sociological reports or interviews should be vigorously discouraged.

f. Record Keeping

As in a private law firm, there must be a financial as well as a case record keeping system that meets professional and ethical standards. Training in bookkeeping should be afforded programs, and all but the smallest of programs should be responsible for keeping their books. CAAs should not maintain fiduciary or court cost accounts of clients without the consent of the Legal Services Project. Statistical information must in no way violate the confidentiality of the attorney-client relationship.

g. Library, Office Equipment and Forms

- (1) All neighborhood offices should possess an adequate library including state reporters, state and local codes and prime materials on welfare and other poverty related areas.
- (2) The purchase of all equipment considered normal and desirable for the efficient operation of a law office with the necessary privacy, affording a reasonable degree of comfort, should be permitted. Air conditioning units and other ventilating equipment are to be considered standard in warm climates.
- (3) Files for standard forms, research memos and routine pleadings should be maintained in every neighborhood office.

h. Part-Time Employees

In budgeting programs, no part-time professional staff positions will be allowed, except where special circumstances so warrant.

i. Coordination With Neighborhood Centers

All neighborhood law offices should be closely coordinated with neighborhood centers and other anti-poverty efforts in their poverty neighborhood. Legal Services lawyers have the responsibility to establish effective referral practices with center personnel, to assist center personnel in the legal aspects of their anti-poverty work, to train center personnel so that they may make proper use of the lawyer's services, to attend staff meetings

called by the center director, and to give service priority to groups of poor people associated with the center.

j. Downtown Legal Services Offices

In larger programs, downtown legal services offices sometimes contain specialized units for central handling of divorce cases and for focusing on legal issues with broad community impact. It is essential that these centralized units be supportive rather than supplementary to the neighborhood law office or law firm.

Central processing of divorces should be done in such a manner as to assure, at some stage, an opportunity for a full client interview designed to reveal other legal problems if such interview is appropriate. The manner of treating the individual divorce applicant should be one which encourages the client to feel that the office will take a more personal approach if the client so desires.

“Law reform” or “appellate” Units should develop their priorities by close consultation with neighborhood law offices, and preference should be given to issues and problems arising from neighborhood offices. Wherever possible, the law reform or appellate lawyer should assist the neighborhood lawyer, not replace him as chief counsel in the case. The central unit should take special initiative to bring the help of such national projects as the Center on Social Welfare Law and Policy, the Housing Law Center, and National Welfare Rights Organization to the neighborhood lawyer. To assure that the issues afforded priority by central units reflect neighborhood needs, consideration should be given to establishing a special advisory panel to the central unit composed of managing neighborhood attorneys and neighborhood board members.