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## The Benson Report:

# A reactionary view of community law centres

by Bryant Garth

This review will concentrate on one aspect of the two-volume, 1,600 page *Final Report* of the Royal Commission on Legal Services - legal services for the poor - and within that topic will concentrate on the so-called public sector. In Great Britain, that sector is now represented by some 30 'neighbourhood law centres' with a total of 75 lawyers, as compared to some 34,000 private solicitors nationally (*Final Report*, vol 1, Sub-section 50.10, cited here as I:50.10). In 1977-78, these law centres received an estimated Eng.Pds.1.3 million in public funds (II:3.17) (versus Eng.Pds 81 million for legal aid through the private profession: I:5.24).

While relatively small in number, inadequately funded, and dependent on a variety of unstable local and central sources, it is clear that, as the Commission recognized, 'the lawyers who work in law centres have exercised an influence in recent years out of proportion to their numbers' (I:2.22). These centres have gradually increased in number since the first one was established in 1969, and they have forced a national debate on the extent that such salaried legal services are necessary to supplement the judicare system and on what role those salaried services should play. The existence of that debate is one reason why a Royal Commission on Legal Services became necessary, and it was hoped that the Commission's Report would resolve the difficult questions raised in that debate. Unfortunately, while the issues have been addressed, I do not think the Report satisfactorily resolves the key problems of the organization, management, and operation of the public sector. Those problems will be examined here from a comparative perspective.

My general thesis is that the Commission faced the difficult dilemma raised by legal services which seem to blur the traditional distinction between neutral professionalism and political action. Instead of attempting to resolve this dilemma, however, the Commission elected to cement itself to certain professional values that simply do not fit well with the modern notion of neighborhood law firms for the poor. In part, I disagree with the Report's political conclusions, but more importantly, the Report's conclusions are inconsistent with its own articulated assumptions and values.

Indeed, there is a general irony that permeates the Report. Several observers, well-informed about developments in a number of countries, have recently described a trend toward lay participation or even control over affairs long thought to be within the exclusive domain of

professional legal self-regulation.<sup>1</sup> One very prominent example of this new political accountability was the Royal Commission on Legal Services, which contained a majority of non-lawyers.<sup>2</sup> Now the Commission has reported, and it not only defends lawyers quite vigorously, but also sprinkled throughout the Report are paeans to legal professionalism, including the principle of 'self-regulation' (see, eg., I:3.18, 3.19). Non-lawyer scrutiny has resulted in a policy favoring more deference to lawyers. Without making too much of the point - of course some lay participation is encouraged in the Report - one might begin by noting that the Commission was not really lay-dominated. It was composed almost entirely of professionals, even if non-lawyer professionals. It might be suggested that this Report was an example of the existence of a general class interest among professionals. In fact, other professions may be especially anxious to protect the privileges of lawyers. Lawyers represent one of the proto-typical professions, and historically the characteristics of lawyers and doctors have served as paradigms for the aspirations of other professional groups. If lawyers are deprived of certain professional privileges, other, less well-established, professions are in even greater danger. There may thus be a reason why the Commission appeared at times to have been more zealous than the Law Society in protecting the perceived professional interests of lawyers.

### RECOMMENDATIONS FOR THE PUBLIC SECTOR IN LEGAL SERVICES - THE COMMISSION VS. THE LAW CENTRES

The Commission strongly supported an increase in the role and extent of the public sector - staff offices as opposed to judicare - in the British legal aid and advice scheme. '[A]n increase in the number of law centres in deprived areas' was urged as a matter requiring 'particular attention' (I:44.5). To accomplish this increase, the Commission did not simply encourage the proliferation of law centres as presently organized. Instead, it proposed a new system of law centres, which it hoped would incorporate the present 'neighbourhood law centres.' The new system would be built around institutions to be termed 'citizens' law centres' (CLCs) (I:8.17 - 8.39).

As described in the Commission Report, 'The main purpose of a CLC should be to provide legal advice, assistance, and representation in its locality,' and 'It should lay particular emphasis on work where there is a deficiency in existing legal services, in particular in the areas

of social welfare law' (I:8.18). Criminal and domestic matters would continue to be the responsibility of private practitioners under *judicare* (I:8.32(d), 8.3). The CLCs would be set up, controlled and financed by a new central agency, 'a small part-time committee and a secretariat appointed by the Lord Chancellor and financed by grant in aid paid out of his Vote' (I:82.5; see also 6.29). All dependency on local government or charitable contributions would be eliminated. In each centre, there would be 'a senior lawyer answerable for the work done, including that done by volunteers, and the management of the centre' (I:8.32(b)), and the lawyers in each CLC, or group of CLCs, would be advised by 'a local committee composed of residents and representatives of organizations in the areas' (I:8.26). Finally, the supervision of the overall legal aid scheme, including the decisions about what percentage of funds should go to the public and private sectors, would be entrusted to the Lord Chancellor, advised and aided in some executive functions by a 'Council of Legal Services' modelled on the present Legal Aid Advisory Committee (see I:6.14 - 6.26), by the committee on CLCs, and by a number of 'regional committees' (6.32 - 6.37).

Among Western legal aid systems, this proposal fits in very nicely among the more progressive ones. The system would operate as a well-funded, 'combined' *judicare*-staff system such as that advocated by many commentators, myself included. It is not surprising, therefore, that much of the liberal commentary has been favorable to the Commission's proposals, which seem finally to assure the preservation of a staff system that will supplement *judicare*.<sup>3</sup> The Commission, moreover, recognized that there is a dimension to legal aid beyond simply service work for individuals. It provided for some representation of groups, and for some test cases (I:12.57 - 12.65, 13.26).

Before concluding that these proposals are the best that could have been made, however, one must consider the limitations. The inquiry can begin by highlighting some of the differences between the Royal Commission's position and the proposals of the existing law centres. United under the name of the Law Centres Working Group (now called the Law Centres Federation), the existing law centres made several proposals to the Commission for new institutions to oversee the legal aid scheme. All of those proposals were rejected, including the wide-supported suggestion of a quasi-independent Legal Services Commission (see I:6.15).

More important, however, than any such proposal from the point of view of the Law Centres Federation, was the complete absence in the *Final Report* of any provisions for continuation and enhancement of the functions of the Federation. And the Federation failed entirely to sell the Commission on the importance of two related points - first, on the priority of 'groupwork and community education,' and second, on the principle of 'community control' by lay dominated management committees.<sup>4</sup>

Several documents submitted to the Commission, including the general evidence of the Working Group and the Adamsdown Law Centre's long 'empirical assessment' of 'community need and law centre practice,' tried to justify through examples the need for local, lay control, and for law centre strategies that involved reaching out into communities through community workers and management committees, even to the point of stirring up 'campaigns'.<sup>5</sup>

To these arguments the Commission had no direct response, but the tone of the Report indicates the Commission's attitude toward the existing law centres. First, the Commission significantly mischaracterized the position of the law centres in order to bolster negative conclusions about law centre work. For example, the law centres' strong ideological commitment to local control was explained in one part of the Report as merely an effort to give the local community 'a sense of participation' in law centre work (I:8.6). In another place, the attachment to local control was explained by the Commission as related to the fact that 'funds for law centres have come from a variety of sources' (I:8.26). By treating local control as at best a temporary necessity, which provides only a symbolic value, the Commission made the principle appear unimportant. Its recommendation for an 'advisory committee' was therefore seen as much less of a break with the current law centres' position than in fact it actually was.

In addition, when describing the functions of the existing law centres, the Commission emphasized the diversity of law centres and that only 'some' centres 'assisted groups campaigning against bad housing, unemployment, and other problems' (I:8.8). The Working Group had been much more emphatic, and it had authority to assert the collective position of the law centres. The Working Group evidence even stated that law centres 'should concentrate exclusively upon. . . . test cases, group work and educational work', rather than on the individual service work which the Commission favored. Similarly, the predominance of group work was explained elsewhere in the *Final Report* as the result of 'the heavy workload of some centres' (I:8.14), rather than as basic to law centre work.

The Commission chose therefore to ignore the law centres' own experience and their characterization of it. Local control, group work, and related educational efforts were not seen by the Commission as among 'the special qualities which have marked the formative years of law centres' (I:8.3). 'Campaigns,' although rather vaguely defined, with no mention of the role of lay personnel in such activities, were simply condemned as 'inappropriate' (I:8.21; see also 8.19 - 8.20), and the provisions for management ignored local control. The Law Centres Federation thus met rejection on two closely-connected matters it had deemed absolutely vital to successful law centre work. That the importance of this rejection was recognized by the Commission is suggested by the tactical decision to use the promise of extra funding (or the threat of its cut-off) to 'invite' existing law centres to convert to citizens' law centres rather than simply to incorporate them automatically into the new system.

The central theme of the Commission Report is 'professionalism,' and the Commission found professionalism wanting in the existing law centres. In the Commission's opinion, law centres generally should provide the same kinds of services as private lawyers, even if in different substantive legal areas - 'poverty law,' as opposed to divorce, criminal defense, and conveyancing (I:8.14). Professionalism, moreover, was considered synonymous with accountability to other legal professionals: 'We believe that, if the law centres are to provide an adequate professional service, it is essential that the professional conduct of lawyers employed in law centres should remain the responsibility of their professional bodies' (I:8.35). Furthermore, to quote

from the Report again, 'we do not think it right for people who have no knowledge of the law or the handling of legal problems and possibly little experience in managing an office, to be expected to assume direct responsibility for the professional work of a CLC' (I:8.26). Non-lawyers were thought both unlikely to be good managers of legal offices and incapable of acquiring the legal knowledge necessary to supervise a staff of lawyers. Finally, as noted before, professionalism clearly meant for the Commission the absence of 'political' work by centre staff - lawyers or others - that mobilizes a sector of the community to pursue legal rights (I:8.20). Such activity was simply deemed 'inappropriate.' Professionals should only react to clients seeking legal counsel.

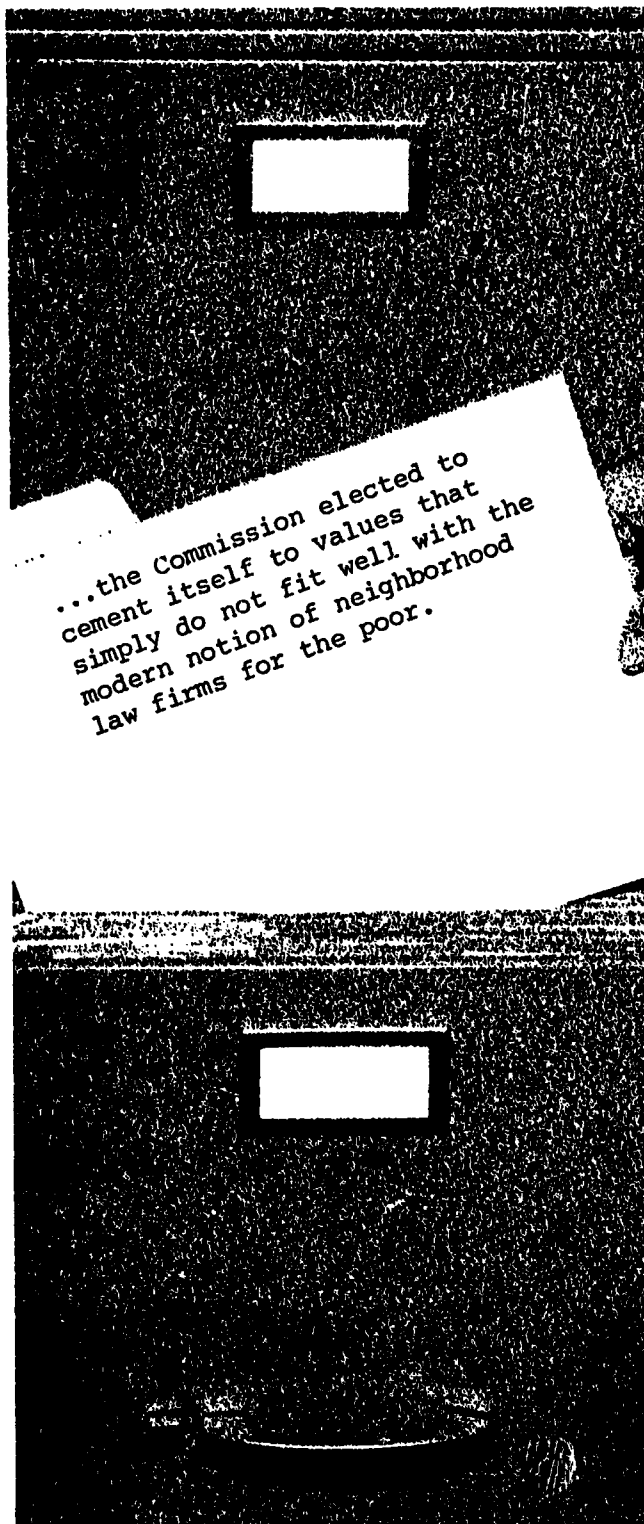
It is instructive to contrast the attitude of the Commission toward Citizens' Advice Bureaux (CABx) with their attitude towards law centres. The chapter on CABx is full of praise for the institution as presently organized (I:7). The Commission expressed little concern about the quality standards for the one million 'legal' problems handled by the mainly volunteer staff of the 676 CABx in England and Wales (I:7.6). The Commission essentially supported self-regulation by the National Association of Citizens' Advice Bureaux (NACAB) (I:7.20), and local management through 'an independent management committee representing local interests and voluntary and statutory bodies' (I:7.6). This kind of dual system of management was very close to what the Law Centres Federation had proposed in 1978. They wished to divide basic responsibility between the Law Centres Federation and local management committees. The Commission clearly felt, however, that law centres had to be regulated differently than CABx, and the reason appears to be that law centres were seen only as collections of lawyers, not advice agencies, community service organizations, or antipoverty action groups. Special means, above and beyond codes of ethics, were considered necessary to ensure that staff lawyers in law centres live up to certain professional standards that would not apply to the CABx' primarily lay personnel. This issue was not quality control; had it been, the Commission would have been more concerned about volunteers at CABx, who provide a tremendous amount of legal advice. Law centres raised questions about the proper professional demeanour of a purely legal office, and as a result there could be little support for the expansion of the model proposed by the current law centres in their evidence to the Royal Commission.

#### CONTRASTING MODELS OF STAFF LAWYERS FOR THE POOR: A COMPARATIVE PERSPECTIVE

The Commission attempted to apply a purely professional model to neighbourhood law centres and similar institutions, and that attempt ignored the ambiguity displayed throughout the recent history of staff lawyers for the poor in many countries throughout the Western world. The problem cannot be resolved through a simple application of traditional professional standards. Rather, two related models of neighborhood law firms (NLFs) have tended to coexist, and only evolutions and 'reforms' have operated to eliminate certain aspects of one or the other.

The NLFs founded in 1965 as part of the Office of Economic Opportunity's (OEO) War on Poverty in the United States reflected a tension between two approaches to legal services for the poor - the 'professional

approach' and what I will call here the 'community-oriented social change' approach. The two approaches then shared a general perspective on legal services and the need for 'social change,' but they had substantial differences in tactics. The professional approach - like that favored now by the Royal Commission - meant an emphasis on individual casework, on governance by legal professionals, and on purely legal activities - advice and representation of clients who come to the office. A 'community-oriented, social change approach' would have meant seeing NLFs as antipoverty agencies, not traditional law offices subsidized by the public. It would have implied an effort to build constituencies around legal issues and to enable community members



...the Commission elected to cement itself to values that simply do not fit well with the modern notion of neighborhood law firms for the poor.

to set basic NLF policies and priorities. It also stressed the role of lay advocates and community workers - non-lawyers who could develop strong ties with local organizations.

At first the models seemed to coexist successfully.<sup>6</sup> The general participatory ideology of the War on Poverty was reflected in devices to encourage some representation of the poor on local governing boards. Pamphlets issued by OEO even suggested that the social change commitment of the program might imply proactive strategies to mobilize and even organize groups from the local community.<sup>7</sup>

Such tendencies toward the less professional approach were relatively unimportant, however, and an early alliance with the organized bar ensured that the NLF program would develop as an essentially professional one. The program administrators required that 60 percent of local governing board members be lawyers. Little work took place with the actual aim of strengthening and mobilizing local groups<sup>8</sup>, and community liaison workers, when appointed, had difficulties because of the evolving profession emphasis.<sup>9</sup> NLFs relied heavily on only two strategies - service work for individuals and test cases for 'social change.' Neither meant much work to mobilize local groups.

Nevertheless, purely professional strategies such as law reform through test cases did become very controversial. The program was even threatened with extinction. The close alliance with the organized bar, however, enabled the U.S. system to survive political challenges. When the Legal Services Corporation finally replaced OEO in 1975, there was less of an emphasis on law reform through test cases, but the overriding concern with legal professionalism continued just as before.

The first Chairman of the Board of Directors of the Legal Services Corporation made the professional mandate clear: 'The legal services program is set on a road that emphasizes professional quality, and the board intends to provide the leadership necessary to ensure that the poor receive the same quality and range of service that is provided to the rich'.<sup>10</sup> The assumptions of legal professionalism have also been apparent in the Corporation's funding strategy, according to which the goal of legal aid is to satisfy the primarily individual 'legal needs' revealed by empirical research. To date this strategy has resulted in large funding increases, from \$71.5 million in 1974 to \$300 million in 1980. And this year, the 'minimum access' goal of two lawyers for every 10,000 poor persons everywhere in the country will be met. Professionalism has thus far worked well in preserving and expanding NLFs in the United States.

The history of neighbourhood law centres in Great Britain might then be seen as following the pattern set out in the United States. The British law centres had moved very strongly toward a community-oriented social change approach, for which they had found support in British antipoverty policy of the Urban Programme and Community Development Projects. Those programs were very similar to War on Poverty programs in the United States.<sup>11</sup> In fact, four law centres began as part of Community Development Projects (II:3.7), and more than one-third of all law centre funds came from the Urban Programme (primarily from the central government Home Office) (II:3.17). The Law Centres Federation in turn advocated an antipoverty approach. Even the Law Society had moved to a point where it at least accepted the principle of local control for law cen-

tres, and the Law Society's evidence to the Commission did not challenge the centres' work with groups. The Law Society in fact criticized certain aspects of the alternative law centres that had been authorized by the *Legal Advice and Assistance Act 1972* but never implemented. They were deficient, according to the Law Society, because, among other things, of doubt about the possibility of hiring 'social workers' and the lack of 'means of involving local organizations or other representatives of the community in the management of a law centre . . . or of delegating powers to such a Management Committee'.

Nevertheless, the Commission rejected the law centre's combination of legal services and antipoverty activity: 'Whatever opinion is held as to the value of work of this kind, we firmly believe that if it is to be carried on, it should be funded by political parties or by members of the local authority. We consider that this type of work is not appropriate for a legal service . . .' (I:8.20).

### CONTRASTING MODELS OF STAFF LAWYERS FOR THE POOR: MEETING LEGAL NEEDS

The Royal Commission proposed its model of law centres in response to a set of particular problems defined by the welfare state. Traditional professional values fail to provide an adequate response to those problems, even as those problems were seen by the Royal Commission. For professionalism to respond to welfare state problems, it must move beyond the position asserted in the *Final Report*.

According to the Royal Commission, the fundamental legal problems of the poor and relatively poor are barriers to access, and a shortage of lawyers available to meet the legal needs of the poor and relatively poor. General barriers to access include a lack of knowledge of legal rights and duties, a lack of resources to retain lawyers, a lack of information about which lawyers to contact, a psychological reluctance to consult a lawyer, and the distant and unattractive image of the legal profession (I:4.23). Because of 'gaps and deficiencies' (I:2.27), especially in the new 'social welfare law' (I:3.38), there are 'too many people whose rights, for want of legal advice and assistance, go by default' (I:2.28). While cautioning against 'over-litigiousness,' the Commission sought to 'remedy' the problem of too many unmet legal needs (I:2.28; see also 5.2, 5.3). The Commission's proposals to bolster the Citizens' Advice Bureaux (I:7.18), to provide legal assistance before tribunals (I:15), including improved lay assistance, and to make other changes reflected a desire to close the gap in legal services for individuals, especially those without substantial economic resources. That also was the mission for the citizens' law centres.

The Commission envisioned a partnership between research and legal policy, according to which gaps would be scientifically measured and then closed through reform. The citizens' law centres are considered necessary in this scheme because of their public image of accessibility and because the 'fact that workers in law centres are salaried rather than fee-earning enables them to deal with cases with which, although legal aid may be available, it would be uneconomic for a private practitioner to deal, at present levels of remuneration for legally-aided work' (I:8.14). They thus have a unique capacity to satisfy certain kinds of legal needs.

This fit between research and reform, legal needs and legal services, works nicely to justify the professional approach found in the Commission's Report. Professionals objectively determine need and the best way to satisfy it, and professionally-dominated organizations see that they act properly. This type of reasoning, which certainly is not unique to Great Britain, suffers from some serious defects. Without attempting a detailed critique of the idea of legal needs, some points that have been made elsewhere can be summarized.<sup>12</sup>

First, as lawyers in legal centres anywhere can testify, there is an unlimited amount of potential legal needs to be discovered by creative lawyers. In Mayhew's words, 'Needs for legal services and opportunities for beneficial legal action cannot be enumerated as if they were so many diseases or injuries in need of treatment. Rather, we have a vast array of disputes, disorders, vulnerabilities, and wrongs, which contain an enormous potential for the generation of legal actions'.<sup>13</sup> Demands for legal services can grow to such an extent that the available lawyers could not possibly handle them all. It is thus always a political decision which claims should be handled by law centre lawyers.<sup>14</sup> The question is whether lawyers should make that decision, which at least preserves the image of professional independence, or whether it should be determined by the groups whose lives are affected by the enforcement or non-enforcement of legal rights. Legal expertise contributes little to correct decisions about such matters as the relative importance of supplementary social security benefits or widespread housing code violations.

It is essential both for political accountability and effectiveness to entrust decisions about the allocation of local legal centre resources to a representative community institution, such as the management committees of the current law centres.

Further, many legal problems affect large numbers of individuals within the community, and methods must be found to aggregate the claims of the aggrieved persons. Even if claims can be aggregated as a matter of legal procedures, which is less often the case in Great Britain than it is in the United States, a legal 'victory' may be a hollow one if there is not an organization capable of monitoring enforcement and protecting court-won gains.<sup>15</sup> The sum of legal needs and lawyers' actions does not necessarily total adequate and enforceable legal rights. When we discuss legal rights of welfare recipients, tenants, consumers, persons affected by city plans or environmental regulations, we are not merely addressing technical subjects. Lawyers' victories can quickly be undone without some sensitivity to political constituencies.

Organizations are necessary not only to monitor and promote the implementation of legal rights, they also add two other vital dimensions to the kind of 'law enforcement' suggested by this image of legal needs in social welfare areas. First, organizations can provide advice and guidance to members, thus extending the inevitably limited reach of law centres and lawyers. And second, organizations can assess the proper balance between strictly legal strategies to enforce rights and political strategies, such as lobbying. There is a tendency for individuals to grow dependent on lawyers in spite of the fact that litigation strategies will not always be as effective as other, more political approaches. In short, once we recognize that there is a vast potential to enforce legal rights, and that such enforcement is as

much or more of a political than a legal problem, we must look toward a different model of legal aid (such as what I have termed the community oriented social change model). The trouble with such a model, however, is that it is founded on the interaction of legal and political forms of activity, and that scares away many persons who would otherwise find nothing particularly controversial about the enforcement of legal rights.

Recognition of the failure of the purely professional model is growing, however. There is now support in the United States for some significant modifications in NLF practices. A recent Legal Services Corporation discussion paper on the topic of 'Next Steps' for the Corporation, for example, concluded by suggesting consideration of reforms 'to maximize relationships between these [community] organizations and the project' and even to encourage 'the creation of organizations whose purpose is to assert the aggregate rights of its members'.<sup>16</sup> The prohibition on group organization, found in the 1974 *Legal Services Corporation Act*, was relaxed somewhat in 1977. And most recently, the new President of the Corporation, Bradley, stated that 'We must increase our contacts with poor people and with poor people's organizations in local communities and we must not allow ourselves to become isolated within a narrow legal services community'.<sup>17</sup> Lawyers in the legal aid movement, and more generally in the U.S. public interest movement are seeking to remedy the worst effects of the traditional professional model.<sup>18</sup> These efforts will have to face the same dilemmas that bothered the Royal Commission, but they have the virtue of pointing toward a new definition of legal professionalism. Consistent with the analysis undertaken here, it would be based on the impossibility of otherwise responding adequately to the 'legal needs' generated by the welfare state. It may be possible for such an analysis to support a modification of the traditional professional ideology without sacrificing too much of the political support that depends on the professional appearance of independence and neutrality. Unfortunately, the Royal Commission simply tried to fit traditional professionalism to welfare state needs.

To conclude, the Royal Commission faced the dilemmas inherent in all legal services that overlap with politics and attempted to resolve them by insisting on the integrity of the traditional professional ideal. While many recommendations of the Commission can be seen in a progressive light, the approach chosen by the Commission eliminated the possibility of understanding the essential aspects of the law centre movement, which, both inside and outside Great Britain, represents much more than a movement for staff lawyers. The Commission missed an opportunity to redefine professionalism to be more consistent with welfare state goals and welfare state politics.

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**Goulburn Gaol:**

# Henry Report unveiled

**by David Brown**

An inquiry into allegations contained in statutory declarations made by a number of prisoners at Goulburn Training Centre (GTC) was announced by the new Corrective Services Commission Chairman Dr. A. Vinson on 27 March 1979: (1979) 4 *LSB* 126, 222. The inquiry, conducted by regular GTC Visiting Justice (VJ) magistrate R.W. Henry, commenced hearings at Goulburn on 7 May 1979. It sat for three weeks and then sat further in July, September and October. The inquiry report (the Henry Report) was forwarded to the Corrective Services Commission on 21 December 1979.

On the basis of the report, charges under the *Public Service Act* were laid against five prison officers: A. Penning, then Deputy Superintendent of the gaol and now Acting Superintendent of Maitland Gaol; J. Hanslow, then Superintendent of Goulburn Gaol and now with the Department of Corrective Services (DCS) establishment section, and officers Tuck, Dries and Tozer. The hearings of the *Public Service Act* charges took place in Sydney in June/July 1980, before another magistrate, Mr. J. Goldrick; his findings are yet to be handed down.

Despite repeated requests, no prisoner, prisoner group or lawyer appearing for prisoners at the Goulburn inquiry has been able to obtain a copy of the Henry Report. In contrast, prison officers were supplied with copies early in 1980. On 8 July 1980 the Prisoners Action Group (PAG) finally obtained a copy unofficially and released it to the media. This article aims to examine briefly the thus unveiled Henry Report, against the background leading up to the inquiry.

## GOULBURN: THE NEW GRAFTON?

The Nagle Royal Commission Report was handed down on 31 March 1978: (1978) 3 *LSB* 111. It was followed

by protracted struggle against Prison Officers Association resistance and industrial action aimed at preventing implementation of its reform-oriented recommendations.

With the exception of the Newling incident (non-violent homosexual advances by one prison officer - the only officer charged as a result of the Royal Commission), little attention was paid to Goulburn in the Royal Commission Report. However with the initial closure of Grafton 'tracs' (punishment section), Katingal, the construction of a 'dispersal unit' at Goulburn and the continued use of Goulburn front yards as a disciplinary measure, it became clear that Goulburn was taking over Grafton's title as NSW's most brutal and depressing gaol.

Other factors contributing to this development were: the isolated and provincial character of Goulburn (similar to Bathurst prior to its virtual destruction in the 1974 riot); the presence of some of the most intransigent prison officers in the NSW system, backed by the hard-line Goulburn sub-branch of the Prison Officers Association; the absence of local outside prison activists and local lawyers concerned with conditions and events in GTC; and the presence of ex-Grafton deputy superintendent Penning, slated in the Royal Commission -

*He did use his baton and his fists on many occasions when there was no violence or provocation by prisoners . . . He presented himself badly in the witness box. He was reluctant to admit to any form of violence at Grafton, and did so only when the evidence supporting such violence was so overwhelming that it would have been foolhardy to deny it. (p.551).*

## PRESSURE FOR INQUIRY

On 2 November 1978, 14 Goulburn prisoners pleaded