Denver Law Review

Volume 46
Issue 1 *Symposium - Riots and the Law*

Article 14

April 2021

# Advocates for the Poor

Maynard J. Toll

Junius L. Allison

# ADVOCATES FOR THE POOR

BY MAYNARD J. TOLL* AND JUNIUS L. ALLISON**

*Messrs. Toll and Allison present a thought-provoking discussion on the subject of legal services for the poor. The authors admit that the growth of legal aid has been impressive; in particular, they cite several dramatic innovations made by the National Legal Aid and Defender Association in providing competent advocates for the poor. But they emphasize that full representation for the poor is not yet a reality. Using the framework of specific problems faced by counsel, the authors demonstrate the complexities of adequate representation and further suggest that the responsibility of a true advocate for the poor is not only to immediate problems but also to underlying causes.*

WHY all the talk about lawyers for poor people? The oath taken by every member of the legal profession binds the lawyer to make his individual contribution. The growth of legal aid on an organized basis, from its start in this country more than a half century ago, is illustrated by the 500 legal service centers for civil matters and the 300 defender offices. Even though there has been strong disagreement concerning how free legal assistance is to be given, every lawyer supports the general proposition that all indigent clients — especially those with worthy causes — should have legal advice and representation provided without cost, or at a nominal charge. Many lawyers go further, saying that there is a moral obligation here; that a right exists which cannot be ignored. Certainly in a case where one is charged with a serious crime, a legal right to counsel exists. The United States Supreme Court says so.[1] And who would apply a less compelling rule where a widow is being wrongfully deprived of her modest home? Or in a case where a child has been illegally taken from the mother? Or where an unscrupulous money lender is demanding a pound of flesh? The recourse here is obvious: See a lawyer. If one cannot pay, the case will be accepted on a charity basis, or perhaps a little can be paid each month over a period of time. Or the troubled individual may go to the legal aid office. In our society, we say, such injustice will not be permitted to go unchallenged. These are easy questions — with easy answers.

---

*President, National Legal Aid and Defender Association; member, O'Melveny & Meyers, Los Angeles, California; A.B., University of California, 1927; LL.B., Harvard, 1930.

**Executive director,National Legal Aid and Defender Association; A.B., Maryville College, 1933; J.D., John Marshall, 1936.

[1] *See* Gideon v. Wainwright, 372 U.S. 335 (1963).

What do we say about the *full* representation of the "poor" — on a basis comparable to the wide gamut of services a law firm renders a corporate client who can pay a handsome retainer? Is not this, or at least something approaching this, a goal?

There are several reasons why this is a difficult question. In the first place, how can an advocate have "the Poor"[2]— that nameless, voiceless, amorphous segment of society, having little in common except economic status — as his client? It doesn't make much sense to speak of "representatives of the poor." In fact, we are not certain that we agree when we talk about the composition of the poor. The Economic Report of the President observes that:

> Some believe that most of the poor are found in the slums of the central city, while others believe that they are concentrated in areas of rural blight. Some have been impressed by poverty among the elderly, while others are convinced that it is primarily a problem of minority racial and ethnic groups. But objective evidence indicates that poverty is pervasive. To be sure, the inadequately educated, the aged, and the nonwhite make up substantial portions of the poor population.[3]

By the same reasoning, we cannot say that the rich as a class or even the middle class have lawyers. To be sure, the Bourbons have their counsel. So do the corporations, the taxpayers' leagues, and several other alert economic interests. Such representation is generally provided to individual clients. But helping one member of the fraternity with a problem that grows out of or is related to the economic status gives aid and comfort to all the others.

Our history contains numerous examples of other groups that struggled over long periods of time to obtain recognition of their rights, and made significant headway only when legal counsel was obtained: *Labor,* in its growing pains, on the long road to the Wagner Act, was impotent until unions developed and counsel presented their complaint to the legislatures and the courts;[4] *Women,*

---

[2] Definition of the word "poor" is very difficult:

> For most people poverty is a word without specific meaning. The Gallup Poll suggests that people at different income levels do not define it in the same way. Many men who make $10,000 or more per year think of the poor as those with less than $5,000 per year; many who make substantially less than $5,000 do not think of themselves as poor at all. This word poverty, which is used so loosely, is in reality a very complex concept that can be defined, measured, and analyzed in many different ways.

*Preface* to H. MILLER, POVERTY, AMERICAN STYLE at ix (1967).

[3] *The Problem of Poverty in America,* ECONOMIC REPORT OF THE PRESIDENT, January, 1964. *Cf.* J. GALBRAITH, THE AFFLUENT SOCIETY at 323-33 (1958).

[4] Justice Louis D. Brandeis has said:

> The leaders of the bar, without any preconceived intent on their part, and rather as an incident to their professional standing, have, with rare exceptions, been ranged on the side of corporations, and the people have been represented, in the main, by men of very meager legal ability. If these problems [regulations of trusts, fixing of railway rates, the relationship of capital and labor, etc.] are to be settled right, this condition cannot continue.

A. MASON, BRANDEIS 101 (1946).

pressing for emancipation, made few solid gains prior to the Cable Act of 1922;[5] *Children,* depending upon adults to speak out for them and being caught in our peculiar federal system, found the United States Supreme Court passing back to the states responsibility for banning child labor.[6] Other groups are the Negroes who waited so long for recognition of their rights, even though they had the assistance of the NAACP and the strong National Urban League, and the farmers, who had less cohesive organizations to represent their interests.

But in spite of these historic illustrations of what legal counsel means to hapless people in need, the groups involved in those cases were more viable than "the poor": not so dispersed, with more indigenous leadership and, even more significant, generally possessed of more sanctions to support their causes. The poor have votes, but they are not disciplined. They can dramatize their plight by sit down demonstrations and marches, but the effect is shortlived. At one time, when they were the majority group in our society, the financially distressed were the special wards of politicians. Now, being in the minority, their political importance has waned.

Regardless of this, the poor now have our attention. New approaches must be developed to keep poverty from being self-perpetuating. In this endeavor, the lawyer as an advocate is a key factor.

Another reason why it is difficult to represent the poor is that they are "hard to reach." Individuals and groups occupying the upper four-fifths of the population have a far more sophisticated attitude about seeking out legal counsel. There is intragroup communication. It is much easier for them to reach a consensus on their problems and on what should be done to prevent or reduce future difficulties.

Regardless of how we look at the poor — with differing views on definition, composition, and extent — it seems obvious that the spokesman for the poor is first of all an advocate for one or more indigent individuals, whose cases may affect many others in similar situations.

A further issue must be faced when we consider the type and scope of services to be rendered. Of course, there is no wide divergence of views here if the representation follows the conventional pattern: (1) Defending against garnishment of wages, (2) staying evictions, (3) challenging the summary dismissal of an employee, (4) questioning an administrative ruling on welfare payments, (5) working out an arrangement for an overextended debtor, and (6)

[5] *Preface* to S. BRECKENRIDGE, MARRIAGE AND CIVIL RIGHTS OF WOMEN at ix (1931).
[6] H. BARNES, SOCIETY IN TRANSITION 524 (1939).

representing a defendant charged with theft. No one will deny that these are needed services. But binding the surface wounds may not be enough. A good lawyer, seeing the immediate difficulty caused or aggravated by some condition, practice, ordinance, or statute — most likely beyond the comprehension of the client — would feel it his duty as counsel to make further inquiry, to appraise the factors contributing to the immediate trouble, and perhaps move in behalf of this client to have the cause eliminated or at least modified.[7] Is not this marshaling of evidence, this advocacy in the forums provided by our system of jurisprudence — administrative, judicial, or legislative — the traditional work of a lawyer? Should the fact that the client is poor change the picture?

To provide specific examples to think about, let's take some experiences that began with clients' requests for help in the six categories listed above.

(1) *Garnishment*[8]

In handling the instant emergency, the lawyer became aware of, or already knew, the following combination of circumstances and facts that made the "simple legal aid problem" more significant:

(a) The almost illiterate client signed a confession of judgment note at the time of the purchase, and he did not know that a judgment had been taken against him.

(b) The action was brought by a "finance company" which purchased the paper from the installment seller. The carrying charges (difference between the cash and time prices) were not subject to limitations on interest rates.

(c) This was one of a large number of similar complaints, many clients saying that the articles purchased were faulty but that the creditor disclaimed responsibility (being an "innocent purchaser for value" or "holder in due course").

(d) The exemption allowed under the state garnishment law was practically nonexistent.

(e) The rate of wage earner bankruptcies in the state was much higher than in jurisdictions with less harsh garnishment laws.

What is the duty of the lawyer here?

---

[7] The ABA CODE OF PROFESSIONAL RESPONSIBILITY, PRELIMINARY DRAFT, JANUARY 15, 1969, Canon 7 states, "A lawyer has a duty to represent his client with zeal limited only by his duty to act within the bounds of the law."
Disciplinary Rule 7-101(A)(1) states, "A lawyer shall not intentionally: fail to seek the lawful objectives of his client through reasonably available means permitted by law . . . ."

[8] Based on cases of the Chicago Legal Aid Bureau decided before the Illinois laws relating to garnishment, confession of judgment notes, and holders in due course were modified.

(2) *Staying Evictions*[9]

After the tenant had reported the landlord for code violations and participated in forming a tenants' union, an action was brought to have her evicted. Investigation by the legal services staff revealed:

(a) There was solid indication that this was a retaliatory move by the landlord, even though technical grounds existed to support the proceedings (30-day statutory notice).

(b) The tenant lived in an overcrowded slum area in a large city where housing facilities were difficult to find. Thus, rents were high in spite of the substandard tenements.[10]

(c) The inspector found more than 40 code violations on the property.

The facts of this one case illustrate how significant a "simple" landlord-tenant matter can be when there is an advocate for the poor in a real sense.

(3) *Summary Dismissal of Employee*[11]

A migrant worker was fired when he refused to cut sugarcane at an hourly rate that was below the minimum wage set by the Sugar

---

[9] *See* Edwards v. Habib, 397 F.2d 687 (D.C. Cir. 1968), *rev'g*, 227 A.2d 388 (D.C. Dist. Ct. App. 1967). This case, brought by the Neighborhood Legal Services Project of Washington, D.C., resulted in the court ruling that a "retaliatory" eviction would not be upheld, thus adding a new dimension to landlord-tenant law. In the decision, Judge J. Skelly Wright said, "To permit retaliatory evictions, then, would completely frustrate the effectiveness of the housing codes as a means of upgrading the quality of housing in Washington." 397 F.2d at 700-01.
The following comment gives an additional implication of the wide effects of bad housing:

> Miserable and disreputable housing conditions may do more than spread disease and crime and immorality. They may also suffocate the spirit by reducing the people who live there to the status of cattle. They may indeed make living an almost insufferable burden. They may also be an ugly sore, a blight on the community which robs it of charm, which makes it a place from which men turn. The misery of housing may despoil a community as an open sewer may ruin a river.

Berman v. Parker, 348 U.S. 26, 32-33 (1954). *See also* Frank v. Maryland, 359 U.S. 360, 371 (1959), where the Court observed that:

> The need to maintain basic, minimal standards of housing, to prevent the spread of disease and of that pervasive breakdown in the fiber of a people which is produced by slums and the absence of the barest essentials of civilized living, has mounted to a major concern of American Government.

We are not suggesting that the lawyer should correct these conditions. But, is he not, by training and experience, the best qualified to marshal and use evidence for his client in such a way that those who *are* responsible will take proper action?

[10] Reports to the National Legal Aid and Defender Association (NLADA) from lawyers in legal aid offices indicate that in many parts of the country a single lease form, weighted in the landlords' favor, is widely used. There are many do's and don'ts for the tenant, but few for the landlord.

[11] These facts were obtained by Junius L. Allison in April, 1968, when he was a member of an evaluation team that made an on-the-spot study of the South Florida Migrant Legal Services Program. *See also* the testimony of Joseph C. Segor, Deputy Director South Florida Migrant Legal Services Program, before a Subcommittee on Migrant Labor of the Committee on Health, Welfare, and State Institutions of the Florida Legislative Council, Friday, May 3, 1968 [Manuscript in files of NLADA].

Act of 1948. Supporting data included the following information, some of which is not directly material to the specific issue of this case:

(a) Four hundred workers had been imported from the West Indies (after the Secretary of Labor determined that importation would not adversely affect U.S. labor).

(b) There was no labor organization for these migrant workers.

(c) When a group of workers refused to work until they were paid the minimum wage, the employer called approximately 100 armed police to the camp. (He said he feared a riot.)

(d) In this atmosphere, the workers were told to do the work or leave. When they decided to go home, they were told to board buses that would take them to the airport. Instead, two buses drove to a nearby police station and the workers were jailed on charges of unlawful assembly, with bonds set at $11,500 each, even though they were all indigents.

(e) Many of the workers were living in makeshift shelters in the camps — no walls in some, many so filthy that walking on the floors was difficult, some with no toilet facilities, others with one outhouse for more than one shack, no running water in most, children undernourished and many had worms.

Where does the lawyer begin, and how far does he go?

(4) *Administrative Decision on Welfare Payments*[12]

An application for an Aid to Dependent Children allowance was denied on the grounds that the client had not lived in the state one year. Residence requirements were a part of the state law. The applicant felt that the ruling was unfair to her and the children.

Should the constitutionality of the statute be questioned by the legal aid lawyer?

(5) *The Overextended Debtor*[13]

Facts revealed by most of the poor clients who owe more than they can pay are frustrating to the lawyer who listened to the same complaints yesterday and will hear the same tomorrow; lack of

[12] Over 40 states have residence requirements for welfare payments. Such requirements have been challenged in Connecticutt (successfully), District of Columbia, Illinois, Maryland, Pennsylvania, and Wisconsin. The following cases are now pending before the United States Supreme Court: Harrell v. Tobriner, 279 F. Supp. 22 (D.D.C. 1967); Smith v. Reynolds, 227 F. Supp. 65 (E.D. Pa. 1967); Thompson v. Shapiro, 270 F. Supp. 331 (D. Conn. 1967).

*See* Note, *Are Residence Requirements Unconstitutional Burdens on Welfare Recipients?*, JOHN MARSHALL J. PRACTICE AND PROCEDURE 307 (1968); Note, *Residence Requirements in State Public Welfare Statutes — I*, 51 IOWA L. REV. 1080 (1966).

[13] These comments are based upon cases handled by the Chicago Legal Aid Bureau.

education in budgetary matters, desire to have "things" other people have, high-pressure selling, loan-by-phone advertising, undisclosed interest rates, some unscrupulous salesmen (door-to-door or in shops), inferior goods sold to captive buyers, wage assignments, conditional sales agreements, harsh garnishment laws, and the out-and-out fraudulent devices practiced upon the easiest victims — the ignorant poor.

What is the duty of the "advocate for the poor" beyond the problem stated by the client?

(6) *Defendant in a Criminal Case*

Assume the client had been picked up by the police during one of the recent riots; that he was held without opportunity to make bail; that the lockup was unsanitary; that after conviction the accused was committed to an institution without a program of rehabilitation. Does not the defense lawyer's responsibility extend beyond the actual trial (and appeal) to include an interest in what later happens in the correctional phase of criminal justice, and is the defense lawyer not the best equipped citizen to assume leadership in preventive measures? These questions suggest a vision much broader than the present concept of the defense lawyer's role, but they must be considered if the poor are to have full representation.

There are further but more specific questions for the legal profession, particularly for those lawyers who are in decisionmaking positions:

(A) Does the lawyer accept a reasonably fair compromise for his client, rendering the basic issue moot? Can he ethically take any other course of action? If a compromise is the easy way out, the ethical way, the best for the immediate problem, how will the lawyer ever get to a broadly remedial action? Should he talk his client into going forward? Should he actively search out another client? Should he wait until the right client with the right cause of action comes in?

(B) In order to dramatize the social and economic conditions that contribute to problems of poor people, can the advocate for the poor seek bizarre "test" cases? Is the test case the end or the means when the lawyer knows that the test case is often the only way to correct an unfair practice or change a harsh law? When he also knows that a favorable court decision does not necessarily bring about the desired result for the client, what can he do to win the war, not simply the battle?

(C) What about publicity[14] (advertising or solicitation, as some prefer to say)? Admittedly, we cannot communicate with the isolated poor as we do with the middle class. How can we tell them to seek the advice of a lawyer *before* they get into trouble? They don't read the ABA-sponsored "Family Lawyer." There is no annual legal checkup. Handouts and meetings in the community are usually quite ineffective.

(D) What should a public defender do about the problem of bail for indigent defendants; about improving relations between police and ghetto residents; about conditions in the jail; about probation and parole?

(E) When should the lawyer for the poor person advise court action? In the District of Columbia there were complaints that the volume of tenants' cases brought by the Neighborhood Legal Services Project was clogging the court calendars: "It's expensive; it's time-consuming." Yet we hear no outcry over a trial involving a corporate matter that takes many months or a year. But we are told the money involved in legal aid cases is insignificant. Should we not remember that often there is something more than dollars at stake — a principle, an inequity, a practice that harms more than the immediate client? Corporations spend thousands of dollars in tax litigation directly involving only a minor sum. Why? A plaintiff in a libel suit that takes months to try asks for one dollar in damages. Why? At the local, state, and national levels, industries employ law firms, members of their own legal departments, and lobbyists to watch for commas and small words in legislation. Why?

Over the years the poor have had no such legal watchdog, no such spokesman, no such recourse to our cherished tribunals.

But, should the poor be permitted to sue "the government," even with the help of legal services receiving some financial support from tax sources? If the answer is no, then the legal aid offices cannot accept cases involving affirmative action in the fields of public housing, unemployment compensation, social security, welfare, or against any other department, commission, or bureau of the local, state, or national government. Will such a decision leave the individual with any recourse against proliferated bureaucracy?

---

[14] THE ABA CODE OF PROFESSIONAL RESPONSIBILITY PRELIMINARY DRAFT, JANUARY 15, 1969, Canon 2 is entitled, "A Lawyer Should Assist the Legal Profession in Fulfilling Its Duty to Make Legal Counsel Available." Disciplinary Rule 2-102 of Canon 2 states:

> (A) A lawyer who has given unsolicited advice to a layman that he should obtain counsel or take legal action shall not accept employment resulting from that advice, except that:
>
> (B) A lawyer may accept employment that results from participation in activities designed to educate laymen to recognize legal problems . . . or to utilize available legal services if such activities are operated or sponsored by: (a) A legal aid office or public defender office . . . .

Further, would not such a position reduce the independence of the lawyer, a step which might lead to similar restrictions on the private bar? Many lawyers believe the common law doctrine that the king can do no wrong is obsolete and cannot apply in modern times when there are in the federal government alone 45 independent agencies in the executive branch, plus about 70 *ad hoc* boards and commissions.[15] The Constitution gives the indigent person who is accused of killing a government officer the right to have counsel at state expense. In large segments of the country most criminal matters are prosecuted and defended by lawyers employed by the county and paid out of the same treasury. The Congress has appropriated money for individuals to pay legal fees in civil rights cases. Then, can we with reason shield the government bureaus from answering in our courts grievances pleaded by indigent citizens?

The Report by the President's Commission on Law Enforcement and Administration of Justice calls for an expanded role for counsel:

> It seems likely that as counsel becomes more involved in criminal cases on a regular basis, he will be called upon to do more things. . . . Lawyers participating in programs to counsel prisoners have discovered that many of those consulting them are more interested in and more in need of help with their civil law difficulties . . . . Frequently they confront a whole complex of problems involving employment, housing, consumer credit, and family status. . . . Defense counsel needs ready access to a number of auxiliary services resembling those available to a modern and well-equipped probation office.[16]

The National Legal Aid and Defender Association is very conscious of its responsibilities as the national organization of legal aid and defender services. Currently it has taken or is taking the following steps to maintain its logical role of leadership for motivating and developing competent advocates for the poor:

(1) Greatly expanded its board of directors to make the governing body more representative.

(2) Revised the standards for local civil and defender offices.

(3) Enlarged the headquarters staff, including addition of a director of research, to increase capacity for field work and other services to member offices.

(4) Presently in the process of creating a national evaluation council to encourage better legal assistance to indigent clients.

(5) Appointed a special review committee to study the present

---

[15] *See generally* U.S. GOVERNMENT ORGANIZATION MANUAL, 1967-68.

[16] THE CHALLENGE OF CRIME IN A FREE SOCIETY: A REPORT BY THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE 151 (1967).

staff structure and functions, and is now moving to carry out many of the recommendations.

(6) Named other special groups to study and advise the association on such current problems as housing, urban affairs, and OEO relationship.

(7) Encouraging the formation of a Clients Council to improve communications with its constituency.

As examples of what the NLADA is doing beyond the traditional services of a national association, two activities — one just beginning and one in its second year — are briefly outlined.

A. *Rulemaking under the Administrative Procedure Act*

In the spring of 1968, Howard Westwood, member of the NLADA Board of Directors, initiated a move to give the poor a voice in the rulemaking process of federal agencies. Provision of such opportunity for the financially distressed to be heard will require amendment of the Administrative Procedure Act, Mr. Westwood pointed out. The Act provides that government agencies must give public notice of any proposed rule to afford an opportunity for interested persons to participate in the rulemaking process. Such persons are also given the right to petition for the adoption, amendment, or repeal of rules. This means that organized labor, business, commercial, and professional interests — through their staffs, by attorneys of lobbyists — can be heard to express their views. But indigent people who are vitally affected by these rules, having no funds to employ lawyers, are deprived of a voice in this important process.

Now, encouraged by Mr. Westwood, who is also a member of the newly created Committee on Rulemaking, Administrative Conference of the United States, the NLADA policymaking body has taken steps to bring about the needed changes. A member of the NLADA staff has been assigned to assist Professor Arthur E. Bonfield, Consultant to the Commission, in drafting working papers for committee consideration. The committee gave the proposal of Counsel for the Poor priority on its agenda. In June, Congressman Michael A. Feighan introduced H. R. 1776 in the House of Representatives, a bill "to fill a void in the APA by making it possible for representatives of the poor to participate in rulemaking by federal agencies." It authorizes the Attorney General to make a grant to the NLADA to enable it to expand its staff and facilities in order to provide representation for the poor in connection with rulemaking by administrative agencies. Similar legislation was in-

troduced in the Senate (S. 3703) by Senator Philip A. Hart on June 28, 1968. H. R. 1776 has been introduced in the 91st Congress.

The NLADA staff and board of directors are moving rapidly to press for favorable action on these proposals and making plans to be able to assume the responsibilities of Counsel for the Poor in the rulemaking process.

B. *Community Counsel Demonstration Project*

In 1967 the NLADA filed an application with the Legal Services Program of the OEO for funds to develop a Community Counsel demonstration project. This new organization was to be a kind of research and action clinic — a pilot study to demonstrate that the legal process in the hands of those who understand and appreciate its use is broad enough and flexible enough to provide adequate remedies for poor people (especially the residents of slum areas) who might otherwise resort to civil disobedience. The objective was to divert illegal self-help efforts and violence in the streets to more civilized and legitimate procedures, such as the use of the conference table and the courts to settle disputes.

The grant was approved in April of 1967, and the NLADA incorporated a separate agency to administer the program. The board of directors was composed of leaders of the legal profession, including the president of the American Bar Association, one former president of the ABA, a former president of the Chicago Bar Association, a former general counsel of the Ford Motor Company, a highly regarded labor relations lawyer, and a member of a prominent law firm in Baltimore. Representatives of the poor are also on the board.

The project, with offices in Detroit and Chicago, has been controversial from the beginning. But this was anticipated. William D. Marsh, the director, writes that his lawyers "serve as counsel for organizations and groups seeking to combat poverty conditions in slum areas. Staff lawyers labor to identify and develop the legal processes necessary for slum residents to participate in resolving their own problems and rebuilding their communities. Attention is focused on community-wide problems such as urban renewal, model cities, public education, hospital and medical services, housing development, code enforcement, tenant rights and public abuses."[17] The program also has more than 30 VISTA lawyers assigned to Chicago and Detroit to supplement the work of the regular staff.

[17] COMMUNITY LEGAL COUNSEL REPORTER, April 1968. The REPORTER is published irregularly by the National Association of Community Counsel, a special project of NLADA. Copies may be obtained from Community Legal Counsel, 116 South Michigan Avenue, Chicago, Illinois 60603.

A summary of matters handled the first year gives some idea of the range of problems:

> CCDP has encountered a host of different types of community problems. Staff lawyers have identified and assisted more than 150 different organized groups. They range in size and activity from informal block clubs consisting of a handful of residents concerned with a single problem to relatively well financed community organizations using full-time, paid staff to work for solutions of a broad range of community-wide problems.
>
> In working with these organizations, CCDP staff have attended over 627 of their meetings and have undertaken to counsel and/or represent them in 669 different matters. For statistical purposes, these matters have been broken down into eight categories: landlord-tenant, urban renewal, housing development, public housing, economic development, welfare, police-community relations, and other.[18]

Access to legal aid should be a "legal right," resolved the American Assembly on Law and the Changing Society at its historic meeting in Chicago in March of 1968.[19] The Assembly further recommended that:

> 1. Civil legal services for persons without sufficient means should be further expanded. Criminal defense services, both public and private, should be made adequate to defend indigent persons accused of crime. Federal, state and local government support of the activities of legal aid and defender facilities deserves to be a permanent element of public policy. These agencies should be expected and encouraged to deal not only with emergency and short-term matters but with fundamental legal problems — such as legislative programs, constitutional questions and the legality of agency and executive actions. They should be expected and encouraged to participate in the development and enactment of new legislation that is of interest to their clients.[20]

The findings of this Assembly — composed of over 100 leading lawyers, businessmen, labor leaders, government officials, and scholars from other segments of our society — should be carefully noted.

An honest objective view of the problem we face should convince the most doubtful that providing advocates for the poor, when we count all the costs and review the alternatives, is not only a professional responsibility: It is a conservative, economical program.

---

[18] NATIONAL ASSOCIATION OF COMMUNITY COUNSEL, YEAR END PROGRESS REPORT 11 (1967). This report is published by Community Legal Counsel as its annual report. This report may also be obtained by writing Community Legal Counsel, 116 South Michigan Avenue, Chicago, Illinois 60603.

[19] THE AMERICAN ASSEMBLY ON LAW AND THE CHANGING SOCIETY, REPORT OF THE AMERICAN ASSEMBLY ON LAW AND THE CHANGING SOCIETY 2 (March 17, 1968).

[20] *Id.*