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LEGAL SERVICES PROGRAM UNDER THE
OFFICE OF ECONOMIC OPPORTUNITY
SELECTED REPLIES TO SUBCOMMITTEE
QUESTIONNAIRE



PREPARED BY THE
COMMITTEE ON EMPLOYMENT, MANPOWER,
AND POVERTY
OF THE
COMMITTEE ON LABOR AND
PUBLIC WELFARE
UNITED STATES SENATE



PART 1
OCTOBER 1970

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Public Welfare

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FOREWORD

The Senate Subcommittee on Employment, Manpower and Poverty has been charged with the responsibility for reviewing programs under the Economic Opportunity Act.

One of the most significant programs operated under this act has been the Legal Services program. As the Office of Economic Opportunity stated in its recent budget justification for this program:

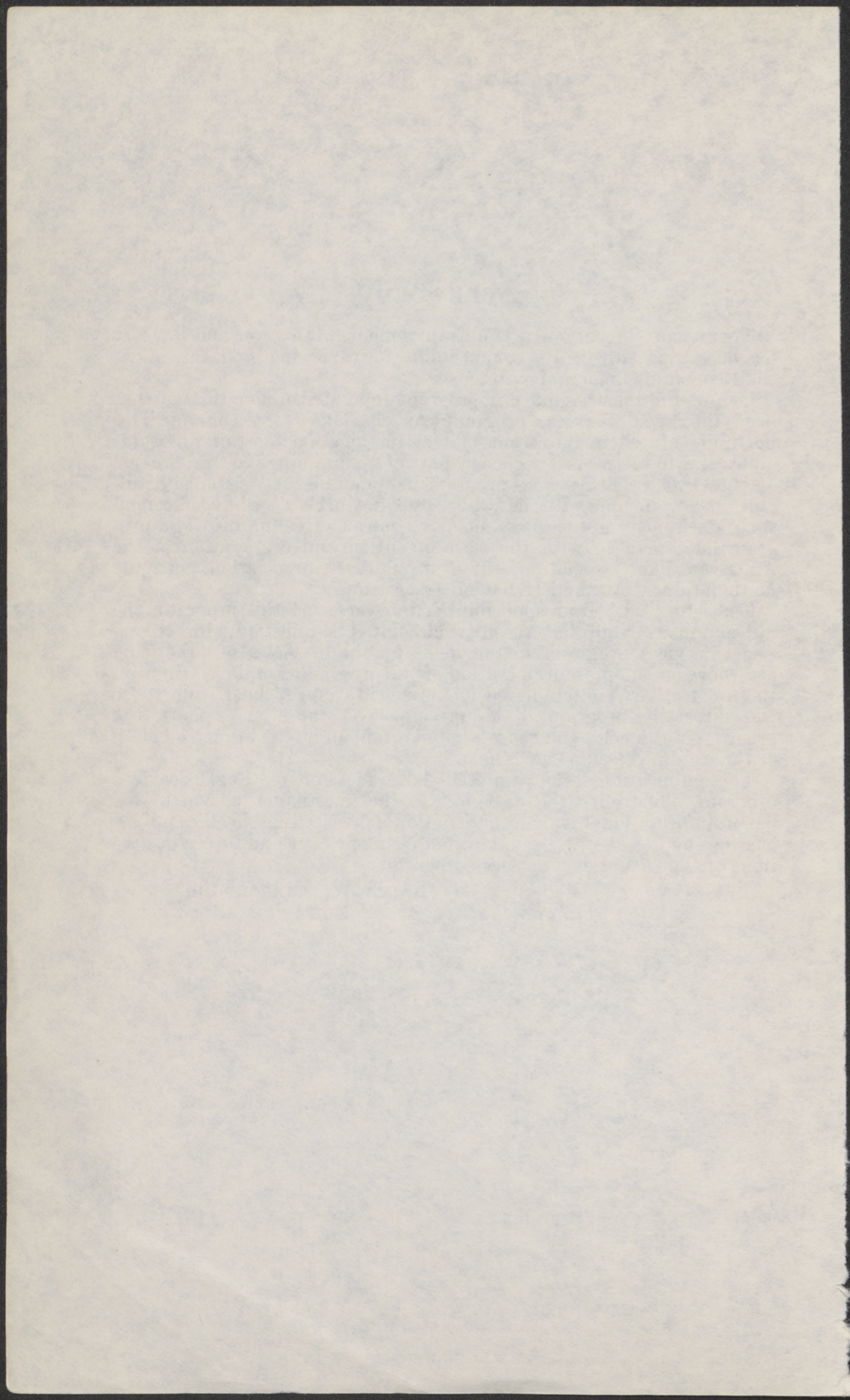
"Access to justice is a necessary part of maintaining law and order."

The OEO Legal Services program has made legal assistance available to low income citizens, who could not otherwise have received such assistance, in 49 states and the District of Columbia. The program has operated with the close attention and cooperation of the American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association.

Consistent with its responsibilities in overseeing this program, the Subcommittee staff has recently circulated a questionnaire among Legal Services programs in the field, to obtain views of practicing attorneys on the present operation of the program. Public hearings on the program are contemplated in the near future, to hear from those who direct the program at the national level, those who operate the program in the field, and those who maintain an interest in it on behalf of the legal profession as a whole.

This publication seeks to present basic facts on the Legal Services program, along with the responses to the questionnaire, which will be of informational value to Senators participating in the public hearings and to all of those interested in the present and future operations of the OEO Legal Services program.

RALPH W. YARBOROUGH,
Chairman, Labor and Public Welfare Committee.



LETTER OF TRANSMITTAL

HON. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare

DEAR MR. CHAIRMAN: In order to obtain the latest and best information on the Legal Services program operated by the Office of Economic Opportunity, a questionnaire prepared by the staff of this subcommittee was sent to some 280 Legal Services programs across the Nation.

The questionnaire sought to obtain basic statistical data on the operation of Legal Service programs, along with the views of those best informed as to how well the program was operating and how it might be improved in the future.

Throughout the history of the Legal Services program, great stress has been placed upon the necessity of maintaining the independence and the professional integrity of this program. In a joint statement submitted to our subcommittee at a public hearing on May 23, 1969, the American Bar Association, the National Bar Association and the National Legal Aid and Defender Association stated:

The lawyer for the poor, if he is to have the trust and confidence of his clients, must always remain independent, devoted wholly to the client's cause, and thereby act in the best tradition of our profession. Efforts to give lawyers at the local level this necessary freedom of action have not uniformly successful. Yet it is essential if an honest linkage to the poor is to be maintained.

Because of the deep concern within the organized bar over the independence and legal integrity of this program, that issue has been given special attention in this review.

It is hoped that this information will prove valuable to members of Congress in understanding and evaluating this program, which has provoked nation-wide interest.

GAYLORD NELSON,
*Chairman, Subcommittee on
Employment, Manpower and Poverty.*

INTRODUCTION

As part of the anti-poverty effort, Congress set up a national Legal Services program in section 222(a)(3) of the Economic Opportunity Act of 1964. The program was to "further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, legal counseling, education in legal matters, and other appropriate legal services."

Now, five years later in 1970, there are 265 Legal Services offices staffed by 2,200 lawyers. Seven of the above offices are involved in only specialized areas of the law. These Legal Services "back-up centers," such as one at the University of California at Berkeley, do research in a specialized area of the law and then share their knowledge with the neighborhood Legal Services offices. Back-up centers do much of the basic research and have appropriate material available and will share their expertise. These national back-up centers in addition to the neighborhood offices are under the direction of the national headquarters in Washington, D.C., and ten regional Legal Services offices. This leadership of the Legal Services program is independent of the national OEO leadership. Initially the Legal Services program was part of the regional OEO structure, but was changed on August 11, 1970. At that time, President Nixon made clear:

The Office of Legal Services will also be strengthened and elevated so that it reports directly to the Director. It will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a separate Legal Services Program, one which can test new approaches to this important challenge.

Recently the Office of Economic Opportunity has been considering some changes in its administrative structure which may affect Legal Services. One idea, regionalization, would put the Legal Services offices back under the OEO regional offices rather than under the regional *Legal Services* offices. A second plan, which is now being tested in Oklahoma, allows the state Economic Opportunity Office to administer certain aspects of the OEO Community Action program customarily administered through the OEO regional offices.

In addition to these suggested structural changes, there has been increasing interest in the effect of the legal reform efforts of Legal Services programs. When a legal reform suit is successful, there may be widespread repercussions.

Section 222(a)(3) of the Economic Opportunity Act states:

Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession.

On July 30, 1970, every OEO Legal Services project was sent a questionnaire in an effort to obtain comprehensive data and first hand experience on the operations of this program. Over 280 questionnaires were sent out, and 168 replies had been received at the time this information was compiled.

The questionnaire asked the following questions:

- (1) What is the size of the population you serve?
- (2) How many offices and lawyers do you have?
- (3) How many cases have you handled in the last year?
- (4) How many of these cases involved litigation?
- (5) What percentage of your total cases in the last year were resolved in favor of your client?
- (6) What percentage of your cases dealt with traditional legal aid concerns?
- (7) Are you increasingly emphasizing legal reform?
- (8) Have you been involved in any economic development or community projects?
- (9) Have you experienced local, state, and/or national political pressure as a result of your legal actions?
- (10) Have you changed the emphasis of your refunding application in any way?
- (11) Have new conditions or restrictions been made in your new grant?
- (12) What do you feel would be the effect of putting your program under an OEO Regional Office rather than under the Regional Legal Services Office?
- (13) Are you familiar with the Oklahoma Plan? If so, how would your office be affected by such a plan in your State?

Responses to the first two questions of the questionnaire illustrate the tremendous need for the program because of the sheer size of the poverty population served by the few Legal Services offices. Many offices did not distinguish between the total population in the geographic area and the indigent population eligible for the program, but many Legal Services agencies and the OEO staff have estimated that only about one-fifth of the poor have access to needed legal assistance through this program.

Each office handles an impressive number of cases, considering its limited staff. The figures quoted by the individual programs may mean different things. Some offices quoted numbers which include every client who walked into their office. Many clients can have their problems solved with brief advice or they may be referred to local lawyers or other public agencies if they are ineligible for Legal Services. Other offices quoted the number of cases that files were started on, cases that required at least a letter written by the lawyer for the client's concern.

Generally, a lawyer handled a minimum of 300 cases per year, and often above 500. Obviously some cases take more time than others. Cases involving legal research, large numbers of people, or new

areas of the law, use up more lawyer hours than those in which only a letter need be written.

Therefore, a lawyer's caseload cannot be determined merely by his number of cases.

Likewise, the litigation of a case may involve the filing of a complaint only which is soon settled by negotiation or it may require appeals to the state and U.S. Supreme Courts. Therefore, the figures quoted for how many cases involved litigation cover a wide spectrum of time involved. It is clear, however, that most cases do not involve formal court pleadings and proceedings. These cases can be handled by phone, letter or negotiation and conference. Most replies indicated that 15 to 30% of the cases involved litigation, but some offices reported figures as high as 80 to 90%. A few offices indicated their figures referred only to cases which had been completed as of the time of the questionnaire. Their numbers would be higher if cases still pending were tabulated.

When asked about the percentage of all the cases handled by the office which were resolved favorably to their clients, the offices almost without exception said 70 to 95%. Again, attention must be paid to the fact that a case which is resolved in favor of a client may include early settlements which a client accepts but which are not as good as he had initially hoped for, and anything along the scale to full satisfaction of his initial request. There often is not a strict win-lose situation.

Cases involving traditional "legal aid" matters accounted for the majority of the total cases, often 90 to 95% of them. Offices disagree on what is covered by traditional legal aid, but it is generally agreed that it covers cases where one lawyer represents one client. If a lawyer uses the problem of one client as a test case to change the law and that change affects many, there is disagreement as to whether the case is traditional legal aid where one is just representing one client to the fullest, or whether it is "legal reform." However, few cases are test cases, so the disagreement should not significantly affect the figures.

As the number of Legal Services lawyers is small and the number of indigent quite high, the national Legal Services program has attempted to encourage legal reform through its back-up centers and in its individual programs so that a single case can serve as many as possible.

The majority of programs indicated they were increasingly emphasizing legal reform. Those who said they were not generally stated that their staffs were too small to get involved in legal reform because test cases and other methods of changing the law to respond to problems of the indigent, were time consuming and would result in their not serving the many individual problems that come to them daily. Unfortunately, space and time prohibit including the many examples of reform efforts that were submitted by the various programs to supplement their answer of a simple "yes" to question 7.

Increasingly the neighborhood offices are giving legal advice and assistance in economic development or community projects. Local cooperatives for housing and community corporations are being set up as well as day care centers and other projects that respond to local needs. Most offices indicated they are working in such community pursuits but only to a limited degree.

Few offices report having experienced local, state or national political pressure. If pressure has been felt, it was generally from unpleasant

phone calls or personal affronts to individual lawyers. Any state pressure was usually from welfare departments, which often the defendants in Legal Services actions. Three offices stated they were investigated by the OEO as a result of complaints lodged against them.

The offices consistently stated they had not changed the emphasis in their refunding application unless it was to expand legal reform or community education efforts. Similarly, the new grants rarely had new conditions or restrictions. Those that had new conditions or restrictions indicated they were not notable or unusual and that they were administrative rather than substantive. Several programs were required to have more representatives of the poor on their board or to increase their efforts in legal reform. One back-up center was asked to submit all their publications to the national headquarters and there were staff reductions or increases in some offices.

Of all the questionnaires received, only six said they would accept regionalization, and they qualified their acceptance by saying that the independence of the lawyer must be maintained. Four of the six were from Michigan and favored regionalization only if it would improve the efficiency of the administration of Legal Services and reduce the delay in funding.

More than 150 others said that regionalization was undesirable, because the regional office was staffed by laymen and had little understanding or feelings for the particular functions of the legal profession, its Canons, and the attorney-client relationship. Offices consistently stated that they must have independence and be controlled by lawyers, not politicians or laymen, and that regionalization would increase bureaucratic red tape and politicking. Many expressed very strong feelings calling such a plan "disastrous", "a step backward", "folly", or "pure idiotic".

Those who were familiar with the Oklahoma plan found it undesirable because most concerns of the indigent involve their relationship with governmental agencies. To put the Legal Services program under the same control as the agencies they challenge is unrealistic, they contended. Berkeley Neighborhood Legal Services stated that regionalization was a "mitigated disaster" and the Oklahoma plan, "an unmitigated disaster." The few programs that would accept the Oklahoma plan qualified their acceptance by explaining their relationship with their present state administration was very good, and that the particular administration understood and allowed the independence of the lawyers. They went on often to express doubt that state administrations would always be responsive to the Legal Services program and that the Oklahoma plan for them in the future might affect them adversely. A number of offices likened the Oklahoma plan to the Murphy and Quie-Green amendments submitted in Congress in 1969. Only one office responding to the questionnaire found no problems with the Oklahoma plan and made no qualifications.

Many suggestions were offered about funding. Respondents said that programs need more money and less delay in refunding. Cambridge Legal Services summed up the problem with a quote from former HEW Secretary John Gardner:

“Our political and governmental processes have grown so unresponsive, so ill-designed for contemporary purposes, that they waste the taxpayers’ money, mangle good programs, and smother every good man who gets into the system.”

—*New York Times*, August 2, 1970.

The results of the questionnaire, then, having considered each question, establish that regardless of the size or location of an office, the feelings and experiences are relatively consistent. The caseload is heavy, the interest and participation in legal reform is growing, and the independence of a program is of utmost necessity, and may be affected adversely by regionalization and the Oklahoma plan.

The legal services program appears to effectively further the cause of justice among the indigent and to assure the independence of the lawyer in representing his client to the fullest.

LEGAL SERVICES PROGRAM

(The following description of the OEO Legal Services program was prepared by the Office of Economic Opportunity and submitted to the Senate Appropriations Committee by the Director, Donald Rumsfeld, in May, 1970.)

Legal Services Program

	<u>1970</u> <u>Estimate</u>	<u>1971</u> <u>Estimate</u>	<u>Increase</u>
Program Operations	\$51,900,000	\$61,000,000	\$9,100,000
Program Administration	<u>1,900,000</u>	<u>2,400,000</u>	<u>500,000</u>
	\$53,800,000	\$63,400,000	\$9,600,000

Legal Services - Program Operations

Purpose and Scope

The purpose of the Legal Services Program is, "... to further the cause of justice among persons living in poverty".

In recognition of the importance of Legal Services for the poor, the program was elevated in FY 1970 to the status of an independent office reporting to the Director of the Office of Economic Opportunity. In announcing this change last August, President Richard M. Nixon pointed out that:

The sluggishness of many institutions -- at all levels of society -- in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a separate Legal Services Program, one which can test new approaches to this important challenge.

Access to justice is a necessary part of maintaining law and order. In the past, justice and equal access to the protections and rights of redress of the American legal system were unavailable to the poor because of their inability to pay for a private lawyer, a general lack of understanding of how to use the services of a lawyer, unawareness of the relationship between poverty and legal redress in many areas, and a frequent lack of preparation and training on the part of the private bar for handling such cases. The existence of the Legal Services Program, with its capability to provide quality legal assistance for the poor on a wide range of issues, is developing an awareness among the poor that courts of law are a more effective means than the streets for the correction of their grievances and protection of their full entitlements as American citizens.

The Legal Services Program is carrying out its designated purpose in the following ways:

1. Legal advice, counselling, and representation by lawyers operating out of neighborhood law offices;
2. Use of the judicial system and the administrative process to effect changes in laws and institutions which unfairly and adversely affect the poor;
3. Preventive legal education to inform the poor of their legal rights and responsibilities;
4. Training and educating law students, lawyers, and others in the legal needs of the poor.
5. Encouraging and assisting the entry of minority group members into law schools and the legal profession, and,
6. Mobilization of law schools, law associations, private attorneys, and other community resources in a concentrated attack on the legal problems of the poor.

Almost 1,850 full-time attorneys, plus 350 Reginald Heber Smith Fellows, are working in an array of Legal Services projects in rural and urban areas in 49 states, the District of Columbia, Puerto Rico, and the Virgin Islands. They operate from a variety of bases, including courthouses, local storefront and downtown offices, multi-service centers, and mobile vans. Some "circuit ride" in sparsely settled rural areas. Preventive legal education is emphasized via lectures, panel discussions, and distribution and dissemination of information through the news media.

The legal education system has already begun to adjust to the new interest in legal problems of the poor. Over half the 134 accredited law schools in the United States have initiated courses in poverty law as part of their curricula in the past several years, and several have, or are planning to, provide opportunities for their students to work in the field as part of their professional preparation. The impetus for such developments has come, in large part, from interest generated by the activities of local Legal Services lawyers. The Legal Services Program has from its inception worked closely with the American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association to insure that the program is carried out in a way that assures maintenance of a lawyer-client relationship consistent with the Canons of Ethics of the legal profession.

In each program, the local project Board of Directors, comprising one-third representatives of the community to be served and a majority of local attorneys, determines minimum standards of indigency below which potential clients' incomes must fall before

they qualify for service. Clients failing to meet the indigency requirements or who have fee-generating cases are referred to private attorneys. Local attorneys also offer their time toward handling problems of the poor, as their contribution towards the local share effort required of programs.

Program and Performance for Fiscal Year 1970

In 1970, \$51,900,000 will be obligated for 265 Legal Services programs, involving almost 1,850 full-time lawyers and 350 Reginald Heber Smith Fellows in almost 800 field offices. Approximately a third of the cases handled fall in the field of Family Relations. Housing, welfare, juvenile, and consumer cases formed the other principal categories, with cases for individual clients, as contrasted with group or class actions, accounting for more than 95% of the program's workload.

From the standpoint of operations in the field, and Headquarter's administration, the program under new leadership is assuming clearer purpose and direction. The newly elevated Headquarters Office has been reorganized, with both attorneys and program analysts assigned for each region, research and development, evaluation, and training and technical assistance activities. New program review procedures for more effective management have been instituted, including greater control over grant procedures by the Headquarters Office. A manual for management of Legal Services programs has been developed.

Under new leadership, there has been a new insistence on monitoring and evaluation of field programs. Funding decisions were based upon an evaluation of individual programs, and corrective special conditions were prescribed in grant actions. A contract was let for the development and application of a thorough going monitoring and evaluation system for regular use with all Legal Services grantees. This will allow the application of consistent standards to evaluation efforts. The combination of technical assistance and evaluation responsibilities in one unit in Headquarters assures the timely delivery of follow-up assistance.

Particular emphasis has been placed upon improving the effectiveness of the existing program. In the field, staff attorneys of the 265 programs have become more familiar with new areas of poverty law through training programs as well as through use of the Poverty Law Reporter. Through this improved knowledge, program attorneys were able not only to handle a complex variety of individual cases

with greater competence, but were also able to expand their attention to some of the broader issues which affect large numbers of the poor in welfare, housing, health, education and employment.

Because limited staff resources cannot adequately deal with an unlimited number of clients with an unlimited number of legal problems local Boards of Directors are responsible for proposing a system of priorities to deal with this problem. Several local programs have initiated different strategies to resolve the caseload problem to provide quality legal service and allow time to seek resolution of the recurring patterns of legal problems. These strategies involve the use of law students and paraprofessionals (where State and local law permit), resolution of difficulties without litigation, and limited interview and intake.

Some existing programs were upgraded but no new programs were started.

As part of its efforts to improve the effectiveness of the local projects to deliver quality legal services to the poor, the program has continued its support of back-up centers. There are six centers examining and developing legal principles and advising project attorneys in the areas of welfare, consumer, medical, education, economic development, and housing law. These centers have supplied materials or conducted training sessions and conferences for legal services attorneys in housing, consumer problems, economic development, education, and health law. In addition, materials have been prepared on welfare, education, employment problems, and on the legal problems of the elderly. By concentrating research work in these centers, duplication of effort by the program's many attorneys is minimized, and legal gains for the poor are given more general application.

In FY 1970 Legal Services lawyers were successful in winning cases assuring new standards for fairer treatment for the poor, involving:

- due process hearings before termination of welfare awards;
- proper application of Title I, ESEA resources to the children entitled to them by law;
- enforcement of "fair and reasonable" wage regulations for agricultural workers;
- court enforcement of delivery of surplus foods to the needy;
- availability of suitable housing before commencement of public highway condemnation evictions.

Also during this year, there was a consolidation of gains made on behalf of the poor. Through improved communication, actions taken by Legal Services lawyers in one area of the country are being duplicated by programs on behalf of the poor in other areas of the country on these matters: rights to appeal to higher courts in Forma Paupers; elimination of welfare residency requirements; separate treatment of juvenile offenders; protection of tenants against unreasonable eviction by code-violating landlords; non-discriminatory handling of school and lunch programs; opportunity for a fair hearing before arbitrary withdrawal of welfare funds, and protection of consumers against fraudulent practices.

Program and Performance for Fiscal Year 1971

In FY 1971, a total of \$61,000,000 is requested for the Legal Services Program. This amount will permit the program to:

- maintain \$2.5 million in evaluation and training and technical assistance activities;
- provide \$4.0 million to refund FY 1970 programs which were funded in FY 1969 in response to local community needs for timely, high quality programs, and;
- provide \$1.650 million to refund programs that were due in FY 1970, but which were able to delay refunding until FY 1971 through exceptional economies, and complete stabilization of Reginald Heber Smith Fellowship program.

The remainder will be devoted to continuing existing high quality programs, improving program quality and stability by recruiting more mature attorneys with greater field experience, and initiating a few new programs.

In spite of the substantial increases allotted to the Legal Services program, large areas of the country with the heaviest concentrations of poverty have no legal services program for the poor. Even with the 265 programs now operating in the field, it is estimated that only one-fifth of the poor have access to the legal assistance they need. The program will concentrate upon improved ability to deliver quality legal assistance to the poor through training efforts, standardized evaluation efforts, technical assistance follow-up, and improved communication among programs. Legal Services will also turn increased attention to dealing with caseload limitation problems, and to the needs for an improved, mechanized reporting system, so that current information will be more readily available for management and for informational purposes.

Legal Services - Program Administration

<u>1970</u> <u>Estimate</u>	<u>1971</u> <u>Estimate</u>	<u>Increase</u>
\$1,900,000	\$2,400,000	\$ 500,000

Purpose and Scope

This item includes the salaries and expenses of Federal employees concerned with the administration of the Legal Services program operations in Headquarters and the ten regional offices.

Program and Performance for Fiscal Year 1970

During FY 1970 the Office of Legal Services was established as a separate entity reporting to the Director. There were two principal reasons for this: (1) to provide recognition of an important and successful program and (2) to provide a focus within the agency for the OEO mission of advocacy for the poor. A total of 90 man-years of effort are planned in FY 1970 in this activity.

Program and Performance for Fiscal Year 1971

The increase in FY 1971 is due principally to increase in staffing to ten regional offices. Overall administrative resources allocated to this activity increase to about 117 man years in FY 1971. The impetus provided by the new organization for the monitoring and evaluation of field programs will be continued; past efforts to improve the effectiveness of existing programs will be continued.

SUBCOMMITTEE QUESTIONNAIRE

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United States Senate

COMMITTEE ON
 LABOR AND PUBLIC WELFARE
 WASHINGTON, D.C. 20510

ROBERT O. HARRIS, STAFF DIRECTOR
 JOHN S. FORSYTHE, GENERAL COUNSEL

July 30, 1970

Dear Sir:

The Senate Subcommittee on Employment, Manpower, and Poverty is considering holding public hearings on the OEO Legal Services Program. We are interested in learning about your program and about any changes you may have noted in the Legal Services Program and how they have affected your program.

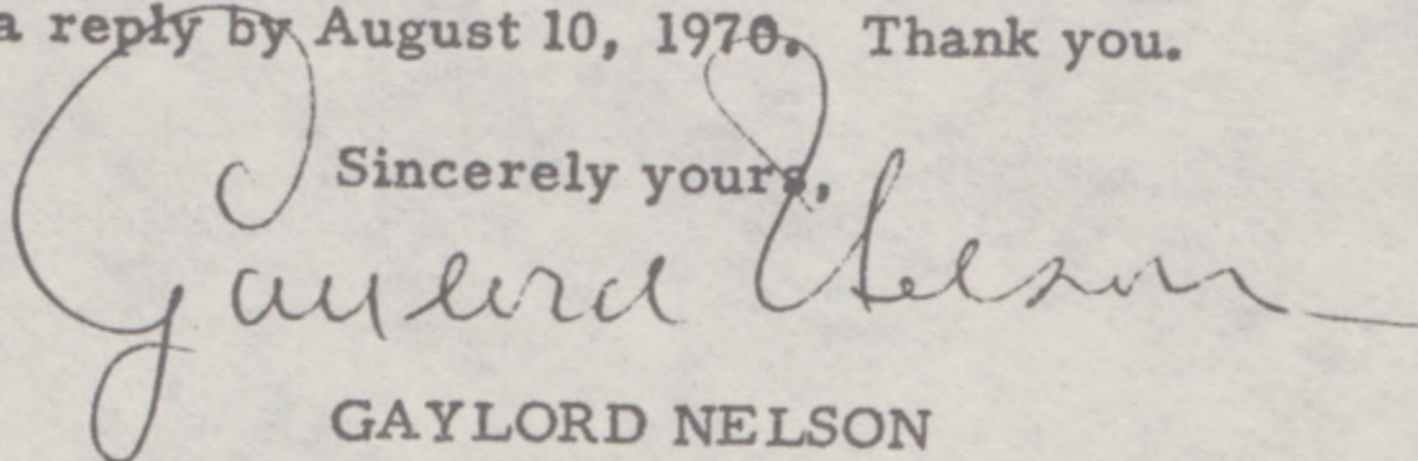
Specifically we would like to know:

- (1) What is the size of the population you serve?
- (2) How many offices and lawyers do you have?
- (3) How many cases have you handled in the last year?
- (4) How many of these cases involved litigation?
- (5) What percentage of your total cases in the last year were resolved in favor of your client?
- (6) What percentage of your cases dealt with traditional legal aid concerns?
- (7) Are you increasingly emphasizing legal reform?
- (8) Have you been involved in any economic development or community projects?
- (9) Have you experienced local, state, and/or national political pressure as a result of your legal actions?
- (10) Have you changed the emphasis of your refunding application in any way?
- (11) Have new conditions or restrictions been made in your new grant?
- (12) What do you feel would be the effect of putting your program under an OEO Regional Office rather than under the Regional Legal Services Office?
- (13) Are you familiar with the Oklahoma Plan? If so, how would your office be affected by such a plan in your State?

We sincerely appreciate your sharing with the Subcommittee your experience with the Legal Services Program. Any additional information or suggestions which you have would be most welcome.

We would appreciate a reply by August 10, 1970. Thank you.

Sincerely yours,



GAYLORD NELSON
 Chairman, Senate Subcommittee on
 Employment, Manpower and Poverty

SELECTED REPLIES TO SUBCOMMITTEE
QUESTIONNAIRE

P L E A

POVERTY LAWYERS FOR EFFECTIVE ADVOCACY

Sept 22, 70

Re: OEO Legal Services

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Gaylord Nelson
Chairman, Senate Subcommittee on
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United States Senate
Washington, D. C. 20510

Dear Senator Nelson:

Your survey letter of July 30, 1970 indicated that you are aware of the attempts being made by the Administration to regionalize the O.E.O. Legal Services program (question 12). On September 16, 1970 the Board of Directors of P.L.E.A. voted un-animously to oppose regionalization and to urge you to conduct hearings on it. (P.L.E.A. has nearly 700 members, all of whom are active Legal Services attorneys dedicated to protecting the independence and promoting the effectiveness of the Legal Services program).

We respectfully request that you conduct hearings as soon as possible. We also request that you make available to us your survey findings. Your cooperation and support are deeply appreciated.

Sincerely,

David H. Dugan III
DAVID H. DUGAN III
Chairman

National LEGAL AID and
DEFENDER Association

Hon. Warren E. Burger
Chief Justice of the United States
Honorary President

AMERICAN BAR CENTER, 1155 EAST 60TH STREET, CHICAGO, ILLINOIS 60637
Area Code 312 • 684-2727 • 493-0533

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August 21, 1970

Honorable Gaylord Nelson, Chairman
Senate Subcommittee on Employment,
Manpower and Poverty
United States Senate
Washington, D. C. 20510

AUG 24

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Junius L. Allison
Executive Director

Dear Senator Nelson:

I want to follow up my letter of August 5 to you concerning the proposed hearings of your subcommittee studying employment, manpower and poverty. As the newspapers say, from a very reliable source, it is reported that some far-reaching changes concerning legal services are about to be announced by OEO. Through these changes, if my information is correct, legal services will be decentralized, giving the regional OEO director wide authority over the legal services programs. If such were to happen, I fear the opposition of lawyers over the country would be so great that we will find it extremely difficult to get professional support for future Congressional funding or for any other needed legislation concerning legal services for the poor. There will be good reason if this proposal is implemented for the lawyers to say that the independence of the legal services lawyer has been undermined.

Your office probably has more information than I do on this matter. At any rate, I urge you to begin hearings at an early date so that everyone can know the facts about future plans for this highly effective part of OEO.

Sincerely,

Junius L. Allison
Junius L. Allison
Executive Director

JLA:jm

C. C. Messrs. T. Lenzner
J. Robb
M. Toll

LOUIS STOKES
21st District, Ohio

COMMITTEE ON EDUCATION
AND LABOR
COMMITTEE ON INTERNAL
SECURITY

OFFICE:
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(202) 225-7032

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 18, 1970

DISTRICT OFFICE:
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NEW FEDERAL OFFICE BUILDING
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SEP 19 1970

SENATOR GAYLORD NELSON

Mr. Donald Rumsfeld
Director
Office of Economic Opportunity
Washington, DC 20506

Dear Mr. Rumsfeld:

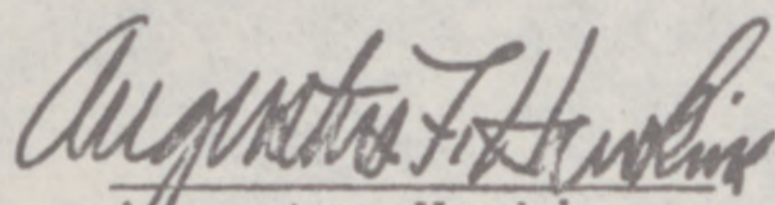
As Black members of the House Education and Labor Committee we have been greatly disturbed by reports that the Office of Economic Opportunity is contemplating an administrative decentralization of the Legal Services Program.

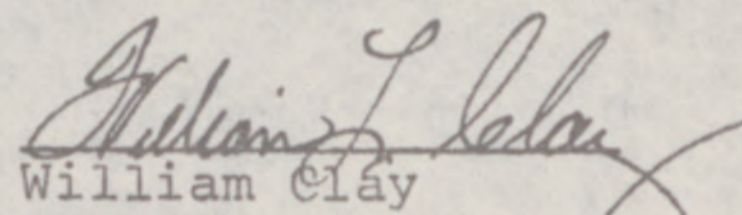
As you know, we were most pleased last year when you chose to elevate LSP to independent status within the agency and selected Terry Lenzer as Director of the program. This indicated that you both recognized the vital nature of the work being done by Legal Services and that you intended to perpetuate the policy of vigorous representation begun under previous Directors. This was obviously of tremendous importance to us as first-hand observers of the need for strong advocacy of Black people's interests throughout the country, and we attempted to reflect our appreciation by strongly supporting your efforts to retain control of the agency last fall.

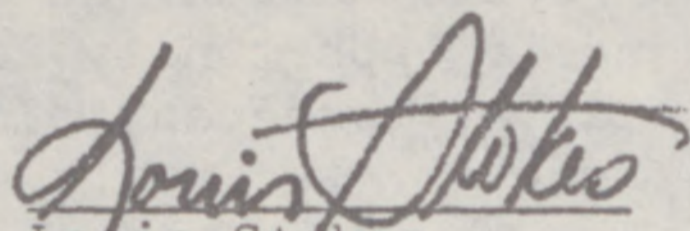
It would indeed be ironic, however, if the agency now does administratively what it fought so hard to prevent from being done legislatively. While we realize the theoretical difference between State and Regional control, we further understand that often the difference is only theoretical. This is particularly true in those sectors of the country where the political, social, and economic pressure against full and independent representation is the most intense, and consequentially where the firm moral leadership that can only come from centralization is most necessary.

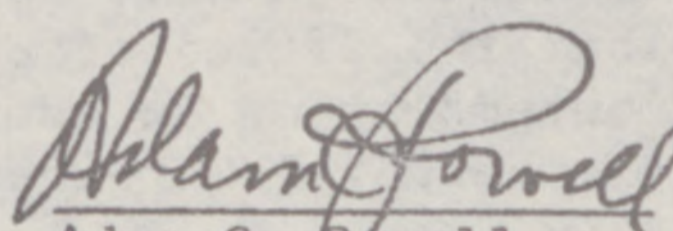
We thank you for your interest in this matter, and are assured that you will keep us informed of all developments.

Sincerely,


Augustus Hawkins
Member of Congress


William Clay
Member of Congress


Louis Stokes
Member of Congress


Adam C. Powell
Member of Congress

cc: Hon. Gaylord Nelson, Chairman
Senate Subcommittee on Manpower & Poverty

Hon. Carl Perkins, Chairman
House Committee on Education & Labor

147 Standish Circle
North Fort Myers, Florida 33903
September 17, 1970

Honorable Gaylord Nelson
U.S. Senate
Washington, D.C. 20510

Dear Senator Nelson:

I have learned that you propose to hold hearings for the purpose of evaluating the effect of political pressure on legal services attorneys; there is a drastic need for such hearings if the basic assumption is that poor people are entitled to aggressive representation free from political pressure.

I am an attorney with Florida Rural Legal Services, (FRLS) a program dedicated to aggressive representation of poor people with an emphasis on service to migrants. F.R.L.S. operates upon the principle that poor people desperately need and are entitled to the services of competent, unfettered advocates.

As you may realize the political pressure on FRLS has been relentless. Various types of pressure have been applied including attacks on individual attorneys and invidious attempts to frustrate refunding of the entire program. Currently we have been forced, as a refunding compromise, into allowing traditional enemies of poor people to have representation on our board of directors. As you can imagine the result has been constant harassment of the more aggressive, successful attorneys; so far we have been able to resist but fighting this kind of pressure demands time that should be spent on the business at hand.

It is becoming increasingly apparent that the OEO bureaucracy is ill-equipped to deal with the political pressures being brought to bear upon the traditional protections

afforded the lawyer-client relationship. This situation must be exposed and constructive changes made. If hearings will help, let's get about having them as time is running out.

Very truly yours,

John B. Platt, III

John B. Platt, III
Attorney at Law

LAW OFFICES OF
BERKELEY NEIGHBORHOOD LEGAL SERVICES

2229 FOURTH STREET
 BERKELEY, CALIFORNIA 94710

TELEPHONE (415) 841-9274

CAROL RUTH SILVER
 ATTORNEY AT LAW
 DIRECTOR

September 14, 1970

Senator Gaylord Nelson
 Senate Office Building
 Washington, D. C.

Dear Senator Nelson:

Some time ago you sent out a questionnaire inquiring about the proposed re-regionalization plan of the Office of Economic Opportunity and its potential effect on legal services programs. You also inquired as to the so-called Oklahoma Plan, under which a state's own integral human development agency would completely replace the regional Office of Economic Opportunity as the agent of OEO in that state.

Re-regionalization would be a mitigated disaster; the Oklahoma Plan an unmitigated disaster.

The statement of Congressional purpose to the Economic Opportunity Act of 1964 as amended, 42 U.S.C. § 2701, states that the purpose of the EOA includes assuring that "every individual has the opportunity . . . to participate in the workings of our society . . . and the opportunity to live in . . . dignity." Although legal service programs operate to further other purposes than suggested in this preamble, it has been uniquely the role of legal services among all of the OEO programs to fully accept these two particular Congressional mandates.

The recognition that there are segments of our population today who do not participate in the workings of our society and who do not live in dignity is a recognition of a breakdown in our system of government by law. The Constitution of the United States, the Civil Rights Act passed after the Civil War, recently enacted anti-discrimination statutes, and the decisions of our highest appellate courts over the last two decades commit the United States on a national policy level to assuring each citizen the life of decency, dignity, freedom from discrimination and equal opportunity which the Economic Opportunity Act recognizes has not yet been achieved.

Where has failure intervened between the promise and

the fulfillment? The Black welfare recipient who withholds her rent, pursuant to statutory authority, from the local housing authority -- in an effort to compel the Authority to make repairs so as to provide the safe, wholesome and healthful housing it is clearly obligated to provide -- is told by the local welfare department that her welfare benefits will now be reduced to zero to recoup the amount of the housing allowance included in previous checks but not paid to the housing authority. The welfare department is clearly in violation of federal law and regulations, the housing authority is clearly in violation of its federal obligations.

"To participate in the workings of our society" is to take advantage of rights clearly stated, unequivocally available, and not on paper alone. The legal services lawyer opens up for his client avenues of redress. He negotiates; he files for an administrative hearing before the state welfare supervisory agency; he demands a hearing for the client before the board which supervises the administration of public housing; he presents a request for an investigation to the City Council; he aids tenants to file criminal complaints against public officials who have committed misdemeanors by refusing to allow inspection of reports on housing violations or against welfare officials who have disclosed confidential reports; he defends eviction proceedings in state court; he asks for injunctive relief in a law suit against the welfare department, naming the Directors of the state and county welfare departments as defendants in Federal Court. When officials refuse to comply with Federal Court orders he cites them for contempt and urges their incarceration. The legal services lawyer is not a popular man among the powerful in his own community.

Those who deny dignity and participation to the poor are not influential men outside of their own communities. The Director of Welfare of Sutter County, for example, is not a nationally familiar figure (although she has figured in numerous horrible examples in testimony before various Senate committees on government lawlessness in the administration of the welfare system.) Yet within California she is enormously powerful. As a member of a major political central committee, she has the ear of the governor and numerous legislators, with all of whom she has assayed "to participate in the workings of our society" for many years. If welfare recipients in that county are to participate more in the workings of government, she will have to participate less.

Most of the important cases on which legal services attorneys provide representation involve federal rights based both on federal statutes and the Constitution. Examples from

the public housing and welfare fields are legion, often involving the most fundamental concepts of equal protection which support our social order. More prosaic matters of due process of law often also earn legal services attorneys local ire.

Law and order has been almost captured as a slogan by those who seem to prefer to dictate a ordering of society so rigid as to ignore the constitutional law developed in this country over the past two centuries. Yet it is truly a matter of law and order, of enhancing the likelihood that laws will be obeyed and order maintained both by citizens and by officials, which is involved in litigation against local police and sheriff's officers. By way of example, our office has so far sued to enjoin the indiscriminate use of firearms, to prevent unlawful detention and deportation of juveniles, to recoup overcharges on police tows, and to redress injury to individuals who allege that they have been assaulted by police officers.

Employees of police departments, no less than employees of the post office, grocery stores, and automobile manufacturers, do make mistakes, are negligent, do violate rules, do have accidents. When ordinary employees injure the person or dignity of a person the proper remedy is to the courts for recovery of money damages in a tort action against the employer. When a police officer makes the same inroads on the person or dignity of a citizen, the matter reaches constitutional proportions, and the same and more remedies are -- on paper -- available. A police officer can be prosecuted criminally under Federal law and under State law, and can have damages awarded against him not only for the same common law or state statutory torts as would support recovery by the citizen against a private employee, but under Federal law specifically for "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" of the United States as well. 42 U.S.C. § 1983.

The alternative to taking disputes between citizens and police to an adjudicatory forum is to bottle them up until they erupt in street fights, riots and bombings. Yet as a result of our litigation the police chief in our community recently advised us that he intends to oppose our continued funding. The official involved is no more an important or powerful person outside of his own community than a local welfare director; in his own community, however, and within the political machinery of the state in which he actively endeavors "to participate in the workings of our society," his influence will clearly be very substantial.

Finally, the national priorities and policies for legal

services set by Congress, developed by a federal administrative agency responsive to Congressional legislative intent, and adopted after full and mature reflection, would be totally undermined if there were not a strong national force overseeing the administration of legal services programs. (The example of federal welfare programs, purportedly "supervised" by HEW in their adherence to federal policies, is an analogous case in point if familiar to you.)

One of the most important national policies adopted by the Office of Legal Services of OEO has been the cost/benefit-analysis conclusion that legal services attorney time should be, as much as possible, directed to the handling of cases of significance and importance to some substantial segment of the poverty community, rather than to providing individual service to individual clients with problems which affect only their own individual lives. The analysis is one based on the lack of generosity of a Congress hard pressed by other demands on the public fisc. But a legal services budget of even 5 times its present size could not provide lawyers for all the individual service cases in which poor people need lawyers because of the high cost involved in providing that service, the shortage of lawyers, and the unavailability of alternative sources of legal assistance for the poor. (I refer you with some diffidence for documentation of these statements to my article, "The Imminent Failure of Legal Services for The Poor: Why and How to Limit Caseload", 46 U. Det. J. Urban Law 217 (1969).)

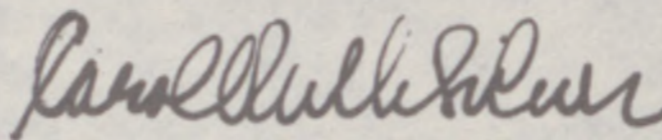
Legal Services represents one of the few successful operations of the Economic Opportunity Act in furtherance of its purpose to provide disenfranchised and non-participating members of society the opportunity to participate in that society, the opportunity for dignity. Legal services programs should not be permitted to become more of a political football for local politicians than is already the case under the provisions permitting gubernatorial veto of OEO programs. (A federal suit was recently filed on our behalf against the Governor of the State of California to require his reconsideration of such a veto).

We urge that the will of Congress should not be permitted to be thwarted by local politicians engaged in sensationalist opportunism in a campaign year. We urge the continued centralized administration of legal services in a Washington based Office of Legal Services within or without OEO. We urge your sponsorship and support of Congressional action to remove the gubernatorial veto on OEO programs. Although we believe

that the legislation already on the books will provide a judicial remedy against attempted imposition of the Oklahoma Plan, we urge the clarification necessary to shortcut years of litigation that Congress alone can provide by passing legislation specifically prohibiting it.

I will be glad to assist you in any further way that I may.

Sincerely,



Carol Ruth Silver

LEGAL ASSISTANCE CENTER
OF
WASHINGTON TOWNSHIP

2000 PERALTA BOULEVARD, SUITE 102
FREMONT, CALIFORNIA 94536
Telephone 792-1000 Area Code 415

PROJECT DIRECTOR

Jerald H. Wilhelm
Attorney-Administrator

August 7, 1970

RECORDED

AUG 2 1970

Senator Gaylord Nelson
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
Washington, D.C. 20510

Re: Inquiry about Legal Services Programs

Dear Senator Nelson:

The LAC serves a suburban population of 150,000 residing in Fremont, Newark and Union City, California.

There is one office and one staff attorney. However, as a "judicare" program we refer qualified applicants to members of the local bar association, who are paid by the LAC for legal services rendered to these clients. The role of the staff attorney is primarily administrative under this system and he makes no court appearances. Consequently, any case requiring litigation is referred to one of the members of the local bar.

For the period January - June 1970 the program handled 522 cases, 68 of which involved litigation. Most of these litigated cases involved family problems and nearly all were resolved in favor of the client.

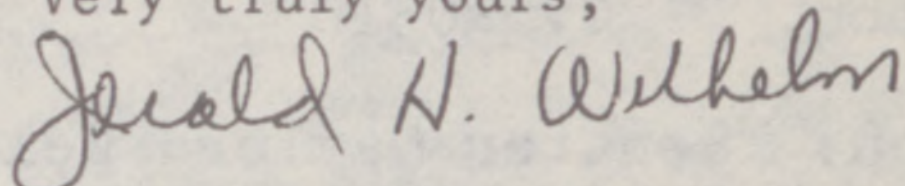
This program has been structured from its beginning to deal with traditional legal aid concerns, e.g. Divorce, Custody, Bankruptcy, etc, and continues in that pattern of operation today.

Under our local-attorney dominated Board of Directors which sets the LAC policies, the prevailing philosophy emphasizes client-service rather than law reform. The staff attorney is responsible for law reform activities, but the administrative burden of managing this kind of legal services office precludes any meaningful efforts toward law reform. Consequently, any law reform out of this program has to result from a daily client-service activity - and that prospect is dim at best when family problems predominate.

Considering the above statement of facts about our operation, it is not surprising that this program has not been under attack politically by any level of government as a result of our activities. Operating under tight local control the LAC would probably not be affected by being placed under an OEO Regional office as opposed to a Regional Legal Services Office.

In evaluating what I have stated hereinabove, it is important to keep in mind that this program is different from any other Legal Services program in that a local bar association provides the services and controls the activities of the LAC, instead of a staff of attorneys providing legal services to the community.

Very truly yours,



Jerald H. Wilhelm,
Attorney-Administrator

LEGAL AID SOCIETY OF SAN DIEGO, INC.

OFFICE OF PUBLIC ATTORNEY

ROOM 400. GRANGER BUILDING

964 FIFTH AVENUE

SAN DIEGO, CALIFORNIA 92101

TELEPHONE: 232-8109

August 26, 1970

United States Senate
Committee on Labor and Public Welfare
Washington, D. C. 20510

Attention: Senator Gaylord Nelson, Chairman
Senate Subcommittee on Employment,
Manpower and Poverty

Reference: Your letter of July 30, 1970, concerning
the O.E.O. Legal Services Program

Gentlemen:

The following is offered in response to your
referenced letter.

1. We serve a countywide poverty population of
approximately 200,000 persons or about 14% of a total
county population of 1,400,000.

2. Our present staff numbers seventeen attorneys
located in four offices. This staff represents an expan-
sion from twelve attorneys within the past three months
and will expand further to twenty-one attorneys within
the next two months.

3. Cases handled within the past year numbered
8,327. An additional 3,867 persons applying for assistance
were referred to volunteer attorneys, to private attorneys
as fee paying clients, or rejected.

4. Of the 8,327 cases handled, 323 involved litigation.
A number of those 323 cases included either a large number
of clients joined as parties plaintiff or were class actions
on behalf of numerous affected persons. These additional
persons are not reflected in the figure 323.

5. Of the above 323 cases, 90% were resolved in
favor of our client. I am not proud of that 90%, although
high, because it indicates to me that we have not faced
as many difficult issues as we should.

6. If one equates traditional legal aid concerns, as
one should, with the usual concerns of lawyers, 100% of

our cases dealt with traditional legal aid concerns. If by "traditional" legal aid concerns one means that the poor should be helped, but not too much as measured by the opposition voiced by those with opposing vested interests, probably 98% of cases dealt with traditional legal aid concerns.

7. Most assuredly we are giving increasing emphasis to the most effective utilization of our resources to meet the needs of our clients and in that sense we are increasingly emphasizing legal reform both as it involves seeking improvements in the administration and enforcement of the law, in the passage of corrective legislation, and in demanding that institutions meet the legitimate needs of our clients.

8. We have been involved in several economic development projects, the most successful of which to date is San Diego Neighborhood Development Corporation for whom we act as general counsel. In business less than one year SDNDC, a nonprofit corporation, has presently about \$1 million work in process in the rehabilitation and construction of housing for poor people. We are also working closely with the local Model Cities Citizens Policy Committee in what may be a futile effort to have the San Diego Model Cities Program become an effective demonstration project for the benefit of the poor rather than simply another monument to city government.

9. Chief Counsel for the California Department of Social Welfare at one time threatened to do what he could to adversely affect our funding, the attitudes of Governor Reagan and of Senator Murphy in opposition to the legal services program are well known, and the President of the California State Bar recently published a message in opposition to legal services activities. Our board of directors is to some extent influenced and intimidated by its assessment of the feelings of the local bar association. Each major action we have filed in the areas of consumer fraud, landlord tenant, housing code violations, and police harassment has resulted in instant criticism from some segments of the local bar. Funding from the local bar is granted subject to the proviso that those funds are not to be used to support "that O.E.O. legal services program." To some extent our attorneys are susceptible to these pressures in that those few who are not aggressive use these pressures to justify their lack of aggressiveness and their social myopia.

10. In the refunding application I submitted last year, shortly after assuming my present position as Project Director, I pointedly emphasized that our ethical duty to our clients demanded that we embark on such courses as might be necessary to provide full range legal services to our clients. I emphasized several specific areas considered within the "law reform" context such as combatting police harassment tactics, consumer fraud class actions, legislative advocacy and other matters. Previous applications had been vague and without such substance.

11. No new restrictions have been made in our grant. Several conditions have been added, at my request, by O.E.O. Regional Legal Services to assist in gaining greater administrative independence from a lethargic CAP and to carry out some changes which our board of directors is otherwise reluctant to carry out.

12. To put this program under an O.E.O. Regional Office rather than under the Regional Legal Services Office would serve to lessen our effectiveness drastically on behalf of the poor. While ideally the CAP program as a whole, within any given geographic area, operates in a coordinated fashion toward common ends in combatting basic problem conditions afflicting the poor, reality belies that theory. To place the O.E.O. Regional Office in the chain of administrative command with regard to the Legal Services Program would limit the maximum effectiveness of legal services to the common denominator of the CAP. Unfortunately, too many CAP agencies have been considerably less aggressive and have exhibited less administrative capability than have the legal services programs linked to them.

San Diego provides a case in point. The CAP agency since its inception has lacked the capacity and courage to play an activist and advocate's role on behalf of the poor. Part of this lack of focus of issues may be attributable to the makeup of the CAP board subject as it is to the provisions of the Green Amendment. Ironically the same agencies, public and private, who have otherwise failed in their own operations to assist the poor are represented on and numerically control the CAP board. Legal services is free of that restriction and better able to resist political pressures not to make waves.

Legal services is run and staffed primarily by professionals (attorneys) dedicated to a single function,

providing legal services. CAP programs unfortunately operate in an ill-defined manner towards ill-defined goals executed too frequently by amateur do-gooders or feeders on the federal pork barrels who all too frequently suffer from the agency syndrome of protecting their individual job security. Legal services attorneys generally don't suffer from that hangup. With the support of Regional Legal Services Directors, individual project directors generally are able to run a lean and hungry program of tigers who could make considerably more money in private practice and who owe their allegiances only to their clients.

To impose O.E.O. regional office control would contribute nothing positive to administration since there is no evident need for improvement in that area. Operationally also there is little to be gained since essentially our clients must dictate our course. It is our clients' problems, as expressed by our clients, that we are and should be concerned with, not the problems of the poor as judged by a CAP director after weighing various political considerations.

Legal services has proven itself an effective advocate of the poor. The CAP program has not. I would view a proposal to place control of legal services in the hands of Regional O.E.O. Directors as an attempt to justify the continued existence of a weak CAP program by marrying it to the coattails of legal services.

In his speech of August 19, 1969, President Nixon endorsed the concept of a separate legal services division within O.E.O. Such needs to be nurtured and preserved.

I do not intend that my remarks be taken as a distrust of the motivation of those administering the CAP program, but I do believe that weaknesses inherent in the CAP program would cripple severely the effectiveness of legal services by restricting its independence.

13. Implementation of the Oklahoma Plan in California would result in the destruction of an effective legal services program in this state. The program would probably continue, at least for a while, but staffed by attorneys of mediocre ability, myopic to the basic problem conditions afflicting the poor. Talented and aggressive attorneys would be forced out of the program from sheer frustration.

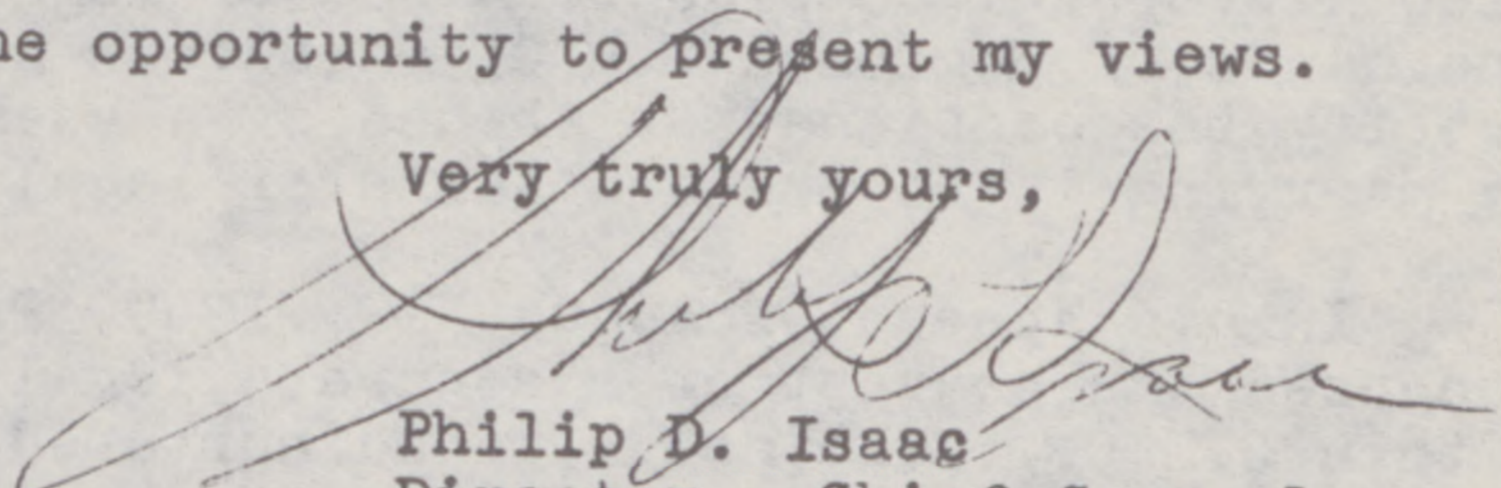
A client with a legitimate grievance against another individual or institution, private or public, at any level, must be permitted the freedom and quality of representation necessary to lawful redress of that grievance. To provide less, having offered that representation, is fraud, a fraud which can lead only to further disorder and disrespect for our institutions of government.

I would urge your committee to press for an increased independence of the O.E.O. legal services program, free from administrative interference by the CAP program.

I further urge your committee to recommend provisions designed to assist the legal services, and other government supported programs, in resisting the temptation to succumb to the Peter Principle of agency self-perpetuation, inbreeding, and mediocrity. As a specific measure in that regard, I suggest an amendment to the Economic Opportunities Act which would prevent any funded program from retaining personnel beyond a four year period of employment. Professionals doing the type of job which ought to be demanded of them will burn themselves out in that time. Within that same period, non-professionals hired to acquire skills for upward mobility can be trained adequately to go out into the private marketplace and seek new employment.

Thank you for the opportunity to present my views.

Very truly yours,



Philip D. Isaac
Director - Chief Counsel

Legal Aid Society of Metropolitan Denver

HOWARD I. ROSENBERG
GENERAL COUNSEL
WILLIAM H. WARD, JR.
SECRETARY
AND
DEPUTY GENERAL COUNSEL

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TELEPHONE 433-8771

SOUTH WEST VALLEY
925 FEDERAL BLVD.
TELEPHONE 292-6296

August 7, 1970

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63 010

The Honorable Gaylord Nelson
United States Senator
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
United States Senate
Washington, D. C. 20510

Dear Senator Nelson:

Pursuant to your request of July 30, 1970 regarding Legal Services Program changes, please be advised as follows:

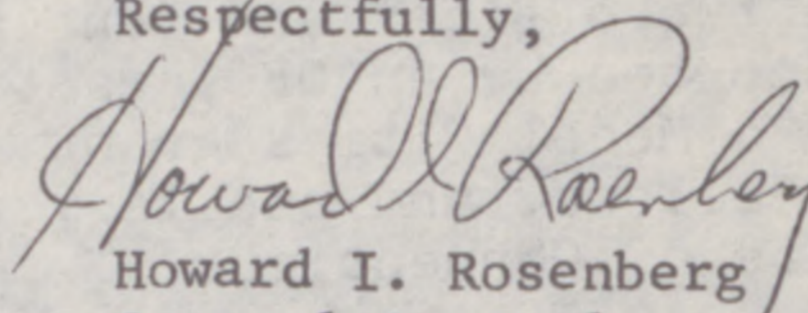
- (1) What is the size of the population you serve?
Approximately 1,000,000.
- (2) How many offices and lawyers do you have?
Ten full-time offices; 34 full-time attorneys.
- (3) How many cases have you handled in the last year? Approximately 11,000 new cases.
- (4) How many of these cases involved litigation?
About 45% involved litigation.
- (5) What percentage of your total cases in the last year were resolved in favor of your client?
Approximately 75% of the total cases.
- (6) What percentage of your cases dealt with traditional legal aid concerns? Approximately 70%.
- (7) Are you increasingly emphasizing legal reform?
Yes. We have embarked on an aggressive program of law reform particularly during the last twelve months.

- (8) Have you been involved in any economic development or community projects? Yes, we have worked with several groups developing economic potential and we have worked with many community organizations which are developing community projects.
- (9) Have you experienced local, state, and/or national political pressure as a result of your legal actions? Yes. We have experienced a certain amount of pressure from one of our United States Senators as a result of our legal actions, and we have experienced local private pressure as a result of our legal actions.
- (10) Have you changed the emphasis of your refunding application in any way? Yes, we are putting more emphasis and stress on aggressive law reform results and we are engaged in efforts to control ordinary case load in order to achieve better legal services which may have more significant results for the poor.
- (11) Have new conditions or restrictions been made in your new grant? No.
- (12) What do you feel would be the effect of putting your program under an OEO Regional Office rather than under the Regional Legal Services Office? Putting the program under the Regional OEO Office would create more opportunity for the Regional Office to restrict program goals if OEO or the Regional Office disagreed with those program goals. The OEO Regional Office normally has a philosophy which is not the same as the Regional Legal Services Office and it is necessary that there be a consistency of philosophy of legal services in achieving goals through certain strategies. It is necessary to insure independence of legal services programs and that can only be achieved through maintenance of the Regional Legal Services Office.

- (13) Are you familiar with the Oklahoma Plan? If so, how would your office be affected by such a plan in your State? Yes, I am familiar with the Oklahoma Plan, at least in its broad outline. The Oklahoma Plan would give added power to the State to plan, implement, monitor and evaluate the program, a function which is presently given to the local CAA organizations. The Oklahoma Plan would thereby give direct authority and power to the State to impede, hinder and, if necessary, destroy an aggressive legal services program. This kind of input from a State could choke all meaningful efforts to change institutions through the legal process. Obviously in many States this would be a very attractive change for those State administrations which are aggressively opposed to certain legal services programs. If Legal Services is to perform the tasks set to it by the initial legislation, as well as the subsequent rhetoric, its independence must be insured. Any plans, schemes, amendments or ideas which limit, restrict and hinder the freedom and independence of legal services programs to achieve the goals set by the concept of Legal Services should be discarded.

Thank you for your interest in this very crucial problem.

Respectfully,


Howard I. Rosenberg
General Counsel

BRIDGEPORT LEGAL SERVICES COMMITTEE, INC.
LAW OFFICES

James A. Trowbridge
James B. Mason
Marguerite Dunigan Weeks
John M. Creane
Ira Horowitz
Michael J. Weisman

CENTRAL OFFICE
1115 Main Street
Bridgeport, Connecticut 06603
203-334-9454

FILE NO.

SENATOR GAYLORD NELSON

SEP 1 1970

RECEIVED

August 1, 1970

Senator Gaylord Nelson, Chairman
Senate Sub-committee on Employment,
Manpower and Poverty
Senate Office Building
Washington, D.C. 20510

Dear Senator Nelson:

I have received your letter of July 30th, 1970, and am pleased to provide answers to your questions as follows:

1. What is the size of the population you serve?

BLSC serves the City of Bridgeport which has a population of 155,000.

2. How many offices and lawyers do you have?

We have two offices and ten lawyers. Five of the lawyers are supported by an OEO grant. Two of the lawyers are supported by a Model Cities grant. Two lawyers are Reginald Heber Smith Fellows, and one lawyer is supported by a grant from the State of Connecticut.

3. Number of cases handled in the past year.

From August, 1969 through July, 1970, we handled 987 cases.

4. How many of these cases involved litigation?

187 cases involved litigation.

5. Percentage of total cases resolved in favor of clients.

During the last year, four civil cases were lost while 187 cases were brought. Construing the phrase "resolved in favor of your clients" in the broad sense of the client obtaining some benefit from our service, I would estimate that the clients overall situation was proved in approximately 90 per cent of our files.

6. Percentage of cases dealing with traditional legal aid concerns.

What constitutes traditional legal aid varies from city to city. As an example, in New York, the New York Legal Aid Society provided a wide range of services. In the City of Bridgeport, the legal aid office that existed prior to the OEO program did not involve itself in any form of litigation and restricted its service to advice. Therefore, in terms of the history of local legal aid, a very small percentage of our cases deal with traditional legal aid concerns. During the last reporting quarter, approximately 30 per cent of new case intake was in the area of family law, while 15 per cent of cases dealt with consumer and employment problems, another 15 per cent were in the area of administrative law problems, and 30 per cent were in the area of housing problems, including public housing, and redevelopment programs.

7. Legal Reform.

This program is increasing its emphasis on legal reform though we do not view the bringing of test cases as the only means to this end. We feel that only a limited amount of social changes can be brought about through the courts which emphasize the settling of disputes between individuals, and not groups. Though the U.S. Supreme Court case of Brown v. Board of Education has had wide ranging impact on our entire society, it is not every issue that can be resolved through court action. It has been a theme of OEO programs since the beginning that the community was to organize itself for action. We feel that many of the legal problems facing the poor can be as readily redressed by legislative action as through the courts, thus, in this program we do not seek to confine reform activities to the workings of a few attorneys in a test case unit. All of our attorneys work closely with community groups who are seeking to bring about substantial reforms in the law as part of groups' goals. As an example, we have authored a fair rent ordinance on behalf of community groups and have coordinated the activities of the groups in their efforts to have the City Council pass the legislation. We have served as counsel to a group which was seeking to organize tenants and inform them of certain rights under a new rent receivership law. When the group was barred entrance to large tenements, staff attorneys obtained an injunction preventing landlords from interfering with organization efforts by tenant's groups. Staff attorneys have assisted groups seeking to take advantage of the many citizens participation requirements in federal programs. Advised by staff attorneys, a city wide public housing tenant's association gained recognition as the official citizens participation unit for HUD assisted projects by the local housing authority. Staff have also served as counsel to community

groups seeking to prevent the construction of large high density housing projects within a redevelopment area, and have represented these groups before HUD. Staff attorneys have also assisted neighborhoods and community groups in the areas of federal aid to education, the free school lunch program, and in the area of police community relations.

8. Involvement in economic development and community projects.

During the last year, BLSC has been heavily involved in economic development and community projects. Staff has served as advisors to Model Cities groups, and BLSC has received a legal service contract from Bridgeport's Model Cities Program. In the area of economic development, an attorney has served as counsel to a group known as Project OWN, which originally sought to develop one redevelopment parcel as a neighborhood owned shopping center. The support that the group was able to raise enabled Project OWN to move beyond the confines of a shopping center to that of a whole redevelopment area. Through the intervention of the regional office of HUD, the group won a six month stay of dispositions of redevelopment parcels so that Project OWN could propose a scheme for developing the entire area. Project OWN is now a few weeks away from the creation of a MESBIC which would provide funds for carrying out some of Project OWN's proposals. Project OWN has received state planning grants and is a viable organization composed of the unlikely union of bankers, businessmen, and public housing project residents. Learning from the apparent success of Project OWN, many other groups in the community are approaching us for counselling in the area of economic development. Law reform, community action, and economic development activities require approximately 30 to 40 per cent of total staff time. These activities, of course, generate increasing demand for individual client service. Unfortunately, under current funding levels, it does not seem likely that we will be able to provide a lawyer for every poor person who has a serious legal problem.

9. Political Pressure.

There have not been any notable incidents or occasions where political pressure has been directed to this program from the national or state level. There have, from time to time, been indications that there has been some local discontent with the program, though there have been no obvious attempts to pressure the program.

10. Change in Emphasis of Refunding Proposals.

During the last year of program operations, our funding applications reflected our increasing concern with law reform

and community action activities.

11. Restrictions or Conditions on Grants.

There have been no notable or unusual conditions or restrictions applied to our current grant.

12. Effect of Assigning Legal Service Programs to OEO Regional Office Rather Than Regional Legal Service Offices.

We feel that the effect of this move would be very bad and would not be consistent with the purposes of legal services and would tend to undermine the traditional relationship between attorney and client. The OEO Legal Service Program has always been a national emphasis program. It is a program designed to attack national problems on a national scale. Proposals to put legal service programs under the regional CAP director would eventually result in all legal service programs being made increasingly subject to local political pressures. From the first days of Legal Services, it became apparent that changing the law to benefit the poor would encourage opposition from those who previously had the advantage. The more successful legal service attorneys became in their advocacy of the rights of the poor, the greater became the opposition. Since the poor did not have rights only against private individuals, but against public office holders, successful law suits and proceedings brought by legal service attorneys against political figures resulted in office holders and others in public life joining the ranks of the opposition. The Murphy Amendment, and the proposal to regionalize legal services under the regional CAP director, can be viewed as attempts by the opponents of Legal Services to restrict aggressive and creative legal service programs.

Politicizing legal services at the local level would seem to have no advantage over the current situation where political influence in the program is largely confined to national levels, where political pressures are likely to be visible, openly discussed, and thus perhaps constructive. The introduction of local pressures into the program might well result in a national program having as many differing goals as there are federal regions.

Despite any talk to the contrary, legal services has been a national emphasis program from the beginning with firm control of legal service affairs by national and regional legal service offices, who are staffed by lawyers and responsive to professional concerns and who have maintained strong relationships with the principal bar associations. Professional quality, and constant liaison with the American Bar Association, and with major state bar associations, has always been of great concern to OEO Legal Service personnel. One result of this has been.

that the legal service program has enjoyed the constant and vigorous support of the American Bar Association. No doubt, under a regionalization plan, the relationship between OEO Legal Services and the bar would be diluted, and decisions affecting the professional quality of legal services would be made by non-lawyers and in a less visible fashion.

Politicizing Legal Services, and restricting the influence of lawyers on the operations of the Legal Service Program, points to an attitude which does not place a high value on the attorney-client relationship. The Canons instructs us that a lawyer is to represent his client with undivided fidelity and zeal. To the extent that non-professional considerations and influences become involved in a legal service program, the less likely a lawyer will be to meet the high standard of the Canons. We feel that the regionalization proposal would bring about the departure of many fine young attorneys from Legal Service Programs, and restrict Legal Service Programs to traditional legal aid activities.

13. The Oklahoma Plan.

I am familiar with the Oklahoma Plan and see no advantages to it in terms of benefits it might confer on the poor.

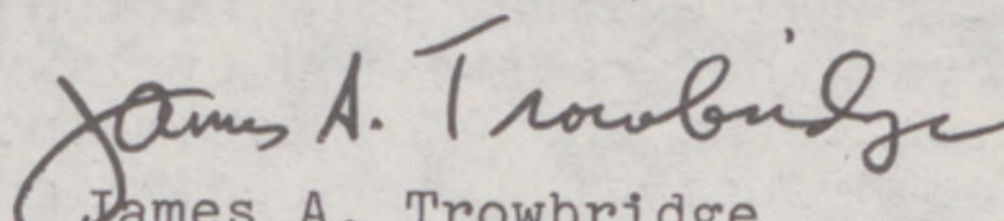
Since the OEO program is a national program, there seems to be no apparent advantage in placing it under state administration. There is ample opportunity now for local influence on OEO programs through representation on program boards by officials of local government and by the requirement that OEO programs raise 20 per cent of their money locally.

Rather than blunt the thrust of the legal service program by regionalizing it, what is needed is greater independence from CAP and State OEO offices.

I hope that your Sub-committee will consider holding hearings on the Legal Service Program and on the issues of regionalization and the Oklahoma plan.

Thank you for your continuing interest in OEO Legal Services.

Sincerely yours,


James A. Trowbridge
Executive Director

ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM, INC.

MIAMI, FLORIDA 33128



August 6, 1970

Senator Gaylord Nelson
 United States Senate Committee
 on Labor & Public Welfare

RECEIVED

AUG 10 1970

OFFICE OF
 SENATOR GAYLORD NELSON

Dear Senator:

In response to your inquiry of July 30, 1970, I herewith provide you with the following:

1. The size of the population we serve, based on the 1960 statistics, is 85,352 families. Of course this 1960 figure is subject to considerable variation both up and down in view of the increased cost of living, migration in and out of the community, and the mobility of the number of these families into higher income brackets.
2. This program has seven offices and 26 attorneys.
3. This program handled 4,296 cases and referred to the private bar and social agencies 1,011 number of cases.
4. Of the above amount of cases, 868 cases were litigated.
5. The percentage of total cases resolved in favor of our clients was 77%.
6. Approximately 60% of our cases dealt with traditional legal aid concerns in the past year.
7. Approximately nine attorneys or one-third of our staff has been involved in law reform and community problems in the black community.

8. Yes, this program has been involved in economic development and community projects. For example, one of our attorneys specifically responsible for economic development has advised and assisted in the organization of a group of black contractors, providing them with a Charter and the know-how with which they can operate their organization for mutual advantage. Community development organization has been created along with a number of business enterprises, some financed through the Small Business Administration and some yet to be financed. A list of law reform and community projects is attached hereto.

9. There has been some local pressure from bar association members as a result of actions undertaken in recent months. However, we have not experienced any state or national political pressure as a result of our actions.

10. The only recent change of emphasis in our refunding application has been to request funds for legal specialists such as a police community relations specialist, a group counselor, and an economic development specialist. It being felt by most of our staff that some specialties are necessary in our program.

11. There have been no new conditions or restrictions made in our present grant.

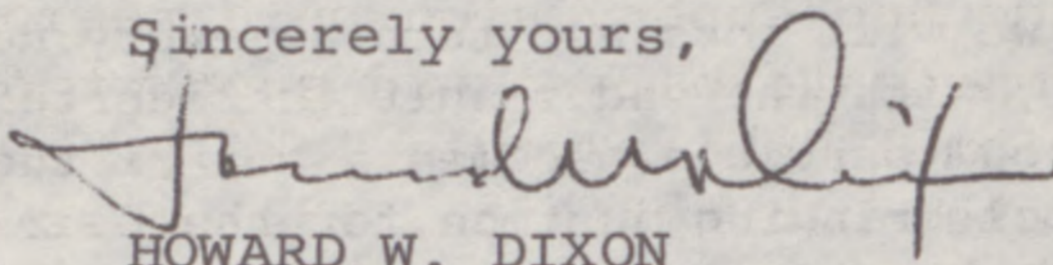
12. The effect of having our program under the OEO Regional Office is to invite a broader base for pressure and criticism of Legal Services when they undertake the defense or prosecution of a case of a controversial or unpopular client. If the Regional Legal Services office had supervision on a regional basis, we could expect more immediate backup and support of our program, even though the Regional Office would likely be pressurized from adverse interests. In addition, the press of funding all sorts of OEO grant-in-aid projects reduces OEO Legal Services to a rather minor operation receiving very secondary attention from the Regional Office.

13. Our only familiarity with the Oklahoma Plan is what we have read in a number of publications and heard discussed with other legal services attorneys. In our state, we have seen what influential growers can do to force changes on the Migrant

Legal Services causing total restructuring of the Board to the considerable detriment of the migrant community. Of course the Migrant Legal Services Program is a much more visible operation, particularly in rural areas of south Florida. Our program operates in the major urban area with an estimated population of 1,300,000. Nevertheless, the political pressures that have worked so effectively in the situation concerning the Migrant Legal Services Program through the Florida Bar and the Governor's office could and would appear to make it a very strong possibility that any urban program would be challenged if they brought in behalf of the poor, major litigation against institutions withholding or denying rights to the poverty client. Undoubtedly, the success of this program in terms of its law reform has partially resulted from its present independence as well as the support provided to the program by the OEO Legal Services Regional office. Were the transfer of power to take place from OEO Legal Services to the state or to the Region, it can only be concluded that aggressive representation of our clients against certain institutions in jurisdiction would very likely result in political pressures being applied against our program.

A witness that might appear before your committee to discuss the political pressures that are applicable by the state bar through the Governor's office, would be the former director of the Migrant Legal Services Program in South Florida, Mr. Joseph Segor. Presently he is the director of the Migrant Services Foundation and maintains offices at the above address. He would, I am sure, be happy to testify before your committee.

Sincerely yours,



HOWARD W. DIXON
Executive Director

ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM, INC.

JOHN E. SMITH, ESQ.
PRESIDENT
HOWARD W. DIXON, ESQ.
EXECUTIVE DIRECTOR

MIAMI, FLORIDA 33128



August 21, 1970

Dear Senator Nelson:

It has been brought to my attention that there will be a total regionalization of Legal Services, with the national Legal Services office reduced to a planning and research function.

There is no doubt that the intention behind this effort is to defuse any serious effort on the part of legal services to provide total representation to the poor.

In addition, if this effort manifests itself by placing us under the sole supervision of regional non-professional directors, whose availability to political pressure is much greater than the existing structure; this will undoubtedly lead to a dampening effect on legal services programs attempting an all out representation of their clients. For the four years I have directed this project, we have had four directors of Legal Services --- and four different directions and policies.

Under Mr. Lenzner's leadership, it was beginning to look as if we would have some continuity and long-range leadership through his efforts.

Instead we will toss and turn at every new whim of a non-professional, with the end result that certain people are urging---that legal services becomes a toy of the establishment rather than a tool bringing justice for the poor.

I urge you and your colleagues to look into this latest effort to down-grade the one effective program left in OEO, as certainly the Community Action Division has little else to sell as a poverty agency.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Howard W. Dixon". The signature is fluid and cursive, with a large initial "H" and a long, sweeping underline.

HOWARD W. DIXON
Executive Director

ECONOMIC OPPORTUNITY LEGAL SERVICES PROGRAM, INC.

JOHN E. SMITH, ESQ.
PRESIDENT
HOWARD W. DIXON, ESQ.
EXECUTIVE DIRECTOR

395 N.W. 1ST STREET
MIAMI, FLORIDA 33128
SUITE 202
TELEPHONE 379-0822
(AREA CODE 305)



September 16, 1970

Senator Gaylord Nelson
Senate Office Building
Washington, D. C.

Dear Senator Nelson:

I am writing to you in my capacity as Assistant Director to the Economic Opportunity Legal Services Program in Miami, Florida.

Recently, you requested information from all Legal Services Programs which would be helpful to you in assessing the effectiveness of Legal Services. It is my understanding that you intend to hold hearings concerning Legal Services in the very near future to gain further insight into the quantity and quality of Legal Services provided to the poor through the Office of Economic Opportunity. It is also my understanding that as of even date, you have not scheduled such hearings.

I am writing to you at this time to urge you to schedule your Legal Services hearings forthwith. Mr. Rumsfeld, the Director of OEO, proposes to turn authority over Legal Services over to the Regional Directors who now control most other operations of the Office of Economic Opportunity. Clearly, such an administrative directive is contrary to the spirit in which last year's Murphy Amendment went down to defeat in the Congress. It would impose bureaucratic layers upon Legal Services which would make it impossible to have an effective National Legal Services Program with National objectives. It would require us to spend much of our time overcoming bureaucratic, political and administrative obstacles, much of which is presently minimized by the simplified chain of command which currently exists within Legal Services. If

the regionalization plan goes through, lawyers who are responsible to the courts and to other attorneys as advocates, will be afraid to fully and adequately represent their clients for fear that non-lawyers in the chain of command (the Regional Directors of OEO and the head of the Office of Operations) would disapprove. Naturally, disapproval carries with it the threat of reduced funding for the next program year. Legal strategies would therefore be contingent upon approval of persons whose consuming interest at the present time are the operation of Day Care Centers, Medical Health facilities, and Headstart programs. In short, the very fabric of the lawyer-client relationship is threatened in much the same way as it would have been under the Murphy Amendment.

I know you are busy with many other projects and perhaps Legal Services is not of first priority for you, however, I submit that this administrative directive which will result in a complete restructuring of the Legal Services Program can only have detrimental implications to our clients, who, despite requirements under the OEO Act for maximum feasible participation, know nothing of what is to occur and clearly have not been consulted in any way. Your immediate attention to this matter would be greatly appreciated.

Very truly yours,

ALFRED FEINBERG,
Assistant Director

LEGAL AID OFFICE OF SAVANNAH, INC.
 Room 100 (Ground Floor) Realty Building
 SAVANNAH, GEORGIA 31401

August 7, 1970

PHONE 233-0187

FRANK B. ZEIGLER
 GENERAL COUNSEL

MYRON SEIDLITZ
 ASST. GEN. COUNSEL

Honorable Gaylord Nelson, Chairman
 Subcommittee on Employment, Manpower
 & Poverty

Dear Senator Nelson:

This will acknowledge receipt of your letter of July 30, 1970 concerning our Legal Services Program.

I will attempt to answer the questions posed in your letter as best I can. Should you feel that my answers need elaboration, I would appreciate your letting me know.

1. This office serves Chatham County, Georgia, which has a population of 182,849.
2. We have only one office in Savannah and that office is staffed with two attorneys.
3. In 1969 we had a total of 2,104 applicants for legal services and Lawyers Referral. Of this number, 859 were accepted as eligible for legal services and 397 were referred to private practitioners and other agencies. 451 applicants were found not eligible and did not wish a referral.
4. One Hundred Seventy-eight of the cases we accepted involved litigation.
5. It is difficult to give a real meaningful answer to the question on percentage of total cases resolved in favor of our clients. Excluding juvenile offenders, our records indicate that 95 per cent of the cases we handled were won. To be perfectly honest about this percentage, it must be remembered that virtually all petitions for

child support result in an award for support. The suit for wages may result in a partial recovery, rather than full recovery. Such matters are classified as won if we are successful in recovering substantially what our clients are asking. If you include juvenile offender cases, our ratio of won lost cases, are reduced to 80 per cent won and 20 per cent lost. Here again, we consider a juvenile offender case lost if he is found involved even though he may be probated and not confined. If you consider all cases, whether litigated or not litigated, this office has been successful in 90 per cent of the matters handled.

6. Most of our cases deal with traditional legal aid matters. We are not large enough to establish a separate Law Reform Unit and consequently, spend most of our time on traditional matters.
7. We believe that there is a need for legal reform, particularly in consumer matters. The size of our staff does not warrant a separate law reform unit. The Savannah Bar Association has formed a Law Reform Committee, composed of members of that organization.
8. We have not been directly involved in any economic development program, however, we have advised groups on the legal steps necessary to incorporate and to establish cooperative ventures. We have offered our services to eligible groups for this purpose. As to community projects, we have been involved in several efforts by target area residents to increase services. We were successful in the representation of an area requesting bus service from the Savannah Transit Authority. This group had been turned down in several efforts to secure service. We were able to have the Savannah Transit Authority institute a plan following the exact routing recommended by the Community Group. We are now working with an area of low-income community residents who are attempting to secure sanitary sewer service. This area has been denied this service primarily because they are in an area that requires a lift station and the providing of the service involves a terrific expense on the part of the City. This office appeared before the City Council on this matter and a special committee was appointed to look into funding and partial participation by the residents in the cost of the project. We have been advised by the Engineering Department of the City that they are going to join us in recommending to City Council that this project be completed and that it be

done without cost to the residents. We have obtained a Charter for the Savannah Association For The Blind and are seeking a Tax Exempt Status for them from the Federal Government. We have also represented groups seeking recreational facilities from the County and proper sidewalks and crossing guards for schools.

9. We have had no problem regarding local, state or national political pressure. On the local level, we are fortunate in that the City Manager is a former field representative for EOA. An assistant City Attorney is President of the Legal Aid Society and an assistant County Attorney is Vice President of the Legal Aid Society. The Georgia Bar Association has always given favorable consideration to our program and the State of Georgia has established a Consumers Protective Service which has expressed a desire to work with us in our efforts to protect the low-income consumers.

10. We have not changed the emphasis on our refunding application, except that we ask for additional funds for neighborhood law offices. It is difficult for two lawyers to handle the problems of the poor for a county of our size and it is difficult for many of our clients to come to a central office. Our case load is constantly increasing as more indigent persons become aware of our services and eventually, we will have to expand, if we are to continue to give effective legal assistance to the poor in Chatham County.

11. The only new conditions or restrictions added to our grant was that the size of our Board of Directors be reduced to not more than 15 and that we submit a report of expenditures six months after the funding period begins. Neither of these conditions are objectionable to us.

12. I prefer the program to be under the Regional Legal Service Office rather than the Regional OEO Office. We have enjoyed exceptionally good relationships with the local CAP office of OEA, however, I have a strong feeling that clients represented by this office should be made to feel as comfortable as though they were being represented by a private practitioner. I do not wish to operate offices in a welfare type surrounding. I would have some apprehension that the OEO Regional Office would tend

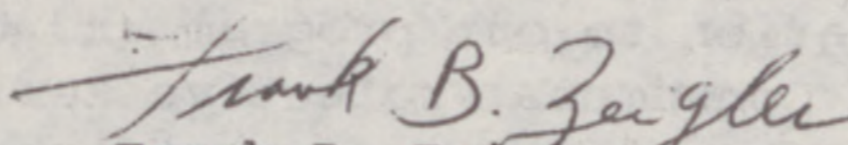
to further plans for legal office in CAP centers in the County. It is my feeling that the Legal Services Program could be damaged, if attorneys are subjected to control by an OEO office.

13. I am not familiar at all with the Oklahoma Plan.

If you feel that I can give any further information that would be helpful to your Committee, please advise.

Sincerely,

LEGAL AID OFFICE OF SAVANNAH, INC.


Frank B. Zeigler,
General Counsel



LEGAL AID BUREAU UNITED CHARITIES OF CHICAGO

123 WEST MADISON STREET / CHICAGO, ILLINOIS 60602 / STATE 2-9700

In reply, please refer to No.

August 7, 1970

ARTHUR K. YOUNG
Director

BURTON S. TERRY
Administrative Lawyer

LAWYERS
JENNIE C. KAREY
GRACE G. HAMILTON
AGNES C. RYAN
HENRY J. KAGANIEC
CHARLES L. WOLBERG
VICTOR BROWN
FRANCES B. CORWIN
BENJAMIN BROMBERG
RON FRITSCH
MARIANNE BURKE
BERNICE S. BURMAN
JORDAN KAPLAN
BONNIE G. WALT
HARRY JAMES FOX
WILLIAM P. WAGNER
MEL SLOAN

UNITED CHARITIES
OF CHICAGO
JOSEPH REGENSTEIN, JR.
President

ELLIS A. BALLARD
*Chairman, Legal Aid
Committee*

ROBERT F. NELSON
Executive Director

STEPHEN C. SHAMBERG
*Chairman, Legal Aid
Committee of the
Chicago Bar Assn.*

LEGAL CLINICS
*Northwestern
University
School of Law*

Edwin F. Mandel
*Clinic
University
of Chicago
Law School*

Honorable Gaylord Nelson
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
United States Senate
Washington, D. C. 20510

Dear Mr. Nelson:

In response to your inquiry of July 30, 1970:

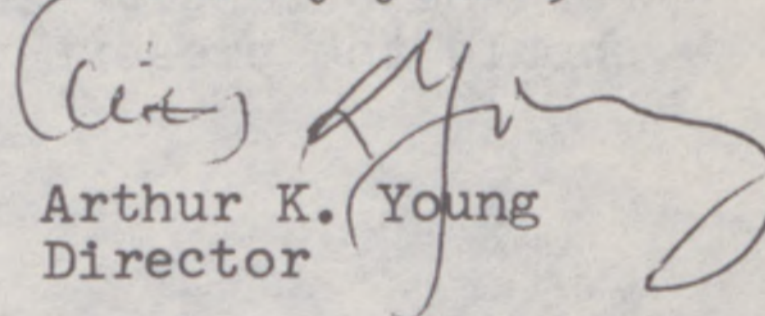
- (1) We serve only in the City of Chicago which according to the 1960 Census had a population of 3,550,404. The survey made by our local Community Action Agency in 1964 indicated the number of poor in the neighborhoods where we serve was 1,270,643.
- (2) In the OEO funded part of our project we have eight neighborhood offices, one Juvenile Court office and one Test Case and Appellate office. We were funded for thirty-two lawyers in our early 1969 budget but later in 1969 we were authorized to add nine more lawyers. Our private sector in 1969 maintained a downtown office, a branch office at the University of Chicago Law School and a cooperative office with Northwestern University Law School, with a total of twenty-three lawyers.
- (3) During 1969 the OEO sector handled 18,098 cases, the total Legal Aid Bureau caseload being 46,473.
- (4) Better than 10% of the caseload involved litigation from simple matters such as forcible detainers through litigation that went to the Supreme Courts of the State of Illinois and of the United States.
- (5) In all cases, whether in litigation or not, 78% of our caseload was resolved in favor of our clients.

- (6) Practically all of our cases were traditional Legal Aid cases. However, the emphasis in the OEO funded program has been directed more at law reform to combat the traditional problems of consumers by class actions. Difficulties with landlords, especially in bad housing, have been dealt with through groups of tenants forcing the repair of housing to meet code violations and sometimes even buying the premises and repairing them themselves. Furthermore, many of the welfare problems that formerly were settled at a one to one level are now being settled through the courts. These cases point toward forcing the Department of Welfare to act uniformly in all matters and in accordance with the statutes and regulations involved. Many of the routine cases, and all of the divorce cases, are referred to the privately funded legal sector and consequently this accounts for the discrepancy in the number of cases handled by each division as appears in the answer to question 3.
- (7) A good part of the answer to this question is in our response to the question above but we are, even in our private sector, emphasizing legal reform more and more. By law reform we mean taking certain decisions through the Appellate tribunals so that case law may be established which is beneficial to the poor, inducing the local courts and administrative agencies to adopt procedures which are helpful to poor people in need of their services and to supply information to those interested in legislation which may be helpful and protective to the poor.
- (8) Our economic development has assisted groups of neighborhood residents to organize buying clubs, organizing groups of tenants for the purpose of buying the premises in which they live and to stop urban blight by enabling them to rehabilitate them to the extent that they are free of code violations. We have been consulted on numerous occasions by individuals and groups who are concerned with establishing businesses in the ghetto areas. A more complete list would be supplied if time were available.
- (9) Since the inception of our program it has been notorious because of the difficulties we have encountered because of interference with our

aims and purposes by the Chicago Committee on Urban Opportunity and its insistence that we remain in physical facilities that were professionally inadequate. Our close association with the City offices gave the appearance, at least to our clientele, that we were the handmaidens of the City and many people did not come for our services, especially those who felt that they had legitimate claims against the City or governmental agencies, because they were of the opinion that we could not give proper representation. The City tried to enforce restrictions against suing governmental agencies, representing groups of poor people and even wanted to censor the content of our educational programs. Finally, in July of this year, we were direct funded and are authorized to move our offices out of the Urban Progress Centers. Many of the restrictions that were put upon us will no longer pertain.

- (10) Our emphasis in our refunding application will endeavor to give more attention and priorities to the stated national goals of Legal Services.
- (11) Concerning conditions in our grant, no new basic conditions or restrictions have been made beyond certain internal management matters.
- (12) We feel very strongly that OEO Legal Services ought to remain directly under the Regional Legal Services Office. The Director of the OEO Regional Office is not a lawyer. Legal Services should not have to answer to a non-lawyer who does not understand legal implications and the ethical requirements or the lawyer's responsibility in representing a client.
- (13) I am slightly familiar with the Oklahoma Plan. I would say that at this point in time, our program is pretty well endorsed by our Governor who has supported us both in the nature of the program and in our efforts to establish free and independent offices. On the other hand, I would prefer not to see the Oklahoma Plan adopted because this could create variations in program from time to time depending upon who the Governor is and what his philosophies may be.

Sincerely yours,


 Arthur K. Young
 Director



LEGAL AID BUREAU
UNITED CHARITIES OF CHICAGO

123 WEST MADISON STREET / CHICAGO, ILLINOIS 60602 / STATE 2-9700

In reply, please refer to No.

August 20, 1970

ARTHUR K. YOUNG
Director

BURTON S. TERRY
Administrative Lawyer

LAWYERS
JENNIE C. KAREY
GRACE G. HAMILTON
AGNES C. RYAN
HENRY J. KAGANIEC
CHARLES L. WOLBERG
VICTOR BROWN
FRANCES B. CORWIN
BENJAMIN BROMBERG
RON FRITSCH
MARIANNE BURKE
BERNICE S. BURMAN
JORDAN KAPLAN
BONNIE G. WALT
HARRY JAMES FOX
WILLIAM P. WAGNER
MEL SLOAN

UNITED CHARITIES
OF CHICAGO
JOSEPH REGENSTEIN, JR.
President

ELLIS A. BALLARD
*Chairman, Legal Aid
Committee*

ROBERT F. NELSON
Executive Director

STEPHEN C. SHAMBERG
*Chairman, Legal Aid
Committee of the
Chicago Bar Assn.*

LEGAL CLINICS
Northwestern
University
School of Law

Edwin F. Mandel
Clinic
University
of Chicago
Law School

Honorable Gaylord Nelson
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
United States Senate
Washington, D. C. 20510

Dear Senator Nelson:

AUG 24 1970

On August 7, 1970 I responded to your Questionnaire concerning public hearings on the OEO Legal Services Program.

I have now been advised of the possibility that the Legal Services Program in each region may be placed directly under the Regional Director rather than the Regional Director of Legal Services.

My answer to question #12 of your prior inquiry stated that Legal Services Programs should not be under the direction or supervision of a non-lawyer who does not understand the legal implications, ethical requirements or a lawyer's responsibility in representing a client.

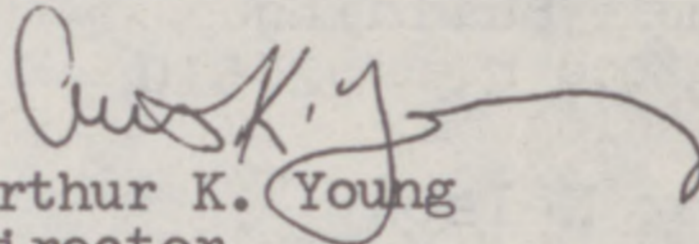
You may perhaps know that the OEO Legal Services Program in Chicago has had an exceedingly rough time over the last several years because of the misunderstanding of the lawyer's role or because of a deliberate attempt to control the Legal Services Program by a non-lawyer.

I think it is safe to say, from our experience, that the possibility of a Regional Director taking the same stance is a clear and apparent danger. I fear for the effectiveness of the future Legal Services Program should the present chain of command be altered.

Since we have been funded directly, with authority to move our offices out of the physical facilities of the Chicago Committee on Urban Opportunity, our local CAA, not only has the esprit de corps of our staff increased immeasurably because of the sense of freedom in pursuing our purposes, but also the community itself is beginning to feel that it can rely on the services we offer because it knows that we can be independent.

It is my urgent hope, and I speak for my entire staff, that you may be persuasive in preventing a change in the present relationship of Legal Services to OEO.

Sincerely yours,


Arthur K. Young
Director

PINE TREE LEGAL ASSISTANCE, INC.
OFFICE OF CHIEF ATTORNEY
156 DANFORTH STREET
PORTLAND, MAINE 04101
TELEPHONE (207) [REDACTED] 772-3711

August 7, 1970

Senator Gaylord Nelson
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
Senate Office Building
Washington, D. C. 20510

Dear Senator Nelson:

I have received your letter of July 30, 1970, and am pleased to provide answers to your questions as follows:

1. What is the size of the population you serve?

Pine Tree Legal Assistance, Inc. serves the State of Maine, which has a population of approximately 979,000.

2. How many offices and lawyers do you have?

We have six offices and 22 lawyers.

3. How many cases have you handled in the last year?

Our lawyers have handled approximately 5500 cases in the past year.

4. How many of these cases involved litigation?

1,095 of these cases involved litigation.

5. What percentage of your total cases in the last year were resolved in favor of your client?

87.82% of cases handled were resolved in favor of Pine Tree's clients.

6. What percentage of your cases dealt with traditional legal aid concerns?

10.58% of cases handled during the last year were either divorces or bankruptcy cases.

7. Are you increasingly emphasizing legal reform?

Law reform, through litigation, administrative negotiation, and/or legislation, has been an increasingly emphasized goal of Pine Tree Legal Assistance since its inception, as may be seen by our Goals and Priorities for the recent years. We maintain an active two-man test case unit which devotes nearly all of its time to major litigation, either alone or in cooperation with other members of our staff. Additionally, each member of our staff has made a written agreement with the project director to devote a substantial amount of his time to the resolution of a specific problem of the poor through litigation or some other suitable means. Most all significant litigation is carried on with the cooperation of an O.E.O.-funded back-up center.

Attached are several examples of law reform which are complete or in progress. Both Morrell v. Colonial Engineering, et als and Esposito v. Noyes, et als, enclosed, are doubly significant because they are directed at the large "respected" corporations which are pillars of American commerce and therefore have the power to make the internal corrections that responsible citizenship demands of them.

Additional reported results of our efforts can be found by referring to Westberry v. Fisher 1, 297, Fed. Supp. (D. Me. 1969); Westberry v. Fisher 2, 1109, Fed. Supp. 12 (D. Me. 1970); Knowlton v. State, 256 Atl. 2nd 404, (Me., 1969).

Our program of law reform is expanding to fields other than litigation as can be noted by the recent appearance of Attorney Howard Reben before the National Commission on Consumer Finance, the work of Mr. Reben and Attorney Michael J. Gentile with the working committee of the Section on Commercial Law of the Maine State Bar Association in their undertaking to rewrite many Maine statutes which are oppressive to low-income consumers, and the efforts of Attorney John Wuesthoff on behalf of the Portland Tenants Union which will result in the submission to Maine's 105th Legislature, with the support of both parties, of landlord-tenant bills which will significantly improve the situation of tenants in Maine.

8. Have you been involved in any economic development or community projects?

In the past year, Pine Tree Legal Assistance, Inc. has been quite heavily involved in economic development and community projects. I would direct your attention specifically to the following economic development projects: (a) The Passamaquoddy Indian Wreath Project organized and operated during the pre-Christmas season last year, in which rural Washington County Indian makers were linked effectively with low-income sellers in the more heavily populated southern part of the State; (b) Action, Inc., a group of low-income Portland residents organized to gain supplemental income by working as contractors after work and on weekends, and funded through Model Cities; (c) special Economic Development Corporations set up for the Passamaquoddy Indians under Section 502 of the Small Business Act in order to procure financing for the establishment of their own business operations.

Recent community projects have included: (a) The Avon Valley Water Association, organized a year ago to obtain modern water service in a remote rural region, a goal which has very recently been successfully reached; (b) Tenants Unions in Bangor, Portland and Lewiston (Maine's three largest cities), which have so far been successful in getting the State Attorney General to hold hearings on rent profiteering in Bangor and Portland, and which are representing tenants on all fronts; and (c) United Low Income, Inc., a statewide organization aiming at far-reaching reforms in many fields of law and government affecting the poor and which represents a total active membership of nearly 500 low-income persons.

9. Have you experienced local, state, and/or national political pressure as a result of your legal actions?

No.

10. Have you changed the emphasis of your refunding application in any way?

Our application to the Office of Economic Opportunity for refunding reflects the change in emphasis discussed in question 7. Please refer to the attached Goals and Priorities for the years 1969 and 1970.

11. Have new conditions or restrictions been made on your new grant?

No.

12. What do you feel would be the effect of putting your program under an O.E.O. Regional Office rather than under the Regional Legal Services Office?

Disastrous. Assuming that the post of Regional Director is necessarily a political appointment, and assuming that the Director would usually be a non-lawyer, the possibility of a sound administration of an aggressive, independent and law-reform-minded legal services program would be virtually nil.

13. Are you familiar with the Oklahoma plan? If so, how would your office be affected by such a plan in your State?

We are familiar with the Oklahoma plan. In our state, although we have a friendly governor at present, our project would be seriously hampered by being required to deal with the State Office of Economic Opportunity.

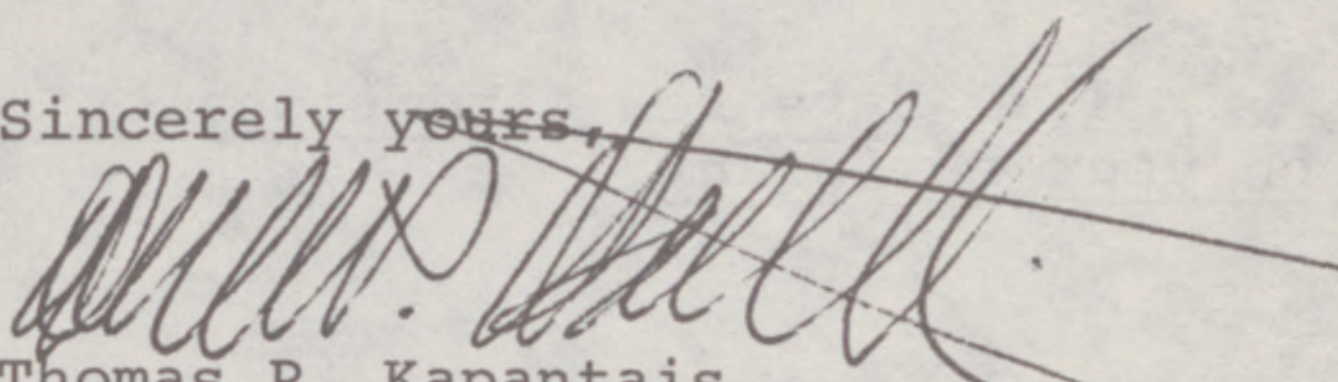
Putting Legal Services under C.A.P. Regional Services Directors or under State Administrators would cripple Legal Services nationally.

What is needed is a much larger appropriation for Legal Services and complete independence from C.A.P. and State O.E.O. Administrators.

We sincerely hope that your subcommittee will hold the hearings referred to in your letter, and that particular attention will be devoted to the difficulties inherent in the proposals alluded to in questions 12 and 13.

Thanking you for your abiding interest in Legal Services Programs, I am,

Sincerely yours,



Thomas P. Kapantais
Assistant Chief Attorney

TPK/jb
Enclosures

cc: Terry F. Lenzner, Director
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Office of Economic Opportunity
1200 19th Street N. W.
Washington, D. C. 20506

Paul Newman, Director
Legal Services, Office of
Economic Opportunity
Boston Regional Office
575 Technology Square - 8th Floor
Cambridge, Massachusetts 02139

Office of Legal Services
Office of the Congressional
Liason Committee
c/o Office of Economic Opportunity
1200 19th Street N. W.
Washington, D. C. 20506

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September 3, 1970

Honorable Gaylord Nelson
United States Senator
New Senate Office Building
Washington, D.C.

Dear Senator Nelson:

My purpose in writing you is to provide a fuller and more carefully reasoned response to your inquiries of July 30 regarding the administration of the Legal Services Program than was possible within the framework of your questionnaire. The critical portion of your inquiry seeks to know the effects of placing the administration of Legal Services Programs under the Office of Economic Opportunity at its regional level or under the state government through its Economic Opportunity branch. It is to these questions that I address myself.

Throughout its brief history the Legal Services Program has had as its cornerstone a firm dedication to the absolute independence of each individual attorney in providing his client with legal services in strict accordance with both the letter and the spirit of the Code of Professional Responsibility. In 1965, the American Bar Association and other professional groups gave their full and considerable support to the fledgling Legal Services Program only after receiving a pledge from OEO that the program would be directed and administered by a staff of attorneys who would be fully aware of the requirements of the standards and ethics of the legal profession. The Economic Opportunity Act, at Section 222 (a) (3) was drafted to require that "projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession." An elaborate system was established to obtain, on an annual basis, the comments and recommendations of state and local bar associations regarding the program servicing their area. I can assure you of the organized Bar's consistent and continuing concern with respect to the professional administration of Legal Services Programs.

The plan for "re-regionalization" gives control of the funding apparatus for Legal Services to the OEO Director for each region. That position does not require an attorney, and carries responsibilities so broad and varied as to make it highly sensitive to politics from both above and below. The Oklahoma Plan would give the same responsibility to a state official, likewise not necessarily an attorney. If anything,

politics are more intense at the state level. To place effective control of Legal Services in the hands of non-attorneys holding politically delicate positions is to cease to guarantee the professional integrity that is so fundamental to honest advocacy.

To approach the question from another angle, I see the autonomy of Legal Services as vital not only to its honest existence, as outlined above, but also to its effective operation and the prospect of achieving any sort of lasting improvement in the condition of the nation's impoverished.

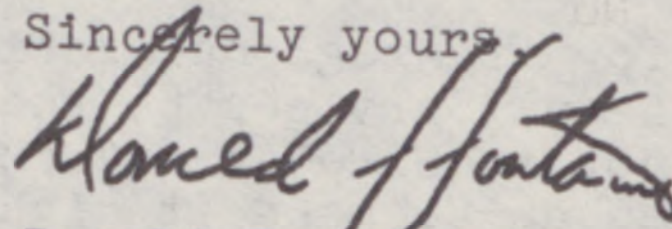
Prior to the summer of 1969, the Legal Services Program was essentially administered by the Regional Directors of Legal Services, with increasing autonomy from the Regional Community Action Program management. Approximately a year ago, the program was established as a separate component of OEO, answering directly to Mr. Rumsfeld, the Director. In terms of the establishment of goals, policies and priorities, this structural change was the last necessary step. Legal Services, which had been conceived as a national program, had finally structured itself to make uniform program management, program evaluation and project coordination possible nationwide. From the national perspective goals could be set, priorities established, and policies made to further them. Moreover, the national headquarters Office of Legal Services now has a vital involvement in the funding process, giving it, in plain terms, the stick with which to implement policies and priorities.

In March of 1969 the General Accounting Office released the results of its study of the Legal Services Program. Their first recommendation was that OEO "more clearly define the objectives and priorities of the program to the LSP project directors." Such definition has progressed rapidly in the past eighteen months. A national program, with clearly defined goals and control of the resources to achieve them, can only be muddled and disrupted by casting it into the bureaucratic morass that is OEO's Office of Operations (formerly CAP), or totally crippled and segmented by placing it under the several states.

As a final criticism of both regionalization and the Oklahoma Plan, I have heard offered no argument in favor of either, other than that decentralization of government seems to be considered good as a general administrative concept. Without treating that subject, it seems to me that the proposed plans can work only to the great detriment of the Legal Services Program.

For the reasons set forth above, I again strongly encourage you to hold Congressional hearings on these proposed plans for the restructuring of the Legal Services Program.

Sincerely yours,



Donald F. Fontaine
Chief Attorney

OPERATED BY
BOSTON LEGAL AID SOCIETY

PROJECT DIRECTOR
ROBERT L. SPANGENBERG

DEPUTY DIRECTOR
EDMUND E. FLEMING

BOSTON LEGAL ASSISTANCE PROJECT

84 STATE STREET
BOSTON, MASSACHUSETTS 02109

TELEPHONE: 742-8930

SPONSORED JOINTLY WITH
ACTION FOR BOSTON
COMMUNITY DEVELOPMENT, INC.

ADMINISTRATIVE OFFICER
AL SMITH

SENIOR ATTORNEYS
RICHARD A. SEID
BRIAN M. OLMSTEAD

August 12, 1970

Honorable Gaylord Nelson, Chairman
Senate Subcommittee on Employment, Manpower
and Poverty
United States Senate
Washington, D. C.

Dear Senator Nelson:

This letter is in response to your recent inquiry of July 30, 1970. We are pleased to supply the following answers to your questions:

1. City of Boston - 650,000
2. 8 offices - 42 lawyers
3. Approximately 10,000
4. Approximately 20%
5. Approximately 80%
6. Approximately 2/3
7. Yes
8. Yes
9. No, other than a fear that this may be on the horizon when, for example, we are required to submit to OEO a list of all cases currently in suit against all agencies of government.
10. More emphasis on law reform
11. No

NEIGHBORHOOD OFFICES:

696 TREMONT ST., BOSTON, 261-8750
341 WASHINGTON ST., BRIGHTON, 254-0312
27 WINTHROP ST., CHARLESTOWN, 241-8866
761 DUDLEY ST., DORCHESTER, 825-8500
996 BLUE HILL AVE., DORCHESTER, 288-7600
474 BLUE HILL AVE., DORCHESTER, 442-0211

1488 DORCHESTER AVE., DORCHESTER, 436-0450
129 LONDON ST., EAST BOSTON, 569-1661
362B CENTER ST., JAMAICA PLAIN, 524-0450
317 BLUE HILL AVE., ROXBURY, 427-4470
45 WARREN ST., ROXBURY, 445-0830
482 BROADWAY, SOUTH BOSTON, 268-2272

12. I would anticipate that all of the problems that existed prior to the independence of legal services would return. Some of these were as follows:

(a) When the Regional Director had sign-off power, a portion of the total legal services allocation was sometimes directed toward other OEO programs.

(b) The funding process was endlessly delayed while a large variety of CAP people reviewed each legal services grant.

(c) The delay was also created by the fact that the Regional Director would not sign-off on the legal services grant until the entire CAP package was complete.

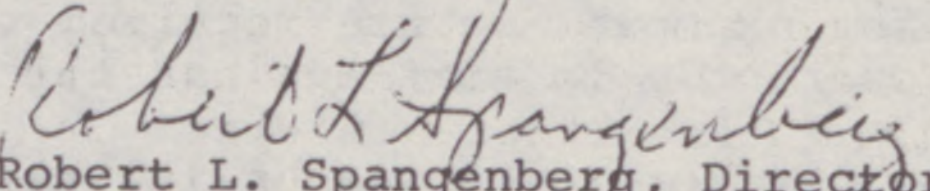
(d) We were subject to some political pressure by a Regional Director who had little knowledge or appreciation of the real goals and objectives of legal services.

(e) There was great delay in the processing of salary waivers which should have been routine. In some cases they were denied, without an explanation.

13. I am familiar with the Oklahoma Plan and feel that for legal services it is simply the Murphy Amendment in disguise. In my judgment, such authority in a state CAP would give the Governor a veto power over legal services programs and particular activities that they are pursuing. This is a clear conflict of interest since legal services programs frequently bring suits against various agencies of state government. It also creates the possibility of interfering with the attorney-client relationship and consequently is in violation of the Canons of Professional Ethics.

I should like to note, however, that our program has received absolutely no political pressure from either Governor Sargent or Mayor White. In fact, they are strong supporters of legal services and both came out publicly last November against the Murphy Amendment. Again, however, we have an election in the fall and the dangers expressed above could become real if they are not re-elected.

Sincerely yours,


Robert L. Spangenberg, Director
Boston Legal Assistance Project

NATIONAL CONSUMER LAW CENTER
BOSTON COLLEGE LAW SCHOOL
BRIGHTON, MASSACHUSETTS 02135
(617) 969-1747

WILLIAM F. WILLIER, DIRECTOR
RICHARD A. ELBRECHT, DEPUTY DIRECTOR

September 11, 1970

Senator Gaylord Nelson
Chairman
Senate Sub-Committee on Employment
Manpower and Poverty
United States Senate
Washington, D.C. 20510

Dear Senator Nelson:

In response to your questionnaire of July 30, 1970, let me apologize for such a late response. I have been out of the city much of the time and have simply not had time to come to it. I hope the following answers to your questions will be helpful.

1. The National Consumer Law Center serves all legal services offices across the country, some 275 of them, and their 2,000 lawyers. Our major obligation, although indirectly, is to poor consumers all over the country.

2. We have only one office, located at Boston College Law School, in Brighton, Massachusetts, and have a staff of nine lawyers and 15 students assistants from local law schools.

3. We do not handle cases from clients as such, but handle problems referred to us from Legal Services Projects. During the past year, we handled approximately 650 problems upon this referral basis.

4. Of these problems, 85% required or involved litigation.

5. "Impossible to Answer".

6. While we do answer routine questions from legal services attorneys, our hope is to make practice material available so that the number of routine cases will be cut down and the attorneys can handle them more efficiently. Our primary interest in the Center is in cases which offer a wide import for a number of consumers rather than simply accepting the individual case.

7. One of our primary obligations under our Grant from the Office of Economic Opportunity is to further the legal lot of poor consumers. We can do this by improving the state of the law, which, at the present time, is primarily adverse to the interest of consumers. Thus, we spend a great deal of time attempting to get changes made both through case decisions and through legislative reform at federal, state and local levels which will ease the burden of legal services attorneys and, of course, the consumer clients whom they serve. Unlike other areas of the law, such as that dealing with social welfare, consumer legal problems, do not lend themselves to constitutional or court attack for major changes in the law. Therefore, our emphasis has been on legislative improvement

throughout the country. In this connection, we have drafted a National Consumer Act which we feel will set the pattern for consumer legislation over the next decade. That Act, initially in response to the woefully deficient Consumer Credit Code, goes far beyond any other consumer statute and has served as a model in a number of state legislatures as well for certain bills filed in Congress.

8. We are not directly involved in economic development for community projects.

9. We have experienced no local or state political pressure of any kind. In fact, we enjoy the best of relationships with all state offices and office holders.

When we submitted our proposal for refunding in February of this year to the Legal Services Office of the Office of Economic Opportunity, we placed heavy emphasis upon our efforts at achieving law reform to passage of favorable consumer legislation. In fact, we were very proud of our first year's activities in this respect. We received nothing but encouragement from our immediate superiors at the Office of Legal Services and from the Director, Mr. Terry Lenzner. However, the proposal for a refunding was taken under review by the Director of the Office of Economic Opportunity, and he found considerable offense with our activities on behalf of law reform. All of our activities were well within the OEO guidelines on affecting legislative change. Clearly, in the case of consumer problems, some of the people who would oppose our view points on behalf of poor consumers represent persons with money and influence in business affairs in this country. None of our efforts involved anything resembling improper influence or other activities in connection with state or federal legislators or officials. Rather, it took the form of persuasion, research and backup assistance, primarily upon request from congressmen, state legislators or legal services offices.

Our immediate superiors in the Office of Economic Opportunity were required to rewrite our grant proposal in a form which tended to "soften" the action which we took on behalf of legislative reform. As a result of the review by the Director of the Office of Economic Opportunity, our initial grant was cut from the \$404,000.00 tentatively approved to \$250,000.00 on an arbitrary basis by the Director himself. Since that time, we have received a \$50,000.00 supplement for a specific project in the original proposal and have worked out a relationship with the Attorneys General of two states so that our total grant for our projects is \$366,000.00.

No one from the Center was in direct contact with the Director of OEO, and so whether or not political influences were involved or merely policy changes on his part is not clear to us. All we know is that we were doing what we thought was within the four corners of our obligations to the government and that apparently did not please the Director.

10. We did change the emphasis of our refunding application in line with the Director's request that we spend less time on law reform, although that is one of our principle obligations as a backup center to legal services programs. This may clearly be a matter of emphasis since we have continued with activities very similar to those we engaged in during our first grant year.

It is difficult to understand how those are improper in any way, since they are primarily designed to inform persons of problems of poor consumers and solutions to those problems. We draft model legislation and make it available to anyone who wishes it for whatever purpose. We talk frequently by telephone with legal services offices, law reform branches of legal services and with legislators and others concerned with the problems of consumers.

11. Our grant requires that we hold regular staff meetings and submit quarterly reports to the Office of Economic Opportunity. In the first grant year we had done this, although without formality or regularity, as the occasion seemed to require.

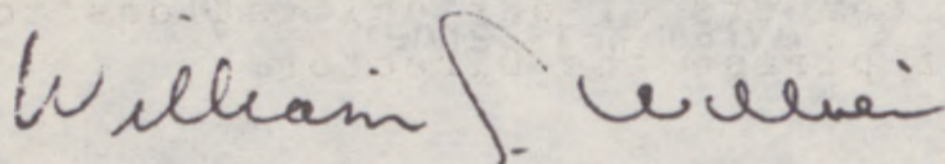
In addition, we now must submit to legal services any substantial publication or other project not already included with some specificity within the grant. This can be a restrictive kind of condition in the grant, except that our grant proposal includes virtually everything that we probably will be doing in the second grant year so there seems little need for us to submit anything which will involve a substantial diversion of grant funds to a new project. Under the terms of this condition, we are requested to make submissions of all "principle" documents of this Center. Not only is this a problem, but it is also needless and undesirable in a great many circumstances. Perhaps this is a matter of construction of what the condition means.

12. Our program is national in scope and would be seriously handicapped if we were obligated to any particular regional office of the OEO or even under legal services itself. However, being familiar with legal services programs, I would say that there would be greater likelihood of political or other kinds of improper influence on the lawyer-client relationship under the OEO Regional Office supervision rather than under Regional Legal Services Offices. Clearly those involved with legal services have a better understanding of what is required for the local programs serving the poor.

13. I am not that familiar with the Oklahoma plan, but would assume it would not affect a national backup center such as ours.

I hope these answers to your questions will be helpful.

Yours sincerely,



William F. Willier
Director

LAW OFFICES

NEIGHBORHOOD LEGAL SERVICES, INC. OF SPRINGFIELD

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TEL: 737-3585

AVRAM WEISBERGER
CHIEF ATTORNEY

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RUTH FLAHERTY
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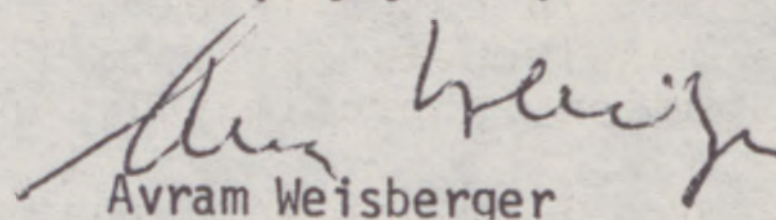
September 3, 1970

Honorable Senator Gaylord Nelson
Capitol Building
Washington, D.C.

Dear Senator:

At a recent meeting of the New England Project Directors Council I was advised of a suggested administrative proposal to place in the hands of the Office of Economic Opportunity Regional Directors, who need not be lawyers, the ultimate authority over funding and policy decisions regarding legal service programs. I believe that such a change could subject legal services programs to many of the same pressures which the "Murphy" Amendment and the "Quiet-Green" Proposal would have accomplished. It is essential that legal services attorneys, like private practitioners, have the independence to take whatever action they believe to be in the best interest of their clients in accordance with the ethical responsibilities of lawyers set forth in the Code of Professional Responsibility. This means that legal services lawyers must be free of political pressures or other interference. Vigorous representation often involves actions in politically sensitive areas or legal actions against agencies or officials of state or local governments.

Sincerely yours,


Avram Weisberger

Upper Peninsula Legal Services, Inc.



SAULT STE. MARIE, MICHIGAN 49783

11 August 1970

ABG 410.0

Senator Gaylord Nelson, Chairman
Senate Subcommittee on Employment,
Manpower and Poverty
Washington, D. C. 20510

Dear Sir:

In reply to your letter of July 30, 1970, please be advised as follows:

1. The program serves the Upper Peninsula of Michigan with a population of about 300,000 spread over 17,000 square miles.
2. Our six staff offices are located at Sault Ste. Marie, Marquette, Houghton, Bessemer, Iron Mountain, and Escanaba. Each office is staffed by a single attorney. In addition, we now have a Senior Staff Attorney stationed in Marquette with the prime function of spearheading test case, appellate, and law reform activities. We have also just hired a specialist for Indian Affairs. With the Director, we are thus at our full complement of nine attorneys.
3. Last year we closed approximately 3,200 cases with about 500 pending at the end of the year. At our current rate however, we will be closing about 4,000 cases this year, with the open case load remaining about the same.
4. 519 of the closed cases involved litigation, 947 involved more than advice but no litigation, 1,001 received advise only and 735 involved referrals either to private attorneys or to other social agencies.
5. In cases involving civil litigation, almost 95% of the cases were resolved in favor of the client; in those involving less than litigation, approximately 80% were resolved in favor of the client.
6. I am not sure that I comprehend what traditional legal aid services are. We serve poor people with legal problems, whatever they may be. I am enclosing herewith a copy of a comparison we did on the types of cases handled in 1969 which compares the activities of our

program with other OEO funded programs.

7. We are increasingly emphasizing legal reform. Our prior funding allowed only for single attorney offices, each of which had to cover two or three counties. Our emphasis at the time of our original funding, and to this date, is to provide legal service to the individual client, attempting to keep abreast of recent developments and applying them to the needs of our clients. We had neither the staff nor the research facilities to attempt to make a major effort at developing new law. We have recognized that we may be deficient in this area and the new position of senior staff attorney, with prime concern in this area, was funded effective July 1, 1970. We have not reached the point, and hope we never will, where we must turn away clients and their needs in order to devote our time and attention to strict law reform activity. We might further add, that merely getting acceptance to already established standards in the rural setting in which we operate is in fact law reform activity.

8. We have been involved in very few economic development activities. As you are undoubtedly aware, federally funded and local economic development activities blanket and overlap the area. They are aware of our existence and we do assist them in the preparation of various documents and forms. We have incorporated various non-profit groups, such as sheltered workshops and Indian Craft Co-ops, but feel that the major emphasis on economic development should be with the professionals funded to do this type of activity which is really not our bag.

9. We have experienced some local and county pressure because of our activities, particularly in the welfare field. We have not felt any undue pressure from elected officials, though some bureaucrats seem to resent our presence.

10. As a result of recent evaluations and apparent national emphasis, we have changed our refunding application in some ways. As previously mentioned, we are now funded with a senior staff attorney to concentrate on law reform activities. This position was previously funded as an administrative position, which allegedly would leave both the Director and his assistant to do some legal work; but in practice most of the time was spent either on administrative work or in filling in at some location that was without an attorney for a variety of reasons. We have also added an Indian specialist to concentrate on class and group legal problems of this minority with the regular staff attorneys handling their 'white man' problems.

11. No new conditions or restrictions have been made in our new grant.

12. I am not sure of the answer to this question due to the personalities involved. We get rather poor service at the present time; for example, our first check for refunding did not come until five months and three days after our refunding date. Whether or not an OEO regional office could provide better service, I do not know. One problem seems to be that the Regional Legal Services Office is called upon to do a great deal of purely clerical work, and thus continually cry about being understaffed. But the problems of getting month to month authorization to continue operations, having to borrow money to operate, being unable to pay wage increments when due, and attempting to live up to a refunding proposal where new funds are not available until almost half way through the program year, during which time you are restricted to last year's funding level, certainly does not make for smooth program administration. Recruitment and retention of staff is made much more difficult. In conclusion, I guess that I would be in favor of almost any type of regional federal plan that would increase the efficiency of this level of administration, and allow local program administration to focus on the needs of clients rather than having to exert so much time and effort on matters that should be purely routine.

13. I am aware of the Oklahoma plan, and even though I do not feel that it would change many things here in Michigan, the mischief of the plan in other areas of the country would certainly make a national legal services effort much more difficult and would in a very short time, work to the detriment of our local program. Inherent in such a plan that would give great powers to certain politicians who have been and will continue to be opposed to the concept of giving first class legal services to the indigent is that a great deal of the effort now being expended on meeting the problems of the poor will be spent instead on the problem of getting and remaining funded to carry on the much needed activities that we are all funded to accomplish. The watering down of program activity that would be required to satisfy local pressure groups, would in a short time, I believe, remove the testicles from the national legal services program and make it a Eunuch bowing to the caprice of the local establishment. I feel that it would be a step backward in every respect, not only for legal services programs, but also for all other poverty programs.

If I can be of any other service to the subcommittee, please do not hesitate to call upon me.

Very truly yours,

William J. James
William J. James, Director

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James J. Krieger, Managing Counsel
Gary L. Emmers, Counsel

August 25, 1970

Honorable Gaylord Nelson
United States Senate
Washington, D. C. 20510

Dear Senator Nelson:

I am in receipt of your letter of July 30, 1970. I do apologize for the late response. Due, however, to being out of the city, an earlier reply was not possible. The Legal Aid Society of Minneapolis is primarily supported by a combination of United Fund and OEO monies. The organization was in existence prior to the birth of OEO Legal Services, though OEO did serve to drastically expand the size, effectiveness and scope of our operation. It is an integrated office with one Board of Directors, one administration and one staff. Our obligation to the United Fund requires us to service the United Fund of Minneapolis solicitation area, containing approximately one million persons. Our OEO grant conditions limit us to Hennepin County, an area of approximately 700,000 persons.

We have three full-time offices, a main office and two neighborhood locations. We employ 12 full-time lawyers; in addition we have five Reginald Heber Smith fellows, seven Vista lawyers. We have a volunteer program consisting of approximately 200 lawyers, the Hennepin County Bar Association Legal Advice Clinics, Ltd. In 1969 we had a total of 8,041 new cases and reopened an additional 594 closed cases for further action. Of this number, approximately 30 percent involved litigation. It is difficult at best, to state with accuracy how many cases were resolved "in favor of our client." Some cases are won, some are lost, and yet a great many others fall between these two ends of the spectrum. In approximately 80 percent of the cases litigated, we accomplished what was sought by our client.



DIRECTORS: Earl J. Beatt, Pearl Bisson, Pearl Brandon, Edwin Crosby, Sidney S. Feinberg, George P. Flannery, David L. Graven, James B. Hannah, Wesley W. Hayden, Jr., John J. Held, Robert F. Henson, John S. Holten, Robert C. Holtze, Thomas A. Keller III, Howard W. Mithun, Rodger L. Nordbye, Harriet Phillips, Doris Slaughter, Joyce Hughes Smith, Stephen B. Swartz, James Wolverton.

A UNITED FUND AGENCY

I assume "traditional legal aid concerns" refers to divorces. This seems to be the general frame of reference when this term is now used. If not, I do not know specifically to what the phrase refers. Approximately 40 percent of our total caseload involves the intra-family relationship.

We are increasingly emphasizing law reform. Poor people have been effectively denied access to the appellate courts, city councils, state legislatures, etc. Those persons and organizations with financial means to hire counsel have had complete access. The denial of this access to poor people has not been an intentional thing, at least it has not been so in all cases. Rather, it has been a failure on the part of the legal process to assure equal access to this process for all persons, regardless of economic status. Providing this access, at all levels, has come to be called law reform, a rather unfortunate term. In our view law reform means nothing more than the provision of access to the legal process to poor people. In this area we have increased activity. We have been active in little or no economic development but have represented a number of community special interest groups. Some of these have developed into what might be termed economic development. These have, for the most part, been "spun off" to the private Bar, which has better expertise in these kinds of areas than do we.

To conclude that we have been subjected to political pressure is an easy matter, to prove it is well nigh impossible. We do feel that this program has been subjected to certain political pressure, but to document this fact would make this an unduly lengthy document.

The primary change in our refunding application has been to ask for para-professional personnel. There are many areas within the law where partially trained people may assume some of the duties a lawyer does undertake. Para-professionals are being considered not only for legal services but also for the private practice of law. Much discussion and experimentation has been taking place. One of the best places to prove the viability of such a concept would be within the legal services programs in the country. In the view of this office, control of legal services by Regional OEO would mean the virtual end of effective legal services for poor people. The bureaucratic control of a segment of the practice of law would be intolerable. There is a lack of understanding on the part of non-lawyers of things such as the attorney-client privilege, confidentiality of information, etc. In addition it would be a further cluttering of the funding and refunding process. Many complaints are now heard concerning the waste and inefficiency of government in general and OEO in particular. Given the lack of understanding of the legal profession on the part of non-lawyer bureaucrats, this would greatly be compounded. Basically, program lawyers would be subject to control by people ill-equipped to deal with programmatic professional needs.

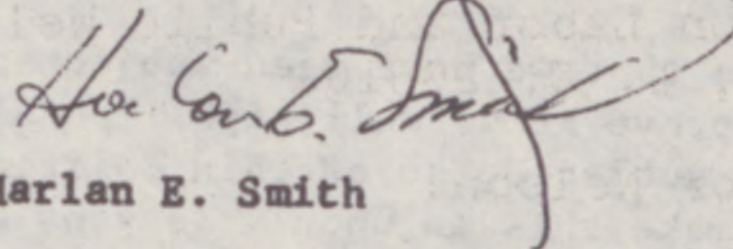
This office is familiar with the Oklahoma Plan. Our current state administration is deeply interested and sympathetic to legal services. I do not know, however, what the future holds in store for this state. If understanding ceases to exist, the Oklahoma Plan could be as disastrous as would be

control by a regional OEO office. I am also concerned with the impact such a plan would have in other areas of the United States. I simply cannot look at this in a wholly provincial fashion. It is the mechanics of the beast which bothers rather than the personality involved at any given moment. If the Legal Services Program becomes cluttered with politics and petty bureaucrats, good lawyers will leave and practice in areas of the law where they need not be bothered by the pettiness of such things. This would, in the natural course of events, lead to a situation where those practicing law for poor people are those who cannot survive anywhere else, again leaving poor people without proper access to the legal process. This would leave poor people, basically, with no peaceful means by which to redress grievances.

I sincerely thank you for your questionnaire and its invitation to express views on some fundamental matters which affect my profession and that particular segment of it within which I practice.

Yours very truly,

LEGAL AID SOCIETY, INC.



Harlan E. Smith

WASHOE COUNTY LEGAL AID SOCIETY

150 N. Center, Suite 323 Reno, Nevada 89501 Phone (702) 786-2695

Executive Director

J. MacARTHUR WRIGHT

Staff Attorneys

WILLIAM H. McNEIL

RUSSELL S. NASH, JR.

August 17, 1970

Gaylord Nelson
 Chairman, Senate Subcommittee on
 Employment, Manpower and Poverty
 United States Senate
 Committee on Labor and Public Welfare
 Washington, D. C. 20510

Dear Senator Nelson:

This is a response to your inquiry dated July 30, 1970. I am sorry that we have passed the deadline date suggested in your letter, I hope this is not too late to be of use to you.

1. What is the size of the population you serve?
 Approximately 120,000.
2. How many offices and lawyers do you have?
 We currently have one office and two attorneys but anticipate having a third attorney beginning September 1, 1970.
3. How many cases have you handled in the last year?
 612 new cases.
4. How many of these cases involved litigation?
 112 cases.
5. What percentage of your total cases in the last year were resolved in favor of your client?
 115 cases or 94.2%
6. What percentage of your cases dealt with traditional legal aid concerns?
 This is an estimate but we would guess about 98%.
7. Are you increasingly emphasizing legal reform?
 Yes.
8. Have you been involved in any economic development or community projects?
 Because of the small staff our activity in this area has been very limited.
9. Have you experienced local, state, and/or national

political pressure as a result of your legal actions?

We have experienced both local and state pressure as a result of our legal actions.

10. Have you changed the emphasis of your refunding application in any way?

The only change in emphasis is to increasingly emphasize legal reform projects.

11. Have new conditions or restrictions been made in your new grant?

We have not received our 1970-1971 grant as yet and therefore do not know what conditions or restrictions, if any, will be imposed in it, but prior to that one we have not been restricted except by the local bar and attorneys representing the local bar.

12. What do you feel would be the effect of putting your program under an O.E.O. Regional office rather than under the Regional Legal Services office?

I believe it would be a serious mistake to place our program under the O.E.O. Regional office. The Regional Legal Services people have an understanding for the problems that we experience that a layman may not have. Though we have not had any difficulty with the Regional O.E.O. people we have had considerable problems with the local O.E.O. funded program, which is directly under the O.E.O. Regional Office. Because we are a delegate agency of the local O.E.O. program, we have experienced problems that we would not have had had we had a greater degree of independence and we can only assume that such similar problems would exist on an even greater scale if we were directly responsible to the regional O.E.O.

However, I should point out that under the current circumstances where we are not directly responsible to the Regional O.E.O. we have had very good cooperation with them. My own recommendation is that Legal Services should be as independent of the O.E.O. structure as possible.

Because we are a delegate agency under the local O.E.O. program, it has attempted in many cases to control or regulate or, in some way, interfere with the management of our office. We find this has been time consuming, wasteful and contrary to the avowed goals of both Legal Services and O.E.O.

13. Are you familiar with the Oklahoma Plan? If so, how would your office be affected by such a plan in your State?

We are superficially familiar with the Oklahoma Plan and due to the political climate and political philosophy that exists in this community and is represented by the attitudes of the elected officers in the State of Nevada, we believe that the Oklahoma Plan would definitely be deleterious to the accomplishment of many of the goals of Legal Aid in Nevada.

As mentioned earlier, we have had adverse reaction because of certain cases which we have filed. Most of these cases, are not "far-out" in any way but have simply been brought to secure rights to Legal Aid clients which in many cases have been already established in other jurisdictions. Nevertheless, we have received a great deal of opposition because of these cases and we believe that if we were under the restrictions of the Oklahoma Plan we would be reduced to handling nothing but landlord and tenant eviction cases for the most part. (Even domestic relations cases are taboo in this state as far as Legal Aid is concerned.)

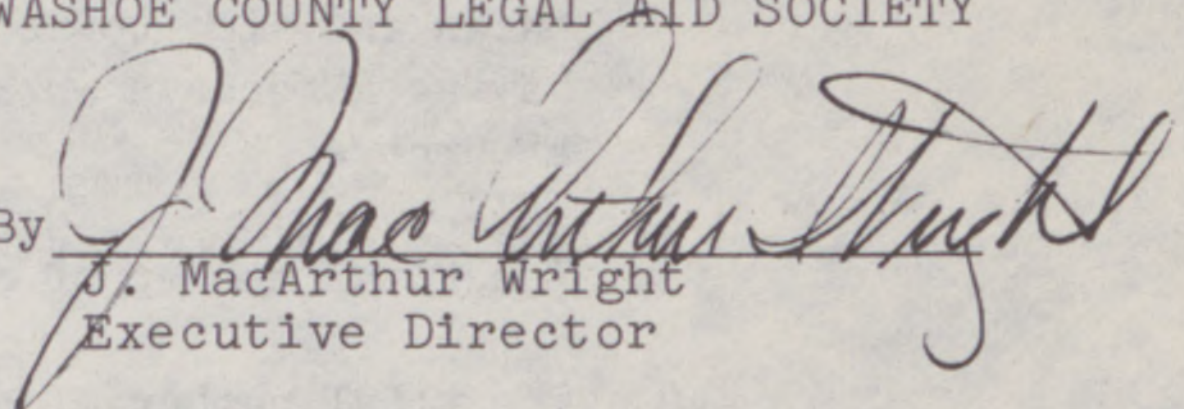
Again, the most important suggestion that I could offer would be that the Legal Services program be given more autonomy and more independence from both O.E.O., or at least the local O.E.O. agencies, and from local governmental agencies.

I hope this information will be of some help to you and I apologize again that we did not send it to you by August 10.

Yours sincerely,

WASHOE COUNTY LEGAL AID SOCIETY

By


J. MacArthur Wright
Executive Director

SOMERSET COUNTY LEGAL SERVICES INC.

LEONARD J. FREDRICK

Act. Director

Senior Attorneys

FREDERICK I. PELOVITZ

FRANCIS T. GLEASON, JR.



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(201) 875-6343**

August 19th, 1970

AUG 27

Gaylord Nelson,
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
Washington, D.C. 20510

Dear Senator Nelson:

I am happy to respond to your request for information concerning the problems faced by poverty lawyers in implementing the O.E.O. Legal Services Program. What follows are my answers to your letter of July 30th, 1970.

- (1) Our project serves the County of Somerset which has a population of 200,000, according to the 1970 census.
- (2) In May of 1970 we consolidated our operation from three offices to two offices in the County, because federal cut-backs and also to increase the efficiency of the project by having attorneys work together. We have three full-time attorneys.
- (3) The total number of cases in the last year were 556.
- (4) The total number of cases involved in litigation were 106.
- (5) The percentage of total cases that were resolved in favor of our clients was 85%.
- (6) The percentage of our cases dealing with traditional Legal Aid concerns was 90%.
- (7) We are increasing our emphasis on legal reform.
- (8) We have been involved in economic development by assisting the Somerset Housing Association to get F.H.A. poor people's mortgages and rent supplements.

- (9) We have not experienced any Local, State or National political pressure as a result of our legal actions.
- (10) We have changed slightly our emphasis on funding by requesting law clerks and secretarial help and not requesting any help for investigators because most of their work can be done by law clerks.
- (11) The new restriction in our 1970 grant was that we reduced staff from three secretaries to two secretaries and from two investigators to one investigator. All other conditions were the usual ones.
- (12) I do not feel that it would be wise to remove the present Regional Legal Services office since they have a high degree of expertise in dealing with the special needs of the lawyers who represent poor people. At present there is adequate means for O.E.O. Regional to monitor Legal Services through the grantee CAP agencies. However the O.E.O. Regional office alone would not be able to handle the special problems of Legal Services and it would further inhibit the important independence Legal Services must have from the control of Community Action Program if the interests of clients are to come first.
- (13) I am not completely familiar with the Oklahoma plan but from my understanding of it in relation to the present Department of Community Affairs in New Jersey, which is State O.E.O., I feel that the State government would be helpful to our project. The decision of the governor to veto a Legal Service Project should be done only with the advise and the consent of the legislature.

The most important thing I wish to tell you as a new project director for Legal Services, is that there has been a tremendous demand created for traditional legal aid type of Legal Services for poor people in our County as well as a demand for some changes in arbitrary laws and regulations. It is extremely sad to know on the one hand that clients are waiting for relief and on the other hand to know that our federal budget was cut from \$82,000.00 to \$68,904.00 and that it might be cut further for 1971.

I would hope that the Congress would realize their responsibility in satisfying the very demand for Legal Services that they created by their initial legislation. It would also be wise for the Congress to profit in terms of eliminating some poverty by investing a little more money into O.E.O. Legal Services which has proved to be a going organization and a viable program.

Yours truly

Leonard J. Fredrick
Leonard J. Fredrick
Acting Director

LEGAL AID SOCIETY OF ALBUQUERQUE
1015 Tijeras, N.W.
Albuquerque, New Mexico 87101

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Phone 243-5649

August 11, 1970

Hon. Gaylord Nelson, Chairman
Senate Subcommittee on Employment, Manpower & Poverty
United States Senate
Washington, D. C. 20510

Dear Senator Nelson:

Mr. William G. Fitzpatrick, Director of the Legal Aid Society of Albuquerque (LAS), is away on vacation and in his absence I have been asked to respond to your letter of July 30th.

With reference to your specific questions, I trust that the following will provide sufficient answers:

- 1) The population of Bernalillo County (which this program serves) is approximately 350,000. The number of persons within this area who meet the eligibility criteria of our program is estimated to be 75,000 - 90,000.
- 2) At present we have 4 "neighborhood" law offices, each of which is staffed by 2 full-time lawyers. In addition we have a Chief Trial-Appellate Counsel and a Chief Research-Law Reform Counsel who operate their respective units at our downtown Administrative office with the assistance of 4 Reginald Heber Smith Fellows.
- 3) During the past year this program opened 3,270 new cases and closed 2,865 cases.
- 4) Of the cases handled during the past year, 981 involved litigation.
- 5) Approximately 1/2 of our total cases in the last year were resolved in favor of our clients. Over 628 cases were won. Over 280 cases settled and in about 540 the client objective was obtained in other ways.
- 6) The answer to question #6 would depend on the definition of "traditional legal aid concerns" and I am not sure how that phrase was meant. Our case load breaks down approximately as follows:

family problems	30%
consumer & employment problems	25%
administrative problems	10%
housing problems	10%
other	25%

7) We are definitely attempting to emphasize legal reform efforts. We are currently seeking ways to cut our caseload and we have in the past year consolidated one-man offices into two-man offices. More importantly, the addition of Reginald Heber Smith Fellows has allowed us to concentrate more on test case and legislative law reform efforts. It is our hope that these recent developments represent a trend and that our law reform efforts can continue to grow while we seek ways of effectively limiting caseload.

8) We are involved as counsel to several community projects and groups, among which are a local welfare rights group, a local building co-op, several community associations and a politically active group of poor people.

9) While our actions have not engendered much state or national pressure, the local scene has been and continues to be very explosive. The local Bar Association has been antagonistic from the start and having failed to defeat or control this program, it now has begun a rival program of its own. The local community fund which had supported this program has just withdrawn its support for the 1971 funding year over an issue involving criticisms of police activity. It has now pledged its support for the budding Judicare program put forward by the Bar.

10) Each year our refunding application has been altered to increasingly emphasize law reform and community outreach functions. Last year, for example, we sought funds to centralize Domestic cases in a Domestic Relations Office so as to free staff lawyers for more law reform work. In addition, we sought funds for lay advocates to serve as para-professionals and to work with community people. Innovative and expansive changes in our refunding application have in each instance met and fallen to the pen of budget cutting OEO.

11) There are a host of conditions and restrictions which OEO attempted to make in our new grant the most significant of which is the requirement that our Board of Directors be composed of a majority of lawyers. This came about because the membership of LAS at its last election became fed up with the manner in which the Board of Directors was being controlled by members of the local Bar. It was felt then and it is felt now that for the most part members of this legal community wish to restrict and hamper the efforts of LAS and that this program can function much better under the direction of a Board composed primarily of lay persons who are concerned with the interests of the poor. Although the President of our Board is a lawyer, the present Board composition includes only about 1/3 lawyers.

12) In our opinion, it would not be in the best interest of this program if Legal Services were put under the direction of the OEO Regional Office rather than the Legal Services Office. We get too little support as it is from the overworked Legal Services office staff, but from our armchair view of the Regional Office and the way it handles its CAPs, it is our strong opinion that in the hands of the Regional office future crises faced by LAS would be met by Regional office capitulation and submission to the establishment forces which a program like this was established to oppose.

13) We are very familiar with the Oklahoma plan and we feel that if such a plan were to be implemented here in New Mexico it would severely affect our program in a detrimental fashion. If LAS were to be rendered subject to the political forces existing in this state, it could not continue to exist with the requisite independence and aggressiveness needed to even begin doing the job that it should be doing.

Many of us in legal services are seriously concerned about the direction which the current administration appears to be taking with respect to our program. There has not been the kind of unqualified support for good programs engaged in controversial and aggressive activities which OEO must provide. Many recent statements by Donald Rumsfeld, Director of OEO, concerning the role and function of legal services programs and attorneys have been very disconcerting and disheartening. In addition, it appears that the power in legal services has been taken from the office of legal services and been lodged with Mr. Rumsfeld himself. In short, the previous commitment to aggressive and broad ranged law reform programs of the previous administration appears to have been replaced by a concern in Washington for a quiet program which does not confront, antagonize or challenge the stagnant institutions of this society.

I have not mentioned anything about the woeful shortage of funds allocated to legal services as I am certain that you are aware that without a substantial increase in budget the legal services program will never begin to do the kind of job it can realistically be expected to do.

I would urge your subcommittee to hold public hearings on the legal services program. I believe these are crises times for legal services and that public hearings could serve to expose the forces which are now conspiring to keep the poor from having effective and aggressive advocates concerned with their interests and their interests alone. Mr. Fitzpatrick, the Director of the Albuquerque program, has been here since the beginning of federal funding. He

is experienced and extremely knowledgable in legal services matters and is a member of the Project Advisory Group to the legal services program. I believe he could offer invaluable testimony to your committee. In his absence, I have no qualms about offering that he would be delighted to testify at a public hearing if your subcommittee should desire to have him.

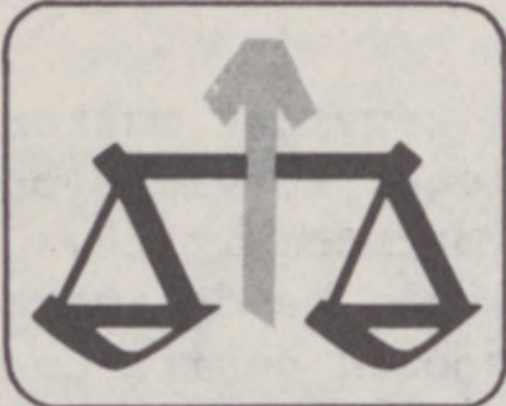
Sincerely yours,

Michael B. Browde

Michael B. Browde
Attorney at Law

WE
CAN
HELP

PODEMOS
AYUDARLO



**Community
Action for
Legal
Services, Inc.**

335 Broadway New York, New York 10013 (212) 966-6600
Willis L. M. Reese, Chairman John DeWitt Gregory, Counsel

September 3, 1970

Hon. Gaylord Nelson
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
Committee on Labor and Public
Welfare
Washington, D.C. 20510

Dear Senator Nelson:

I regret our delay in replying to your letter of July 30th. Some of the statistics you seek required extensive compilation because of the size and complexity of our program. The enclosed brochure describes, in some detail, the structure and operation of legal services in New York City.

The answers to your enumerated questions are as follows (all figures are approximate):

1. 500,000 households.
2. 26 offices; 139 lawyers
3. 70,000
4. 40%
5. 55%
6. All dealt with the problems of poor people.
7. Our primary emphasis is on providing quality legal services. While subject to many definitions, we believe that law reform, insofar as it involves appeals, vigorous representation, and extending the legal rights of the poor, is essential to program quality. Therefore, our answer is yes.

8. Yes.
9. Only on a local level, but rarely.
10. No.
11. No new grant has been made. The program is currently under great financial pressure from O.E.O. which seeks to limit funding to last year's level.
12. The principal effect may well be to negate efforts to arrive at a national legal services policy, efforts which we believe are important and should continue. Thus far, the O.E.O. Legal Services Directors have been effective in stating a national policy of vigorous representation, free of political interference. In some cases, Directors have acted to protect programs endangered by parochial local interests (e.g. in South Florida). Moreover, through the Project Advisory Group, the Directors have been able to maintain relations with attorneys in the field and have had the benefit of their advice and experience.
However, national policy is often carried out through the Regional Legal Services Offices which are responsible to the Director. Eliminating those offices would interpose a different bureaucracy which is responsive to a different constituency. The effect of this cannot of course be absolutely clear but it is likely that the present positive arrangement will be unnecessarily disrupted.
13. Again, the prime weakness of the Oklahoma Plan is that it minimizes the likelihood of a coherent national policy and reduces the program's ability to operate free of political interference. While New York is not one of those states in which government is overtly hostile to legal services, it is nevertheless true that since we have frequent occasion to sue various state agencies, it is possible that animosity could conceivably develop in the future. To place control of the program directly under the

state is an invitation to such conflict
which ought to be avoided.

Please let me know if I can be of any further as-
sistance.

Respectfully,

Oscar S. Chase

for

John DeWitt Gregory
General Counsel

SCIOTO COUNTY LEGAL AID ASSOCIATION

3980 RHODES AVENUE

NEW BOSTON, OHIO 45662

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 NEW BOSTON COMMUNITY CENTER
 NEW BOSTON, OHIO 45662
 PHONE 456-6608

WILLIAM T. MILLER, ATTORNEY
 SCIOTO COUNTY COURT HOUSE
 PORTSMOUTH, OHIO 45662
 PHONE 354-2508

August 5, 1970

Gaylord Nelson
 Chairman, Senate Subcommittee on
 Employment, Manpower and Poverty
 United States Senate
 Committee on Labor and Public Welfare
 Washington, D.C. 20510

Dear Sir:

I appreciate your inquiry regarding our program since those of us in the boondocks sometimes feel we are forgotten in the concern over the ghetto areas of large cities.

In response to your inquiry:

1. We serve Scioto County, Ohio; population of 84,000.
2. We have two offices and two attorneys.
3. In the past year 1176 cases were handled.
4. Of this number, 423 involved litigation.
5. Of these cases, 85% were resolved in favor of our clients.
6. Approximately 82% were traditional legal aid concerns.
 (I define traditional legal aid concerns as a case by case representation of individual legal problems regarding divorce, garnishment, eviction, etc.)
7. Yes; the answer to this question really must be qualified to some extent. If you define legal reform as the filing and prosecution of landmark cases involving appeals through the Court system to the United States Supreme Court, then my answer must be no. The limitations in personnel and the availability of a client willing to stand by for years awaiting a solution to their problems makes this type of action nearly impossible for a small office.

I, personally, define law reform as: (a) requiring the local institutions (Welfare, law enforcement, financial, educational, etc.) to comply with the recent decisions of the Courts and the statutory law then in existence, and I can assure you that they do not comply unless there is someone available to require compliance. (b) To persuade or require the Courts, schools, Welfare Department and police to modify their local procedures to ease their pressures on the poor. Much of our effort in this area is not reflected in the case statistics listed above since there frequently is no individual client or organized group.

8. Yes, we have assisted the local CAC in developing a Sheltered Workshop for the handicapped and retarded and we are presently in the process of expanding this project to provide employment and training for the unemployed and the underemployed. We have given advice to a black organization attempting to provide employment opportunity to the black community and to youth organizations to provide employment for the youth during the summer and throughout the year. We have been involved with numerous other projects in conjunction with the local Community Action Organization and others.

9. No. I am aware of pressures and threats made to other programs but no action has been directed at this program to my knowledge.

10. No. I have been concerned however that the national preoccupation with test cases and landmark decisions would prejudice the funding of small and rural legal services programs.

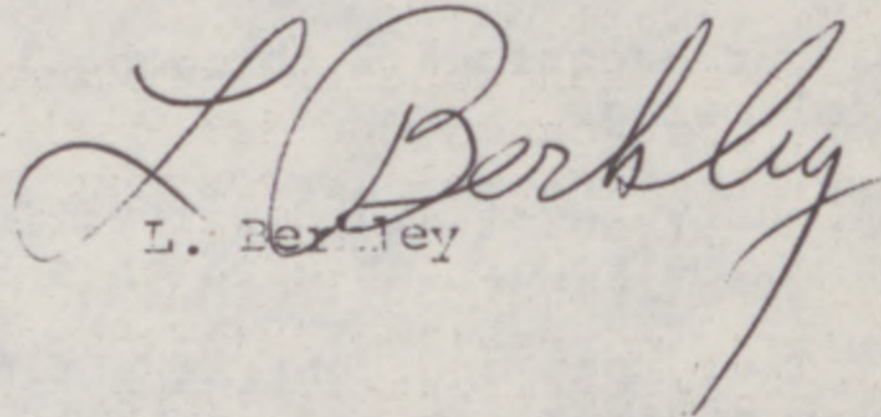
11. We have been required to eliminate all criminal work from our program, however, no really restrictive conditions have been made as to civil representation to date.

12. I have had excellent relations with the Community Action Organization here and in the region and I cannot say that they have been anything but helpful to our office, but I know that this is unusual. I know that the other programs have severe difficulties with their local Community Action Organizations and because of this with Regional OEO. I am, as an attorney, skeptical of having lay persons in a position of financial control upon the operation of a law office and I would be very skeptical of the Regional OEO offices ability to understand the problems of a local program but then I frequently question the Regional Legal Services Office's ability to understand the problems of the small rural programs.

13. I am not completely familiar with the Oklahoma Plan, but I understand that it gives the State control over the funding of Community Action and CBO projects and while I feel that my office could function under such a plan, I know from experience that the threat of State control over funding would severely inhibit actions against the Welfare Department particularly and against all State agencies. My office and others in Ohio have already heard threats by the State and County governments and if they control funding their threats would have to be taken very seriously.

State or local control over Legal Services Programs would unquestionably emasculate them and would be intolerable. I cannot say that I as an attorney approve of all of the actions filed or prosecuted by Legal Services Programs but if local governments have the authority to veto the actions of a program for any political expediency then the value of the Legal Services Program would diminish radically because I feel that one of the greatest contributions my program makes to the community as a whole lies not in the legal actions I have filed but merely in the fact that the Courts, the attorneys, the police and all local institutions know that the office is here and is able to represent the interests of all of those people who could not afford legal representation in the past. That fact alone causes the most significant legal reform possible.

Yours truly,


L. Berkeley

TULSA COUNTY LEGAL AID SOCIETY, INC.

MODEL CITIES OFFICE
618 E. NEWTON PLACE
TULSA, OKLAHOMA 74106

HARMON ALLEN, STAFF ATTY.
ED R. CROCKETT
LAW REFORM CHIEF
918 584-4259

CENTRAL OFFICE
SUITE 515, CENTER BUILDING
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E. BRYAN HENSON, DIRECTOR
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GUADELUPE OFFICE
2521 E. 1ST STREET
TULSA, OKLAHOMA 74104

MARGARET E. REGER
STAFF ATTORNEY
918 936-1966

RECEIVED

August 4, 1970

AUG 9 1970

Mr. Gaylord Nelson
Chairman, Senate Subcommittee on Employment,
Manpower and Poverty
United States Senate
Committee on Labor and Public Welfare
Washington, D. C. 20510

RE: G. Nelson letter of July 30, 1970, OEO Legal Services Program.

Dear Senator:

Receipt this date of the referenced letter is acknowledged.

Answers to your questions 1 through 13 contained in the letter are set forth following.

- (1) Tulsa County Legal Aid Society, Inc. serves Tulsa County, Oklahoma, metropolitan area of 450,000 population.
- (2) TCLAS, Inc., has one central office and two full-time neighborhood law offices located in the City of Tulsa. It also has five part-time circuit NLOs, two of which are located in outlying County towns. Staff consists of five full-time paid staff attorneys including the Director, six law students part-time licensed legal interns and four full-time VISTA attorneys assigned to the program for a one year tour.
- (3) In the calendar year 1969 approximately 2,800 individual client cases were accepted and serviced by TCLAS, Inc. Approximately 3,600 applications for legal aid services were processed. Additionally, 50 to 100 cases involving "Class" or group action and representation were accepted and handled. During the first two calendar quarters of 1970 approximately 1,500 new cases were accepted and approximately 2,000 applications for services processed.
- (4) Approximately 70% of the cases accepted by TCLAS, Inc., involve litigation.
- (5) Approximately 80% of the total cases for the year 1969 were resolved in favor of the legal aid client.
- (6) For the past three years since reorganization of TCLAS, Inc., under OEO funding on September 1, 1967, the percentages of

case distribution based upon 100% of total cases has been as follows: Divorce, separate maintenance and annulment--40%; General family problems including juvenile matters--10%; Consumer sales and contracts--10%; Economic distress, bankruptcy and wage earners proceedings--10%; Landlord and tenant relationships--5%; Employment problems--5%; Administrative and public assistance agencies--10%; Torts--5%; and miscellaneous civil problems--5%, for a total of 100%. It is the position of this office that all of these areas whether they involve legal reform aspects or not are cases of traditional legal aid concern in this community.

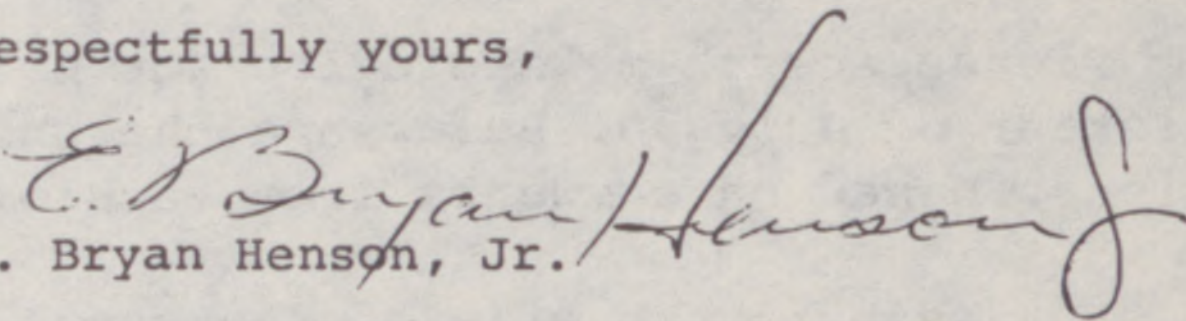
- (7) This office is increasingly emphasizing legal reform in the sense that representation is being provided for poor clients and "classes" of the poor in appellate proceedings, advocacy before governmental bodies and administrative agencies, and advising legal aid clients with reference to corrective legislation. While this representation at times involves new or so-called "innovative" legal theory or approaches to the client's problem it essentially is nothing more than insuring that the low income and heretofore uncounted citizen in the community has an open channel of legal communication available to the legal forums and governmental bodies of his community.
- (8) **TCLAS, Inc.**, furnishes general counsel to the community citizens participation agency of the Tulsa, Oklahoma, Model City Neighborhood Development program. Legal aid attorneys advise, counsel and represent the Model City neighborhood residents before the COMMUNITY DEVELOPMENT AGENCY, THE CITY COMMISSION, HUD, and all other agencies concerned with the Model City development plan. **TCLAS, Inc.**, furnishes general counsel and corporate legal representation to a number of POVERTY PROJECTS in the Tulsa community, such as private non-profit charitable day care centers organized in poor neighborhoods, debt and credit counselling organizations for the poor and low income community, and is currently involved in providing legal counsel and assistance in the incorporation of an ECONOMIC DEVELOPMENT CORPORATION for the citizens of the Model City poverty target area.
- (9) The **TCLAS, Inc.**, program has not to date received any noticeable national or state political pressure as a result of any legal representation. However, there has been some local political pressure brought to bear on the program primarily through a dissident element of the Tulsa County Bar Association. This has been a minor problem to date. However, the **TCLAS, Inc.**, Board of Directors and project director are well aware of strong state and local political pressures that have adversely affected the legal services program in Oklahoma City and Oklahoma County, Oklahoma, and it appears in the future that some of this pressure may be directed against all legal services programs in the State of Oklahoma through political activity

by the Oklahoma State Legislature or Executive Department at the State Capital. Presently the incumbent Governor of the State of Oklahoma and the State OEO Director are favorably disposed and give great support to the concept of legal services. This is not necessarily true however to other members of the state government including a number of legislators.

- (10) The emphasis in the refunding application for TCLAS, Inc., has not been changed in any way over the three year period of its existence as a CAA delegate agency. As additional non-federal share was developed in the local community additional funding was requested to support the development of an appellate, law reform and special legal projects section to which one full-time paid staff attorney and four VISTA attorneys are assigned. Initially the staff of three lawyers was primarily devoted to the individual client problems and "traditional" legal aid concerns.
- (11) No new conditions or restrictions have been made in the current program year grant and none are expected in the PY-E (1971) grant.
- (12) It is my frank opinion that placing the legal services program under an OEO REGIONAL OFFICE rather than under the REGIONAL LEGAL SERVICES OFFICE would have the following effect:
- (a) All legal services programs in the region would be subjected to the recognized and undesirable political pressures and considerations that influence many OEO regional office decisions. This is because regional OEO is dealing with local COMMUNITY ACTION AGENCIES which too often are mis-used as political and economic tools of opportunity by local political interests. The integrity of the legal services program can only be maintained by the most direct line of administration and regulation from the field operation to the funding source.
- (b) The needs of LEGAL SERVICES PROGRAMS in the field can best be determined by professional lawyer-administrators who are not only aware and knowledgeable of the practice of law and their responsibilities to clients as lawyers, but are also aware of the operational peculiarity and differences of legal services program administration as distinguished from general COMMUNITY ACTION AGENCY administration. General administrators from the OEO regional office, in my opinion, cannot as efficiently administer the legal services program as can experienced lawyer-administrators in the regional legal services office.
- (13) I am familiar with the Oklahoma Plan. I cannot state how my office would be affected by the plan as it has not been fully implemented in the state at this time. Also, it is my under-

standing that legal services programs have been excepted from the experiment for a time by instruction of the Director, OEO. It is my considered opinion that if such a plan covers refunding of legal services programs then the professional service integrity of the legal services program will be compromised because the refunding request for funds necessary to the program, and the program operations plan, will be subject to the review and approval of the major political force in the state, which will unquestionably at some time come in conflict with the interests of a legal aid client. In such a case it would be very easy to use untempered political power against the legal services project in order to suppress the adverse client represented by legal services. Further if there was any basic difference in philosophy with respect to the War on Poverty and the utilization of legal services to assist the poor in the community this difference could be expressed most strongly and effectively against the legal services program by the action of the state office review and approval for refunding. While today TCLAS, Inc., is blessed with a favorable and considerate state government and state OEO office administrator there is no guarantee that this will be the case in the future. The point of the argument very simply is that under the Oklahoma Plan legal representation for the poor becomes dependent upon political philosophy and expediency rather than upon the right and justice of the client's cause.

Respectfully yours,


E. Bryan Henson, Jr.

COMMUNITY LEGAL SERVICES, INC.

PHILADELPHIA, PENNA.



August 20, 1970

Mr. Gaylord Nelson, Chairman
Senate Subcommittee on Employment,
Manpower and Poverty

Dear Mr. Nelson:

Please accept my apologies for being so late in replying to your letter of July 30. Below are the answers to your specific questions, based on comments from each of our Divisions.

1. What is the size of the population you serve?

500,000 persons who are eligible for our services.

2. How many offices and lawyers do you have?

47 attorneys

10 neighborhood law centers and area offices,
Center City Administrative office, Law Reform Unit, and
Litigation Division

3. How many cases have you handled in the last year?

15,953 new cases opened from August, 1969 to July, 1970

4. How many of these cases involved litigation?

25 - 30%

5. What percentage of your total cases in the last year were resolved in favor of your client?

Between 70% - 98%

6. What percentage of your cases dealt with traditional legal aid concerns?

Between 60% - 80%

7. Are you increasingly emphasizing legal reform?

Yes

8. Have you been involved in any economic development or community projects?

Yes. Law Centers and The Law Reform Unit work with many community groups in projects including urban renewal activities, community participation in health and mental health services, neighborhood improvement, non-profit housing corporations, neighborhood co-ops, a drug addiction program etc.

9. Have you experienced local, state, and/or national political pressure as a result of your legal actions?

Yes

10. Have you changed the emphasis of your refunding application in any way?

Yes. We have expanded from one-man offices to multi-man law centers, a Law Reform Unit, and increasing group representation.

11. Have new conditions or restrictions been made in your new grant?

Our fiscal year has been changed to terminate on 9/30/70. In the meantime we have not received our new grant and do not know whether it will contain any new conditions or restrictions.

12. What do you feel would be the effect of putting your program under an OEO Regional Office rather than under the Regional Legal Services Office?

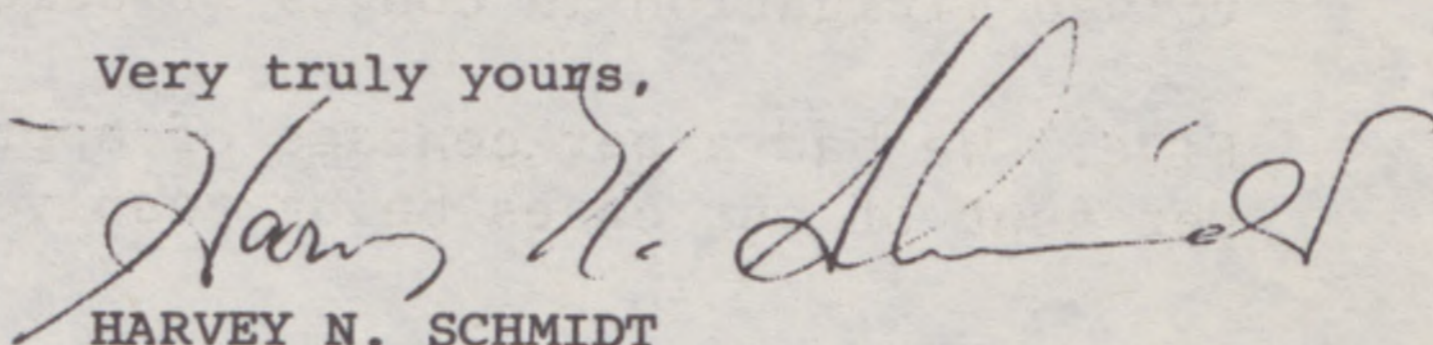
The Legal Services Program performs such a distinctive service that it should remain under the regional Legal Service Office so that there can never be any question about its independence. Further, problems and needs of the Legal Service Program should be considered separately and apart from the needs of the total poverty program. Since various aspects of the program from time to time have been singled out for criticism, the legal services program could be harmed by criticism directed at another program totally unrelated to it, merely because both are a part of the whole program.

13. Are you familiar with the Oklahoma Plan? If so, how would your office be affected by such a plan in you State?

Yes, we are familiar with the Plan. It is difficult to say how our program would be affected by such a plan, since it would be dependent upon the individuals in charge. Generally speaking, a national policy governing legal Services Programs is more desirable than 50 state policies. There is a strong possibility that we would be subject to political influences which would destroy our independence, and restrict our freedom to act in the best interest of our clients. There probably would be greater reluctance to bring action against governmental agencies, particularly those functioning at the state level. The implementation of the Oklahoma Plan raises serious questions under the Canons of Legal Ethics, specifically Canon 5 which reads, "The professional judgment of a lawyer should be exercised, within the bounds of the law, solely for the benefit of his client and free of compromising influences and loyalties. Neither his personal interest, the interest of other clients, nor the desires of third persons should be permitted to dilute his loyalty to his client." There exists the possibility that unwarranted pressure might be exerted to prevent an attorney from representing his client as he is professionally mandated to do. In all probability, operating under this plan would greatly lessen our effectiveness and eventually destroy the program.

Should there be any further information you need, please let me know and we will be happy to furnish it.

Very truly yours,



HARVEY N. SCHMIDT
Executive Director

NEIGHBORHOOD LEGAL ASSISTANCE PROGRAM, INC.

CHARLESTON, SOUTH CAROLINA

TELEPHONE 722-0107

August 5, 1970

The Honorable Gaylord Nelson
 Chairman, Senate Sub-Committee
 on Employment, Manpower and Poverty

Dear Senator Nelson:

With regards to your letter of July 30, 1970 to our Program Director, the undersigned would like to file a letter with regards to his opinion on the questions in your letter and file same both as the Assistant Director and Chief Counsel as well as individually. Our answers are as follows:

One: Our office serves a population or approximately Three Hundred Thousand (300,000) persons on a County wide basis.

Two: We have one (1) main office with eight (8) sub-offices. These sub-offices are not manned by attorneys full time. All of our lawyers are based in the main office. We have a total of six (6) regular lawyers on staff. These include the Director, Chief Counsel and four (4) staff attorneys. Additionally we now have assigned to us three (3) Regional Heber Smith Fellows to concentrate on specialized areas.

Three: We have handled approximately Four Thousand Five Hundred (4500) cases or clients in the two and three fourth (2 3/4) years of our existence.

Four: Over Two Thousand (2000) number of these cases involved litigation in courts or before administrative agencies.

Five: We had a per centage of approximately seventy (70%) per cent of our cases being resolved in favor of our clients.

Six: If by "traditional legal aid" concerns one means how many divorces we handle or what per centage of our cases were divorces or domestic matters approximately thirty (30%) per cent of our caseload could be considered family matters. However, the undersigned believes that there is no such thing as a "traditional legal aid concern."

Seven: We are not increasingly emphasizing Legal Reform for the sake of Law Reform. However, we do have an increasing number of Law Reform cases due to the fact that the institutions and the system are now so structured as to actually make work for Legal Services and Legal Aid Offices. It is our view point that it is much more simple to bring one (1) test case which will effect one thousand (1,000) persons favorably than to bring one thousand (1,000) cases or administrative proceedings which may meet with defeat.

Eight: We have been involved in economic development and community projects locally. We have assisted in the development of cooperatives both agricultural, marketing and transportation.

Nine: We have experienced a great deal of pressure exerted on our program because of our legal action. Our individual attorneys engaged in certain law reform cases, notably housing cases, have been faced with state income tax audits, personal and character investigations by someone as yet unknown, increased administrative harassment from the Community Action Agency which funds the Legal Services in this County together with pressure personally exerted on the attorneys.

Ten: We have not attempted to change the emphasis or our refunding application. However, due to pressure from the local CAP Agency and inaction and the lack of assistance from the Regional Office of O.E.O. we have been forced to submit an application which will do nothing but harm this program

WILLIAM B. BUNTON, JR.
 Chief Counsel

Our local CAP Director has blindly followed O.E.O. Regulations and interpreted said regulations to our disadvantage. Our program could be effectively castrated if O.E.O. and the local CAP Director is allowed to continue his present course of action.

Eleven: No new conditions or restrictions have been put into our grant at present. But the answer to question ten can show your committee why no new conditions or restrictions have been put into our grant. One need not put restrictions or conditions on grants when one can affectively castrate a program through other means.

Twelve: The affect of putting our program under an O.E.O. Regional Office rather than under the Regional Legal Services Office would be to place us in the control of bureaucrats who have no concepts of program operations or people. They are more interested in form and "management technique" than they are in serving a maximum number of people for as little as possible. Frankly, putting our office directly under the Regional Office instead of under the Regional Legal Services Office would be disastrous. They are not responsive and they are extremely conservative with regards to attempting to understand or comprehend what a Legal Services Office is suppose to do, can do, or could do.

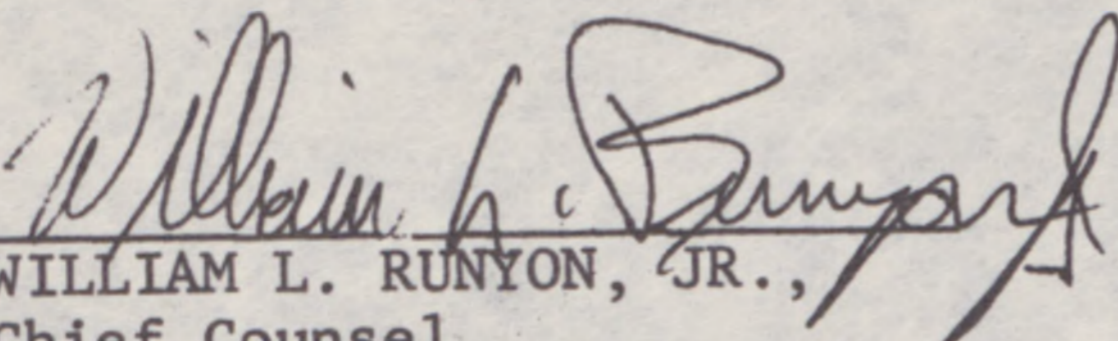
Thirteen: The undersigned is extremely familiar with the Oklahoma Plan. Under this Plan, our office could be affectively annihilated.

The undersigned hopes that his answer to the above questions will be useful to your Sub-Committee. In addition, the undersigned wishes to express his concern to your Sub-Committee that Legal Services as a viable entity could now be and is being hampered. Furthermore, the undersigned offers himself for personal testimony if needed of if allowed to appear.

Thanking you for the usual courtesies extended in these matters, we remain

Sincerely,

NEIGHBORHOOD LEGAL ASSISTANCE
PROGRAM, INC.

By 
WILLIAM L. RUNYON, JR.,
Chief Counsel

DIRECTOR
FRED WELDON
ATTORNEY AT LAW

EL PASO LEGAL ASSISTANCE SOCIETY
119 N. STANTON STREET - ROOM 215
EL PASO, TEXAS 79901
PHONE 544-3022

ATTORNEYS
STUART R. ABELSON
CLINTON CROSS
ROBERT MILLARD
KENT MORRISON
STEVEN L. BERCU
TOM LOWY

August 18, 1970

Senator Gaylord Nelson
Committee on Labor at Public Welfare
Washington, D.C. 20510

Dear Senator Nelson:

Let me apologize for not having responded by August 10th, as
had requested. I send this on now in the hope that it
can still be of some use to you.

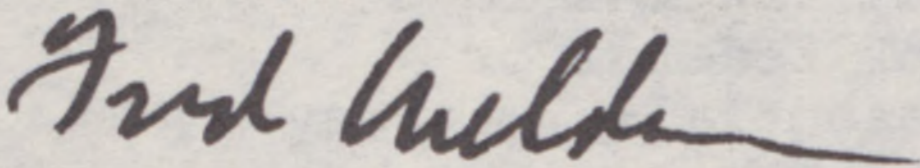
1. We service El Paso County, which has a population of approximately 400,000.
2. We have one central office in downtown El Paso with a staff of nine lawyers.
3. This office first opened for business on September 22, 1969. By the close of our fiscal year (August 31, 1970) we will have had approximately 2800 applications for legal services. Of that number we will have opened files on and given some kind of legal representation in at least 2,000 of those applications.
4. As our statistical data gathering is not very accurate, I will have to estimate the number of cases involving some form of litigation at 400 to 500. We have a great many simple divorce matters, most of which are not contested, which do involve court appearances. Most of the cases involving litigation would be of that kind.
5. Again, as to the percentage of the total cases of which we have handled which were resolved in favor of the client, I cannot accurately estimate. Our statistical information is simply not complete enough.
6. I would estimate that 80% of the cases we have handled deal with traditional legal aid concerns, such as domestic relations, welfare, defense in eviction cases and the like.

AUG 21

7. We are increasingly emphasizing law reform and have since the beginning of this program. In fact, we now have a number of cases filed in one court or another which we deem to be law reform. We expect to exert more of our energies in the direction of law reform in the coming year.
8. We have been involved in a few attempts at economic developments, but these efforts have not been effective. As to community projects, we have represented a number of groups such as a local tenants union, various neighborhood improvement associations organized by the community action agency, a free clinic, and such other organizations.
9. We have experienced some slight local political pressure as a result of actions we have filed. Nothing from the state or national level.
10. We have not changed the emphasis of our refunding application in any way.
11. New conditions and restrictions have been made in our new grant, but they are not of much consequence.
12. It is my view that putting this program under an OEO Regional Office rather than the Regional Legal Services Office would be near disastrous. This is based primarily upon my experience with the local community action agency which, more than any other organization in this town, has been a problem to this office. While it may be unfair to do so, I assume that the local community action agency to some extent reflects the kind of thinking that comes out of the OEO Regional Office which oversees that project. It is only with the assistance of the Regional Legal Services Office that we had been able to avoid the morass of bureaucratic reporting and harrassment that the non-professional community action agency - again, I assume it reflects the Regional Office of the OEO - has attempted to impose upon this office. I have observed from a distance the community action agency as compared with the relatively streamlined procedures of our Regional Legal Services Office. On the basis of my admittedly limited experience with the OEO Regional Office, I would say that any attempts to subject the legal services to their control should be vigorously resisted.
13. I am not familiar with the "Oklahoma Plan".

I hope the above will be of some use to you. If you have further questions, please don't hesitate to raise them.

Sincerely,



Fred Weldon

Legal Aid Society of Charleston

CHARLESTON, WEST VIRGINIA 25301

August 11, 1970

RECEIVED

Honorable Gaylord Nelson, Chairman
Senate Subcommittee on Employment,
Manpower and Poverty

AUG 16 1970

Dear Sir:

Pursuant to a request from your Committee asking for certain specifics from this legal services program that may be informational in your consideration of the OEO Legal Services Program, the following is herewith submitted:

1. This program serves a population area, four (4) counties, of approximately 350,000 in population.
2. This program operates from one central office situate in Charleston, Kanawha County, West Virginia, and we also have five branch offices each of which is staffed one day per week.
3. This program directly served 2,336 individual applicants during the past 12 months. (This case load represents a decrease from the previous year directly due only to insufficient staff to handle those additional persons who asked for our assistance.)
4. Of those cases directly handled, as set forth in Paragraph 3 above, 1,024 involved some type of litigation.
5. Of the total cases handled during this period, approximately 86% resulted in a favorable result for our clientele.
6. Also, during this same period, no cases that could possibly be classified as law reform or testing of constitutionality of federal or State statutes were filed. Essentially, it may properly be said that during this fiscal year 1969-70 our cases were of a traditional legal aid activity.

7. During the past fiscal year, this office did not emphasize legal reform. (This office has, however, done considerable research moving towards one or more cases that could conceivably result in such law reform activities, such as testing certain aspects of the justice of the peace system in the State of West Virginia. But, primarily due to an insufficient staff, time, together with a heavy case load, such has prevented a continuation in that field.)
8. This program works very closely with all of the community action programs, not only within our own four-county area but also state-wide, and as a consequence we are constantly involved in various economic development and other community projects. It should be further noted that this program also works very closely with all of the social organizations within our area and generally, as a result thereof, find ourselves involved in matters of housing, welfare, emergency planning, environmental projects, etc. at almost every level.
9. During the year 1968, this program experienced considerable pressure as a result of certain of the program's legal activities. During the past year we have had a good rapport locally and the bulk of our problems stem primarily from the Office of Economic Opportunity.
10. Very few changes have been made in our refunding applications during the past four years.
11. Throughout the past three years there have been numerous conditions and restrictions placed on our grant and a number have apparently been placed upon our new fiscal year grant, commencing September 1, 1970. (Senator, it is the considered opinion of this writer that a number of the people in the legal services program of OEO haven't the faintest idea of what in the hell is going on. It is further the considered opinion of this writer that it is somewhat criminal to put

individuals, apparently only holding a law degree, in the position of setting up certain standards and regulations and demanding vast numbers of statistics when they have never practiced in the field of law and have no conception whatsoever of the time, research, court terms, orders, etc. that are necessary to successfully prosecute and/or defend even a minor legal problem.)

12. It is this writer's opinion after having been a director of a program for three years, and also having discussed the common problems with directors of other programs of comparable size and our relationship with the community action program and OEO in general, that it would be a decided mistake to ever place the legal services program under the OEO regional office. It is my further opinion, having been advised that the American Bar Association and the National Legal Aid and Defender Association has recommended to Congress that the national legal services program should be placed under some Department other than the Office of Economic Opportunity, that I place my full support in their recommendations and would request that Legal Services be placed in some Department like HUD. (It is further my considered opinion that if the OEO staff attorneys now operating the legal services program are so inexperienced as to fail to recognize and appreciate the problems of various State projects, it would be even more hazardous towards our operating successful legal programs to place the existing programs under the control of lay individuals and thereby increase the number of existing problems by failure to recognize and appreciate the needs as they may occur. Some such specifics would be the possibility of creating petty jealousies and bitterness among non-legal but professional staff members in many side areas. Another questionable area would be to follow the in many community action programs where there are inter-agency staff transfers where a vacancy exists. For example, a number of the OEO offices

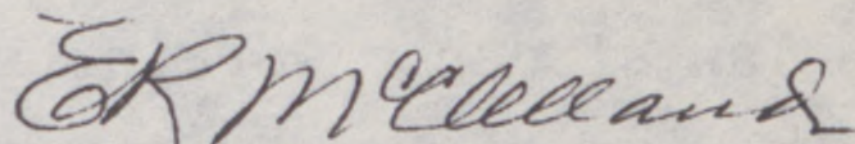
and CAP organizations have become unionized. Our community action program, "mother agency", is experiencing difficulties among its delegate agencies and their employees therein as a result of the union. Here it should be noted that legal programs do of necessity require certain of its secretaries to be capable of taking depositions and also to qualify as court reporters in indigent cases. Salaries for these ladies must be commensurate with their abilities and qualifications and using this as only one example, I can foresee considerable difficulties if the legal services program were ever put under the OEO regional office. Again, for fairly obvious reasons, notwithstanding the superior qualifications of a private secretary or stenographer, and/or investigator, very few could ever qualify or otherwise be acceptable within a legal services program.)

13. It is the considered opinion of this writer that using the accomplishments of the Legal Aid Society of Charleston during the past 18 years as a basis for its continued existence, the "Oklahoma Plan" would constitute little or no affect in our area.

I am very pleased that your Committee is making a study of the Office of Economic Opportunity, Legal Services Program, and considering holding public hearings thereon. After having had a considerable number of informal discussions with other project directors, as I mentioned above, I feel sure that your Committee will receive some very enlightening information in many areas. The one "bone of contention" that I have with our regional director is the fact that he has point-blank pointed out to me that his office is obligated to place most of its emphasis, financial and otherwise, in and to the large urban projects, i.e., Baltimore, Washington, Philadelphia, Pittsburgh, Louisville, etc. and that there was no money to give salary increases or for the expansion of the smaller legal aid programs in the Mid-Atlantic Region. This, notwithstanding the fact that during the last three years our program has added additional counties as a part of its authorized area to provide legal services to our beneficiary group.

I hope that this may answer, at least in part, the questions propounded of me and if additional information be desired or more comprehensive answers required, please do not hesitate to present them to me.

Respectfully submitted,



E. R. McCLELLAND
EXECUTIVE DIRECTOR

SPOKANE COUNTY LEGAL SERVICES

Douglas D. Lambarth, *Director*

WEST 318 SPRAGUE AVENUE — SPOKANE, WASHINGTON 99204

Telephone Rlverside 7-4118

August 10, 1970

The Honorable Gaylord Nelson, Chairman
Senate Subcommittee on Employment, Manpower and Poverty
United States Senate
Washington D.C. 20510

Re: Public Hearings on the OEO Legal Services Program

Dear Senator Nelson:

In order to best answer the various questions that you pose in your letter of July 30, 1970, we will respond to each subsection seriatim.

(1) The size of the population served by Spokane County Legal Services is approximately 300,000.

(2) Currently, the Spokane program has one office located at West 318 Sprague Avenue in the city of Spokane. However, a law student rides circuit one day per week by visiting the various Neighborhood Centers to render legal services in the immediate vicinity of many of our clients.

The Director is the only lawyer in the program. There are currently two law students working in the program on a 40 hour per week basis. Once the law school term at Gonzaga Law School begins in September, there will be four or five law students working in the program on a part-time basis.

(3) During the fiscal year, April 1, 1969, through March 31, 1970, the Spokane office handled 1,492 cases.

(4) During the same fiscal year, 41 cases involved litigation.

(5) Approximately 26 percent of the cases handled by the Spokane office were resolved in favor of our clients.

(6) The question under paragraph six of the letter is somewhat ambiguous, but we may respond by indicating that one major test case was brought during the 1969 fiscal year.

(7) Since the assumption of the directorship by the current Director on June 1, 1970, an increasing concern has been directed toward law reform and institutional change. This increased emphasis will continue in the coming months, and as staff is added where the current budget will permit on a limited basis the following salient areas for law reform work will be developed: (1) low-income housing, and in particular the FHA 235 program, both rehabilitation and new housing; (2) public assistance administration and relations; (3) highway relocation and design; and (4) consumer protection from small loan companies and collection agencies. The extent to which we will be able to proceed in these areas depends heavily upon volunteer work by law students at the local law school, Gonzaga University, because of the inadequate funding of Spokane County Legal Services to permit Legal Services staff development of these programs.

(8) To date in Spokane, economic development of corporations has been fairly inactive and as far as I can determine, Legal Services has not been participant in any such corporation or association. However, prior to my arrival, both the Small Business Administration and certain non-profit corporations or cooperatives had been formed and assisted in their organization by Legal Services.

(9) Because of the fairly inactive state of law reform projects in the past, apparently the local and state public officials and political interests have not yet deemed it necessary to exert political pressure on our particular office. However, potential criticism of Legal Services in the housing area as well as in the other areas mentioned above is apparent in the Spokane environment and may well surface in the coming months.

(10) As far as can be determined, the emphasis has not been changed from the prior applications except that for the current fiscal year divorces and separate maintenance suits

will be handled.

(11) The added conditions and restrictions concern, in general, administrative itemization of practices already considered and implemented on the local level. This phase is outlined under special conditions as follows: (1) Within 60 days of release of funds, the delegate agency, through the grantee, shall submit to OEO for approval a plan in compliance with the following standards: (a) Involvement of the program in litigation, trial, and appellate, designed to make a substantial impact on the poverty community; (b) Involvement of the program in group representation and development; (c) Involvement of the program in the improvement of the practices of administrative agencies and legislation; (d) Involvement of the program in economic development and creative concepts designed to make a substantial impact on the poverty community; (e) The delivery of competent, routine legal services on a client-by-client basis in an efficient manner; (f) The establishment of a comprehensive community education and preventative law program. This plan shall describe procedures for implementation including: (a) The setting of priorities among the standards; such priority setting to include the participation of the client community; (b) the assurance that the volume of caseload will not create implicit or substantive restrictions on the adequate representation by the attorney of the clients and the community; (c) The added assurance that there will not be an arbitrary limit to the scope or type of civil legal services provided to eligible clients. (2) Within thirty days of release of funds the delegate agency, through the grantee, shall submit to OEO for approval documentation of its non-federal share.

Also, for in-kind contributions, OEO is requiring advance documentation of the total commitment for the current fiscal year as an added administrative detail and itemization.

(12) Placing Legal Services under the Regional OEO Office would have a serious and inimical effect on legal representation of persons from the poverty and low-income segment of the population.

In the first instance, the Regional OEO is concerned with many diffuse programs, none of which resembles Legal Services

in any significant manner. None of these other programs must relate to the individual person in the way an attorney must in order to represent him, whether that representation be in litigation or on an advice only basis. Consequently, the distinct nature of the Legal Services Program as well as the special relationship between the client and attorney constitute two of the principal bases for objection to OEO Regional Office control of Legal Services.

In addition, however, one should note the essential principles of conduct which govern all attorneys in the State of Washington. In this regard, the independence of the Legal Services office must be maintained in order to function in fact as that independent counsel required and advocated by the Canons of Professional Ethics and the Bar as a whole. Such independence would be compromised at best by the assumption of any direction of Legal Services by the OEO Regional Office.

Lastly, the Spokane County Legal Services has been administered in a relatively inexpensive, economical, and rational manner as a law office performing its function. It is believed that the local Community Action Program administration duplicates the administration of Legal Services already at a rather expensive and in a less efficient manner. To add the Regional OEO Office to this burgeoning bureaucracy, where such additional administration is not required, would result in added expense, decreased efficiency, and in general is of questionable utility from either an administrative or pragmatic viewpoint.

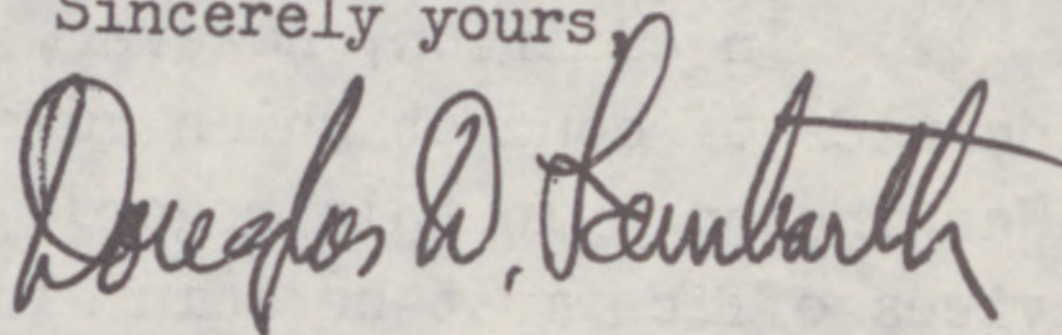
(13) The effect of the Oklahoma Plan in Spokane would be disastrous. Because of the intense political pressure that could be exerted under this type of plan, Legal Services could be--and within a short time at the behest of certain rather short-sighted but potent local political groups would be--significantly restricted with consequent interference with the currently envisaged program and the developing protection and representation of the poverty group individuals.

Because of the short period in which we have had to respond to your letter of inquiry, we are unable to make additional comments at this time. However, we are vitally

interested and involved with the work of your Subcommittee and would certainly be appreciative of any information available through it and likewise are always ready and willing to provide additional information at your convenience.

With best wishes for successful hearings in this crucial area of concern, I am,

Sincerely yours,



Douglas D. Lambarth

SPOKANE COUNTY LEGAL SERVICES

Douglas D. Lambarth, *Director*

WEST 318 SPRAGUE AVENUE — SPOKANE, WASHINGTON 99204

Telephone Riverside 7-4118

September 4, 1970

The Honorable Gaylord Nelson, Chairman
Senate Subcommittee on Employment, Manpower
and Poverty
Committee on Labor and Public Welfare
Washington D.C. 20510

Re: Hearings on Legal Services Program.

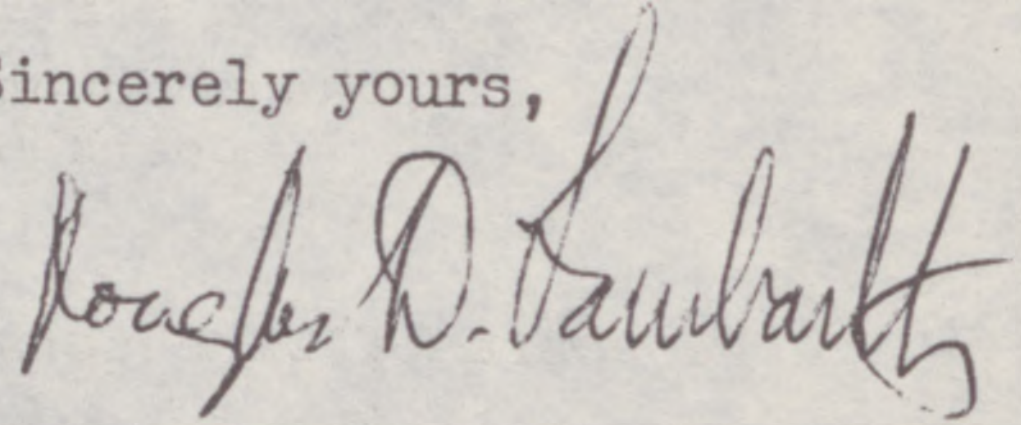
Dear Senator Nelson:

Recently, the Legal Services office returned an answer to the various questions that you posed in your letter of July 30, 1970. At the meeting of the Board of Directors of the Spokane County Legal Services held last evening, September 3, 1970, it was decided that the enclosed resolution should be endorsed by the Board of Directors and forwarded to you. The President of the Board, Mr. Donald Ericson, requested that I act on his behalf in enclosing this resolution for your consideration.

In forwarding this resolution to you, I might comment at this point that the Board of Directors consists of a substantial representation of attorneys from the Spokane County Bar Association, which has been instrumental in founding and supporting the Legal Services office in representing the low-income community.

As we indicated in our letter to you of August 10, 1970, if there are any additional materials or information that we might supply to assist in the proper investigation of the Legal Services Program, please call upon us at your convenience, and I am,

Sincerely yours,

A handwritten signature in cursive script that reads "Douglas D. Lambarth". The signature is written in dark ink and is positioned below the typed name.

Douglas D. Lambarth

The Honorable Gaylord Nelson, Chairman
Senate Subcommittee on Employment,
Manpower and Poverty
Committee on Labor and Public Welfare
United States Senate
Washington, D. C. 20510

R E S O L U T I O N

Spokane County Legal Services
Board of Directors

The Board of Directors of the Spokane County Legal Services, being advised that the Subcommittee on Employment, Manpower and Poverty is to hold public hearings concerning the Office of Economic Opportunity sponsored Legal Services Program in September of 1970, and furthermore being advised that certain subjects which will be investigated in such hearings may have an intrinsic and extensive effect on the Spokane County Legal Services and its functioning in serving the low-income persons of the Spokane community, now makes and unequivocally supports, in its monthly meeting held on Thursday, September 3, 1970, the within Resolution in support of an independent, professional Legal Services office to serve the low-income community in the same manner as other elements and persons of the community are served by private counsel and attorneys; and to these ends, it is hereby resolved:

That the Spokane County Legal Services Program must remain immune from local, state, and national political pressure in serving the needs, requirements and interests of its clients from the low-income segment of our society, and furthermore must be continued as an independent and functional law office especially concerned with, and involved in, attacking the root

and institutional causes for poverty through legal representation and advocacy;

That the continued support and direction of the Bar Association of Spokane County is necessary for an effective program to function to serve the low-income community and to assure that the attorney-client relationship is continued unfettered and unaffected by extrinsic pressure, whether such pressure be exerted on a local, state or national level, and that the principles enunciated by President Bernard G. Segal in the American Bar Association Journal of July, 1970, are supported and recognized as directly in point to this Resolution as herein conceived:

"That second landmark we shall note in St. Louis (at the annual meeting of the American Bar Association) is the fifth anniversary of the support for legal services for the poor from the Office of Economic Opportunity. In my opinion, one of the shining hours in our Association's history was when we embraced this program in its inception. This gave the program the support it needed and, equally important, had the effect of maintaining the direction of the program by lawyers, thus assuring its professional independence."

"....we must be vigilant to maintain the professional independence and integrity of the programs and the lawyers in them. The successes which poverty lawyers have had in cases of public and social concern, the so-called law reform cases, including litigation against federal and state governments, have evoked storms of protest. It is authoritatively reported that restrictive bills designed ultimately to prevent representation of the poverty citizen in such litigation, bills much like the ones the Association and other professional organizations succeeded in having defeated in the Congress before, are being drafted for introduction

in the next session. Unfortunately, many lawyers and members of the public, having little or no real interest in or knowledge of representation of the poor and of public interest law, would support this legislation. An extensive educational campaign is urgently needed, and here again the Association and the N.L.A.D.A. must take the lead." [American Bar Association Journal, July 1970, P. 611.]

That in order to maintain the independence of the Spokane County Legal Services Office it is imperative that the following principles be maintained in their integrity:

That the Legal Services office be maintained separately from the other OEO services and that the Regional Legal Services Office be the only authority to supervise the local Program, its functioning and its effectiveness;

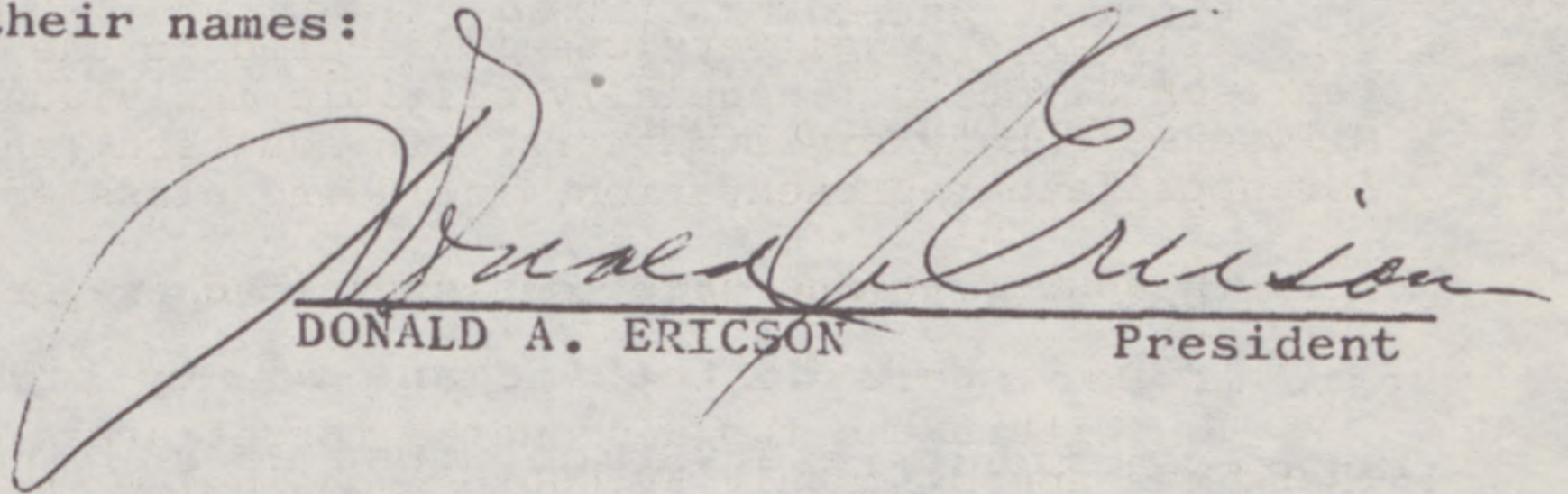
That the so-called "Oklahoma Plan" would be inimical to the continued viability of the Spokane County Legal Services, subjecting it to undue political pressure thereby threatening the essential principles on which Legal Services is based and was originally founded.

That the above principles, having been set forth by the Board of Directors of the Spokane County Legal Services and embraced without reservation, must be continued to be recognized and followed in the future so as to assist in the correction of the fundamental inequality as recently referred to by Mr. Segal in the above mentioned article:

"There can be no justice under law when millions of people are without legal representation, when they suffer the sanctions of the law but have no access to its remedies. These conditions do not make for an orderly society in our kind of democracy and cannot be permitted to continue."

W H E R E F O R E , the Board of Directors of the Spokane County Legal Services hereby formally and officially announces and recognizes the principles set forth above as the statement of its position in the forthcoming discussion of the Legal Services Program in the Senate Subcommittee on Employment, Manpower and Poverty, to the end that such position be made known to the members of the subcommittee for their consideration and deliberation, and

2nd B E I T T H E R E F O R E R E S O L V E D , this day of September, 1970, by unanimous vote of the assembled Board of Directors of Spokane County Legal Services, that such principles be sent and conveyed to The Honorable Gaylord Nelson, Chairman of the Senate Subcommittee on Employment, Manpower and Poverty, to which vote and action of the Board of Directors the following officers of the Board attest and subscribe their names:


 DONALD A. ERICSON President


 DAVID P. ROBERTS Secretary

MILWAUKEE LEGAL SERVICES, INC.

AUG 31

Director
Robert G. Munro

Deputy Director
Harriet Tonskemper

Appellate Director
Robert D. Repasky

135 West Wells Street - Suite 400
Milwaukee, Wisconsin 53203

271-9222

SOUTH OFFICE
1322 South 16th Street
671-6940

NORTH OFFICE
2218 North 3rd Street
372-7400

August 25, 1970

The Honorable Gaylord Nelson
United States Senator
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
United States Senate
Washington, D. C. 20510

Dear Senator Nelson:

Milwaukee Legal Services, Inc., is a non-profit corporation acting as a delegate agency to the Community Relations-Social Development Commission of Milwaukee which is the local Community Action Agency. Prior to October 1, 1969, Milwaukee Legal Services was administered by the Legal Aid Society of Milwaukee. On that date we became an entirely separate organization.

Milwaukee Legal Services is devoted to the provision of legal representation to financially eligible individuals and groups in Milwaukee County civil matters. In addition, the program provides for appellate representation, including class actions.

In answer to the questions contained in your letter of July 30:

1. Within the two designated target areas of urban Milwaukee there are approximately 59,000 persons below the poverty level according to the statistics available at this time. It is estimated that there are approximately 150,000 individuals below the poverty guideline in the Milwaukee area.

2. At the present time Milwaukee Legal Services has three office locations, one office in each of the target areas and a central office which houses administrative, appellate, and the domestic relations sections. We have a total attorney staff of fourteen and, in addition, have been assigned three attorneys under the Reginald Heber Smith Fellowship Program.

3,4,5,6,7. During the first three quarters of this program year we have been contacted by 3852 people. Final statistics have not been compiled for the operation of this program for the present year. The statistics for the quarter ending June 30, however, reflect the normal operation of the program. During this quarter we were involved in a total of 396 court hearings. Approximately 1/3 of those cases were in the field of domestic relations and were handled by what at present is a one-man domestic relations section.

BOARD OF DIRECTORS: Thomas W. Godfrey, *President*; Julio Rodriguez, *Vice President*; Lawrence W. Bugge, *Treasurer*; Thomas Duggan, *Secretary*; Irvin Charne, Eugene C. Daly, Timothy Frautschi, Anna Hansen, Truman Morrison III, Anthony Oberbrunner, Dale Phillips, Allen Redlick, Anne Ruffin, Samuel Stellman, John Teter, James Urdan, Genevieve Warren.

The remainder of the litigation involved consumer and landlord-tenant cases in the main.

It would seem from the statistics that approximately 90% of our caseload has involved what might be termed traditional legal aid concerns. We have, however, during the past year begun to place increasing emphasis in the field of law reform. To this end we established an appellate section which has concerned itself with actions in behalf of tenants in public housing, migrant labor problems, drafting of proposed legislation, etc.

8. The program has not been involved to any great extent in economic development projects. We have worked with various groups in submitting proposals for funding and with groups such as the Tenants Union, the National Welfare Rights Organization, American Indian Action Groups, Spanish Center and United Migrant Opportunity Services.

9. Although there have been individual complaints concerning our representation of clients, especially in the landlord-tenant area, no political pressure has been brought.

10. No.

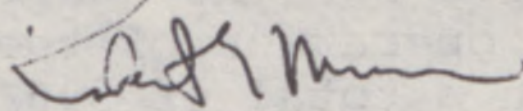
11. No.

12. To place a legal services program under the direction of the regional office rather than the legal services office would, in my opinion, be sheer folly. I believe that legal services program directors throughout the country would agree that the majority of the administrative problems that we encounter are created by non-lawyer interference and misunderstanding. Community Action Agencies have little understanding, it would seem, of the potential as well as the limitations of legal services programs. It is difficult for me to express in a letter how strongly I feel that legal services administratively should be kept separate from the remainder of O.E.O.

13. I feel the Oklahoma plan would also be the ultimate destruction of legal services as it presently exists. In my opinion it is little more than an attempt to accomplish the objectives of the so-called Murphy Amendment. When the majority of the law reform cases are directed toward government agencies it would seem apparent that conflicts will inevitably arise which will be resolved at the expense of the legal services client.

If I may be of any further service to you or to the subcommittee staff, please let me know. I am sure that the individual members of my Board of Directors will also be more than happy to provide their insight into the legal services programs also.

Very truly yours,



Robert G. Munro

LEGAL SERVICES FOR LARAMIE COUNTY, INC.

Office of Economic Opportunity

1810 PIONEER

CHEYENNE, WYOMING 82001

PHONE 634-1566 — AREA CODE 307

FRANKLIN D. BAYLESS
DIRECTORERNEST HALLE
STAFF ATTORNEY

August 5, 1970

Honorable Gaylord Nelson
Chairman, Senate Subcommittee on
Employment, Manpower and Poverty
Senate Office Building
Washington, D. C. 20510

Dear Sir:

In answer to your letter of July 30, 1970, I submit the following:

1. What is the size of the population you serve?

The population of Cheyenne is approximately 40,000. The county in which Cheyenne is located has a population of approximately 50,000. Cheyenne, Wyoming has approximately 3,500 persons (37.4% of the families in the low-income area) with incomes of \$3,000 per year or less. The unemployment rate of the household heads of the low-income area who are less than 65 and not disabled in July of 1969 was 16.4%. Another 12.4% of the household heads were employed only part-time. This means 29% of the able-bodied household heads less than 65 years of age in the low-income community are not fully employed. Maximum unemployment compensation is \$53 per week. The average unemployment compensation is \$40.50 per week with the maximum length of 26 weeks.

In 1969, the County Department of Public Welfare processed 3,431 Old Age Assistance cases, 109 Aid to the Blind cases, 205 Aid to Permanent and Totally Disabled cases and 5,066 cases involving Aid to families with dependent children. In the latter category, there were 4,472 eligible adults and 14,133 children eligible.

2. How many offices and lawyers do you have?

Laramie County Legal Services, Inc. has one office and two lawyers.

3. How many cases have you handled in the last year?

This office has handled 1,043 cases in 1969. We interviewed and referred to attorneys 108 cases--total cases 1,151.

4. How many of these cases involved litigation?

310 cases involved litigation.

5. What percentage of your total cases in the last year were resolved in favor of your client?

67% of our total cases litigated in the last year were resolved in favor of our client. 75% of cases not litigated were resolved in favor of our clients.

6. What percentage of your cases dealt with traditional legal aid concerns?

95% of our cases dealt with traditional legal aid concerns.

7. Are you increasingly emphasizing legal reform?

This office is increasingly emphasizing legal reform, but due to the high caseload and insufficient staff to handle the caseload and to prepare test cases, law reform projects are very limited.

8. Have you been involved in any economic development or community projects?

This office has been involved in economic development and community projects. This office submitted a plan, articles of incorporation and bylaws, to the Model Cities Program for establishment of a Local Development Company. The purpose of the Local Development Company (LDC) is three-pronged. First, the Local Development Company would establish a Better Business Bureau; secondly, LDC would provide expertise to aid low-income persons and persons from minority groups in establishing small businesses; thirdly, the Local Development Company would act as a coordinator, information retrieval and delivery center, and a delivery system (for training and delivery of manpower from the low-income communities) to business developed and existing business operations. The LDC would attempt through a data bank system to determine the business needs, training availability, and potential manpower delivery. The Manpower Development Program, Neighborhood Youth Corps, Operation Mainstream, and Employment Security Commission, WIN and any other manpower training agency would be utilized in order that the low-income people may be put back into the economic mainstream. The reason this type of setup is necessary is that as jobs open and future manpower needs are determined, there is very little coordination among agencies to see that the low-income unemployed, underemployed and minority group persons are properly trained to fit into the employment status at the time the employers' needs are established.

The Legal Services Office has begun an Economic Development Speakers Series. In addition, the Laramie County Legal Services has qualified as a delegate agency under the Department of Housing and Urban Development 237 Program. The purpose of the HUD 237 Program is to provide financial counseling for those with past bad credit history in order that they may become eligible for FHA household financing.

Legal Services attorneys intend to start a consumer education program.

9. Have you experienced local, state, and/or national political pressure as a result of your legal actions?

We have experienced very little local, state, or national political pressure as a result of our legal actions. However, when this office did file a suit against a collection agency for the unauthorized practice of law, which suit was filed for the purpose of reducing the number of garnishments, losses of jobs, and reducing the number of people who found it necessary to turn to welfare for family necessities, the opposing attorney filed unethical conduct charges with the Bar Association, which charges were dismissed. In addition, city officials have been very reluctant to include Community Action and Legal Services persons in Model Cities planning. The same attorney who filed the unethical conduct charges against this office, as a member of the school board was successful in eliminating VISTA volunteers from the schools without benefit of investigation prior to taking action. We have received very little opposition from the State of Wyoming, and in some cases have received very favorable comment. However, we may receive some political pressure from the State of Wyoming as a result of filing a number of appeals from orders reducing benefits for the persons on Old Age Assistance and the permanently disabled. In general, however, I do not feel that Legal Services has been subject to unfair coercive political pressure. Community Action Programs, including Legal Services, was subject to attack by the Laramie County Commissioners who wrote to the Wyoming Congressional Delegation requesting termination of OEO funds, however, the focus of the County Commissioners action was not against Legal Services. The County Commissioners request for termination was withdrawn. We accept the fact that some political pressure is necessary and desirable to keep Legal Services, or any other governmental agency, tuned in on the effects of its actions.

10. Have you changed the emphasis of your refunding application in any way?

We have not changed the emphasis of our refunding application in any way.

11. Have new conditions or restrictions been made in your new grant?

No new conditions or restrictions have been made in the grant which became effective January 1, 1970.

12. What do you feel would be the effect of putting your program under an OEO Regional Office rather than under the Regional Legal Services Office?

I feel that putting the Legal Services Program under an OEO Regional Office rather than a Legal Services Office would be detrimental. I indicate this for the following reasons:

1. It may be a breach of the canons of professional ethics to have lay intermediaries interfere in the attorney-client relationship.

2. OEO Regional Office personnel seem to have very little understanding of the operation of a law office and of the legal system, and there is a need for expertise in this area.

3. Such action may have a detrimental effect in the long run on the recruitment of attorneys and maintenance of a Legal Services Program due to natural resentment of lawyers against laymen interfering in the legal process.

4. A Regional Legal Service Office with trained personnel can better understand the need for coordination of Legal Services operations, dissemination of information, and providing for Legal Services brief banks and expertise.

13. Are you familiar with the Oklahoma Plan? If so, how would your office be affected by such a plan in your State?

I am vaguely familiar with the Oklahoma Plan. It is my understanding that under the Oklahoma Plan, the State would have a greater share of the responsibility and control over OEO and Legal Services Programs. I personally believe that the present Governor of this State and his staff would be fair in its regulation of the operation of the Legal Services Program. However, I feel that political pressure by some local community leaders might result in undue restrictions. Certainly, I believe that lack of proper representation in state and local governments by the poor has been part of the cause of failure of state and local governments to develop means and methods for combating the problems of the poor. Further, I believe that the Federal Government has been more responsive to the needs of the poor than has the state or local governments. I believe this has been brought about by two factors:

1. Special interest groups not representative of the poor have dominated the state and local governments. Further, many of the state and local officials are either unaware of or unsympathetic to the problems faced by the poor.

2. Second, state and local governments do not receive sufficient revenues to provide programs to alleviate the causes of poverty, and if greater state and local control is given over Legal Services and other OEO Programs, as in the case of the Oklahoma Plan, sufficient funding and Federal control must accompany the delegation of authority in order to insure that the poor reap the benefit of OEO Programs.

Sincerely yours,

Franklin D. Bayless
Franklin D. Bayless
Director

