



THE LEGAL AID SOCIETY

CIVIL DIVISION

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FAX TRANSMITTAL FORM

DATE:

3/3/95

Transmittal to:

LIZ BOWYEROFFICE OF THE FIRST LADY.

From:

HELAINE BARNETTINR.

Number of Pages:

7

(Including this page)

To Fax Number : (202) 456-5709

COMMENTS:

Re: The Legal Aid Society "Servant of Justice" Award
Dinner for Hilary Rodham Clinton, March 23, 1995.

As I discussed on the telephone this morning, attached are copies of (1) my February 28th letter to Mrs. Clinton, (2) the proposed additions to the biography of Mrs. Clinton (which were approved by phone by Neil Lattimore from the White House) and (3) my February 6th letter to Mrs. Clinton.

Please contact me at (212) 406-0750 with any questions or comments you may have.

file: nhr/clint.bowyer



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February 28, 1995

By Facsimile and Letter

Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500-2000

Dear Hillary,

I have taken the liberty of suggesting some additions to the biography that your office sent me in order to tailor it to The Legal Aid Society Servant of Justice Program. Please let me know if they seem appropriate to you or if you would like any changes.

Also attached is a proposed dais list. Please let me know whether there is anyone whom you would like us to invite.

I very much look forward to being with you on March 23rd. Please also let me know how I can be of any assistance to you on that day and whether you are available for any of the other events I suggested in my February 6th letter to you. I have left the entire day free to accommodate your schedule.

Looking forward to hearing from you.

With best regards.

Sincerely,

Helaine Barnett
Attorney-in-Charge

Proposed Additions to
the Biography of
HILLARY RODHAM CLINTON
for The Legal Aid Society
Servant of Justice Award
on March 23, 1995

Hillary Rodham Clinton served on the Board of Directors of the Legal Services Corporation from 1978 to 1981 and as its Chair from 1979 to 1980. On September 29, 1994, she hosted a White House reception in honor of the 20th Anniversary of the Legal Services Corporation.

Hillary Rodham Clinton was appointed the first Chair of the ABA Commission on Women in 1987. Under her leadership the Commission created the widely used manual entitled "Lawyers and Balanced Lives," which contains model work place policies for law firms dealing with parental leave, alternative work schedules and sexual harassment policies. As a direct result of her efforts, the Commission has served as a stimulus for opening up avenues for leadership positions for women in the judiciary, in the organized bar, and in law schools.

Hillary's work on behalf of poor children is well documented. She has been an active member of the Board of the Children's Defense Fund from 1978 to 1992, serving as chair from 1986 to 1992, advocating on behalf of the needs of poor, minority, and disabled children.

She brought to the forefront of the nation's domestic agenda the full range of issues concerning the goal of universal access to quality health care. She is today an outstanding advocate and voice of the poor at the highest levels of government.

→ [note: 3/3/95 - Neil Lattimore from Karen Finney's Office at The White House spoke to Helaine Barnett and approved the above]

1995 Servant of Justice Dinner
Dais Guest List

Honorees, Dinner Chairs & Key Legal Aid Leaders

Thomas R. Brome, Esq.
Hillary Rodham Clinton, Esq.
Charlotte M. Fischman, Esq.
Mr. Richard A. Grasso
Daniel L. Greenberg, Esq.
Martin Lipton, Esq.
Archibald R. Murray, Esq.
Bernard W. Nussbaum, Esq.
Martin D. Payson, Esq.
Bettina B. Plevan, Esq.
Barbara Paul Robinson, Esq.
Felix G. Rohatyn, Esq.
Dean John Sexton
Susan P. Thomases, Esq.

Past Recipients

The Honorable Herbert Brownell
Mr. Walter L. Cronkite
The Honorable Mario M. Cuomo
Joseph H. Flom, Esq.
Alexander D. Forger, Esq.
Vernon E. Jordon, Jr., Esq.
Arthur L. Liman, Esq.
Mr. Edmund T. Pratt, Jr.
The Honorable Simon H. Rifkind
Mr. David Rockefeller
The Honorable Cyrus R. Vance

Political Guests

The Honorable Alfonse M. D'Amato
The Honorable Joseph Bruno - Majority Leader, Senate
The Honorable Paul A. Crotty - Corporation Counsel for the City of New York
The Honorable Rudolph W. Giuliani
The Honorable Katherine N. Lapp - Criminal Justice Coordinator for the City of New York
The Honorable Daniel P. Moynihan
The Honorable George Pataki - Governor of the State of New York
The Honorable Charles B. Rangel
The Honorable Charles E. Schumer
The Honorable Sheldon Silver - Assembly Speaker
The Honorable Peter Vallone, Speaker, New York City Council

Judges

The Honorable Carmen Ciparik - Associate Judge of the New York State Court of Appeals
 The Honorable Barry A. Cozier - Deputy Chief Administrative Judge for the New York City Courts
 The Honorable Ruth Bader Ginsberg
 The Honorable Thomas P. Griesa - Chief Judge of the U. S. District Court for the Southern District of New York
 The Honorable Judith S. Kaye - Chief Judge of the New York State Court of Appeals
 The Honorable Guy J. Mangano - Presiding Justice of the Appellate Division, Second Department
 The Honorable E. Leo Milonas - Chief Administrative Judge of the New York State Courts
 The Honorable Francis T. Murphy - Presiding Justice of the Appellate Division, First Department
 The Honorable Jon O. Newman - Chief Judge of the U. S. Court of Appeals for the Second Circuit
 The Honorable Robert P. Patterson, Jr. - U. S. District Court Judge for the Southern District of New York
 The Honorable Charles P. Sifton - Chief Judge of the U. S. District Court for the Eastern District of New York
 The Honorable Leonard B. Sand - U. S. District Court Judge for the Southern District of New York
 The Honorable Robert W. Sweet - U. S. District Court Judge for the Southern District of New York

Legal Organizations

Steven Brill, Esq. - Chairman & Publisher of The American Lawyer
 George Bushnell, Esq. - President, American Bar Association
 Ramon Cintron, Esq. - President, Puerto Rican Bar Association, Inc.
 Darcil D. Clark, Esq. - President, Black Bar Association of Bronx County
 Douglas S. Eakeley, Esq. - Chairman of the Board of the Legal Services Corporation
 Doris S. Hoffman, Esq. - President, Women's Bar Association of the State of New York
 Casimir C. Patrick, II, Esq. - President, New York County Lawyers' Association
 Roberta Cooper Ramo, Esq. - President-Elect, American Bar Association
 Christopher Renfroe, Esq. - President, Macon B. Allen Black Bar Association
 Kim Adair Wilson, Esq. - President, Metropolitan Black Bar Association
 G. Robert Witmer, Esq. - President, New York State Bar Association

Private Funders / Legal Aid Staff

Helaine M. Barnett, Esq.
 Mr. Ralph Dickerson, Jr. - President, United Way of New York City
 Michael Letwin, Esq.
 Henry Schneider, Esq. - Henry & Lucy Moses Fund, Inc.
 Sandra Silverman - Scherman Foundation
 Cynthia Wolfe, Esq.



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February 6, 1995
/

Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500-2000

Dear Hillary,

I am thrilled that you will be receiving the Legal Aid Society's Servant of Justice Award on March 23, 1995 at the Waldorf Astoria in New York. I have asked Patti Solis for a photograph and for suggestions as to whom you would like to author your biography that will appear in the Dinner Program. I would be more than happy to do it, but you may want a more well known individual to do it.

If you will be coming to New York City on March 23rd earlier in the day, would you like for me to arrange to take you on a visit to either our Bronx Neighborhood Office or to our Harlem Neighborhood Office to see a civil legal services office in action. Enclosed for your information, is a copy of our most recent Annual Report. (See pages 12 - 18 on the work of the Civil Division.) If you would have any time during that day for a private lunch or a private breakfast the next day, if you do not return to Washington after the dinner, I would invite to my home some of my most accomplished and influential women friends in New York City who have indicated that if ever the opportunity arose, they would love to meet you. I would, of course,

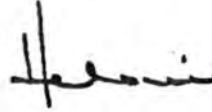
send you a proposed list for your review.

If your schedule only permits you to attend the dinner, please know how grateful and appreciative I am of your committing your evening to the Legal Aid Society. Please let me know if there are any individuals you would like to be invited to the Servant of Justice Dinner.

I am off to Miami to the ABA Board of Governors meeting prior to the House of Delegates meeting. I am liaison to the newly created Commission on Domestic Violence, which Marna Tucker co-chairs, so I am happy to have another opportunity to work closely with her.

With best wishes to you and the President.

Sincerely,



Helaine Barnett

Draft for HRC

DSE Draft -- March 21, 1995

FOR LEGAL AID SOCIETY "SERVANT OF JUSTICE" AWARDS DINNER 3/23/95

Thank you so very much for this wonderful award, which I prize all the more because of its source. Over the years, the Legal Aid Society has been the true servant of justice, proving its leadership and commitment time and again. The Society is not only the oldest of the organized providers of legal services to the poor; it is also the largest. You have also set records year in and year out for your generous financial support for the work of the Civil and Volunteer Divisions. The Volunteer Division itself, ~~with its proud origins in the Community Law Offices~~ *has been a model* ~~twenty-five years ago~~, continues to set the example for meaningful and effective pro bono involvement in the delivery of legal services to those in need. I congratulate you for your many fine contributions to the cause of equal justice, and implore you to sustain and even enhance your efforts as we move forward into uncharted waters.

I would also like to thank you for your contribution of Alex Forger to the Legal Services Corporation. I know that you must all miss him here in New York, but we have even greater need for his leadership and talents in Washington. And he is doing a magnificent job at perhaps the most critical moment in the life of the Legal Services program.

More than twenty years after the signing of the Legal Services Corporation Act of 1974, it can ~~safely~~ *truly* be said that the Legal Services program has been an overwhelming success. LSC grantees, including the Legal Aid Society, have assisted millions of people over this period -- mothers seeking child support from absent fathers, children without access to health care, families facing homelessness, tenants living in intolerable housing conditions, welfare recipients seeking training or child care so that they can work, nursing home residents deprived of the most basic of care, and victims of spousal abuse. The work of Legal Services staff attorneys have been amplified by the pro bono participation across the country of thousands of private attorneys. Federal funding has been leveraged by charitable contributions, by IOI/TA, and by state and

local grants as the greater community has come to recognize the importance of the Legal Services program in helping to keep alive the American pledge of "liberty and justice for all."

These achievements are even more impressive because they have taken place in the face of extreme adversity. Many of the people in this room played an important role in organizing ^{earlier} opposition to President Reagan's attempt to eliminate the program.

Survival came at a heavy price, however. LSC's authorizing legislation expired in 1980 and has not been renewed, leaving the Corporation in an extremely precarious position. The program has been kept alive year by year, but subject to a series of congressional restrictions on its activities. In the meantime, appropriations were cut, the LSC Board was packed with recess appointments hostile to the mission of the Corporation, and LSC management imposed regulations, as well as monitoring and compliance requirements, that drastically impaired the ability of local programs to represent the needs of their clients.

As you all know, a new board, appointed by President Clinton and unanimously confirmed by the Senate, was sworn in on November 8, 1993. [Incidentally, that board is chaired by an alumnus of the Legal Aid Society and the Community Law Offices, Doug Eakeley, who also ran the Associates Campaign while he worked as an associate at Debevoise & Plimpton before returning to his home state of New Jersey.] The new Board, with its new management led by Alex Forger, has moved aggressively to fulfill the Corporation's mission of assuring access to justice for people in need. But LSC's current budget is less than half of what ^{it needs} ~~is required~~ just to approach the "minimum access" funding level of two lawyers per ten thousand poor persons that was momentarily achieved in 1981, ^{before the sustained attack on legal service} ~~before the Reagan onslaught~~. At current funding levels, and taking into consideration all sources of funds and donated services, the Legal Services system is able to provide access to justice for only one in five poor people in need of assistance.

Now, more than ever, we need a vibrant and effective national legal services program. The number of Americans living in poverty today is at a record level. Even more disturbingly, children make up an increasing proportion of the poverty population. Forty percent of all poor people in America are children; 22% of all children live in poverty today.

During the past many years, Legal Services has been kept alive yr. by yr. as follows:

- (1) reduced ~~expenses~~ appropriated series 9
- (2) ~~Compensation~~ less than level of last year
- (3) more often make do with the local after pay to clear up ~~has done~~

(2) Appropriations hostile to it's mission +

See
Finger #'s

The nature of poverty has also changed as its incidence has increased among children. Urban life, especially for children and adolescents, has become more dangerous than at any other time in recent memory, as we lose generation after generation to the streets, drugs and violence. It has also become much more difficult for children and their parents to climb out of poverty, as we become more separate and more unequal as a nation, and as the opportunities for self-help seem to evaporate even for the most determined.

???

This increasingly extreme maldistribution of resources has been accompanied, and indeed justified, by an ideological attack on the poor that seeks to strip them of their dignity, stigmatizing and demonizing them as somehow "deserving" their impoverishment rather than viewing them as victims of economic dislocation, government failure and discrimination. The marginalization of the poor, in turn, has made it all the more difficult to develop political support for programs that could improve the quality of their lives and help them escape the bonds of poverty.

Substitute
HRC
Language?

Overlooked in all of the debate are the millions of children who go hungry every day. They suffer from homelessness, malnutrition, sensory deprivation, inadequate schooling, diseases which are eminently preventable. And they die at unacceptably high rates.

Assault
on kids
stop?

~~This is not a situation beyond our control. We pay as much in farm price supports as we do for welfare and family support. Total payments to the poor through food stamps, Medicaid, SSI, and AFDC are less than the tax "subsidies" to the middle and upper class represented by deductions for retirement plans and home mortgage interest and the exemption of health-insurance premiums. Federal Reserve Chairman Alan Greenspan recently estimated that we could realize \$150 billion in savings over 5 years just by adjusting the cost of living index to accord more accurately with the rate of inflation.~~

Even though programs such as WIC and Head Start represent not only humane but prudent investments that would reduce longer-term costs of care and treatment, they have never been fully funded -- and are now being savagely reduced by the new Congress. But poor

children can't organize, can't hire lobbyists, can't make their voices heard above the calls of special interests.

In the midst of these trends of increasing need, increasing incidence of poverty among children, and increasing marginalization, the poor need advocates more than ever. Yet we confront in the new Congress the greatest threat to the Legal Services program we have yet encountered, ~~as those long opposed to it succeed to leadership positions in the House and Senate, and as momentum develops to attack all "social welfare" programs. Make no mistake about it: although the LSC budget is only \$415 million and the federal deficit is almost \$200 billion, we will see concerted efforts to sacrifice the Legal Services Corporation on the altar of deficit reduction -- efforts that will appeal not only to those ideologically opposed to Legal Services, but to those as well who are in favor of cutting government spending and who do not understand why equal justice, and access to justice, should be the top priority of government.~~

Just last week, the Republican Caucus of the House Budget Committee voted to reduce domestic discretionary spending caps by \$100 billion over five years. Included in the "illustrative spending cuts" endorsed by the Caucus was the elimination of the Legal Services Corporation. Voting for the cuts, incidentally, were two of your Representatives: Rick Lazio and Susan Molinari.

And Once again we are at a crossroads, not just as public interest or pro bono lawyers, but as a country whose constitution reminds us that the twin purposes of its government are to "secure the blessings of liberty" and to "establish justice." The country's founders understood that democracy is only possible when all people -- regardless of race, religion or socioeconomic status -- have equal access to a system of justice that protects their rights, resolves their disputes, and provides them with an opportunity for helping themselves improve their lives. By providing access to justice for millions of needy and disadvantaged Americans, the Legal Services program has given them a stake in our system, a sense that government is meant to be a servant of the people rather than their master, and a hope that the American dream of "liberty and justice for all" can become a reality.

We must not let that dream die. We need your help, and the help of your clients and neighbors, to encourage the Congress to ^{support} ~~hold the~~ Legal Services Corporation harmless by continuing to fund it at current levels and in its current form. We cannot afford to let any stone ~~go unturned~~. This is not a partisan cause, but rather one that is worthy of the broadest possible political support. I recognize, and applaud, the many organizations represented here tonight which have already risen to the challenge, and the many individuals who have already made their voices heard. But if you have not already done so, please write, call or visit your Senators and Congressional Representatives. ^{please make} ~~Make~~ your views known. Take every opportunity to obtain a broader public understanding, through media coverage and otherwise, of the many reasons why ^{a good why} the Legal Services program deserves the support of the entire community. Time is short; the ~~appropriations committees in the House and Senate have already scheduled hearings, commencing next week. Reauthorization initiatives must be launched and pursued in the House Judiciary Committee and Senate Labor and Human Resources Committee.~~

I let me conclude by offering a prayer by the South African writer and poet, Alan Paton -- a prayer that almost seems to have been written for the Legal Services program, its clients, and the Congress:

Open my eyes that I may see the needs of others;
Open my ears that I may hear their cries;
Open my heart so that they need not be without succor;
Let me not be afraid to defend the weak
Because of the anger of the strong;
Nor afraid to defend the poor
Because of the anger of the rich;
Show me where love and hope and faith are needed;
And use me to bring them to those places.
And so open my eyes and my ears that I may this coming day
Be able to do some work of peace for Thee.

May we all continue this coming day, and each and every day thereafter, to do some work of peace and, in so doing, make the American dream a reality for our children.

Thank you.

Stats

THE OBSERVANCE OF LAW DAY SHOULD MOTIVATE US TO REVIEW HOW WELL WE ARE DOING IN OUR VARIOUS COMMANDMENTS, PLEDGES AND PROMISES.

TO SET THAT STAGE WE SHOULD NOTE THAT TODAY THERE ARE MORE AMERICANS LIVING BELOW THE POVERTY LEVEL THAN AT ANY TIME IN THE LAST 32 YEARS -- VIRTUALLY A THIRD OF A CENTURY. PERHAPS MORE DEPRESSING THAN THAT ONE FIGURE ARE THE IMPLICATIONS STEMMING FROM THE REALIZATION THAT THE RATE OF GROWTH IN POVERTY WAS THREE TIMES AS GREAT LAST YEAR AS THE GROWTH IN THE OVERALL POPULATION; THAT THE POVERTY POPULATION EMBRACES 25% OF ALL CHILDREN UNDER THE AGE OF 6; 21.9% OF THOSE UNDER THE AGE OF 18 AND NEARLY 50% OF ALL ^{CAW}AFRO-AMERICAN CHILDREN UNDER THE AGE OF 18. ENCOURAGING AND DISCOURAGING SIMULTANEOUSLY IS THE FACT THAT 40.3% OF THE 23 MILLION POOR PEOPLE OVER THE AGE OF 18 ARE GAINFULLY EMPLOYED, ALBEIT MOSTLY ON A PART TIME BASIS.

THE NEXT QUESTION IS HOW IS THIS SEGMENT OF OUR POPULATION FARING WITH THE JUSTICE SYSTEM? ACCORDING TO

THE RECENT SURVEY OF THE LEGAL NEEDS OF POOR PEOPLE CONDUCTED UNDER THE AUSPICES OF THE AMERICAN BAR ASSOCIATION, THE ANSWER IS -- "NOT TOO WELL". THAT SURVEY, WHICH IS STILL UNDERGOING ANALYSIS, SEEMS TO CORROBORATE WHAT OTHER RECENT STUDIES AND SURVEYS HAVE UNIFORMLY DEMONSTRATED, NAMELY THAT A SIGNIFICANT PERCENTAGE OF PEOPLE IN POVERTY -- PERHAPS AS MANY AS ONE-HALF -- EXPERIENCE ONE OR MORE LEGAL PROBLEMS EACH YEAR; AND THAT LESS THAN 30% OF THOSE FIND THEIR WAY TO RESOLUTION IN THE JUSTICE SYSTEM. ACCORDING TO THE ABA SURVEY, THE POOR FIRST SEEK TO ENGAGE IN SELF-HELP OR TO UTILIZE OTHERS OUTSIDE THE LEGAL SYSTEM; THE SECOND LARGEST CATEGORY AFTER SELF-HELP IS TO DO NOTHING ABOUT THE PROBLEM, EITHER BECAUSE IT MAY NOT BE RECOGNIZED AS BEING SUSCEPTIBLE TO RESOLUTION IN THE JUSTICE SYSTEM OR BECAUSE THERE IS NO AWARENESS OF LEGAL ASSISTANCE THAT IS AVAILABLE OR SIMPLY BECAUSE OF DESPAIR THAT ANYTHING CAN BE DONE ABOUT IT.

INCIDENTALLY, A COMPARABLE SURVEY HAS RECENTLY BEEN COMPLETED IN GEORGIA. THE RESULTS HAVE NOT YET BEEN

MARRIAGE RELATIONSHIP CAN BE CRITICAL IN MATTERS OF DOMESTIC VIOLENCE, PROTECTIVE ORDERS AGAINST IRRESPONSIBLE SPOUSES, ENFORCEMENT OF SUPPORT AND BENEFIT AWARDS. IF THERE EXISTS THIS LEVEL OF MISUNDERSTANDING AMONG THE NATION'S LEADERS, IT SURPRISES ME NOT AT ALL THAT THE PUBLIC AT LARGE MAY BE AMBIVALENT ABOUT EXTENDING A LEGAL HAND TO THE POOR.

QUITE APART FROM THE NATIONAL AND STATE SURVEYS, WE AT LSC HAVE OUR OWN FIRSTHAND EXPERIENCES AND CAN READILY ATTEST TO THE FACT THAT AT CURRENT LEVELS OF FUNDING IT IS NOT UNCOMMON FOR OUR PROGRAMS TO TURN AWAY 40 TO 50% OF ELIGIBLE CLIENTS WHO SEEK ASSISTANCE BUT WHOSE CAUSES CANNOT BE TAKEN ON BECAUSE OF FISCAL CONSTRAINTS. MANY OF THE LEGAL SERVICES PROGRAMS TODAY ENGAGE IN TRIAGING AS DID THE MEDICS IN MY DAY IN WORLD WAR II, ASSESSING WHOSE CONDITION AMONG THE WOUNDED WAS MOST CRITICAL, LEAVING TO ANOTHER TIME, THOSE WHO MIGHT SURVIVE, WITHOUT IMMEDIATE INTERVENTION. THE HOMELESS FAMILY ON THE STREET MUST TAKE PRIORITY OVER SIMPLE

ITS FUNDING. WE ARE GUARDEDLY OPTIMISTIC THAT WE MAY ACHIEVE THIS LEVEL -- AS WELL AS SHED SOME OF THE RESTRICTIONS LIMITING OUR ADVOCACY. IF SUCCESSFUL, WE STILL WOULD NOT ACHIEVE THE MODEST GOAL OF MINIMUM ACCESS, MUCH LESS EQUAL JUSTICE, BUT WE WOULD AT LEAST BE ON THE WAY.

SO MUCH FOR LSC -- WHAT OF THE ROLE OF THE BAR IN SEEKING TO CLOSE THE GAP BETWEEN RESOURCES AND THE UNMET LEGAL NEED?

THE ORGANIZED PROFESSION HAS BEEN SUPERB IN ITS STEADFAST SUPPORT OF THE LSC AND ITS FUNDING. ADDITIONALLY, THE BAR HAS BEEN INSTRUMENTAL IN SEARCHING OUT ALTERNATE FUNDING SOURCES, THE PRINCIPAL ONE BEING IOLTA. IT HAS ALSO BEEN A CATALYST SEEKING TO ENLIST THE AID OF INDIVIDUAL LAWYERS TO SHARE THEIR TALENTS IN BEHALF OF OUR ELIGIBLE CLIENTS.

private bar

MOST RECENTLY THE AMERICAN BAR HAS AMENDED ITS RULES TO EXHORT EACH OF US IN THE PROFESSION TO GIVE NO LESS THAN 50 HOURS OF OUR SERVICE IN WHAT IS GENERALLY

INTERVIEW WITH HILLARY RODHAM CLINTON
DON CESAR HOTEL
ST. PETERSBURG, FL
JULY 21, 1991

VICTOR: I want to thank you on behalf the Southeast Legal Services Region and the National Equal Justice Library for making this opportunity available. You have made major contributions to legal services for low income Americans through the years. We are very much interested in the stories and tales that you have from those years and most importantly the lessons that you can give us. Would you tell us a little about your background?

HILLARY: I was born in Chicago and raised in a suburb called Park Ridge and attended public schools there. I then went off to Welsley College where I received a BA. I received my JD from Yale Law School. While at Yale I started working in legal services with the New Haven Legal Services Organization, which had been one of the very first Ford Foundation Model Projects. I guess I've been involved both directly and indirectly with legal services ever since.

VICTOR: What period of time are you referring to?

HILLARY: I graduated from Yale in 1973, so it was the late 1960's early 1970's.

VICTOR: Did you form any impressions of legal services during your time at Yale while working with the New Haven program?

HILLARY: Oh yes, I was very impressed by legal services. I was impressed by the commitment of the lawyers. It seemed to me that legal services represented what the profession should be about. There was a core of very good people who were full time legal aid lawyers in the office in New Haven and then there was a very active clinical program at Yale that interacted with them. It was very exciting and gave me a real insight into the problems of the low income and the way the legal system actually worked as opposed to what I was being told in the classroom. I learned a great deal and made a lot friends that I still have to this day.

VICTOR: What did you do after graduation from Yale?

HILLARY: When I graduated from Yale I went to work for the Children's Defense Fund (CDF). I had interned for CDF when it used to be the Washington Research Project. That was another way I was combining legal interest with my public policy interest. During my very first couple of

months, while starting law school, I had met Marian Wright-Edelman who was also a graduate of Yale. I worked for her off and on during my time in law school. While at CDF I worked in several areas. We did education and juvenile justice law reform work in places like South Carolina and Massachusetts. I stayed with the Children's Defense Fund until January of 1974 when I received a call from John Doar, who had just been asked to head the Nixon impeachment inquiry staff for the House Judiciary Committee. Peter Rodino was the chairman of the committee. John was very close to Burke Marshall who had been of the faculty at Yale. He had called Burke and said he needed five or six grunt lawyers who are young and don't mind working 24 hours a day. Burke gave John my name and my husband's name - Bill Clinton, we weren't married then - and four or five of our other classmates. John called us and I went to work in Washington on the impeachment staff in January of 1974. That was an incredible experience. It had a profound effect on both my professional and political development. We really did often work 24 hours a day. When Nixon resigned, somewhat unexpectedly, on August 8, 1974 I decided that I would leave the east coast and not commit to doing anything for a while. I had been dating Bill and I visited him in Arkansas. He had gone right home to Arkansas when he graduated and began teaching at the law school. He had decided not to come to Washington to work on the impeachment staff. I had visited him once and had met the dean of the law school at a dinner party and the dean in a very expansive moment said, "Well, if you ever want to teach, call me." So about August 9th or 10th I called him and said, "Do you remember when I was in Arkansas at that dinner party? Is it a serious offer? Would you like me to come teach?" He said, "Sure, sure." I said, "What would I teach?" He replied, "I'll tell you when you get here." Three weeks later I show up and he said, "Well, I want you to teach criminal law and I want you to run a legal aid clinic. I also want you to run prison projects that provide legal assistance to prisoners in the federal and state penitentiaries. And by the way, I also want you to teach a trial advocacy course." I said, "Oh great, fine, when do I start?" He said, "Tomorrow." Several lawyers whom I had been introduced to that day took me to a bar meeting. I was being introduced to all the people when I was brought up to this legendary judge. The lawyer introducing me said, "Well, Judge this is the new lady law professor. She's going to teach criminal law and she's going to run a legal aid clinic." The judge looked at me and he said, "Well, I don't have any use for either lady law professors or legal aid clinics." I thought, "Good, here I'm really starting off on the right foot." The judge and I later had some real running

battles. He's a man of very strong convictions and he didn't believe in legal services. He found all kinds of ancient statutes, I think going back to before the Magna Carta, which conclusively proves that you couldn't provide pro bono services for civil matters. We had all kinds of interesting encounters, but he gradually became used to the fact that legal services was there and was going to stay and grow. That was my introduction to teaching at the law school at Fayetteville, Arkansas.

VICTOR: Did you ultimately receive funding from the Legal Services Corporation in order to begin the legal aid clinical program at Fayetteville?

HILLARY: Yes. We started off with just the law school clinical program. It was on very shaky financial grounds. One of the first things I did was to go to the Arkansas Bar Association to ask for financial support. We wanted to expand the legal services program with law students and add a couple of part-time lawyers if we could figure out how to afford that. It was very controversial. I had to speak before the executive committee and my friend the judge was there to speak against it. I was really heartened by the response of the bar, including a man who later became my law partner, Vince Foster. He was one of the main supporters of that very first request to the Arkansas Bar Association for funding. Once the law school program was on a firm footing, we began to gain acceptance from the local and state Bars. We then put in our application to receive LSC funding for legal services, and eventually the program became the Ozark Legal Services. The program was really built on the strength of the bar support for what we were doing at the law school.

VICTOR: Was it difficult to begin a permanent legal aid program staffed with lawyers in that area?

HILLARY: Yes, it was difficult. It was difficult for a lot of reasons. It's hard now to understand why we were so controversial, but there were people like the judge who were just philosophically opposed to legal services for the poor. There were some lawyers who were worried about competition for clients from the program although that fear was clearly unfounded. There were other lawyers who were worried about the salary I paid the clerical help in my legal services operations. I paid what I considered to be a fair wage, which was higher than what the market was paying elsewhere in the private sector. There were all kinds of concerns about government interference, economic pressures, and philosophical concerns that were expressed, but we just gradually built a very strong

constituency. I did a lot of work speaking to bar and civic groups, and did a lot of interviews. We made a point of going out of our way to explain what legal services was and why it was really a fundamental right for people to have. We couldn't have done it in Arkansas or nationwide without the support of some enlightened and progressive bar leaders like we had when I started.

VICTOR: Was there a reaction to the type of litigation that was proposed to be done by the legal aid programs?

HILLARY: There was in other parts of the country. The battles in California and then later in Texas were particularly prominent. In Arkansas, however, we were just trying to get our foot in the door. We still had judges who wouldn't let us represent domestic or tenant matters. It was very tough at times. I remember one judge found a statute that had been on the books for over 100 years which said that if a litigant had more than ten dollars worth of assets then he couldn't be represented by any public money. We used to have to go in and argue all the time about the assets of clients. It took an enormous amount of effort just to get the concept of free legal services accepted. That was really the first part of our struggle. We didn't even get into a lot of the other issues about class actions or larger issues affecting peoples rights.

VICTOR: When the Legal Services Corporation came into effect in 1975 each state formed a State Advisory Committee. I understand that you became a member by appointment to the Arkansas Committee.

HILLARY: That's right. We began talking around the state with supportive private attorneys as to how we could expand legal services statewide. The Advisory Committee was in place and we began to work through that structure to expand legal services. At that time we had very scarce coverage. Most areas of the state had no legal services program. We had to really work together on the State Advisory Council to try to come up with the support that we needed to be able to expand the program throughout Arkansas.

VICTOR: Were there any other goals of the State Advisory Council?

HILLARY: I think our first goal was to try to provide access and at the same time ensure quality representation. We were really at the very beginning of making sure that we could deliver on what legal services initially promised which was that people would have their legal needs met. We wanted that available regardless of where someone lived.

We were intent upon recruiting and retaining good lawyers and on building the private sector support. Those were the initial goals that we had. I think all of those have been achieved over time in our state and I would guess probably nationwide. Once we established the kind of infrastructure that was required, people who were doing the work full time started thinking about more creative ways to use the resources to handle more problems than we could on just an individual case by case basis. All kinds of issues about class actions and other sorts of remedies began to come to the forefront. We never had the level of intense opposition in Arkansas toward those remedies that a lot of other states have had and I think we are lucky for that. Maybe we avoided some of it by building the kind of private attorney support that we've had. We've spent a lot of time recruiting people to be on the advisory council, and visiting people who were not lawyers, but who had leadership positions and needed to understand what legal services did. We tried to shore up our strong support so programs could take a stance that might be unpopular but necessary. We spent a lot of time explaining why certain actions were taken.

VICTOR: Shortly after this, you had the great distinction of being appointed to the Legal Services Corporation Board by President Carter. This was a very important transitional period for legal services in general. Can you tell me how your appointment came about?

HILLARY: I think it came about because both my husband and I got to know Jimmy Carter and worked for him in his 1976 presidential campaign. Actually, I worked full time after the nomination until the general election, as did my husband. We had known him since probably 1973 or 1974 and had met his key advisors, Jody Powell and Hamilton Jordan. After the election I was approached to see whether I wanted an appointment that would fit with my work. By then I was a private lawyer and living in Little Rock. An appointment to the Board of the Legal Services Corporation just seemed like a perfect match for me.

VICTOR: In 1978, you succeeded Roger Cramton as Chairperson of the Legal Services Corporation. Can you tell me whether there were issues involved in that transition that you remember?

HILLARY: When I joined the Board in 1977, it would probably superficially have looked like a split Board because there were a number of appointees like Roger or Glee Smith who had been appointed by either President Nixon or President Ford. Most were Republicans and they were

conservative. I found them extraordinarily helpful and useful in my transition coming on to the Board. I thought that they really had the right attitude toward legal services. They may have approached their position with whatever conservative political philosophies they brought to the Board, but foremost, they were lawyers with a sense of professional responsibility. I found working with them very gratifying. I didn't really think that either the transition onto the Board or the transition from Roger's chair to my chair opportunity was at all rocky for the Corporation. It's been a great regret to me that the Reagan and Bush administrations have gone out of their way to find people who didn't have the same kind of commitment to legal services. It was a real gratifying experience for me.

VICTOR: Did you have a particular vision or particular goal you wished to accomplish when you took over as Chairperson?

HILLARY: We all wanted to expand services. We still had not reached the point where access was a reality to most people in the county. The entire expansion effort that we undertook was aimed at providing that. We were also very interested in making sure that the delivery systems in place were the best ones available and that they were the most cost effective. We wanted them to provide quality services for clients, meet clients needs, and be rooted in the communities in ways that would withstand any political pressure. We were looking at access, and at quality, and we were also concerned about trying to figure out how to support the lawyers. There was a tremendous amount of discussion when I was on the board about the whole support system, the national centers, and how we would provide the expertise that lawyers on the front line needed to do their jobs. That focus was part of the quality and expansion debate because we believed it important not to spread the program so thinly while we were trying to provide access. However, if we were to hold up expansion until we were absolutely sure that the quality was in place and the backup systems were available, then that didn't make sense either. Meshing those two goals together was really what we spent our time doing.

VICTOR: You were chair during the most dramatic period of legal services growth in our nation's history. I think Gerald Ford's budget for LSC was \$96 million. During the four Carter years the budget went from \$96 to \$321 million. Can you remember any particular issues that arose because of that dramatic expansion effort?

HILLARY: We wanted to be good stewards of both the services that were provided and the monies that were spent. We spent a lot of our time trying to make sure that we could spend the money that we were requesting in a really effective manner. When I left, the budget was at \$300 million and it still is approximately at \$300 million. I think that probably the thing that we accomplished best was to expand rapidly, but do it in a way that has withstood the political challenges of the last decade. As everyone knows, legal services has been the favorite whipping boy of the Reagan and Bush administrations in terms of trying to decimate it if not eliminate it. I'm very pleased that the way we expanded services, I think helped save legal services. What we were able to do was to expand broadly enough so that we gave many, many more people a stake in the future of legal services. We established services in all the congressional districts and we developed constituencies around legal services because of our expansion. We were then able to build a much stronger support for the program in the face of the incredible political attacks that it has undergone in the years since I left. I can't say that we sat down and foresaw Ronald Reagan and what he was going to try to do to legal services, but we did think through how we wanted legal services to be institutionalized to be a part of as many communities as possible. The expansion was very important to achieving that. I'm really glad that we got it done as quickly as we did and we got it done with relatively little legitimate opposition. There was a lot of political back and forth and rhetoric. I think by and large it was done in a very professional manner and it was done in a way that really helped the program.

VICTOR: Much of the expansion was in difficult areas to expand into because of the unserved areas that were existing in the country during your term. The southeast, midwest and much of the southwest was still uncovered. There was some political controversy as we moved, with such dramatic growth, into areas where opposition at sometimes had been strong.

HILLARY: Yes there was. We had a number of marathon meetings with a lot of people showing up from communities, making their views known and continuing a lot of the objections that legal services had heard for years before. We were lucky in that, I don't think anybody could really accuse either the board or the LSC staff of being irresponsible in the way that we proceeded. There was a great deal of very thoughtful planning that went into the expansion. I think Tom Ehrlich, Dan Bradley, Bucky Askew, Clint Lyons, and the people who were there really had a good understanding of how to manage that kind of growth,

especially in the areas that were not naturally friendly to the concept of legal services. We had a number of people like myself who had experienced expanding into an area where there was not a natural constituency. We'd learned a lot of lessons and we knew how to go about doing it. So, yes, it was hard. There was opposition, including speeches on the floor of the House and resolutions in local bar associations. Given the highly professional way the Corporation proceeded, fortunately we were able to deal with that. I give the staff a tremendous amount of credit for that accomplishment.

VICTOR: Three of the four names you mentioned were people that had substantial field experience. Did the Board emphasize an attempt to bring people into the Corporation who were familiar with the delivery of legal services, and were they aware of the potential problems of doing the same?

HILLARY: I think both. I think we wanted people who had a lot of experience, but we wanted people who knew how to place their experience in a broader context. It wouldn't have done us any good for someone to say, "Well, this is the way we've always done it in Fayetteville, Arkansas and this is the way it has to be done in Atlanta, Georgia and Albuquerque, New Mexico." We wanted people who were rooted in their experience, but had much broader horizons than that. We also wanted a mix of people who were not out of legal services world. People who didn't have that immersion who could look at it maybe with a little bit more objectivity and ask some of the hard questions. We looked deliberately for a mix and often debated that among ourselves. When we made the transition, for instance, from Tom Ehrlich as President to Dan Bradley we discussed at length what kind of person we wanted with what kind of skills. I think we were hoping to find somebody who had some experience in a lot of different arenas, not just in legal services, but who could handle the inevitable political issues arising from that kind of rapid expansion.

VICTOR: There were at least two other major issues that the Legal Services Corporation Board dealt with during that period of time. There were the Delivery System Study (DSS) which analyzed a variety of different systems that may be possible for the delivery of legal services and the 1007(h) study, that was mandated by Congress to research the access problems of particular constituency groups, such as the Native Americans, the elderly and those in sparsely populated areas. On both DSS and 1007(h), do you have any memories of the Board deliberations, or of the issues that were considered as you progressed through

those potential minefields?

HILLARY: Yes. I remember the discussions around the two studies were endless. My memory is that we were being shipped thousands of pages to read on a regular basis. I think that 1007(h) was a real gift from the Congress to the Corporation because it basically defined the access problems and gave us an opportunity to say, "Well, gosh, the Congress wants to figure out how to take care of elderly people, or how to deal with Native American problems." That's part of our mandate because Congress asked us to figure out how to do a better job at serving those under-served groups. So, it really fit well with our expansion strategy. It also made us ask a lot of hard questions such as how do you serve people who were more difficult to serve and what can we learn from looking at this effort that would make our whole efforts at service better. So I always saw the 1007(h) study as a very useful tool in helping not only to guide our expansion efforts, but also to legitimize them. We used the study a lot in that manner.

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The Delivery System Study was more internally generated. People wanted to know that the way that we were expanding legal services the most effective way to deliver those services. Maybe we should look at some other models, or should try some hybrids. I don't know that anyone who comes to legal services with any preconceptions would ever be satisfied by any kind of delivery system study. If you come believing that full-time lawyers are necessary, back up centers are necessary and the whole support system is necessary, a study is not going to convince you that is not the case. If you come believing that all of that is nonsense then you wouldn't support it. So the delivery system study got really mixed down in a lot of back and forth about what would and wouldn't work and how we were going to evaluate various models. At least it laid out a framework for thinking about the delivery issues. For me it was a very useful exercise. I always regretted that it wasn't continued, in what I would consider an objective manner, after the Reagan administration came in. I wouldn't mind trying some different kind of delivery system models. I wouldn't mind continuing to be entrepreneurial and experimental in how we deliver legal services. I would want the people doing it to be committed to the idea of delivering legal services and not viewing that as a way of beginning to eliminate the delivery of legal services. So the delivery system study never really filled the promise that it had from my perspective.

VICTOR: There were a number of divisions within the Legal

Services Corporation, including Office of Field Services, the Research Institute, the Office of Program Support, Government Relations, the Presidents office, and the General Counsel's office. Each had a variety of issues that they had to grapple with internally and with the Board of Directors. Did you have a view of staff relations and Board relations during that period of time?

HILLARY: I thought they were pretty friendly and supportive. I didn't really believe there were any conflicts between the Board and the staff that were outside the ordinary sort of give and take that boards and staff have. I didn't see any effort by anyone undermining the work of the other. I didn't see any disrespect. I thought that the relationships among the Board members and the staff on the issues that we interacted together on were very good and on very positive terms. Partly, I suspect, because we were all "singing out of the same hymn book." We might have disagreements about the best way to deliver legal services but we all wanted to deliver legal services. That was our common bond. Even when we were a split Board in the sense that half of us were appointed by a Democratic president and half of us were appointed by a Republican president - that was all part of it. We would have some great arguments and disagreements. I never felt that anybody was acting in bad faith during the time that I was on the Board. I never felt that any of the staff were doing their jobs for any reasons other than to promote legal services as they saw it. We might disagree, but I never had any opportunity to question anybody's motives. So that was very good for me.

VICTOR: The President of the Corporation in your early years was Tom Ehrlich. Do you have memories of Ehrlich in terms of style, goals or vision?

HILLARY: He was remarkable leader for legal services because at first blush he was the most unlikely person to be the President of the Legal Services Corporation. He was an academic who wore bow ties and he came out of a kind of eastern establishment view of the world. I'm sure people thought, "What is this fellow doing running legal services?" He had such a strong intellectual capacity to envision the whole concept of expansion which really helped shape and drive it when many others would have thought it was foolish to move at the pace we were moving. He had a very effective manner in dealing with problems and conflicts. He was very respectful of everyone, even if he thought that it was the dumbest idea that he'd heard all day. He was unfailingly respectful and very willing to listen for hours and hours. But he had a real backbone about what he wanted to accomplish.

He was very intent upon achieving his goal for legal services, which was expansion with quality. He did an excellent job, I thought. I was very impressed by the way he handled himself all the way through my association with him.

VICTOR: Dan Bradley, who had been a lifelong legal services attorney in a variety of different capacities, succeeded Tom Ehrlich as President of LSC. Did his style or his vision differ in any way?

HILLARY: I think Dan was a very different kind of leader than Tom. I think he was equally effective under some very hard circumstances. Tom had helped lay the ground work for this tremendous expansion. Dan came in when a lot of the implementation had to be done and also a lot of the justification. I think that a lot of people in Congress woke up and said, "My gosh, we've quadrupled their budget. Who are these people?" Dan had to spend countless hours walking around the halls of Congress. He spent a lot of his time and energy justifying what we had done and explaining it to people. Dan was a passionately committed person to justice and fairness and really lived that. His sense of personal involvement in legal services was much more on the line than Tom's more objective view about what needed to be done. They were really a contrast, but they really complimented each other. This is especially true with Tom leading the way with the conceptualizing and the planning, and then Dan understanding the nitty gritty and trying to make it happen, and then going around defending it when necessary. So I thought that I was really lucky to have served with both of them.

VICTOR: Were there any other particularly strong memories you have of any other individuals? I know you met so many during that period, does any one individual really stick in your mind?

HILLARY: I have so many mental pictures. I remember so many long meetings that our Board had. They were better than the long meetings that are currently held by the Corporation. We spent our time listening to people and learning from them. I can remember some marathon meetings that we had at George Washington University and San Diego, and all over the country. I just had a lot of respect for the people who were out in the field at this time because the changes that were occurring were difficult for everybody to deal with. There was just a lot going on. The Corporation had to demand a new set of management responsibilities and performance requirements because of all the money that was rapidly being spent. We had to

make sure that we could justify how it was being spent. A lot of people had some hard transitions to go through. I remember a lot of the folks that were out there. Probably the people that I've spent the most time with were people who were on the staff trying to help manage this incredible expansion. I've already mentioned Bucky and Clint, who did superb jobs. I thought Mary Bourdette was a wonderful lobbyist for the Corporation during some very, very hard times. There were so many people there who, I thought, worked just above and beyond the call.

VICTOR: Bill McCalpin, who was on the Board succeeded you as chair. Were there transitional issues that you saw occur during that period of time?

HILLARY: In my view Bill McCalpin is just one of the heroes of the legal services movement. He has, as much as any private lawyer in the whole country, assured that legal services always had a hearing at the bar, at the Congress or in the state legislatures. I don't think anybody missed a beat when he moved from being on the Board to being Chair of the Board. He was so extraordinarily well prepared and committed to legal services. I just can't say enough about him. I think he has continued to play a very active role in defending and representing legal services. I don't know an adequate way to ever justly reward him for what he's done for legal services all these years. I wish that he or people like him had been permitted to continue on the Board because they really represented the best of the private bar.

VICTOR: As you think back over the 20 years that you've been involved, from clinical courses at Yale, all the way through till today, can you tell me any final impressions you have about the strengths and weaknesses of legal services as it exists today? Are there things that you wish we would improve on or build upon?

HILLARY: I think the most remarkable accomplishment to me is that in only 20 years we are so institutionalized and have withstood the kind of political attacks that have gone on for half of our existence. I think that's a real tribute to the idea behind it and all of the people who've played a role in executing it over all these years. Its real strength has been the way it responded to a very significant need in society, but did so in a very effective and professional manner so that we were able to keep on doing business - and nobody has been able to stop us from doing that. The only kind of weakness that strikes me is the weakness that always happens anytime you have a large enterprise. You have to continually be willing to ask yourself hard questions about how can we

do it better? Just because it worked in the 1970's doesn't mean it's going to work in the 1990's or the 21st century. Because we have been prevented from growing in legal services, there may not be as much new blood and new thinking as the enterprise may require going into the future. I would just hope that we would be able to continue to withstand the political heat and we would have an opportunity at some point to grow to meet the need that is still out there. The demand for legal services today is so much greater given the economic pressures in our society. I would also hope that we would have room for new people with new ideas so that we would always ask ourselves the hard questions that we tried to ask in the delivery system study: What's our purpose? How are we doing it? Are we doing it the best way we can? Are we meeting our clients needs both on an individual level and on a larger social level? As long as we have people who are willing to ask that, then I think we're in good shape.

VICTOR:

I want to thank you very much. You are a hero of mine. While I had the privilege of working in the Legal Services Corporation I observed you many times as you lead the Board through a number of very difficult decisions. You were a critical leader in a transitional point in our history and I very much appreciate your opportunity to tell us what was in your mind during those years and goals that you had. Thank you very much.

END OF INTERVIEW

FIRST LADY HILLARY RODHAM CLINTON
REMARKS FOR LEGAL AID SOCIETY SERVANT OF JUSTICE AWARDS DINNER
NEW YORK CITY
MARCH 23, 1995

Thank you for this wonderful award, which means so much to me coming from so many old friends and people I admire.

Over the years, the Legal Aid Society has been the true servant of justice, not only as the oldest of the organized providers of legal services to the poor, but also the largest. You have set records year after year for your generous financial support for the work of the Civil and Volunteer Divisions. The Volunteer Division itself continues to be a model of meaningful and effective pro bono involvement in the delivery of legal services to those in need.

I congratulate you for your many fine contributions to the cause of equal justice. And I know the President joins me in urging you to keep up the good work as we try to navigate through uncharted, and sometimes unfriendly, waters.

I would also like to thank you for understanding how important Alex Forger is to the Legal Services Corporation. While I know you miss him here in New York, we have an urgent need for his leadership and talents in Washington. He is doing a magnificent job at perhaps the most critical moment in the life of the Legal Services program.

Coming here tonight I was reminded of my first real involvement with legal aid. In law school I worked with the New Haven Legal Service Organization, which had been one of the first Ford Foundation Model Projects. I was immediately impressed by the commitment of the lawyers, and it struck me as a law student that their work was what the profession should be about.

My next experience came after I finished working on the Impeachment staff in Washington in 1974. I had been dating Bill Clinton and, on an earlier visit to Arkansas, I had been introduced to the dean of the law school. We were at a dinner party and the dean, in a very expansive moment said, "Well, if you ever want to teach, call me."

So a few days after President Nixon resigned I called him and said, "Do you remember when I was in Arkansas at that dinner party? Is it a serious offer? Would you like me to come teach?" He said: "Sure." I said "What would I teach?" And he just said: "I'll tell you when you get here."

So I showed up three weeks later and he said, "I want you to teach criminal law and run a legal aid clinic. I also want you to run prison projects that provide legal assistance to prisoners in the federal and state penitentiaries. And by the way, I also want you to teach a trial advocacy course."

Then I was taken to a bar meeting and introduced to a number of lawyers and bar members, including a legendary judge.

The lawyer introducing me said, "Well, judge, this is the new lady law professor. She's going to teach criminal law and run a legal aid clinic." The judge looked at me and he said, "Well, I don't have any use for either lady law professors or legal aid clinics."

And I thought, "I'm really starting off on the right foot here."

The judge and I later had some real battles. He is a man of strong convictions and he didn't believe in legal services. He found all kinds of ancient statutes that he thought proved conclusively that you couldn't provide pro bono services for civil matters. Over time, through all of our interesting encounters, he gradually became used to the fact that legal services was there and was going to stay and grow.

With enormous help from the bar, we managed to get the law school program on solid footing and eventually it became the Ozark Legal Services.

I'm reminded of this experience because it was replicated in so many communities throughout the country, often over the resistance of entrenched legal interests, but also with the cooperation and support of lawyers and law firms who contributed time and energy because they believed in the legal services mission.

It has been 21 years since the birth of this great enterprise, and in that time the LSC grantees, including the Legal Aid Society, have assisted millions of people: mothers seeking child support from absent fathers, children without access to health care, families facing homelessness, tenants living in intolerable housing conditions . . .

. . . welfare recipients seeking training or child care so they can work, nursing home residents deprived of the most basic care, and victims of spousal abuse.

The work of Legal Services staff attorneys has been amplified by the pro bono participation across the country of thousands of private attorneys. Federal funding has been leveraged by charitable contributions, by IOLTA, and by state and local grants as the greater community has come to recognize the importance of the Legal Services program in helping to keep alive the American promise of "Liberty and Justice for all."

The successes of the Legal Services program are particularly striking given how many hurdles have been thrown in our way. Many of the people in this room have played an important role in protecting the program from those in Congress and elsewhere who fail to appreciate that a just society is a strong society.

You know that survival has come at a heavy price. For many years, Legal Services has been kept alive in spite of reduced appropriations, appointments hostile to its mission and an array of restrictions and regulations that often make it very difficult for local programs to represent clients.

As you know, a new board, appointed by the President and unanimously confirmed by the Senate, was sworn in 16 months ago and already it has moved aggressively to fulfill the Corporation's mission of assuring access to justice for people in need.

But legal services is once again being targeted for elimination.

That is a troubling occurrence, particularly at a time when LSC's budget remains less than half of the "minimum access" funding level of 2 lawyers for every 10,000 poor people -- a level achieved briefly in 1981, before the sustained attack on Legal Services. As it is now, the Legal Services system is able to help only one in five poor people in need of assistance.

The cruelty of these statistics is magnified when one considers that more Americans are living in poverty today than at any time in the last three decades. Most disturbing, children make up an increasing proportion of those who are poor. Nearly a quarter of all children under age 6 live in poverty, and the situation is even grimmer for African American children.

Poor people also face a greater array of obstacles, and that makes the task of overcoming poverty even more complicated. Urban life, especially for children and adolescents, has become more dangerous than at any other time in recent memory. We see an erosion of our social institutions -- family, civic and religious organizations, neighborhoods and communities that once offered support and sustenance for those in need. Given economic pressures in our society, the demand for legal services is greater than before.

And, tragically, in today's political climate, poor children and families are likely to be viewed less as objects of concern than as culprits for everything that goes wrong in society.

Drugs, violence, illegitimacy, and abuse are viewed as afflictions only of the poor and, in turn, it is poor children and families who are singled out for punishment.

My minister gave a sermon recently in which he related the story in Leviticus about the ancient Israelites who annually placed all of their miseries and sins on the head of a goat and then sent the goat off into the wilderness. When the goat reached the wilderness, the tribe was cleansed of all problems, all evils, all sins. This is an apt parable for what is happening in America today. In today's society, the goat is poor children and their parents. And somehow, we think we can rid ourselves of all our social problems by scapegoating children and exiling them to a wilderness of greater poverty and hopelessness.

So today we find ourselves at a crucial moment in our own history when the very notion of what we stand for as a society is at stake. Our Constitution reminds us that the twin purposes of government are to "secure the blessings of liberty" and to "establish justice."

And, as the President said in last year's Proclamation for National Legal Services Week: "The very nature of justice demands that it be available to all. True justice cannot be rationed -- it cannot be accorded to some while others are denied the full benefit of their rights. Our Founders understood that privilege and responsibility are inextricably linked. The words "Equal Justice under the Law," inscribed over the portal of our highest court, represent a solemn promise made to every American."

Yet today we find in Congress a broad and mean-spirited attack on the poor and vulnerable that includes the greatest threat to the Legal Services program we have ever seen.

Whether we are public service or pro bono lawyers, public servants or concerned citizens, we must join together to defend and strengthen the American promise of equal justice. This should not be a partisan cause, but rather one that speaks to the larger values and aspirations of our society.

Many organizations represented here tonight have already made their voices heard, and the President and I applaud you for speaking out about the importance of the Legal Services program.

I hope all of you will join in reminding America that the Legal Services program is not just about providing legal help for the poor, but about offering proof that the American dream of freedom and justice is a promise that our nation is committed to fulfilling.

Let me conclude by offering a prayer by the South African writer and poet, Alan Paton, that seems so fitting tonight:

Open my eyes that I may see the needs of others;

Open my ears that I may hear their cries;

Open my heart so that they need not be without
succor;

Let me not be afraid to defend the weak

Because of the anger of the strong;

Nor afraid to defend the poor

Because of the anger of the rich;

Show me where love and hope and faith are needed;

And use me to bring them to those places.

And so open my eyes and my ears that I may this
coming day

Be able to do some work of peace for Thee."

Protecting legal services is an historic cause.

With your help, we will prevail. And our children,
families, communities and nation will all be better for
it.

Thank you very much.

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Letters to the Editor

Democracy Working at Its Best

In his Feb. 1 Rule of Law column, William Mellor misrepresents the role of the Legal Services Corporation with respect to welfare litigation that has been brought to protect the rights of poor people over the past three decades.

The LSC does not now, nor has it ever, brought any welfare litigation in any court. It is not an advocacy organization; it is a funding agency. Its sole function is to provide financial assistance to several hundred separate nonprofit corporations that furnish legal assistance to eligible clients in every state and territory. It does not have the authority to determine, nor does it have any actual involvement in determining, the kinds of cases that those nonprofit corporations undertake; those decisions are made locally, based on priority-setting processes that assess local client needs in the light of available local program resources. These programs are each governed by a board of directors, a majority of whom are attorneys appointed by local bar associations. In addition, one-third of each of these boards consists of people actually in poverty and eligible for services.

Mr. Mellor's real problem appears to be discomfort with our Constitution, and the idea that a third branch of government—the judiciary—is empowered to review the actions and decisions of government agencies. He also evidences a policy disagreement with a long line of judicial holdings that interpret the Constitution and the intent of Congress in enacting the Social Security Act, which contains the AFDC program.

In particular, Mr. Mellor seems vexed by *King v. Smith*, a unanimous 1968 Supreme Court decision (rendered six years before LSC was formed) that held that Alabama could not deny eligibility for AFDC children who were otherwise eligible under the Social Security Act. The purpose of the Act was to "encourag[e] the care of dependent children in their own homes or homes of relatives by enabling each State to furnish financial assistance . . . to needy dependent children and the parents or relatives with whom they are living. . . ." The *King* case did nothing more than establish that eligibility condi-

tions for the federal AFDC program were a matter of federal law, hardly an astonishing proposition. That Congress established federal eligibility conditions is not the fault of the courts or the lawyers, representing individual clients adversely affected by an illegal state policy.

While a number of the more recent cases cited by Mr. Mellor were brought by entities that do receive LSC funds, the three he highlights do not support his position. The *C.K. v. Shalala* case was brought by several Legal Services Corp. programs in New Jersey, but virtually no LSC funds were used. Similarly, the *Green* case was funded entirely by non-LSC funds. Even if LSC funds had been used to support these cases, nothing in the LSC Act or any other law that relates to LSC or its recipients would preclude the use of those funds for that purpose. Nor should LSC funds be so restricted. Each of the cases involves claims by clients aggrieved by actions taken by an administrative agency—individuals bringing their grievances before our judicial system. They do not reflect hidden "agendas" or "ideological" predispositions; nor do they have anything to do with "seeking to grind reform efforts to a halt." The cases are simply examples of our system of government and democracy working at its best, with people having the ability to bring their disputes to courts for orderly disposition within the law, not outside it.

Mr. Mellor does not care for opposition to his policy views. But in our system of justice, adversaries clarify the issues for courts to decide. Or is that just for those who can afford a lawyer?

DOUGLAS S. EAKELEY
Chairman
Legal Services Corporation
Washington

**REMARKS OF DOUGLAS S. EAKELEY
AT THE OPENING ASSEMBLY OF THE
72ND NLADA ANNUAL CONFERENCE
WASHINGTON, D.C. DECEMBER 7, 1994**

The theme of this year's annual conference -- "Equal Justice: A Capitol Concern" -- is a timely reminder of Alexander Hamilton's famous dictum that "the first priority of government is justice." Indeed, the organizers of the conference must have been truly prescient in selecting this theme well in advance of Election Day: now, more than ever before in recent memory, this nation and its government need to be reminded of the fundamental principles that so uniquely define us as Americans.

Now, more than ever, we also need a vibrant and effective Legal Services program that will help make equal justice a reality for all Americans. Twenty years after the signing of the Legal Services Corporation Act of 1974, it can safely be said that the program has been an overwhelming success in providing access to justice for those in need, in helping the poor help themselves, and in protecting the defenseless against arbitrary and inhumane treatment. These achievements are even more impressive because they have taken place in the face of extreme adversity.

In the past thirteen months, the new Board of Directors of the LSC has worked diligently to improve the integrity of our grants distribution process, to enhance the effectiveness and quality of the legal services delivered by LSC grantees, to develop even stronger working partnerships with the organized bar, with client groups, and with other charitable organizations, and to rebuild our sometimes tenuous relationship with the Congress. And yet our current funding level is less than half of what is needed just to approach the "minimum access" funding level of 1981, and we have gone fourteen long years without reauthorization.

In the meantime, the demographics and politics of poverty have changed dramatically. We are now as a nation more separate and economically unequal than we were when the Kerner

Commission issued its dire warning in 1967. Despite a solid economic recovery, there are more people living in poverty in America today than at any time since 1961. And more of our poor are children today than at any other time in our history: through no fault of their own, 22% of all children in America now live in poverty, constituting 40% of the total poverty population. Children cannot vote, or organize themselves into political action committees, or even speak with voices that can be heard over the babble of special interests vying for the attention of our government. As a consequence, they suffer from homelessness, malnutrition, sensory deprivation, inadequate schooling, and diseases which are eminently preventable. And they die at rates that make many third world countries look respectable.

This is not a situation beyond our control. To the contrary, our government has deliberately chosen to spend less on social welfare programs for the poor than any other advanced industrial country, and far less than our means. We pay as much in farm price supports alone as we do for welfare and family support. Total payments to the poor through food stamps, Medicaid, SSI, and AFDC combined are less than the tax "subsidies" for retirement plans, home mortgage interest and health insurance. Even though programs such as WIC and Head Start represent not only humane but prudent investments that would reduce longer-term costs of care and treatment, we have chosen not to fund them fully. Unlike Social Security and government pensions, AFDC payments are not even automatically adjusted for increases in the cost of living -- causing those payments in almost every state to lag further and further behind the standard of need.

The extreme and increasing maldistribution of resources has been accompanied, and indeed justified, by an ideological attack on the poor that seeks to strip them of their dignity, stigmatizing and demonizing them as somehow "deserving" of their impoverishment rather than viewing them as victims of misfortune, economic dislocation, government failure and discrimination. The marginalization of the poor, in turn, has made it all the more difficult to develop political support for programs that could improve the quality of their lives and help them escape the bonds of poverty.

In the midst of these trends of increasing need, increasing incidence of poverty among those least capable of fending for themselves, and increasing political marginalization, the poor need advocates more than ever. Yet we confront in the next Congress perhaps the greatest challenge to the Legal Services program we have ever encountered.

Once again we are at a crossroads, not just as public interest or pro bono lawyers, but as a country whose Constitution defines as the purpose of its government establishing justice and securing the blessings of liberty -- not just for the privileged few, but for everyone. America's founders understood that democracy is only possible when all people have access to a system of justice that protects their rights, resolves their disputes, and provides them with an opportunity for helping themselves improve their lives. By providing access to justice for millions of needy and disadvantaged Americans, the Legal Services program has given them a stake in our system, a sense that government is meant to be a servant of the people rather than their master, and a dream that the American pledge of "liberty and justice for all" can become a reality.

We must not let that dream die.

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OP-ED

Preserve the Legal Services Corporation

By Douglas S. Eakeley*

Once again, the Legal Services Corporation is under attack — and with it, this country's commitment to "liberty and justice for all."

But controversy and adversity are no strangers to the Legal Services program. As former U.S. Senator Warren Rudman aptly observed: "When migrant workers and other poor individuals assert their legal rights, they can offend powerful interests in society. That does not mean there is something wrong with the program; it means that it is doing its job."

With the new Congress preparing to take office, it is appropriate to consider why the LSC deserves continuing bipartisan support for its national mission.

The Legal Services Corporation Act was signed into law by President Nixon in 1974. Its purpose was to "provide financial support for legal

assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance." A corporation insulated from political pressures and directed by a bipartisan board of directors appointed by the president and confirmed by the Senate, the LSC was designed to be "a permanent and vital part of the American system of justice," in the words of President Nixon.

Equal Access to Justice

The federal funding provided to the corporation by Congress was intended not merely as a charity, but rather to serve the ends of justice, as its authorizing legislation makes clear:

The Congress finds and declares that —

(1) there is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances;

(2) there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel and to continue the present vital legal services program;

(3) providing legal assistance to those who face an economic barrier

to adequate legal counsel will serve best the ends of justice and assist in improving opportunities for low-income persons consistent with the purposes of this Act.

OPINION AND COMMENTARY

With the new Congress preparing to take office, it is appropriate to consider why the LSC deserves continuing bipartisan support for its national mission.

In creating LSC, Congress also endorsed a model of federalism: LSC was not to provide legal assistance directly, but rather through local programs responsible for identifying and prioritizing the needs of their communities. Each local program is governed by a board of directors, a majority of whom are attorneys ap-

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pointed by local bar associations, with the balance reflecting the local client communities.

These diverse and complementary programs comprise a coherent national delivery system that combines local decision-making and service provision with essential support, coordination, and oversight at the state and national levels. The benefits that it secures extend far beyond those received directly by its clients because its successes provide protection and afford access to many other similarly situated individuals.

Judged by any measure, LSC has been a resounding success. Twenty years after its creation, it supports and oversees 323 programs operating 919 neighborhood law offices located throughout the United States and its territories. Legal Services programs have provided legal assistance and advice to millions of Americans.

In the process, the program has helped poor people to help themselves escape the bonds of poverty; enabled at-risk children to remain in school; prevented families from becoming homeless through wrongful eviction; provided low-income entrepreneurs

with the counseling necessary to start their own businesses; helped the elderly and disabled to maintain independent, dignified ways of life; ensured essential health care and income support for needy children, the elderly, and the disabled; protected low-income consumers from fraudulent or coercive practices; safeguarded abused women and neglected children; and assisted residents of low-income communities to develop stable economic institutions that bring jobs, dignity, and hope.

Cost Effectiveness

LSC is directly accountable to Congress for the federal funds it receives, to "insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas." LSC meets this responsibility through a combination of means: regular, formal monitoring of its grantees for compliance with statutory and regulatory requirements; evaluation of the quality and effectiveness of program delivery through performance reviews; annual review of mandatory program financial audits, as supplemented by quality assurance reviews performed by LSC's independent Inspector General;

and the provision of technical assistance. It performs these functions on a budget that represents only 3 percent of its total annual appropriation, making LSC one of the more cost effective — if not the most cost effective — federally-funded programs in the country.

Also noteworthy is the partnership with the private sector that the program has forged over the years. The private bar has always been supportive of LSC, and each Legal Services program is required to involve private attorneys in the provision of legal services to needy clients. Today, more than 130,000 private attorneys volunteer their time for this purpose.

A large number of clients and client representatives are engaged in lay advocacy and in training nonlawyers how to work within the legal and administrative systems. Legal Services programs have also utilized their federal grants and support from LSC to leverage contributions from a number of other funding sources.

Critics of LSC have erroneously asserted that it engenders unnecessary litigation, and that Legal Services attorneys are engaged in "social engineering" and "lobbying for 'politically correct' causes." Such concerns prompted Congress and LSC boards appointed by Presidents Reagan and Bush to restrict — if not eliminate — through appropriations riders and regulations any tendency in local programs to devote scarce LSC funds to activities other than those addressing the immediate and pressing legal needs of their clients.

The cases that Legal Services attorneys handle today mainly involve family matters (33 percent of all cases), housing (22 percent), income maintenance (17 percent), and consumer finance (11 percent). And only 15 percent of Legal Services cases require representation in court or before administrative agencies — a remarkably low percentage in a society where litigation is commonly used to resolve disputes and protect basic interests.

There are also significant restrictions on recourse to class actions, another source of complaints in the past. Local programs must have procedures in place for review and approval before any class action is initiated; these include consultation with the potential defendant to exhaust the possibilities of amicable resolution before commencing litigation. As a result, class actions are only a small fraction of the overall Legal Services caseload (less than one-half of one percent).

Nevertheless, the class action remains the most efficient and cost-effective vehicle to address widespread abuses affecting large numbers of individuals. A case in point is *Sullivan v. Zebley*, 493 U.S. 521, 541 (1990), in which the Supreme Court determined that the Secretary of Health and Human Services was systematically denying benefits under the Supplemental Security Income Program to large numbers of severely disabled children, in a fashion that was "manifestly contrary to the statute."

There are also those who question the federal interest in continuing the Legal Services program, and suggest that state and local governments and/or private charities can replace LSC and the federal funding it receives. But LSC serves a historic federal role that cannot be effectively or efficiently replicated at the state or local level.

The federal interest in maintaining LSC as "a permanent and vital part of the American system of justice" should be as manifest today as it was in 1974. As former U.S. Supreme Court Justice Lewis Powell Jr. put it at the time, when he was president of the American Bar Association, "[E]qual justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists. . . . It is fundamental that justice should be the same, in substance and availability, without regard to economic status."

Funding Cuts Limit Services

Nor can alternative funding sources be expected to replace federal funding. LSC's current fiscal-year appropriation of \$415 million is less than half of its 1980 appropriation, adjusted for inflation and the demographics of poverty. Because of the reductions in funding during the early 1980s, the number of Legal Services offices has been reduced by 36 percent, while the number of Legal Services attorneys and paralegals serving the poor has fallen by 32 percent.

At current funding levels, and supplemented by all other funding sources, Legal Services programs are able to address only about 20 percent of the estimated need for legal services. As former Congressman and LSC director Guy Molinari testified on behalf of LSC's request for an appropriation of \$525 million two years ago, "[W]e can argue about the amount of unmet need; but I don't think there is any dispute about the fact that there is a very substantial amount of people out there who are, in fact, in need of civil legal services

... Whatever figure you come up with in your own generosity will not be anywhere near enough to fully meet the need."

Now more than ever, America needs a vibrant Legal Services program. Despite a solid economic recovery, there are more people living in poverty in America today than at any time since 1961; over the last four years, the poverty rate has increased by almost 18 percent.

Forty percent of our poor are children — more than at any other time in our history: Through no fault of their own, 22 percent of all children in America live in poverty. They suffer from homelessness, malnutrition, sensory deprivation, inadequate schooling, and diseases that are eminently preventable. And they die at rates that make many third-world countries look respectable.

Once again we are at a crossroads. Under the Constitution, the government is charged with establishing justice and securing the blessings of liberty — not for just a few, but for everyone. America's founders understood that democracy is only possible when *all* people have access to a system of justice that protects their rights, resolves their disputes, and provides them with an opportunity for helping themselves to improve their lives.

By providing access to justice for millions of Americans, the Legal Services program has given them a stake in our system, a sense that government is meant to be a servant of the people rather than their master, and a hope that the American pledge of "liberty and justice for all" can become a reality. ■



MIE INTERVIEW

Douglas Eakeley

By Victor Geminiani



Douglas S. Eakeley was born in Morristown, New Jersey. He received his BA from Yale University in 1968. After two years of study at Oxford University as a Rhodes Scholar, he returned to Yale where he graduated with his J.D. in 1972. He first became involved with legal services while participating in the clinical program operated by Yale in conjunction with the New Haven Legal Services. While practicing in New York City, he served on the Board of Directors of the Legal Aid Society and the Board of Trustees of Community Law Offices of East Harlem.

In 1980, his practice returned him to New Jersey where he joined the board

of Essex-Newark Legal Services Project, the oldest and largest legal services program in New Jersey. He was a founder of the Legal Services Foundation of Essex County and was soon elected in 1982 to the board of Legal Services of New Jersey, the state support program. Soon after joining, he was elected chairperson of the board, a position he occupied until 1990 when he joined Governor Florio's administration as the First Assistant Attorney General of New Jersey. In November, 1993, he was appointed to the board of the Legal Services Corporation and was elected chairperson.

The interview took place in his home in Short Hills, New Jersey on February 12th as part of the National Equal Justice Library's Oral History Collection.

Victor Geminiani is the executive director of Legal Services of Northern California. He currently serves on the American Bar Association's Standing Committee for Public Service Responsibility and is the co-chair of the Pro Bono Committee of the ABA's Litigation Section.

Victor:

Thank you for very much for making time available on this blustery and snowy February day. Could you tell us a little bit about your background prior to becoming involved in legal services?

Doug:

That would be prior to law school. I was born in Morristown and grew up in Westfield, New Jersey, where I was educated in the public school system. I went to Yale College on a scholarship and majored in economics. I swam on the swimming team, played water polo, and did some work with disadvantaged children in a public school in what is known as the "hill" in New Haven. After graduation from Yale, I went to Oxford University to study law for two years. I returned to Yale Law School for two more years because Yale gave me a one year credit for my law studies at Oxford. That's when I picked up the trail of legal services. Yale had recently started a clinical legal services

(Continued on page 10)

MIE INTERVIEW...continued from page 9

program. I was able to participate in the program that very first year and was assigned to Newhallville Legal Services. Our office was a storefront in one of the poorer districts right outside of the Yale part of New Haven.

Victor:

New Haven Legal Services Program was one of the original grey area programs funded by the Ford Foundation in 1964 to test a new model for legal aid delivery. Do you have any memories of those early days in that storefront office?

Doug:

I remember having to go from client to client while conducting interviews in a housing project. I remember being part of something that was very special and very new

I did not know then that I was stepping into something that they had been very successful in helping to establish – a new concept of neighborhood-based law offices dedicated to helping poor people.

at the time, but I didn't realize quite how historic it was until many years later. Edgar and Jean Cahn had worked in the early years in the program and written about their experience in a law review article entitled *The War on Poverty - A Civilian's Perspective*. They had already left Yale, so I did not have the pleasure of meeting them at the time. I did not know then that I was stepping into something that they had been very successful in helping to establish – a new concept of neighborhood-based law offices dedicated to helping poor people.

Victor:

You were a Rhodes scholar with President Clinton when you went to Oxford. Can you tell me anything about that experience? Has President Clinton changed or is he pretty much the same?

Doug:

We both changed, but I think there is a fundamental integrity to the man that was there right from the beginning. I think Bill Clinton pretty much knew who he was and where he wanted to go before most of the rest of us did. By tradition, the Rhodes scholars sailed to England together. I remember my first impression of Bill Clinton, somewhat unkindly wondering whether this guy was for real. His down-home "aw shucks" mannerisms created some skepticism in some of us who were more cynical Easterners. But it didn't take too long to discover that this was somebody who was genuinely interested not only in the world about him, but also in the individual people in that world. He had this unerring capacity to relate to people from every walk of life. That was the lasting impression I had of him and it's as true today as it was then.

Victor:

Later on in the early 1980's you became associated with the Legal Services of New Jersey, the state support program in New Jersey. Can you tell me how that occurred?

Doug:

I graduated from Yale in 1972 and went to New York City to clerk for Judge Harold Tyler, a federal judge, and then joined the law firm of Debevoise, Plimpton, Lyons and Gates, now Debevoise & Plimpton, in midtown Manhattan. One of the reasons I joined them was because they were very supportive of their lawyers being involved in their community. Within a year or two of my arriving there, I started to develop an interest in pro bono work

that would continue for the rest of my professional career. I became Special Counsel to the New York City Board of Corrections. Alexander Forger was the president of the New York State Bar Association at the time and Chairman of the Legal Aid Society. I can't quite remember how the connection got made, but he asked me to write a background paper for a conference on access to justice. He helped get a Ford Foundation grant to fund the project. It was not geared to legal services but to the legal needs of moderate income people and their inability to obtain lawyers. I wrote what became a published report called *A Lawyer At A Price People Can Afford*. That experience led to a wonderful working relationship with Alex Forger that, in turn, brought me onto the Board of Directors of the Legal Aid Society. I'd also become a trustee of the Community Law Offices in East Harlem. We ultimately formed a volunteer lawyers division within the Legal Aid Society which became the home of Community Law Offices. I also chaired what was (and is) known as the "Associates Campaign" – a fundraising drive conducted annually among associates of every major New York City law firm on behalf of the Legal Aid Society.

In the beginning of 1980, I decided that I wanted to come home to New Jersey and left Debevoise to join the firm of Riker Danzig. Several months later, I made some inquiries and landed on the board of the Essex-Newark Legal Services Project, which was the oldest and largest of the legal services programs in New Jersey. After the Reagan election about a year later, I organized a volunteer pro bono program and initiated a fundraising campaign to supplement what had been lost with the first Reagan budget. That led to the creation of the Legal Services Foundation of Essex County and my first statewide recognition. I received an invitation to join the board of

Legal Services of New Jersey in early 1982. Shortly after being named to the board, I was elected chair and remained chair of Legal Services of New Jersey for eight years. I left private practice to join the Florio Administration in the beginning of 1990 as First Assistant Attorney General.

Victor:

Do you remember any of your impressions of legal services back in the late 1970's and early 1980's?

Doug:

I joined the Essex-Newark Legal Services Project just after there had been an extraordinary confrontation between the lawyers serving on the board and senior staff. The executive director of the project had been ousted. The board was seriously fractionalized. There was virtually no communication, much less support with or from any of the organized elements of the private bar. Legal services lawyers weren't that appreciative of the private bar, and that feeling was reciprocated by many members of the bar. The legal services staff were preoccupied with scrambling for scarce resources and competing for those resources. I think that impaired their ability to define and serve the needs of their clients. In terms of per capita income, Newark is the most poverty affected city in the United States. It was a very devastating, depressed area with a large population of poor people who needed help. That made all the more tragic and frustrating the scarcity of resources, and the inability to deliver those resources effectively to make the most use of whatever there was. The private bar was, to some extent, satisfied to have legal services lawyers fill their responsibility to help poor people achieve equal access to justice. They saw little need to become involved any further.

Ronald Reagan, certainly unintentionally, did us a favor in

attacking the program as vehemently as he did. The rhetoric and the ideological attacks produced a coming together of lawyers in the legal services community and the private bar in ways that have created

Ronald Reagan, certainly unintentionally, did us a favor in attacking the program as vehemently as he did.

new alliances and bridges, and ultimately built a foundation that is stronger than it ever was before. It provides us, hopefully, with the base on which to build for the future.

Victor:

You served both on the board of Legal Services of New Jersey and as chairperson for a good part of the 1980's. Are there one or two particularly strong memories that you have of the work you did with the program during that period of time?

Doug:

I'll give you one positive and one negative. We litigated for about three years against the state of New Jersey to require the state to measure and articulate the standard of need for children on AFDC. We wanted to determine what was necessary for minimally adequate levels of food, shelter, clothing, and the like so that a benchmark could be established by which to evaluate the actual level of funding. Hopefully, the state government would do something more to make up the difference once the reality of the situation was revealed. I represented about 90 community groups including religious, fraternal, civic, and labor organizations as amicus petitioners. They all were participating on behalf of the entire community in an effort to require our state government to recognize its obligation to children living in poverty. We were bitterly resisted by the state government and lost in the

appellate division but accomplished a significant victory in our state Supreme Court. It was a bittersweet victory in one sense, since the state then developed a standard of need that was duly promulgated, and no progress was made towards substantially raising levels of AFDC payments. However, the litigation was a wonderful experience, because it not only brought together the private bar and legal services lawyers, but also the entire community around a cause which had as a goal securing justice for people in need.

Going from the sublime to the truly ridiculous, I remember our first LSC monitoring visit. There was a total interruption and cessation of activity for a week as Legal Services of New Jersey was monitored. I can't remember how often we were monitored during that period. But it was far too often, and clearly due to the effectiveness of the program in providing support to field programs and taking on major case litigation. The program was quite strong under De Miller's extraordinary command. LSC was the agency instructed with the mission of distributing federal funds to support legal services lawyers and was also charged with making sure the legal services delivered were of the highest quality and most cost effective. Having them come in and be so perverse in the way they conducted monitoring was hard to fathom then, and is still hard to fathom now.

Victor:

I think there is a general consensus that during the 1980's there was a relatively hostile environment by the Executive branch of the federal government towards the legal services program. Do you have a sense of the effect that hostile environment had on the delivery of legal services for the low-income?

(Continued on page 12)

MIE INTERVIEW...continued from page 11

Doug:

Absolutely. The monitoring example I gave you was a very small indicator of the attitude. The attitude was followed with regulations, paperwork requirements, and a reduction in funding for state and national support as well as for local field programs. The cumulative impact of those regulatory burdens and the restrictions on legislative and class action advocacy imposed extraordinary burdens that made already under-funded programs that much less able to do what they were supposed to do.

Victor:

There has been some discussion among field programs, and I presume among some of the leadership of LSC, about the need to engage in a healing process. Do you feel that is a high priority for the Legal Services Corporation, and if so, what can the Corporation do to help in that healing process?

Doug:

That is a very high priority for the Corporation. Not just the field programs need healing. This nation

This nation needs to be reminded that justice is a fundamental principle to which we are committed, and that legal services is an incredibly important part of the job of seeing that people secure justice.

needs to be reminded that justice is a fundamental principle to which we are committed and that legal services is an incredibly important part of the job of seeing that people secure justice. The first thing we tried to do and will continue to do is reach out to field programs to learn what their needs are and how we can best meet those needs. The Corporation's role is not only to monitor the spending of federal funds to make sure that

the restrictions in our authorization are complied with, but also to actually see that the funds are used for the purposes intended. That means the Corporation has an affirmative obligation to go to the field, migrant and Native American programs, and say we are here to help you. I think there is a very important role that the Corporation can play through funding of support, through funding of research and communication, and through a user-friendly evaluation process that helps programs improve the quality and effectiveness of their delivery. That is part, but not all of the healing process, and those steps are very definitely important ones.

Victor:

In the latter part of 1993, you were not only appointed to the board of LSC, but you were also chosen by your peers on the board to be their chairperson. You have a very busy professional career. Can you tell us why you decided to make that commitment?

Doug:

Legal services has always been a priority in my professional life. It has become an increasingly significant one over time. It has always been the source of leavening in my professional life, and the principal means that I've been able to find to make my own small contribution to equal justice. I can't think of any higher calling than being on the board or serving as chairperson of the board of the Legal Services Corporation. It is worth making available however much time that is required to serve in that capacity.

Victor:

Each chairperson that comes to a board brings a redefinition of the role and responsibilities from his or her own personal perspective. As you think about your role as the chairperson of the board of the Legal Services Corporation, can you tell us

how you will define that role and those responsibilities?

Doug:

Well, we're still in the developmental stage. Actually, we may still be there three years from now, but I hope with a little more focus. The board was sworn in on November 8th. We are eleven diverse, strong-willed people committed, each in our own way, to legal services and equal justice. We had a board meeting December 4th, 5th, and 6th. We had a board meeting the first

We are eleven diverse, strong-willed people committed, each in our own way, to legal services and equal justice.

weekend in January and also at the end of January. So far we have thus come together on four occasions as a board, and we're still getting to know each other. As a starting point, we have had to develop a common baseline of understanding and appreciation for what we were stepping into. This includes an appreciation for the Legal Services Corporation and its role, and an understanding of how it was perceived and performing in the field. At our last board meeting, we took the last day among ourselves to talk about roles and missions and what we wanted to see. We're also in the transitional period. We have a national search underway for a new president. As a first step, we really needed to bring in someone who could help us find out what the terrain was, where the problems were, and to help us move in a new direction. We were pretty sure we wanted to begin redefining our responsibilities without waiting until we hired a new president. As our transitional president, Alex Forger is now helping us as we, as a board, think our way through that process.

Victor:

There is a natural and sometimes healthy tension between the functions of the board of directors and the staff of the Corporation. Can you share any thoughts you have on the relationship that you hope the board will have with the permanent staff that will ultimately be hired?

Doug:

This is tricky part, because before Alex Forger and his senior transitional management team came in January, we really needed to play dual roles of board and management. When I assigned oversight responsibility for each component of the Corporation to one or the other of our three standing committees, I intended those committees to take a much more drastic hands-on position than might otherwise have been appropriate. At the time, we were in November, which was the beginning of another fiscal year, and we had no budget. We were told we had inherited a surplus, but it turned out to be a multi-million dollar deficit in our management and administration level. I thought we had people talking inappropriately to the Congress. We were not speaking as one voice. We had an agency that really had been going in one direction, because that was the direction set by the former board. We knew that we wanted to make at least a 180 degree change. Consequently, it was necessary initially to assert control. Over time, we've got to step back from that. The board really ought to be there serving as a policy maker and as steward to make sure that the Corporation discharges its obligations to the Congress, to the public, and to those whom it funds.

Victor:

If you define short term as one year and long term as four or five years, can you describe what your short term and long term vision is for the Legal Services Corporation?

Doug:

This first year's effort will take us into the future together and that is terribly important. We must conclude our search for a new president by finding the absolutely best person to direct our future work. We want to secure re-authorization from the Congress, hopefully with as few

It is absolutely vital that we obtain a Congressional commitment in the form of a re-authorization to the Legal Services Corporation Act and its mission and then secure an investment by Congress of resources to make it happen.

restrictions as possible. We want to secure a significant increase in appropriations that advances us towards the goal of equal justice. We've asked for a minimum access budget increase of \$448 million that would bring LSC appropriation to \$848 million. That itself is more than twice what we have now. The President has recommended \$100 million more, which represents a 25% increase. If *The Wall Street Journal* is any guide, even a 25% increase is going to be an uphill struggle. It is absolutely vital that we obtain a Congressional commitment in the form of a re-authorization to the Legal Services Corporation Act and its mission and then secure an investment by Congress of resources to make it happen. Also in the short term, we are confronting what I call the regulatory burden that is now out there and intentionally put in the way of local programs' ability to effectively deliver services. Those, I guess, would be my top short term: president selection, re-authorization, funding, and regulatory reform.

In the longer term, I'd like to see the Corporation develop as a primary vehicle for encouraging the nation to provide equal justice. I would like to see LSC become, first

and foremost, the principal spokesperson of legal services programs in Washington on issues such as appropriations. We need to have an agency in Washington reminding our federal government that it has a responsibility to provide for equal justice for all. We need to find a variety of ways to support what legal services programs do, not only with federal funds, but also to assist them in finding funds and other resources in their communities that will help them expand services. We also need to improve and enhance the quality and effectiveness of the legal services that are being provided. Part of this will be done by developing an appropriate monitoring system to make sure the federal funds are being used for the purposes intended. That process should also contain an evaluation component that helps programs do better with the resources they are provided. We need to get beyond the questions of access to talk about advocacy and service that inches us towards equal justice as the goal.

Victor:

Do you think field programs for the most part share in that short and long term vision, or do you think there may be differences of opinion?

Doug:

There are undoubtedly differences of opinion, which is why the legal services community is so strong and vibrant and ultimately so inspiring. Views are sometimes different, but the values are fundamentally the same. The commitment to those values is very strong.

Victor:

I suspect the field programs would agree wholeheartedly with that vision. As can be expected, it's in the implementation of that vision where the differences might occur. There are at least three other institutions

(Continued on page 14)

MIE INTERVIEW...continued from page 13

that have traditionally been involved in the delivery of legal services. One, of course is the American Bar Association, which in 1965 committed to support federal funding for the first time. Another is the National Legal Aid and Defender Association, which was created in 1917 to coordinate assistance to programs. A third is the Project Advisory Group, which was created in late 1960's to advocate for legal aid program interests. Do you see any of those institutions having a problem with either the short or long term vision that you have suggested? How do you see those institutions participating in the development of that vision?

Doug:

The answer to your first question is no, I see no fundamental divergence in our mission and commitment to equal justice. I would add though, that our strong support from the ABA should also be supplemented by an active working relationship and coordinated efforts with the minority bar associations.

To move to the second question, we have done as much as we could physically during our first three months to reach out for and include in our discussions and our decision making representatives of the ABA, NLADA, and PAG. We've included

...our strong support from the ABA should also be supplemented by an active working relationship and coordinated efforts with the minority bar associations.

not just those in Washington, but we've tried to make sure that we invite people from the field and support centers. This ought to be a shared vision and a shared commitment. We need an inside perspective of those organizations and the staff in programs they represent to assure our activities are consistent with our mission. I don't think we're going to

get where I would like to see us going if we don't go there together.

Victor:

Do you see any of the three institutions carrying out that part of the vision?

Doug:

Absolutely. I haven't broken it down into different roles. I spoke to the House of Delegates of the ABA this past Tuesday at their mid-year meeting in Kansas City. I asked them for their active support in Washington to help us obtain a significant

I also asked the ABA representatives to go back to their states and recommit themselves to partnerships at the state and local level with their legal services programs.

increase in appropriations from the Congress and to pass reauthorization with minimal restrictions. I also asked the ABA representatives to go back to their states and recommit themselves to partnerships at the state and local level with their legal services programs. This could be done both through sustained and enriched participation on local boards of directors, and also through pro bono involvement and local fundraising activities. We're not the private bar, nor are we the representatives of the field programs. Indeed, since we fund field programs, there has to be some distance at some point in time between the grantor and the grantee. Together we do reflect a community of interest. It's important that all members of that community participate in strengthening our delivery of legal services. We're not planning to seek control over decision making or delegate responsibilities. The PAG, at one point, was more or less the official advisory group to the board of the Legal Services Corporation. I would

like to see NLADA, PAG, and the Center for Law & Social Policy, if not officially at least regularly, be asked for input at every point where we need advice and different perspectives. That's basically what we've been trying to do. If you look at every meeting we've had of the board, we've had representatives of those organizations come share a table with us.

Victor:

Since federal funding began in 1965, legal services programs have found themselves caught in the political pendulum. Some swings have had negative impact on programs while others have had a positive influence. There is an argument to be made that given our client constituency and their involvement with private and governmental activities, that it's hard to remove this program from the impact of the political system. Do you think it's possible to eliminate or at least reduce the political influence on this program and if so, what role can LSC play in accomplishing that goal?

Doug:

It is important to take the politics out of the program as much as we can. The Corporation has a central role to play in doing that. This board's intention is to be as non-partisan as we can and encourage everyone in the Congress and in the community at large to support legal services for the very fundamental reason that we all have a stake in justice. Programs funded by LSC play an important part in delivering on that promise. There shouldn't be any politics involved with the delivery of justice. We intend to go to Capital Hill and tell our political leaders that we want off the pendulum. We are not a new board going back to the time when the pendulum was at a different place. We intend to move in a different direction. We need the support of all of our political leaders regardless of their

ideology or party affiliation. Helping people in need should be non-partisan. Unfortunately, a large number of problems affecting poor people are legal problems that involve governmental activities, and enforcement of rights often can only be done by using lawyers to advocate for the rights of the low-income. We need Congressional leaders to help us help them.

Victor:

PAG's subcommittee, the Funding Criteria Committee, recently developed a new funding concept, which was introduced, I believe, at the December LSC board meeting. It is based on access to justice as opposed to the traditional concept of funding which has been minimum access. Do you see a substantial difference between the two concepts?

Doug:

I think there is a difference. I see minimum access funding as a first step toward something longer term and more significant – and that is equal justice. Minimum access is basically an arbitrary definition that was used very effectively by an earlier board, led by now First Lady Hillary Rodham-Clinton and Bill McAlpin, to obtain funding for national coverage at a rate of two lawyers per ten thousand poor people. I don't think that they ever intended the goal to be their ultimate destination, and if they got there, they would stop. It's really a means of measuring how well you're progressing along the way. There's some peril associated with minimum access as your only objective. That's why I've been trying carefully to talk in terms of minimum access as a first step towards something else. For me, full access to justice is that something else.

Victor:

You mentioned before that your board has requested an appropriation of \$848 million from Congress,

which is a substantial increase over the \$400 million appropriation for the year 1994. If you had ten minutes with President Clinton to convince him that this program deserves a substantial increase in appropriations over the next three to four years, what would you say to him?

Doug:

Our national priority should be justice. I think it is. I know it is. It takes some reflection to realize how central to that priority legal services is and can be. If you look at every domestic priority and initiative that the President has offered, all the way down to safe streets and 100,000 more cops on the street, you'll find legal services advocacy and our clients at the center. Welfare reform, health care, education, employment opportunities, personal security, juvenile violence – all of these

If you look at every domestic priority and initiative that the President has offered, all the way down to safe streets and 100,000 more cops on the street, you'll find legal services advocacy and our clients at the center.

ultimately affect our clients, and there will be a greater need for legal services advocates if these initiatives go through.

Victor:

We are faced with a federal deficit which has dominated public attention over the last eight or nine years. The President seems to have made some substantial progress on reducing that deficit to date. We also have people that don't necessarily share the importance of our programs as evidenced by the recent Wall Street Journal editorial. What is your outside limit on what this program can realistically achieve in funding over the next three to four years?

Doug:

If Congress remains where it is and the deficit remains where it is, then we're not going to do as well as we would like to do. I see this as being a very interactive process. The better we use the additional funds we do receive this year, the better we can make a case next year for further increases in spending. The more articulate we are in reminding the Congress and the President about their responsibility for justice and our role in helping them fulfill that responsibility, the more we're going to see, hopefully, a willingness to help. The more we encourage the nation to do justice and support legal services, the more supportive, presumably, their representatives will be in the Congress to help us. I see us challenged to change a lot of attitudes and perspectives to generate increases in funding in the magnitude that we're seeking. It's clear that we're not going to reach that order of magnitude overnight merely because we have a new board and a new president. Although it helps, it will not alone produce substantial funding increases. In fact, with the recent earthquake relief bill that went to Congress last week was an amendment called the Penny-Kasich amendment, that would have reduced our funding by 5% this year. Actually coming in the middle of the fiscal year, it would have been in effect a 10% reduction in current appropriations. That only failed to pass by a narrow margin. I definitely recognize the political obstacles along the way, but I am confident in the greatness of our cause. I'm almost as confident in our ability to ultimately deliver if we do the other things I've mentioned – encourage the Congress and the government to make a national commitment for equal justice. That, incidentally, also raises another point. One part of the Legal Services Corporation's role, I

(Continued on page 16)

MIE INTERVIEW...continued from page 15

think, is to serve as a catalyst in the deliberations of cabinet agencies. When the Justice Department is considering its new initiatives on access to justice and their program to put more police into a community, we should be there to tell them how legal services programs can provide a stabilizing force by helping them access programs for kids and families. The same is true when the Social Security Administration is reviewing its user unfriendly regulations and operating procedures. There is a role and a place at every table for legal services advocates with perspectives on their clients' needs. I think that we can do better by introducing legal services advocates from the field into those deliberations. Program staff represent a gold mine of perspectives in ways that can make the government itself perform better.

Victor:

PAG's goal of \$3.5 billion is an enormous amount of funding compared to present resources. If, in fact, the LSC appropriation is substantially less than that in three to four years, where else should programs look to secure that goal?

Doug:

I suppose the answer is everywhere else. But first let me quibble with your premise. \$3.5 billion is not an enormous amount of money compared to the overall federal budget, compared to the importance of justice as a principle and a goal of this nation, or compared to the unmet legal needs of the poor in the community. I don't really shy away from the number, because it isn't a really big number. It's almost trivial compared to any of those benchmarks. It's also true that justice should be everyone's concern and commitment.

We should not be solely relying upon the federal government to provide the resources necessary for advancement towards equal justice. With interest rates where they are,

IOLTA programs have been dealt a fairly devastating blow in many states. Clearly, IOLTA was a welcome supplemental source of funding for many programs during

We should not be solely relying upon the federal government to provide the resources necessary for advancement towards equal justice.

the past decade. I think that lawyers ought to be asked to make private contributions to state and local legal services programs. To a certain extent, there are other ways in which the federal government should be funding legal services. So much of what legal services staff do is occasioned by wrongful government actions. Too often there are bureaucratic snafus or deliberate misreadings of regulations to deny eligibility or create a maze that people have to walk through in order to receive the entitlements due them. Programs ought to receive a commission every time we help a government program work the way it is supposed to work. We can help by encouraging the President, the First Lady, the Attorney General, and others when speaking publicly to mention legal services and its significance as a means of helping encourage the private sector to make their contributions to equal justice along with everyone else. I'd like to see LSC reach out to corporate counsel and involve them in some way. I would like very much to make sure that the Corporation creates bridges between our programs and corporate America. I think in these ways, by encouraging a greater public awareness and appreciation of what legal services programs do, we will be facilitating local programs' abilities to obtain additional resources.

Victor:

Can you tell me what you think the strengths and weaknesses of our current field programs' delivery system are?

Doug:

That's a very difficult question to answer diplomatically. The strengths of the program are that it has survived under the most adverse possible conditions. That survival has forged a high quality steel framework that will endure and remain. As a nation, I believe we are committed to a legal services delivery system that is based upon local programs' defining local priorities in accordance with local needs. Survival and the forging of that high quality steel has also led to some burnout. Unfortunately, there really hasn't been a lot of new, fresh ideas and people coming into the program. We've not been able to recruit at law schools because programs don't have that many positions open for hiring. Therefore, there really is a generational gap, I think, between the current legal services leadership and people who are coming up behind them in the ranks. There's not as much going on in law schools that feeds directly into and enriches legal services programs both by way of students or ideas. I think both the strength and weakness of our current program are its people.

Victor:

What about the strengths and weaknesses of our support system?

Doug:

I don't think it was an accident that the Reagan Administration curtailed funding disproportionately for national and state support. I think that was done in recognition of the potential effectiveness of that support in maximizing the impact of the dollars that went to field programs. It is important to understand the different roles national and state support centers provide. Let's take

state support first. I come from a state which has a very active, very well regarded state support program that provides coordination, managerial support, training, issue orientation, and also impact advocacy. Legal Services of New Jersey is deeply involved in drumming up support from our state legislature for state appropriations to supplement the federal appropriations to field programs. I think there are a number of states where the potential role for state support centers has not been fully utilized. That's a resource problem in part. I think it's also a political problem. Not in an elective political sense, but rather a question of factions or groups finding the means and the will to come together in their state support program and provide the authority and responsibility at the state level for what's going on in the program.

National support is as critically needed as state support. I really see national and state support as being the best way to supplement the delivery of services at the local level. Our national support centers have problems that, to an extent, are

There's also a risk of being stretched too thinly. It's very hard to do a lot when you've only got two lawyers to focus on national issues of major concern to poor people.

resource driven. We have something like 16 national support centers. There is a risk of compartmentalization occurring, just as government often confronts compartmentalization of its agencies. There's also a risk of being stretched too thinly. It's very hard to do a lot when you've only got two lawyers to focus on national issues of major concern to poor people. We need to think through how we can coordinate better, not only among and between the national support community, but also with the Corporation, national

and state support, and local field programs. I think some of this will come into better focus as the Corporation figures out how we're going to approach the evaluation function better. I see a lot of potential and it's all up for consideration.

Victor:

Leadership is not only accomplished by implementing activities, but also by creating, sending and emphasizing messages. Have you given any thought to how your vision and strategies will be conveyed to the field, other institutions, and to Congress?

Doug:

I have not thought precisely in those terms. The first speech I gave was at the NLADA annual meeting in Albuquerque less than a week after I was sworn in as a member of the board and chairperson. In that speech I took pains to say that local programs are important – they are the most important part of what we're about and why we exist. We need and want input from the people who are ultimately fulfilling the mission with which we are entrusted. I think that over time another important symbol has to be diversity. Not just the people, although that's an important starting point. In order to be effective in serving the needs of our clients, I think we have to be more reflective of our clients. Incidentally, that also suggests that we need to find a better role for clients and organizations or clients within the Legal Services Corporation so that we can receive meaningful input not just from field programs, but also from clients and client advocacy groups independent of other programs. I'd like to think a lot more about symbols. What we do or say in order to persuade and encourage people to be concerned about equal justice will depend very much on the symbols we utilize. I can't pretend to have those symbols at my fingertips at this point.

Victor:

Previously you mentioned compartmentalization of government activities. There are some who believe legal services programs have become compartmentalized by not participating in local or national bar activities sufficiently or linking up with other advocacy groups who share common interests concerning the low-income. Do you think LSC has a role in trying to reduce or restructure, in some way, that compartmentalization?

Doug:

Part of what you've just described is the product of a lack of resources and a siege mentality that is very understandable. Once we can reduce the regulatory constrictions, increase the funding, and make the

The Attorney General has now challenged the lawyers in her department to join bar associations and become active in participating in some of the substantive work on the organized bar.

funding process more user friendly, I hope that we will be providing local programs and lawyers with a means for participating more willingly in their communities at large. It's interesting, you could say the same thing about the Justice Department lawyers. I had an interesting discussion the other day with the Associate Attorney General and Roberta Ramos, who will be stepping up to the president-elect position of the American Bar Association in August. We were talking about the need for linkages between the Justice Department, the organized bar, and legal services. During the conversation, someone remarked that it's been a long time since anyone even wanted to be partners with legal services or the Justice Department. The Attor-

(Continued on page 18)

MIE INTERVIEW...continued from page 17

ney General has now challenged the lawyers in her department to join bar associations and become active in participating in some of the substantive work of the organized bar. I

The more that we can get out and participate and become part of the overall legal and social fabric in our communities, the stronger we'll find those communities supporting legal services.

think that would be a very welcome addition for legal services, too. It's no accident that Helaine Barnett, the executive director of the Civil Division of the New York City Legal Aid Society, has just been elected to the Board of Governors of the ABA. That is a first. Arch Murray was the first legal aid attorney elected to be president of the New York State Bar Association. The more that we can get out and participate and become part of the overall legal and social fabric in our communities, the stronger we'll find those communities supporting legal services. It's a

long-run, worthwhile investment, and the quality of our advocacy will be enhanced by greater participation in the community.

Victor:

Can you tell us who in the legal services community has most influenced your thinking?

Doug:

My commitment to justice has at its fundamental core my religious upbringing. It is very difficult to think of justice without thinking of our covenant relationships with God and one another. I start with the Bible – probably Isaiah as the bridge between the Old and New Testaments more than anybody else as a source and clearly the New Testament and the life and teachings of Jesus. I jump back in time, probably to Aristotle. I bring that forward. I think that Bobby Kennedy and Nick Katzenbach are sources of inspiration for me. Dick Debevoise in my own community has always been someone who has been a role model for me. De Miller, the president of Legal Services in New Jersey, is a soul brother and constant source of

guidance and advice. Those are among the people who have provided me with at least some of my orientation.

Victor:

Any final thoughts you'd like to share?

Doug:

I am so extraordinarily proud and challenged and humbled by my new position. I do think that for a lawyer, there can be no higher calling. I just hope that I will meet that calling and do something that makes a difference for the better.

Victor:

I want to thank you for your time and hospitality this afternoon. You have come to a position of leadership at a critical time in legal services history. Please let me give you the very best of wishes from our community and a warm thank you for what I'm sure will be your essential contributions.

Doug:

Thank you. It's wonderful to be part of that community.

CONGRATULATIONS!

IN THE RECENT MIE BOARD OF DIRECTOR ELECTIONS, ROBERT BYRD, DENNIS BRICKING, AND LEANNA GIPSON WERE RE-ELECTED BY THE MEMBERSHIP TO ANOTHER THREE-YEAR TERM ON THE BOARD OF DIRECTORS.



THE PRICE OF EQUAL JUSTICE:

What's in Store for the Legal Services Corporation?

Attending a rodeo to mark the end of the ABA's 1994 Midyear Meeting, Douglas Eakeley listened while the narrator spoke in ringing terms about the United States, using the word "freedom" four times.

"He didn't use the word 'justice' once," says Eakeley, the new chair of the Legal Services Corporation.

"We need reminding from time to time that this country was founded in the words of the preamble to the Constitution, 'to establish justice,' " Eakeley notes.

"When we salute the flag, we are renewing our commitment to a country dedicated to the principles of liberty and justice for all. But we don't hear much about justice."

Eakeley predicts that one objective of the Legal Services Corporation board will be a public education campaign "to remind and encourage the nation to do justice."

Eakeley, 48, became head of the LSC last November, a part-time, non-paid position. He practices in Roseland, New Jersey, with the firm of Lowenstein, Sandler, Boylan, Fisher & Kohl.

Eakeley started his interest in legal services as a student at Yale Law School, where he worked in a legal services clinic with fellow student Hillary Rodham. Later, Eakeley trained at other legal services positions in New York and New Jersey.

In 1992, he became chair of Legal Services of New Jersey, Inc.

In addition to befriending Hillary Rodham, Eakeley attended Oxford University at the same time as Bill Clinton, and became a roommate of the president's after both returned to Yale.

He quips that he was at the first professional pairing of Bill and Hillary Clinton, when the two joined Eakeley in a mock trial competition at Yale.

This interview, recorded from his home, was conducted by Human Rights Editor Vicki Quade.

In terms of justice, can there be equal access for all?



Interview with Douglas Eakeley

By Vicki Quade

Equal access is possible. I don't think you can equate equal justice with equal access.

In the legalistic society that is America, access to the system of justice is a very important component of securing justice. And therefore, access becomes fairly critical.

W. Clark Durant, a predecessor of yours at the Legal Services Corporation, once talked about allowing nonlawyers to do the work of LSC lawyers as a way of providing equal access to justice.

That proposal reflects a basic ignorance of the significant legal problems confronting poor people. It, indeed, trivializes them. It shows an insensitivity, as well, to the nature of justice and the

commitment of this country to justice under law.

It's very hard to see how non-lawyers could deal with crises in poor families' lives, such as a threatened wrongful eviction, or violence in the household, or a cutoff in entitlements.

We're dealing with a legalistic and bureaucratized society where even lawyers don't make their way too easily at entities such as the Social Security Administration.

Nonlawyers can be trained to deal with bureaucracies and other elements of law. Wouldn't using non-lawyers give people more equal access to justice?

You can't do away with legal representation of the poor in civil matters in order to accomplish justice.

But definitely we could do more than we're doing now if we had the resources.

I would start with community education so that people can understand their situations, understand their problems, and identify solutions.

Not all solutions need to be legal in the first place.

Our system works because most people voluntarily obey the law and follow the rules. It's when the social consensus breaks down that you find there's more of a need to resolve disputes, and lawyers can be very helpful and essential in some of those areas.

If we could do more to encourage people to follow the law and the rules in the first place, there would be less need for lawyers.

And yes, there is a lot of regulatory maze that need not be threaded by lawyers; nonlawyers can do that. Another way to attack that particular problem is to eliminate the maze.

Why is the Social Security Administration so user-unfriendly? It's supposed to be a government serving people. But it's got it inverted. And that is true of many of our benefit-distributing agencies.

Every Legal Services program of which

I'm aware depends to a great extent on the use of trained legal assistants, paralegals, because that is a way that nonlegal work can be effectively delegated.

At this point, the Legal Services Corporation can't even provide minimum access to justice.

That's correct.

Is that because the LSC is in a constant battle for funds?

It is primarily resource-driven. The minimum access formula that we seek to fund, which has been endorsed by the American Bar Association, is itself an artificial construct. That formula calls for two lawyers for every 10,000 poor peo-

ple, and that was established in 1980-81.

The appropriation request for the coming year is \$848 million compared to this year's \$400 million appropriation. Even if we were to get to that level, we are still not going to be anywhere near assuring everyone with bona fide legal needs of a means of addressing those needs.

Nevertheless, that is an important first step.

\$848 million is nothing more than where we were in 1980-81 adjusted for inflation and the demographics of poverty. This program has been devastated for the last 12 years.

We have not even kept pace with inflation, or adjusted for the increasing

number of people living in poverty. While we're talking about that, let me just drop a footnote: one out of every four children under the age of six in this country is living in poverty; one out of every five children is living in poverty.

Over three-quarters of the beneficiaries of the Legal Services program are children.

Funding is critical, and in terms of the overall federal budget, we're not asking for a lot.

Funding, however, is not our biggest problem.

We inherited a Legal Services Corporation that has layer upon layer of restrictions and inhibitions imposed by Congress. These are in the form of

A Recommitment to Justice: How the ABA Can Help

By Douglas Eakeley

The American Bar Association, through its House of Delegates, standing committees, and membership, has played a critical role in nurturing the Legal Services Corporation from its inception.

Indeed, it was 29 years ago that the ABA unanimously passed a resolution acknowledging the responsibility of the organized bar to make legal services available to all who need them. The ABA pledged its commitment to working with the Office of Economic Opportunity and other appropriate groups to develop and implement what would become the national legal services program.

As Bill McAlpin put it in leading the debate at the time, the issue is "how can the legal profession best serve the public. . . . What we are here considering is no less fundamental than the reason for and justification of our existence as a profession."

Passage of that resolution laid the foundation of an extraordinary partnership between the ABA and the legal services community. That partnership was put to the test in the early 1970s. Because of the ABA's support, the legal services program emerged the stronger, with the signing of the Legal Services Corporation Act in July 1974.

Under the leadership of board chairs Hillary Rodham Clinton and

her successor, Bill McAlpin, the corporation briefly achieved the interim goal of "minimum access" funding of the program at two lawyers for every 10,000 poor persons throughout the country.

That "minimum access" funding level, unfortunately, became the high watermark, as a new Reagan administration attempted to eliminate Legal Services altogether. Once more, the American Bar Association played a crucial role in defending the existence and integrity of the program. When federal funding was then slashed by 25 percent, it was the organized bar which stepped forward and sought to replace those lost federal dollars with a major contribution of pro bono services and private funds.

Today we have a new administration, and a new LSC board of directors, committed to the mission of the agency. That mission is to serve the ends of justice.

The motto "equal justice under law," which is inscribed under the portico of the Supreme Court building in Washington, D.C., reminds us that justice is both the foundation of our law and its objective, and that central to the concept of justice is equality of treatment, consideration and opportunity.

But just because we have a new administration and a new board does

not mean that we will necessarily advance toward the goal of equal justice under law. Although current funding is less than one-half of what is needed just to regain "minimum access," the budget deficit and a welter of competing claims will make it very difficult to increase funding in any meaningful sense in the short run.

Indeed, there are competing budget-reduction bills in the Congress that would reduce the Legal Services Corporation's current appropriations either by 5 percent or 50 percent.

Moreover, the Legal Services Corporation Act was last reauthorized in 1977 and lapsed in 1980. Since then, the program has been carried through the appropriations process, attracting a series of congressionally-imposed restrictions on its operations that display distrust, if not hostility, for the corporation and its grantees.

In short, Legal Services needs the ABA again. We need your visible support at the national level in helping us persuade the Congress to reauthorize the program with a minimum of restrictions and to fund it at levels commensurate with the unmet legal needs of the poor. We need your continued participation on local programs' boards of trustees and in their private attorney involvement initiative and fundraising activities. And we need your assistance in improving the quality and effectiveness of legal services rendered to the poor.

Douglas Eakeley, the new chair of the Legal Services Corporation, delivered a keynote address on this topic to the ABA's House of Delegates during the 1994 Midyear Meeting.

restrictive riders that came in with the appropriations process.

We also have massive paperwork requirements.

One of our short-term objectives is to get back to an even playing field so that the Legal Services Corporation does not inhibit the delivery of resources, limited as they are.

Ultimately, we think we can do a lot more to support, encourage and increase the quality and effectiveness of legal services with the resources made available.

So how do you get back to a level playing field?

We're in the middle of a massive review of all of the regulations and bylaws and paperwork requirements that have accumulated over the past 12 years. And they are massive.

An active working group is going after all of this with a view of starting with a clean slate and an even playing field.

How many lawyers are in the Legal Services Corporation?

I don't know. The total staff is only 110.

We have the lowest ratio of administrative costs to funds delivered of any federal program.

What is that ratio?

Well, you tell me. Our management and administration line is about \$11 million out of an appropriation of \$400 million.

Part of the responsibility is to make sure that the federal funds that are distributed go to the right recipients and are used for the right purpose. Another part is to evaluate and support and assist, and we're not doing very much of that.

The first step is to clear away the regulatory hurdles that reduce the effective-

ness of programs and were intentionally set up to do so.

Do you need to educate the public more about rights in order to prove that something like the LSC is needed?

Absolutely.

This country from its beginning has oscillated between the twin pillars of liberty and justice. We have all too often in the last decade pursued liberty and self-interest at the expense of community and the needs of others.

We've not heard our elected officials remind the public of our commitment as a nation to the ideal of justice and the responsibility of everybody to participate in making that ideal a reality.

With the influx of new immigrants to America, has the Legal Services Corporation made any effort to introduce the law to this new group?

Well, yes and no. There are substantial restrictions on what legal services lawyers are permitted to do to represent aliens, or even the children of aliens.

Very often, the first response to a cry for help from an alien is, "I can't help you."

Indeed, we now have in California and Florida proposals that would deny benefits to children that were abandoned in this country.

In terms of trying to change the regulations that affect the Legal Services Corporation, is this something else you're looking at?

Well, this is one of the riders or restrictions on the corporation's funds.

In addition to seeking higher appropriations for the program so we can meet more of the legal needs of the poor, in addition to clearing away the unneces-

sary and indeed antagonistic regulatory thicket, we are also seeking as a high priority from this Congress reauthorization of the Legal Services Corporation Act, which lapsed in 1980.

Part of the debate in the reauthorization process is, to what extent should the Congress reincorporate all these affirmative riders and restrictions that have come up in the prior appropriations into the new reauthorization act?

One of those or more than one deals with restrictions on advocacy for aliens. It's a difficult choice to know what to do with.

We are, as a board, committed to seeking reauthorization as a statement of commitment by the Congress to equal justice as a goal, and the Legal Services Corporation as one of the agencies charged with moving us towards that goal.

We would like to see the corporation reauthorized with a minimum number of restrictions, but we're not going to take on every interest and fight every fight in order to get reauthorization.

So that's an indirect way of saying, "I don't know."

The board has not taken a position on whether to actively and specifically oppose restrictions on advocacy for aliens.

What's your timetable?

The administrative subcommittee of the Judiciary Committee has already had hearings. They're marking up a bill as we speak.

The Senate has not held hearings and is a little bit further back on that.

On the appropriations side, the President delivered his budget request on February 7, and so we're now in the congressional arena on appropriations.

— *Interviewed by Vicki Quade*



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President-Elect
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Lissa FYI

AMERICAN BAR ASSOCIATION

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Client/Matter #: 11996-113

TRANSMITTAL COVER LETTER

Date: March 14, 1995

Page 1 of 8

Time:

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Melanne Verveer

CITY: Washington, DC

TELECOPIER NO. OF RECIPIENT: 202/456-6244

FROM: Subodh Chandra, Albuquerque, New Mexico

We are transmitting via Muratec F-90 Telecopier (Telephone No. (505) 848-9767).
If you have any problems receiving our telecopy, please phone: (505) 848-1825.

COMMENTS: FYI. I've been speaking with Preeta Bonsal and second the thoughts in her memo.



Please respond to:

AMERICAN BAR ASSOCIATION

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Memorandum

To: Jerry Hultin, Esq.
From: Subodh Chandra, Special Counsel to the President-Elect 
Date: 7 March 1995
Subject: Hillary Rodham Clinton South Asia Trip

I appreciate being asked to prepare some quick background information for First Lady Hillary Rodham Clinton's upcoming trip to South Asia. Because I suspect that the First Lady's office is being deluged with advice and information pertaining to the trip (only some of which, I am sure, was solicited), I thought it might be most helpful to "bullet-point" a few thoughts. I have already discussed some of these thoughts with your staff and would be happy to elaborate in further conversations.

To answer your questions, I consulted with a wide and thoughtful group of people including Mahesh Ram, Priya Agarwal, and Sydney Patel and others. Half-baked ideas are probably mine. My comments will focus on India.

Background Information on India and Hillary Rodham Clinton

- **Overview.** Good background books include the following:
 - *General.* STANLEY WOLPERT, *NEW HISTORY OF INDIA* (4th Ed. 1993?). Ancient to modern history of the Indian civilization. Good closing chapter on India today.
 - *Women's legal rights.* M.J. ANTHONY, *WOMEN'S RIGHTS* (1989). Short Indian-published paperback-for-the-masses that summarizes the laws

(secular and various religious) governing Indian women. While this may be a bit outdated, it is excellent for demonstrating the very different cultural reference in India to women's legal equality. I am making a photocopy of this book and will mail it to you next week. Will also send you the Table of Contents for a phenomenal book on women's rights and issues in India, publication pending, by a friend of mine, Sydney Patel (a fellow Yale Law type and currently a Reginald Lewis Fellow at the Harvard Law School.) Book was underwritten by a Ford Foundation grant.

- *Relationship Between Law & Society*. MARC GALANTER, LAW & SOCIETY IN MODERN INDIA (1989). This collection of Prof. Galanter's (U. Wisconsin Law School) essays discuss the structural issues of Indian society such as equality, hierarchy, secularism, justice, group membership, caste, and "affirmative action"-type policies.
- *Economic prospects*. There was an article on the op-ed page of the *Wall Street Journal* in the last month comparing the Indian and Chinese economies and democratic cultures, describing how India poses a better opportunity for the savvy investor or business.
- *Cultural*. Works of the poet Rabindra Nath Tagor. Tagor was arguably India's greatest poet. An understanding of Tagor may improve Mrs. Clinton's understanding of Indian culture. Including a few choice quotations from Tagor in a speech would be a good call.

- **Key Cities.** General principles, opportunities, pitfalls, and thoughts.

- It would be an easy mistake to make Mrs. Clinton's trip to India a northern-centric trip. Bombay, New Delhi, Agra, a token village somewhere. Don't make that mistake. Trips north should be balanced with at least one southern visit out of the Hindi-speaking belt.
- Hyderabad in south-central India is where most of my extended family is, and I am sure that they would love to have her over for lunch. Barring that, however:
- The state of Kerala poses unique opportunities first because it has the highest literacy rate for women in India, second because so many men from the state are abroad in the Middle East earning for their families that the society is semi-matriarchal, and third because it is so clean and beautiful.
- "Sister cities" question perhaps best answered by the U.S. Conference of Mayors.

- **Current perception.**
 - To be honest, the perception of my beloved First Lady (such as there is a perception at all) and especially that of her husband is quite poor. President Clinton is not perceived as a great world leader ala Reagan or Bush and is further perceived as inept at international policy. That, frankly, is all people care about, not whether they are New Democrats or old ones, etc.
 - People may be curious about her family life. Taking Chelsea with her and showing them together could be a big plus. To the extent that Mrs. Clinton comes off as pushy or aggressive, it will be a complete disaster.
- **HRC's role.**
 - As to India, it would be dreadful mistake for Mrs. Clinton to try to be anything beyond a diplomatic observer, bridge-builder/relationship-builder at this time. As much as we might like for her to charge hard into India and raise the profile of some of the nation's problems, particularly in health care or women's rights, that would be self-defeating at this time. India has a very clear history of antagonism and righteous indignation toward those perceived as "telling it what to do." Perhaps this is borne out of a post-Colonial mentality. Witness, for example, India's leadership throughout the Cold War of the so-called "Non-Aligned Movement."
 - These attitudes have been heightened, if anything else, in the last few years during the painful period of economic liberalization. India is very proud of its booming economy and truly envisions itself as soon to be one of the world's great superpowers. Add to that the fact that India has a democratic process, and it should be obvious that indelicate efforts to point out "problems," whether shoulder-to-shoulder with Indian activist groups or not, would be harshly received in the Indian media. The repeated furor over various comments of Assistant Secretary of State Robin Raphael are the perfect example of how Himalayas can be made of Ozarks.
 - This does not mean that HRC cannot play a vital role in raising the profile of certain basic common concerns. While she should probably tread delicately around sensitive cultural issues that Indians themselves are beginning to tackle like dowry murder or caste, she can talk about other crucial issues. I'll discuss some examples below.
- **Respect.** HRC can show respect for the culture of India in a variety of ways.
 - She should dress modestly and tastefully (e.g., shoulders, upper chest, and arms largely covered, longer skirts.) She should generally avoid, perhaps, wearing Indian garb, except maybe the Salwaar Kameez. She should not dress as gringos like to dress in tropical climates! No shorts

even in the privacy of the hotels.

- After consultation with the American Embassy in New Delhi, she should consider using the traditional greeting, palms pressed flat and together with fingers pointing straight up, elbows roughly together, in a brief prayer-type greeting before engaging in the standard Western handshake. This could really endear her to many and would look good on television.

- She really should study up on Indian culture and should weave references in her speeches. As I mentioned earlier, reading some Tagor would be advisable, if nothing else, for the P.R. value.

- Religion is a touchy subject in India today. If she visits the cultural landmarks of one religion, she should visit those of all others. The principal religions to worry about in this regard are Hinduism. (majority religion), Islam, and Sikhism. Indian Christians and Buddhists are generally pretty mellow. It is important to remember that there really is no "one" Indian culture.

- She should not cite *Indiana Jones and the Temple of Doom* in asking whether Indians enjoy the taste of chilled monkey brains... :-)

• Best practices.

- In keeping with my earlier comments, HRC should stress American commonalities with Indian society: understanding the importance of free enterprise, the fact that we are both *multicultural societies* that sometimes experience the pains therefrom—but that diversity is our common strength, both cultures struggle to value family above all else, etc.

- The First Lady would also be well advised to stroke the aforementioned national ego and identify and repeat those areas in which the Indian nation is ahead of America. Both India and Pakistan have had a women heads of state (Indira—pronounced Indhruh, not In-DEER-uh —Gandhi and Benazir Bhutto, respectively), the United States has not yet. India is the world's largest democracy. India has the world's largest middle class. I am sure that HRC's researchers can make the appropriate comparisons, but this kind of ego-massaging will go over *very, very well*, I assure you, because it is so generally *unexpected* of the "ugly American." I think this can be done effectively without backfiring in the American media.

- Reread Martin Luther King, Jr.'s *Letters From A Birmingham Jail* to understand the profound influence that Mahatma Gandhi had on Dr. King's philosophy and political strategy. It is not enough to make the cliché reference to King and Gandhi; she should more substantively be able to articulate what it means.

- A model state visit in "reverse" to study is the trip of then Prime

Minister Rajiv Gandhi and his wife Sonya in the late 1980s to the United States. They were the toast of Washington because they were good-looking, smartly dressed, unfailingly polite, politely noncontroversial, and in every picture were smiling and shaking hands with someone new. That trip laid the groundwork for tremendous economic and political cooperation between the U.S. and India afterwards.

Health Care

I don't have much information handy on this issue, and the information that I was sent does not seem particularly helpful.

- **Current Issues in health care.** Big current issues in India today are population control, AIDS, women's health (or rather, the neglect thereof).
- **People/places.** One great positive opportunity might be to rendezvous with the fellow who has a mobile clinic around India that travels around rural India providing cataract and other eye surgery to people. He has been profiled quite a bit internationally and I am sure that HRC's researchers would not have any trouble tracking this acclaimed doctor down.

Role of Women

- **Identifying Women's Issues in India.** The best book on this issue, not yet published, is by Sydney Patel, and as mentioned above, I am sending you the draft table of contents to give you some sense of the scope of issues. Please contact Syd directly at Harvard Law School to get a copy: 617/496-4531. Syd and both agree that HRC's visit could really be counterproductive on women's issues in India if the sensitivities discussed earlier are not observed. She should be there to learn, not to preach, and to speak about common themes in the U.S. and India. The tone should be "Interesting, I have observed that we both have this problem," not "We have this problem, and you *really* have this problem and some other problems too. Learn from us and join the civilized world..."
- **Indian women in America.**
 - Indian-American women do feel some sense of discrimination. On the one hand, they have the narrower gender expectations of their homeland (often tied to the time at which they or their parents' left), and on the other hand they face in this land from the majority "exotification" and occasionally restricted opportunities from their own community.

Still, both Indian-American women and men today are best selling American authors (Bharati Mukherjee, Gita Mehta), publishers (Sonny Mehta—Gita's husband, head of Random House?), entertainers (Sarita Choudhuri), mainstream journalists (Sunanda Tripathi, (NBC Affiliate anchor in Las Vegas Fred de Sam Lazaro, MacNeil/Lehrer Newshour), senior government officials (Arti Prabhakar, head of National Institutes of Standards and Technology; Yasodhara Mohanty, Asst. Attorney General of Oklahoma; Preeta Bansal, former Assistant White House Counsel and Counsel to the Assistant Attorney General for Policy), elected officials (Honorable Kumar Barve), distinguished academicians (Professor Akhil Amar of Yale Law School), businesspeople, scientists, physicians, and engineers.

There are many poignant anecdotes, but none as yet that would sound appropriate coming from HRC. I will keep working on it. A general, and perhaps light-hearted theme would be for Mrs. Clinton to acknowledge the widespread use of the term in India "ABCD"—American-Born Confused *Desi* (countryperson of Indian heritage). Something like, "Now I understand that some of you call them 'ABCDs—American-Born Confused *Desis*' but we are very proud of the contributions of our second-generation Indian-Americans and of their ability to integrate the best elements from their great ancestral culture and of America to forge a *new* identity. I also know that they retain an affection for the land of their ancestors that is bringing our nations closer together."

- **Participation of women leaders.** Note again that South Asia has an interesting record with regard to democratically elected women leaders. The Chief Minister of the state of Tamil Nadu, Jayalalitha, is a woman. She has cult status owing to her previous career as a movie star. She has a reputation for being power-hungry (she's sorta the Huey Long of India), however, so I would consult with the Embassy. The tour could make sense as long as it is not overdone. We should talk about what you have in mind.

Other

- HRC should be seen very publicly with Manmohan Singh, the Finance Minister who is driving economic liberalization. He is very well respected.
- Although the main opposition party, the Bharitya Janata Party (BJP) is powerful enough now to be "mainstream" it is very important that HRC not be seen with anyone too radical from that party, which is something of a Hindu fundamentalist party (although they have made positive contributions). Ambassador Frank Wisner are the best advisors in this regard.

- Correspondents Ela Dutt or Aziz Haniffa of *India Abroad* should be taken on this trip to ensure positive coverage in the Indian-American community here.
- The First Lady's delegation should definitely include Preeta Bansal, who was an Assistant White House Counsel, Counsel to the Assistant Attorney General for Policy, and is moving to work for the Antitrust Division's Joel Klein. She is a former law clerk to Justice John Paul Stevens and presently serves on the board of the Indian-American Bar Association. It would be very important both substantively and symbolically to point to Preeta as an example of what women of Indian origin have achieved in America. Preeta would also be an invaluable advisor on the trip. Arti Prabakar of NIST is the administration's point-person on technology, its senior-most Indian-American official, and would be another wonderful resource and symbol.
- I am always happy to help with additional comments on your plans, and am hoping, of course, Jerry, that you will save a seat for me on the plane. You know what a big fan I am of the First Lady.

Legal
services

For Immediate Release

September 26, 1994

NATIONAL LEGAL SERVICES WEEK, 1994

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The preamble to the Constitution reminds us that our great Nation was founded "to establish Justice . . . and secure the Blessings of Liberty" The very nature of justice demands that it be available to all. True justice cannot be rationed -- it cannot be accorded to some while others are denied the full benefit of their rights. Our Founders understood that privilege and responsibility are inextricably linked. The words "Equal Justice under the Law," inscribed over the portal of our highest court, represent a solemn promise made to every American.

Twenty years ago, the Legal Services Corporation was created to help keep that promise, promoting equal access to justice by making high-quality legal assistance in civil matters available to those who would otherwise be unable to attain it.

In designing the Legal Services Corporation the Congress recognized the need for an independent entity, protected from political interference, to support local programs that would be accountable to their own communities. Legal Services was designed to ensure that all Americans needing assistance are provided with legal representatives whose responsibility is to fully protect and defend their clients' best interests according to the highest standards of professional obligation.

For two decades, the Legal Services Corporation has fulfilled that mandate. It supports local legal services programs that operate under the auspices of their own Boards of Directors, which are made up of clients and representatives of the local bar. Today, the Corporation supports 323 programs operating in over 900 neighborhood offices across the Nation. In addition, more than 130,000 private attorneys volunteer their time and energy toward activities associated with local legal services projects.

Legal Services programs extend assistance to more than 1.5 million people every year, vindicating their rights, resolving their disputes, and offering a means of improving their lives. Dedicated attorneys, paralegals, staff, Board members, and volunteers have worked with unflinching commitment, often under adverse conditions, to serve those whose rights and interests they represent. Legal Services has won the respect of the judiciary, the organized bar, and the client community. For many Americans; the existence of legal services has renewed their faith in our government of laws.

On the 20th anniversary of the Legal Services Corporation, I reaffirm our national commitment to equal access to justice, to decency, to fair play. I voice my deep respect for those who have given so much to keep those principles alive over the years.

more

(OVER)

These achievements are even more impressive because they have taken place in the face of extreme adversity. Many of the people in this room have played an important role in protecting the program from those who fail to appreciate that ~~a~~ justice is the ~~foundation~~ of a strong society. *such*

has come
You know that survival came at a heavy price. For many years, Legal Services has been kept alive in spite of reduced appropriations, appointments hostile to its mission and ~~serious~~ *restrictive* regulations that often make it *very* difficult for local programs to represent clients. *Restrictions*

As you know, a new board, appointed by the President and unanimously confirmed by the Senate, was sworn in 16 months ago [That board is chaired by an alumnus of the Legal Aid Society and the Community Law Offices, Doug Eakley]. The new Board has moved aggressively to fulfill the Corporation's mission of assuring access to justice for people in need. *But Legal Services is once*

Even this But LSC's current budget remains less than half of the "minimum access" funding level of 2 lawyers for every 10,000 poor people -- a level achieved briefly in 1981, before the sustained attack on Legal Services. Currently, the Legal Services system is able to help only one in five poor people in need of assistance. *again being forgotten for election.*

The cruelty of these statistics is magnified when one considers that more Americans are living in poverty today than at any time in the last three decades. Most disturbing, children make up an increasing proportion of those who are poor. Nearly a quarter of all children under age 6 live in poverty, and the situation is even grimmer for African American children.

The nature of poverty also has changed, and that makes the task of overcoming it much more complicated. Given economic pressures in our society, the demand for legal services is greater than before. Urban life, especially for children and adolescents, has become more dangerous than at any other time in recent memory. We see an erosion of our social institutions -- family, civic and religious organizations, neighborhoods and communities that once offered support and sustenance for those in need.

And, tragically, in today's political climate, poor children and families are likely to be viewed less as objects of concern than as culprits for everything that goes wrong in society. Drugs, violence, illegitimacy, and abuse are viewed as afflictions only of the poor and, in turn, it is poor children and families who are singled out for punishment.

My minister gave a sermon recently in which he related the story in Leviticus about the ancient Israelites who annually placed all of their miseries and sins on the head of a goat and

then sent the goat off into the wilderness. When the goat reached the wilderness, the tribe was cleansed of all problems, all evils, all sins. This is an apt parable for what is happening in America today. In today's society, the goat is poor children and their parents. And somehow, we think we can rid ourselves of all our social problems by scapegoating children and exiling them to a wilderness of greater poverty and hopelessness.

So today we find ourselves at a crucial moment in our own history when the very notion of what we stand for as a society is at stake. Our Constitution reminds us that the twin purposes of government are to "secure the blessings of liberty" and to "establish justice."

As the President ^{said} in last year's Proclamation for National Legal Services Week: "The very nature of justice demands that it be available to all. True justice cannot be rationed -- it cannot be accorded to some while others are denied the full benefit of their rights. Our Founders understood that privilege and responsibility are inextricably linked. The words "Equal Justice under the Law," inscribed over the portal of our highest court, represent a solemn promise made to every American."

Yet today we find in Congress a broad and mean-spirited attack on the poor and vulnerable that includes the greatest threat to the Legal Services program we have ever seen.

Whether we are public service or pro bono lawyers, we must not let the dream of equal justice die. This should not be a partisan cause, but rather one that speaks to the larger values and aspirations of our society.

Many organizations represented here tonight have already made their voices heard, and the President and I applaud you for speaking out about importance of the Legal Services program. I hope all of you will help us remind America that the Legal Services program is not just about providing legal help for the poor, but about giving those in need a stake in our system, a sense that the American dream of "liberty and justice for all" is a promise that our nation is committed to fulfilling.

Let me conclude by offering a prayer by the South African writer and poet, Alan Paton, that seems so fitting tonight:

Open my eyes that I may see the needs of others;
Open my ears that I may hear their cries;
Open my heart so that they need not be without succor;
Let me not be afraid to defend the weak
Because of the anger of the strong;
Nor afraid to defend the poor
Because of the anger of the rich;
Show me where love and hope and faith are needed;



Patti **THE LEGAL AID SOCIETY**

CIVIL DIVISION

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Archibald R. Murray

President
Thomas R. Brome

*Executive Director and
Attorney-in-Chief*
Daniel L. Greenberg

Attorney-in-Charge
Helaine Barnett

February 16, 1995

Patti Solis
Office of the First Lady
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Ms. Solis:

Attached is a copy of the information faxed to you on February 6, 1995 on The Legal Aid Society Servant of Justice Program Honoring Hilary Rodham Clinton.

Thank you for your attention to this matter.

Sincerely,

Helaine Barnett
Helaine Barnett

THE LEGAL AID SOCIETY
FACSIMILE TRANSMISSION

FAX NUMBER:(212) 385-4265
PHONE NUMBER:(212) 406-0750

TO: Patti Solis - Office of the First Lady, The White House
FROM: Helaine Barnett
DATE: February 6, 1995
RE: **The Legal Aid Society Servant of Justice Program
Honoring Hillary Rodham Clinton**

Attached is a copy of the programs of the last two Servant of Justice Dinners. You will note that Alex Forger's program biography was signed by Archibald Murray, then Attorney-in-Charge of the Society. Governor Cuomo's biography was signed by Evan Davis, a member of the Society's Board of Directors and former counsel to the Governor.

Would you please either write Mrs. Clinton's program biography for us or provide me with the materials for her biography, which we would then prepare and, of course, submit to you for your review and approval. I would be very pleased to prepare and sign Mrs. Clinton's biography, unless there is someone else you would prefer do it.

For your information, Dean John Sexton of New York University Law School is writing Martin Lipton's biography. We also will need a photograph and the biography by Wednesday, February 22, 1995 in order to meet our deadline with the printer.

I look forward to hearing from you.



THE LEGAL AID SOCIETY
SERVANT OF JUSTICE AWARD
APRIL 29, 1993
NEW YORK HILTON



ALEXANDER D. FORGER

*Recipient of the Servant of Justice Award
of The Legal Aid Society*

Alexander D. Forger was born in New York City, attended public schools in Yonkers and went on to Princeton University, where his schooling was interrupted by World War II. He joined the U.S. Army and served as a sergeant in a machine gun squad in the 291st Infantry, 75th Division. Although he shies away from any talk of heroism on the battlefield, as he does from any mention of his numerous accomplishments in the profession, Alex Forger was, indeed, a genuine war hero. He earned the Bronze Star for heroism in 1945 when, in the face of enemy artillery and mortar fire, he saved the lives of many wounded comrades, carrying them from the battlefield and administering first aid. He saw action in the Battle of the Bulge and elsewhere in the European Theatre, earning three combat service stars and a combat infantry badge.

After the war, Alex returned to Princeton's School of Public and International Affairs and graduated with honors in 1947. Alex says he went into law in part because his father had always wanted to be a lawyer and would have been a great one. With the help of his beloved Nan, his high school sweetheart whom he married in 1946, Alex worked his way through Yale Law School. At the time, Yale was at the forefront of change in legal education. There he learned not only what the law is and how to find it, but he began to start thinking about what the law should be, eventually leading to his firm belief that it is the responsibility of every

lawyer to work for the improvement of the legal system, a tenet which has characterized his entire professional career. After graduating from Yale in 1950, he became an associate at what is now Milbank, Tweed, Hadley & McCloy. He was made a partner in 1958, specializing in trusts and estates, domestic relations and personal law, and chaired the firm from 1984 until 1992.

Alex says that life in the law is both a vocation and an avocation. He has spent much of his free time in law-related community affairs, devoting himself to assuring legal representation for the poor on many levels. He worked on various committees for civil rights and fair housing and, in the late 1960s, helped found the Westchester Resident Opportunities, an organization that assisted minority families in finding mortgage money.

He has displayed the courage to embrace unpopular causes and to speak out on issues when others remained silent. He is a man of generous spirit and long perspective. During his tenure as President of the New York State Bar Association, he pressed for merit selection of judges. He championed the cause of representation for the poor by converting other lawyers to his belief that *pro bono* service is basic to the entire practice of law. He encouraged the promotion of women in the legal profession and helped to establish the Practicing Attorneys for Law Students program (P.A.L.S.). His firm was among the first to institute a sexual harassment prevention policy and he remains in the forefront advocating for the rights of gay and lesbian lawyers.

His clients are among the most famous and prestigious in the world. Yet, he is a man of great humility and compassion who devotes time and energy to those in need. His long-time commitment to the poor led to 20 years of distinguished service to The Legal Aid Society, where he has been a constant source of strength and stability in times of uncertainty and difficulty. He is a doer; a man who makes things happen. With his marvelous sense of humor, his remarkable vision and gentle manner, he captured the hearts of the men and women who work at the Society. They found him to be an advocate and a friend — someone they could trust. Over the years, he served as a vice president, chair of the Society's centennial fund campaign, president and chairman. His strong advocacy for legal services for the poor led him to accept the interim presidency of the federal Legal Services Corporation in January.

Over the course of time, he has amassed an impressive list of public service accomplishments. He serves as a trustee of Rockefeller University and chairs a Volunteer Lawyers Committee for AIDS patients. A former chair of the Board of Trustees of New York Law School, he is a member of the House of Delegates of the American Bar Association and the President's Committee for Civil Rights Under Law. His service to the bar and the community at large has been recognized by the Federal Bar Council, the National College of Probate Judges, the National Lesbian and Gay Law Association and the Greater New York Council of Boy Scouts of America.

One admirer who could not be here today said it best when he wrote, "You could not have picked a more appropriate nor honorable honoree. To me, Alex exemplifies that rare combination of private citizen, public servant, family man and person of integrity that we could all do well to emulate."

Alex Forger is the embodiment of his own personal concept of the three-dimensional lawyer, synthesizing legal knowledge, professional integrity and an active commitment to the public good. And the most thoroughly decent human being I have ever had the privilege of knowing.

Archibald R. Murray



THE LEGAL AID SOCIETY
SERVANT OF JUSTICE AWARD
JUNE 22, 1994
THE WALDORF-ASTORIA



GOVERNOR MARIO M. CUOMO

*Recipient of the Servant of Justice Award
of The Legal Aid Society*

Governor Mario Cuomo is one of the great political leaders of our day. His ideas, centered around principles of opportunity, inclusion and justice, have gained acceptance not only in his own party but also in the ranks of the opposition. They are a key part of the vocabulary of political debate today.

These ideas have been given life by his actions. His biography includes a range of accomplishments that can only be partially summarized here.

Governor Cuomo entered government with a progressive pragmatic philosophy centered on programs to create jobs and expand justice. He has succeeded in both areas.

On the jobs front, despite the decline associated with the national recession, New York experienced an increase of more than 600,000 jobs and 60,000 businesses from the time Governor Cuomo took office through 1991.

With respect to expanding justice, Governor Cuomo has brought new vitality to the Rule of Law in New York State. Eight days after taking the oath of office Governor Cuomo was confronted with a prison takeover at Ossining. He resolved it without loss of life. Not only has he, with the Legislature, taken the necessary steps to avoid prison overcrowding, at his urging New York has also added innovative correctional programs that reduce

dependency on long incarceration and a chemical dependency program in correctional facilities that is the first of its kind in the nation. He has launched a comprehensive approach to reduce the devastating effects of substance abuse that includes education, continued expansion of treatment capacity and law enforcement efforts.

Each year since he took office, Governor Cuomo has vetoed death penalty legislation enacted in both houses of the Legislature. In the years when an override of his veto was a single vote away, his efforts to have his veto sustained were vital to the outcome.

Governor Cuomo has reconstituted the State's Court of Appeals, appointing the first female judge and the first African American judge serving a full term. That first woman judge is Judge Judith Kaye, a former Vice President of The Legal Aid Society. Governor Cuomo has now appointed her to be the State's Chief Judge.

Under Governor Cuomo's leadership, New York has also become a national leader in moving people from welfare to work. New York's widely acclaimed Child Assistance Program is the nation's first real

alternative to welfare. Under his leadership New York has enacted laws to make prescription drugs more affordable for senior citizens, put in place the most ambitious public health plan in the nation to deal with the AIDS epidemic, and established a community rated insurance system that makes New York the first state in the nation in which applicants will not face discrimination based on age, sex, occupation or medical condition.

Governor Cuomo has proclaimed and pursued the Decade of the Child including the Liberty Scholarships program that will give young people of limited means the chance to attend college. He led the fight for a new Ethics Law that reformed New York's lax ethics rules and established strict standards to ensure full disclosure and to guard against the appearance of conflict of interest or misuse of prior government service. He fought successfully to prevent the operation of the Shoreham nuclear power plant on Long Island where no effective evacuation plan was plausible. He abolished the Spring Borrowing. He brought about the enactment of landmark environmental legislation including legislation to strengthen environmental enforcement, to develop a chain of parks, open

space and trails stretching from New York City to the foothills of the Adirondacks, and to make "reduce, reuse, recycle" the official policy for all New York.

Mario Cuomo first came to public attention in 1972 when he resolved the Forest Hills housing controversy at the request of Mayor John Lindsay. In 1984 he gained national attention when he delivered the Key Note Address at the Democratic Convention in San Francisco and later that year, offered a statement on church-state relations at the University of Notre Dame. More recently, the Governor served as Co-editor of Lincoln on Democracy, a collection that brings together, for the first time, all of Abraham Lincoln's speeches, writings and conversations on the central theme of his political life.

What are the central themes of Mario Cuomo's political life? Let me suggest a few. First, as with Lincoln, democracy. Governor Cuomo has done a great deal to make workable a concept of democracy in which there is real opportunity for participation. Second, a philosophy of social justice based on the idea of family. Third, insistence on the criteria of need as the touchstone for public spending. Next a belief that the Rule of Law is the glue that holds us together. And finally a belief that we can be much more than we are.

Mario M. Cuomo is truly a
Servant of Justice.

Evan A. Davis

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LISA -

Some legal
Service steps

Alex Fager
got the award
last year. He's
now the Pres of
→ LSC

PROGRAM

Welcome of Guests by the Chair of The Legal Aid Society

Archibald R. Murray

Opening Remarks by the Attorney-in-Chief of The Legal Aid Society

Daniel L. Greenberg

Greetings from the President of The Legal Aid Society

Thomas R. Brome

DINNER

Introduction of Hillary Rodham Clinton

Helaine M. Barnett

Presentation of the Servant of Justice Award to Hillary Rodham Clinton

Thomas R. Brome

Response

Hillary Rodham Clinton

Introduction of Martin Lipton

John Sexton

Presentation of the Servant of Justice Award to Martin Lipton

Thomas R. Brome

Response

Martin Lipton

Closing Comments

Daniel L. Greenberg

SCHEDULE OF THE PRESIDENT

FOR

THURSDAY, MARCH 16, 1995

FINAL

APPOINTMENT SCHEDULER:

STEPHANIE STREETT

HOME: 202-332-5651

OFFICE: 202-456-7560

WHCA PAGER: 4033

CELL PHONE: 202-494-9855

EVENT COORDINATOR:

GRACE GARCIA

HOME: 202-244-4796

OFFICE: 202-456-7560

WHCA PAGER: 4076

PRESS DESK:

JANNA SIDLEY

HOME: 202-466-8663

OFFICE: 202-456-7560

WHCA PAGER: 4025

PRINCIPAL EVENTS:

- * Rego Event - Arlington, VA
- * Speaker's Luncheon - U.S. Capitol
- * Remarks to National Conference of State Legislators - Washington, DC

WEATHER:

Washington, DC

Partly to mostly cloudy. Wind north at 3 to 8 knots. Low 43 to 48. High 64 to 69.

**SCHEDULE OF THE PRESIDENT
FOR
THURSDAY, MARCH 16, 1995
FINAL**

7:30 am **MORNING RUN** with James Wetherbee, Charles Foale, Mark Miller
and Ken Foxworth
Staff Contact: Rebecca Cameron

NOTE: NSC Briefings will be on paper.

9:00 am- **MEETING**
9:15 am **OVAL OFFICE**
Staff Contact: Leon Panetta

9:15 am- **BRIEFING**
9:30 am **OVAL OFFICE**
Staff Contact: Jennifer O'Connor, Melanne Verveer

9:30 am- **MEETING WITH JANE ALEXANDER**
9:45 am **OVAL OFFICE**
Staff Contact: Jennifer O'Connor, Melanne Verveer
CLOSED PRESS

9:45 am- **BRIEFING**
9:55 am **OVAL OFFICE**
Staff Contact: Elaine Kamarck

10:00 am **THE PRESIDENT** and Vice President Gore depart White House via
motorcade en route Custom Print, Arlington, VA
[drive time: 15 minutes]

10:15 am **THE PRESIDENT** and Vice President Gore arrive Custom Print

Greeter: Stu McMichael, Owner of Custom Print

10:20 am-
11:20 am

REGO EVENT
CUSTOM PRINT
Arlington, VA
Remarks: Michael Waldman
Event Coordinator: Grace Garcia
Staff Contact: Elaine Kamarck
OPEN PRESS

- Vice President Gore makes opening remarks and introduces Stu McMichael, owner of Custom Print.
- Stu McMichael makes brief remarks and introduces the President.
- The President makes remarks, greets guest in front row and departs.

11:40 am

THE PRESIDENT departs Custom Print via motorcade en route U.S. Capitol
[drive time: 15 minutes]

11:55 am

THE PRESIDENT arrives U.S. Capitol

Greeters: Speaker Newt Gingrich
Minority Leader Richard Gephardt
House Sergeant at Arms Bill Livingood
Senate Sergeant at Arms Howard Greene
Prime Minister Bruton

12:00 pm-
2:00 pm

SPEAKERS LUNCHEON
RAYBURN ROOM
U.S. Capitol
Toast: Alan Stone
Event Coordinator: Grace Garcia
Staff Contact: Pat Griffin
POOL PRESS

NOTE: Staff holding room is in H210.

- The President, Speaker Gingrich, Minority Leader Gephardt and Prime Minister Bruton are escorted by 8 bagpipers into the Rayburn Room.
- The President informally meets and greets with approximately 100 members of Congress.

- **The President** is seated at the head table. (Pool spray at this time)
- Lunch is served.
- As dessert is served Speaker Gingrich gives welcoming remarks and introduces Prime Minister Bruton.
- Prime Minister Bruton makes brief remarks.
- Speaker Gingrich introduces **the President**.
- **The President** makes remarks.
- Gift presentation. (Pool spray during gift presentation)
- After dessert, an Irish tenor performs.
- Speaker Gingrich makes closing remarks.
- Eight bagpipers rejoin in Rayburn Room to escort **the President**, Speaker Gingrich, Minority Leader Gephardt and Prime Minister Bruton to steps of U.S. Capitol.
- The Artane Boys Band from Dublin perform for **the President** on the steps of the Capitol.
- **The President** departs.

2:05 pm

THE PRESIDENT departs U.S. Capitol via motorcade en route Hyatt Regency
[drive time: 5 minutes]

2:10 pm

THE PRESIDENT arrives Hyatt Regency

Greeters: Jane Campbell, President of National Conference
 of State Legislators
 Mike Box, Vice President of National Conference
 of State Legislators
 Gary Dollens, General Manager of Hyatt Regency

2:15 pm-
3:00 pm

**REMARKS TO NATIONAL CONFERENCE OF STATE
LEGISLATORS
COLUMBIA ROOM
Hyatt Regency
Remarks: John Hart
Event Coordinator: Grace Garcia
Staff Contact: Marcia Hale, John Hart
CLOSED PRESS**

- Jane Campbell, NCSL President, makes opening remarks and introduces **the President**.
- **The President** makes remarks.
- **The President** works ropeline and departs.

3:05 pm

THE PRESIDENT departs Hyatt Regency via motorcade en route White House
[drive time: 10 minutes]

3:15 pm

THE PRESIDENT arrives White House

3:15 pm-
3:20 pm

**MEETING
OVAL OFFICE
Staff Contact: Billy Webster**

between
3:15 pm-
3:45 pm

**DROP-BY MEETING WITH BOSNIAN AND CROATIAN
LEADERSHIP (5 minutes)
ROOSEVELT ROOM
Staff Contact: Tony Lake
CLOSED PRESS**

3:20 pm-
7:20 pm

**PHONE AND OFFICE TIME
OVAL OFFICE**

BC AND HRC RON

WHITE HOUSE

MEMORANDUM

To: Lissa
From: Sabrina
Re: Legal Aid Society
Date: March 16, 1995

The Legal Aid Society: Structure and Purpose

The Society is a private, non-profit legal services agency dedicated since 1876 to providing quality legal representation to New York citizens who cannot afford to pay a lawyer. Governed by a Board of Directors, the Society currently employs a staff of over 1,000 attorneys who provide legal services to close to 300,000 people a year, from the City courts to the state and federal appellate courts to the United States Supreme Court.

The Society relies on government funds to support the Criminal Defense, Federal Defender and Juvenile Rights Divisions and the Criminal Appeals Bureau. The Civil and Volunteer Divisions are supported by a combination of government funds and private contributions from law firms, foundations and individuals.

The Civil Division provides direct civil legal services through a city-wide network of eight neighborhood offices, serving the most vulnerable children and adults in New York City. They conduct affirmative litigation on behalf of their clients to prevent homelessness, secure subsistence income, gain access to health care, aid senior citizens with problems receiving benefits, combat domestic violence, and provide assistance to AIDS patients and recent immigrants. Of particular interest is their work on behalf of battered women without a place to turn, helping them secure protection and in many cases initiate divorce proceedings. The Division also tries to keep families together by securing appropriate foster care benefits and services.

The Volunteer Division in the last year improved the lives of 7,500 poor families -- applying innovative legal solutions in the areas of landlord-tenant, community development, AIDS, elderlaw, corporate (non-profit), domestic relations and dozens of other kinds of law (from Annual Report). Their Housing Development Unit is at the center of their mission, working to save and improve upper Manhattan's tenement housing. Their strategy is to organize and represent building-wide tenant associations -- in essence, helping tenants help themselves. They also aid clients fighting eviction from their homes or apartments, clients struggling with AIDS and trying to find future guardians for their children, and elderly clients concerned with Medicare, food stamps, and Social Security benefits. Because of the budget crisis, the head of this division was asked to resign, causing a minor public outcry (see *New York Law Journal* 3/3/95).

The Federal Defender Division is the designated federal defender under the Criminal Justice Act, representing indigent defendants in federal courts in the Southern and Eastern sections of New York. **The Criminal Defense Division** is the primary defender of the poor in New York City. Following the landmark *Gideon v. Wainwright* decision (a 1963 Supreme Court decision determining that state and local governments were responsible for providing counsel for indigent defendants), the leadership of New York City appointed the Society the primary defender. However, the Society has represented poor people charged with crimes since its founding in 1876 and did so in the years prior to *Gideon* with its own resources. **The Criminal Appeals Bureau** represents indigent people convicted of crimes in their appeals to the New York Court of Appeals. They also oversee the Prisoner's Rights Project, which works to guarantee constitutional and humane conditions of confinement for prisoners incarcerated in the state of New York (the Bureau has recently been in the news because of the resignation of its Attorney-in-Charge -- another casualty in the budget crunch). **The Juvenile Rights Division** represents children in New York City's Family Court. This Division provides legal assistance to children in a rapidly changing environment in which the "safety net" for children is disappearing and child poverty has become a national crisis. Their Special Litigation Unit has been a national leader in the development of the legal rights of children in the child welfare, juvenile justice, and education systems (See Annual Report for further information).

The Event

The Legal Aid Society is awarding HRC with the "Servant of Justice" award at a dinner celebration scheduled for March 23 (next Thursday). Previous recipients of the award (given annually) include Walter Cronkite, Mario Cuomo, Vernon Jordan, and Cyrus Vance. The dinner guests will include many of HRC's friends and acquaintances: Susan Thomasses, Bernard Nussbaum, Douglas Eakeley, and others. Also attending are Senator D'Amato, Mayor Giuliani, Senator Moynihan, Governor Pataki, and Congressmen Rangel and Schumer. For a full list of acknowledgements, we should ask Liz.

The Legal Aid Strike

This is just FYI. As Melanne said, HRC should probably pretend this never happened, particularly with Mayor Giuliani in attendance!

The Society's contract with the Association of Legal Aid Attorneys (ALAA, representing 900 defense attorneys) expired September 30, 1994. The members of the Association indicated they would not work without a new contract, to which Mayor Giuliani responded if there was any work stoppage he would terminate the City's contract with the Society for the provision of indigent defender legal services. The members of the ALAA, however, voted in favor of a strike and struck for one day. The Mayor subsequently terminated the contract for delivery of criminal defense services, as well as six grants to the Civil Division and Volunteer Division for the provision of civil legal services. The Mayor also stated that any of the striking employees who did not return to work the following day

would face harsh consequences. The staff returned the following day. The strike received a great deal of media coverage in local papers. The *New York Times* issued editorials calling the ALAA's strike "a foolish challenge" to Mayor Giuliani's well-advertised commitment to hold down the city's labor costs and his unequivocal statement that no money exists for increases. The *NYT* also stated that the lawyers "tread on ethically thin ice when they put at risk the clients who are dependent on their services." (8/5/94)

In the meantime, the Mayor issued the October revisions of the City's budget, proposing a cut of \$12.55 million in the allocation to the Legal Aid Society for civil defense services and one of \$760,000 from the grants for civil legal service programs. The Society also faces the potential loss of \$10.8 million in state funds starting April 1 (*New York Law Journal* 3/3/95). Needless to say, the Society faces not only layoffs and streamlining of services, but a serious reassessment of its structure.



LEGAL SERVICES CORPORATION

FAX REQUESTROUTINE: ☒CONFIDENTIAL: ☐TO: Melanne VerveerFAX NO.: 456-6244DATE: 3/15/95FROM: Alex ForgerPHONE NO.: (202) 336-7263NO. OF PAGES SENT: 11 (Not including Cover Page)REMARKS: _____

**IF ANY PAGES DO NOT COME THROUGH CLEAR, PLEASE CONTACT
MAIL ROOM (202) 336-8919 THANK YOU.

LSC-8668

WHITE-

OFFICE

CANARY-ORIGINATOR



LEGAL SERVICES CORPORATION

FACT SHEET

The Legal Services Corporation (LSC) is a private, non-profit corporation established by Congress to help provide equal access to justice under the law for all Americans. It receives funds annually from Congress and makes grants directly to independent local programs that provide civil legal assistance to those who otherwise would be unable to afford it. The LSC is headed by a bipartisan Board of Directors appointed by the President and confirmed by the Senate.

The LSC currently provides funds to 323 programs operating over 1200 neighborhood law offices. Together they serve every county in the nation. Special programs serve the particular needs of migrant workers and Native Americans. Programs funded through the LSC provide services to more than 1.7 million clients a year, benefitting approximately 5 million individuals, the majority of them children living in poverty.

History and mission

The LSC was created by Congress in 1974 with bipartisan sponsorship and the support of the Nixon Administration, after the American Bar Association and an independent commission established by President Nixon recommended the creation of a separate corporation as the most effective way to provide legal assistance to the poor without political interference.

In creating the LSC, Congress determined that the federal government has an important interest in ensuring access to justice. The principle of "Equal Justice under Law" is fundamental to our system of government, and all Americans have a stake in securing respect for the legal system, which cannot be elicited unless the system is both just and accessible to all citizens.

Congress recognized that federal funding was necessary to ensure that at least a minimum level of legal services would be available everywhere in the United States. While some states and localities have a long and proud history of supporting legal services, others have shown little interest in the legal needs of the poor. In most areas little or no legal services were available to the poor before federal funding was initiated.

In introducing the legislation that created the LSC, President Nixon stated: "The legislation ... has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canon of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice."

Local control

Local programs are controlled by boards of directors drawn from the local bar and the client community, which set priorities and determine what kind of cases will be handled by the program, subject to restrictions set by Congress. A majority of the board is appointed by local bar associations. The creators of the LSC recognized that decisions about how legal services should be allocated are best made not by bureaucrats in Washington but at a local level, by the people who understand the problems that face their communities.

Accountability

Congress also determined that local control should be balanced with accountability to the taxpayers, which could be accomplished best at the federal level. The LSC was given the responsibility of ensuring that local programs comply with the requirements and restrictions of the Legal Services Corporation Act and other applicable laws, and that they provide high quality, effective and efficient legal representation. The Corporation monitors compliance and ensures fiscal integrity.

Efficiency

In FY95, 97 percent of all LSC funds are being expended in providing legal services to clients, a level of efficiency which is unmatched by most government and private agencies. The LSC's budget authorizes only 129 staff positions within a management and administrative allocation of 3 percent of the entire budget.

Private attorney involvement

Since 1983, legal services programs have been required to devote not less than 12.5 percent of their funds to activities designed to involve private attorneys in the delivery of legal services for the poor. Many programs have devoted substantially more. More than 130,000 lawyers nationwide are participating in *pro bono* activities organized by legal services programs.

While legal services programs and bar associations should -- and do -- strive to maximize *pro bono* representation of the poor by private attorneys, such services can meet no more than a small fraction of the legal needs of the poor. Indeed, it was the existence of a wide gap between legal needs and the available resources of private legal aid and *pro bono* programs that prompted the creation of federally funded legal services.

Moreover, studies have found that the "staff attorney" model used by most legal services programs is the most efficient and effective way to provide legal services to the poor. Low-income people must negotiate a maze of rules and regulations relating to welfare, disability, Social Security, Medicaid and Medicare, public housing, child support, eviction, emergency services, and other programs. Legal services attorneys develop expertise in these areas that enables them to handle cases efficiently and effectively in a way that is not always possible for private attorneys who volunteer their services on a part-time basis.

Case Types

The vast majority of cases handled by local programs are non-controversial, individual cases arising out of the everyday problems of the poor. The most common categories of cases are family, housing, income maintenance, consumer, and employment. Case types frequently encountered include evictions, foreclosures, divorces, child custody, spousal abuse, child abuse or neglect, wage claims, access to health care, and unemployment or disability claims. Although they are sometimes referred to as "routine," such cases often represent matters of crisis for individual clients and their families. The possible consequences may be as serious as the loss of a family's only source of income, homelessness, denial of health care or the break-up of a family.

Most legal services cases are resolved rapidly. In many instances legal advice, referral, or a few letters or phone calls are enough to solve the problem. Often such brief services enable clients to avoid more serious problems. Only 11 percent of the cases closed in 1993 by legal services programs were resolved through the courts. Legal services programs do not provide representation in criminal cases. Nor do they handle fee-generating cases, such as those involving personal injury. These are referred to private attorneys.

Class actions

Less than one-tenth of one percent of all legal services cases are class actions. Congress has established strict procedures for ensuring that class actions are filed only when appropriate. Additional restrictions apply to class action lawsuits against federal, state and local governments.

The Board of Directors of each local program (a majority of whom are attorneys appointed by the local bar association) must establish policies concerning class action lawsuits. Before a class action is filed, the program director must determine that the substantive claims have substantial merit, that the case falls within program priorities, that it will not consume a disproportionate share of local resources, that efforts have been made to resolve the matter through negotiation, and that such efforts are unlikely to be successful or that an attempt to negotiate would significantly compromise the client's claim.

In addition, before a class action is filed against a government entity, the program director must determine that the government is unlikely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the class relief is sought for the primary benefit of eligible clients, that the program has given notice of its intention to seek class relief, and that responsible efforts to resolve the dispute without litigation have not been successful or would be adverse to the interest of the clients.

Need

More people live in poverty in the United States today than at any time in the past 30 years. In 1993 one million additional Americans slipped below the poverty line. Yet today the poor are served by one-third fewer legal services attorneys than were available to them in 1981.

The \$415 million provided by Congress for the LSC for FY95 represents less than half of what would be necessary to accomplish the goal of providing "minimum access" to justice, defined as two attorneys for every 10,000 poor people, which was achieved for a brief period in 1980. This is in stark contrast to the availability of lawyers in the general population, which stands at one attorney for every 321 people.

A recent American Bar Association survey of legal needs confirmed what similar studies in many states have found: that less than 20 percent of the legal needs of the poor are being met. This is corroborated by the experience of legal services field programs. A recent survey found that programs were forced to turn away an average of 43 percent of otherwise eligible individuals requesting help because of insufficient resources. For some programs the rate was as high as 60 percent. Programs are forced to ration their services: for example, rejecting divorce cases unless spousal abuse is involved, or eviction cases unless a family faces homelessness.

At a time when poverty is growing at three times the rate of the general population, the availability of legal services has important implications for the future. One out of every four children under six and one in every five under eighteen live in poverty; for them, access to legal services can mean the availability of support from an absent parent, a decent home to live in, adequate nutrition and health care, relief from a violent living situation, access to education and vocational skills. For the working poor, who represent 40 percent of the 23 million people over eighteen living in poverty in the United States, access to legal services can preserve employment that makes the difference between remaining productive and independent or joining the ranks of the dependent poor.

NOTES FROM CALIFORNIA SPEECH

It is interesting that matters relating to immigration and the rights of aliens have surfaced as a major issue in some states. These issues are the ones that caused the establishment of the first legal aid organization in the United States which was founded by German immigrants in New York City to improve their working conditions and protect against discrimination. Their countrymen, the private bar, and business all joined to form the institution which became the Legal Aid Society of New York.

This pattern of the provision of legal services that the private bar began in the 1870's continued until some twenty years ago when the federally-funded Legal Services Corporation, formed out of OEO, a Johnson War on Poverty program, came into existence. From 1974 until 1981 the Legal Services Corporation and its grantees enjoyed a period of growth and vibrancy with significant public monies..

In 1981, the federal funding for Legal Services was cut by 25% -- a cut from which the Legal Services delivery system has never fully recovered. Anyone who knows the story of the 1980's knows that there many negative efforts besides the cuts in funding -- repeated refusal to reauthorize the Corporation; the implementation of many restrictions on Legal Services lawyers' practice; and, the appointment of boards that were consistently hostile to the mandated mission of the Corporation. The environment became increasingly hostile to

/

the idea of providing access to justice to the poor through federal support.

Two years ago, Legal Services programs and supporters in the community, including the private bar, believed we were on the verge of a new era -- a friendly Administration, Congress, and Board. The President and the Corporation recommended a \$500 million budget for FY 1995 and worked to stabilize Legal Services with reauthorization. Given the hope for a new day, there was much disappointment when an increase of only \$15 million was reported out of the House and a zero increase out of the Senate. In the end, the House prevailed in conference and the Legal Services Corporation was funded at \$415 million for FY1995. There was to be no reauthorization; there was a major effort to add further restrictions on what Legal Services lawyer could do, and the underlying congressional mood seemed to indicate that there were unfriendly feelings on both sides of the aisle.

It seemed that many previous supporters of Legal Services did not find it politically beneficial in the current climate to express support for more resources. The big signal came from the floor of the Senate in the summer when 44 senators voted with an amendment that, in the words of one senator, "would cut the heart and soul out of Legal Services." The Senate seemed intent on punishing those who "were in the wagon" that "taxpayers were pulling."

November 8th provided the real wake up call. The position of Legal Services is most perilous and some have suggested that its survival is at stake. It is ironic to note that this is

a time when there are more poor people than ever before in the United States since 1962, and that population is growing at three times the rate of the general population. Less than 30% find their way into the Justice system and Legal Services programs are turning away over 40% of eligible clients. 25% of the poverty population is under 5 years of age and 48% of that population are African-American children under the age of 18. Perhaps the most startling statistic of all and one that begs the "people in the cart" theory is that 50% of all eligible clients are working people.

I have major concerns about the future of Legal Services that stem not only from our own experience so far in 1994 but from the mood exhibited by the electorate that seems to be very negative towards spending by the federal government on social welfare programs. The emphasis in Congress seems to be on cutting welfare costs to pay for anti-crime initiatives. Some likely new leaders on Capitol Hill have heretofore gone on record as requiring reductions in the Legal Services appropriation or elimination of it entirely.

Our adversaries can use the cost-cutting environment as a rationale rather than using ideological objections. If we are to continue as a major force to win justice for the poor we need the expanded support of the private bar. LSC, of course, cannot do grassroots lobbying but we can educate the public about our mission and create support for LSC as a key access point to justice for the poor. The private bar is a principal catalyst in any such public education endeavor. Both the pro bono and monetary support of the Bar as well as its advocacy are needed in the effort to provide legal aid to the poor. But the bar alone can't fill the gap between the ability to serve and the need. A government role will always

remain essential.

If Indeed we give full credence to the foundations of this country -- that the establishment of justice is what permits a free society to endure.....

VOLUNTEERS OF LEGAL SERVICE ACCEPTANCE**5 minutes**

CASNY

- Great honor to receive award along with Cyrus Vance and to be here with so many who have contributed so much to the cause of pro bono representation.
- All of you are here because you take seriously Code of Professional Responsibility's admonition that every attorney should find time to serve the disadvantaged. We can all take pride in the pro bono contributions of our profession.
- As you have heard for almost a year I have been working in a different context, among those who represent the disadvantaged on a full time basis. In my visits to legal services programs around the country, I have been deeply impressed by the dedication and skills of legal services attorneys I have met.
- These experiences have reinforced what I have always believed: that to make "Equal Justice under laws" a reality for all Americans we need both a strong professional commitment to voluntary pro bono work and a strong, independent, professional legal services program. Neither on its own is enough. So the basic structure of our system for addressing the legal needs of the disadvantaged is the right one.
- Nevertheless, despite all we are doing, despite the strength of our pro bono efforts, despite the dedication of our legal services attorneys, millions of Americans with legal problems are still unable to obtain representation. All over the country legal services programs are forced to turn away clients in desperate need of legal help.
- What I have found especially dismaying over the past year is the lack of support for legal services and its mission that I have encountered in places where I did not expect to find it. No matter how deeply the concept of equal justice is deeply embedded in our national rhetoric as a nation we still lack a commitment to make that promise a reality.
- So I ask all of you here to bring your commitment to equal access to justice to another task, to challenging the indifference and even hostility in our community and in Congress to the legal needs of the poor and fostering a new atmosphere of support for legal services.

LAWYERS COMMITTEE FOR CIVIL RIGHTS ACCEPTANCE

- Fundamentally the mission of the LCCR and the LSC are the same, summed up in the words "equal justice."
- Like the LCCR, Legal Services was born out of the civil rights movement, out of recognition that in spite of the Constitution, in spite of the Fourteenth Amendment, in spite of the Supreme Court, the promise of equality is meaningless unless it is made real case by case, individual by individual; and by the recognition as well that economic barriers can be as effective as de jure or de facto segregation in blocking equal justice and equal opportunity.
- Over the decades Legal Services attorneys have worked along with you to break down those barriers for individuals and for whole communities. Our shared priorities include community development and equal opportunity in employment, housing, and education.
- Those of us working in Legal Services as in civil rights see that the promise of equal opportunity and equal justice still remains elusive today for millions of Americans. No matter how deeply these concepts are embedded in our national rhetoric, we still lack as a nation a commitment to make that promise a reality.
- More people living below the poverty line today than in 1963, when the LCCR was founded. Just the other day we read in the newspaper that in the past year another one million people in the United States had slipped into poverty.
- Implications for the future of these statistics:
 - poverty is growing at three times the rate of the general population;
 - 25% of all children under six live in poverty;
 - nearly 50% of all African Americans under 18 live in poverty.
 - simultaneously encouraging and discouraging: 40.3% of the 23 million poor people over the age of 18 are gainfully employed, albeit most on a part-time basis.
- Legal Services efforts benefit this population:
 - more than two-thirds of Legal Services cases benefit children.
 - 48% of Legal Services are non-white (24% African-American, 19% Hispanic, 5% other).
- Recent ABA survey of legal needs confirmed what earlier studies in a number of states had found: that the vast majority of the legal needs of the poor go unmet:
 - every year as many as half of the people living in poverty in the United States experience a problem that requires a legal solution;
 - only 30% of these problems are actually resolved by the justice system;
 - of the remainder, the largest category of poor people seek to engage in self-help or turn for help to those outside the justice system; the second largest category do nothing, either because they are not aware that the problem could be resolved through the judicial system, or because they are not aware of legal services, or simply out of despair.
 - An LSC survey of local programs showed that from 40 to 50% of otherwise eligible people who seek help for legal problems must be turned away because of insufficient resources.
- Triage: homeless family vs. consumer fraud; life over property.
- What to do: no PAC, lobby, or natural constituency.

● As poverty has grown, Legal Services has lost ground. Act signed in 1974, Nixon, grew out of OEO. In 1981, the LSC achieved the interim goal of providing "minimum access" to legal services, quantified as 1 lawyer for every 10,000 low-income Americans (as compared to 2 lawyers for every 321 in the general population). Attaining that goal today would cost more than twice the LSC's budget for FY 1995.

● Administration, Board, Congress. What I have found especially dismaying over the past year is the lack of support for legal services and its mission that I have encountered in places where I did not expect to find it. Appropriations process, Gramm amendment

● Strategy: White House and beyond; economic development.