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WYOMING STATE BAR SECTION

LEGAL AID AND THE PRIVATE LAWYER

ORISON S. MARDEN*

With some forty cities throughout the country operating organized Legal Aid Societies, it is possible to take a broad look at how Legal Aid affects the individual private lawyer and law firm. We are able to report that the picture is a favorable one, and that wherever Legal Aid is set up properly and has had a chance to prove itself, lawyers are enthusiastic about the service it renders the public and the profession.

It may seem curious that a Legal Aid organization actually helps the private lawyer, but that is the overwhelming consensus.

Goodwill for Lawyers

One of the major reports from the country is that the establishment of organized legal aid creates goodwill for the entire legal profession, because it is the lawyers in a community who sponsor, operate, and guide the Legal Aid Office. They give their financial support, too, but in most communities it is the general public that raises the necessary funds through Community Chest.

The very fact that community leaders in the fields of politics, business and welfare turn to members of the Bar for guidance on the formation and direction of Legal Aid is in itself the best kind of public relations. Through the board of directors of the Legal Aid Society, on which lawyers are always represented, this becomes a continuing relationship.

The press naturally reports certain news items about Legal Aid, and in this way the general public is kept informed as to the contribution of the lawyers to Legal Aid. This is particularly desirable, as lawyers have so few opportunities for legitimate favorable publicity, not only because of their professional status, but also because of the confidential nature of much of their activities.

New Business for Lawyers

Another major reaction received from lawyers in cities with legal aid organizations is that instead of being new competition for private lawyers, Legal Aid actually tends to bring new clients to them. This seeming contradiction is explained by the basic fact that a great stratum of society, the lower income group, has a curious dread of lawyers, and tends to avoid seeking counsel even when it is needed. This basic misunderstanding leads many people, not necessarily those without funds, to seek advice from the corner grocer or saloon keeper, from dear old Aunt Minnie, who served on a jury in 1927 and ever since has been an "expert" on the law, from the Notary Public and others who do more harm than good with their lay advice.

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Editor's Note: This is the first of two articles on Legal Aid prepared for us by the Standing Committee on Legal Aid Work of the American Bar Association.

When a Legal Aid office is in operation and properly publicized, this great segment of society gradually learns that lawyers are able to help people when they are in trouble, and even more important, that they can help keep a man out of trouble. They learn that lawyers are people, that many problems can be settled out of court, that fees are not necessarily sky high and the word goes around, family to family, neighbor to neighbor.

Thus Legal Aid produces, as a sort of by-product, a new understanding of what a lawyer is and does. But this is not all. Many applicants who come to the Legal Aid office are found to be able to afford a private lawyer, and of course these are refused assistance. Practices vary, but in many communities these applicants are referred to private lawyers from a list supplied by the local Bar Association, a strict rotation schedule being followed.

Besides those who can afford to pay a reasonable fee, some applicants have claims which a private lawyer would be willing to handle on a contingent fee basis. These also are referred to private practice. It is surprising how many citizens are totally unaware that lawyers will accept money claims and await the outcome for their fee. Frequently, too, wives do not appreciate that in proper circumstances their husbands may be required to pay the wife's lawyer in matrimonial cases.

Saves Time and Money

The establishment of Legal Aid takes a great load from those members of the profession who give so generously of their time in helping people who cannot afford to pay a fee. Such lawyers, and their number is far greater than is generally realized, contribute not only the time and cost of actual work done on such cases, but the hidden overhead costs as well. Even where they may wish to continue such service, perhaps in cooperation with the Legal Aid organization, it is possible to eliminate the screening process, and the time-consuming checking of applicants. The Legal Aid office also eliminates the embarrassing need to refuse private help, as sometimes must be done.

Training for Young Lawyers

Another advantage reported by some Legal Aid cities is that the organization is an excellent training ground for young lawyers, both those who are employed in the Legal Aid office and those who may be called upon to represent a Legal Aid client in court, on a voluntary basis. In this way younger men are trained for more responsible positions in private practice. Many Legal Aid organizations are able to give clerical experience to law students.

Blocks Attempts at Socialization

One of the greatest long-term values of properly organized Legal Aid is that it establishes a strong case against socialization. First, it eliminates the legitimate resentment of the man who needed a lawyer and couldn't afford to have one. Second, Legal Aid in a city is proof, living proof, that there really is equality

before the law for everyone, regardless of financial status, color, creed, or any other factor.

Chief Justice Vinson has recently said that Legal Aid "should be extended to every part of this country to protect the rights of those who cannot protect themselves." If you are interested in having more information about Legal Aid, or would like to advance this professional cause in your community, the Standing Committee on Legal Aid Work of the American Bar Association would be happy to supply you with further literature on this interesting and important subject. Letters addressed to Arthur E. Schoepfer, Executive Director, 16A Ashburton Place, Boston 8, Massachusetts, or to the Chairman, at 14 Wall Street, New York 5, N. Y., will receive prompt attention. We invite your interest and support, and would be happy to help formulate a plan that will fit the needs of your community.

The challenge is a simple one. It exists wherever a single person can truthfully say that he could not afford a lawyer when he needed one and had to go without. Nationwide studies have demonstrated that in the course of a single year more than seven persons in every thousand require, and are entitled to receive, free legal assistance.