

Proposal for

The Newark Legal Services Project

1. Introduction

This is an ideal moment in the history of northern metropolitan New Jersey to establish a broadly conceived program of legal services for the poor. There have been discussions of such programs for over a year now. Experiments with such programs have been conducted in other communities so that some of the difficulties are known and can be anticipated. There is a growing body of literature, which outlines the problems with some precision. It is possible to take advantage of this rapidly accumulating body of knowledge to design and to put into operation a well-conceived program of provision of legal services for the poor, which will have every likelihood of meeting the needs of the poor community and of extending the rule of law to an area where it has heretofore worked only in part.

Certain premises concerning the provision of legal services for the poor have been discussed repeatedly and will be only summarized here. They are:

(1) There are serious and extensive unmet legal needs of the poor in both the civil and criminal law. The area covered by this proposal has approximately 250,000 people, largely living in conditions of poverty and concentrated in the urban center of Newark and not the "scattered poor" usually served by Legal Aid Societies.

(2) The poor have demonstrated that they are not "complaint prone." They will infrequently bring their problems to an attorney, so that they can be handled in accordance with law. Therefore, in many areas of life, the poor are either exploited or do not exert their full range of legal rights, because the problems which they face are never brought to the attention of counsel and hence are not adjusted in accordance with the legal forms of the social order.

(3) The existing facilities for rendering legal services to the poor, including the Legal Aid Society, are seriously overtaxed and have operated for years under conditions of minimum funding and support for their activities. For example, Boston with 700,000 people has a legal aid budget of approximately \$130,000 raised within the community, while Legal Aid for Essex County had a budget of \$13,600 for 1964. In the absence of major financial and other community support these programs have been unable to reach out to meet the needs of the poor. An exception to this pattern is the ambitious new program in Essex County for defense of indigent criminal defendants which is now under way.

(4) The new programs to be financed under the anti-poverty act must be related properly to existing institutions to insure the maximum of service to

the client, and avoid unnecessary and undesirable friction within the legal profession itself. Whatever difficulties may emerge -- and some have emerged elsewhere -- with respect to the relationship between the existing institutions and any new institution which may be created to help provide legal services to the poor should be worked out within the legal profession.

(5) To meet the needs of the poor, it is necessary that the lawyer be in geographic proximity to the poor. The development of neighborhood law offices, a program pioneered many years ago in Philadelphia, and now being developed in other urban areas, is an essential condition to the successful operation of a program of this type.

(6) Another essential condition is the maintenance of the traditional independence of the lawyer to pursue the interests of his client. All practical steps must be taken to ensure that the actual quality of the representation is as high as is to be expected in a privately financed relationship between attorney and client.

## 2. Procedure for Developing Newark Legal Service Project

Preliminary planning in the City of Newark with respect to the development of the Legal Services Project has taken place from two independent sources, which have combined their efforts to develop this program.

A special committee, consisting of members of the Essex County Bar Association and a representative of the American Civil Liberties Union, under the chairmanship of Dickinson R. Debevoise and including Stanley G. Bedford, Julius A. Feinberg, Carl Kaditus, Gordon A. Millsbaugh, Jr., and Fred Barbaro, began to explore the problem of extending legal services to the poor early in 1965. The Committee met several times with Dean Willard Heckel of Rutgers Law School, and once with Raymond Schroeder, Esq., President of the Legal Aid Society. Several preliminary memoranda were prepared by the Committee.

Separately, Sidney Reitman, General Counsel for the United Community Corporation, requested Professor Alfred H. Blumrosen of Rutgers Law School to prepare a memorandum concerning the development of legal services for the poor in Newark for consideration by the UCC. This memorandum provided the basis for discussion with representatives of the UCC, and representatives from the Area Boards in Newark, in June 1965. After this discussion it was agreed to proceed as rapidly as possible with the implementation of a proposal.

The two efforts merged as the Essex County Bar Association members coordinated their activities and those generated by the UCC to produce a workable program of legal services for the poor in Newark. The basic structure of the LSP

which had been discussed with the UCC personnel was discussed and modified. On the basis of all of these activities it seemed clear that there were eight aspects of the proposed program which required detailed planning. Those aspects and the order in which they are to be considered are as follows:

- (1) New and existing organizations which will participate in the program;
- (2) The functions of each of those organizations;
- (3) The organizational structure of the program;
- (4) The number of neighborhood law centers which will be required;
- (5) Personnel requirements;
- (6) Facilities and equipment which will be needed;
- (7) Budget for starting the operation and an annual operating budget;
- (8) Sources of funds.

### 3. The Elements of a Program to Provide Legal Services for the Poor

#### A. Participating Organizations

Already the Indigent Defendants Program, Legal Aid, and The Lawyers' Referral Service are engaged in assisting the poor. The Legal Service Project will involve expansion of the work of Legal Aid and Lawyers' Referral and, in addition, would contemplate the assistance of the law schools and the creation of an organization to operate the neighborhood law centers.

The new organization would be managed by a governing body (herein called the "Advisory Board"). Under the Advisory Board, there would be an Administrator who would be in charge of the neighborhood law centers.

#### B. Functions

(1) Neighborhood Law Offices: The neighborhood law office will have two general categories of responsibilities. It will have single-client functions and neighborhood functions.

In the former category, the lawyers at the offices will make the initial contact in all kinds of cases coming into the office from the neighborhood. They would have a preliminary interview to determine the nature of the problems, to obtain basic data and to open a file.

After the initial interview, the neighborhood law office would refer some clients to (i) Legal Aid; (ii) the Indigent Defendants Program; (iii) private attorneys through the Lawyers' Referral Service; or (iv) a non-legal agency. There will be further consideration of the categories of cases which will go to Legal Aid. As will be noted later, this may depend in part, at least, upon those cases which Legal Aid contracts to handle for the neighborhood law offices.

The neighborhood law offices will follow up all cases referred by it to make sure that they are being handled and will maintain adequate information files on the cases which it handles.

The offices themselves will handle certain kinds of cases. They will also work with other agencies where the problems of a client are partly legal and partly non-legal in nature.

In addition to working for specific clients, the law offices will perform certain neighborhood oriented functions. They will work with neighborhood groups, such as action committees and churches, in devising means of attacking neighborhood problems which may be amenable to legal solution. They will also engage in preventive legal work with neighborhood groups so as to familiarize them with their rights, obligations and problems in various situations and transaction in which they are likely to be involved.

The neighborhood law offices will also be involved in the community social development programs undertaken by the Advisory Board. They will collect, preserve and transmit statistical data which the Advisory Board can use in its work. The neighborhood lawyers will work with the Advisory Board in planning community legal action programs. They will also implement those programs at the neighborhood level when called upon to do so.

(2) Advisory Board: The Advisory Board will include lawyers and non-lawyers and will have over-all responsibility for the operation and policies of the neighborhood law centers. It will hire the Administrator.

(3) Administrator: The Administrator will be incharge of hiring and supervising the law center personnel. He will administer the programs of the law offices. He will also maintain liaison with the other agencies contributing to the program, such as Legal Aid, Lawyers' Referral, the Indigent Defendants Program and the law schools. Further, the Administrator will participate in research to determine the effectiveness of the project. The Administrator will survey the most serious problems confronting the urban poor and will determine which of those problems are susceptible to solution by legal means. Such legal means could include such procedures as negotiations with responsible authorities, proposing legislation or bringing legal action.

(4) Indigent Defendants Program: Initially, at least, there would be a limited relationship between the Newark Legal Service Project and the existing Indigent Defendants Program. Any matters which come into the neighborhood law centers which the Defendants Program will accept shall be referred there. The neighborhood centers will expect to cooperate with the Defendants Program in

offices such as representation at time of arrest. Undoubtedly there will be numerous possibilities for coordinated efforts, including a contract to extend the municipal court services or the present program from a two day a week to a five day a week basis.

(5) Legal Aid: The Legal Service Project would not of itself change the nature of the work of Legal Aid insofar as it served people in Essex County who were not residents of the areas covered by the neighborhood legal centers, and Legal Aid would cover all such cases.

In addition, it might prove to be more efficient if certain types of legal matters originating in the neighborhood centers were handled by Legal Aid. For example, Legal Aid's central location might make it advisable if it took in all County District Court cases, which would include eviction cases. If such a course were decided upon, the Legal Services Project would contract with Legal Aid, agreeing to pay it the funds necessary to provide the services it would perform for clients referred by the neighborhood law offices.

(6) Lawyers' Referral: All cases which could provide payment for the legal services involved would be referred to private attorneys. This would include contingent fee and workmen's compensation cases. It would, of course, include cases where the client is able to pay an attorney.

If the volume of referrals is as great as anticipated, a reorganizing of the Essex County Bar Association Lawyers' Referral Service will be required.

Lists of lawyers participating in the referral plan may be prepared by geographical areas. In that way prospective clients can select a lawyer located in a reasonably convenient place.

The neighborhood law offices would turn over the appropriate cases to Lawyers' Referral and would follow up each case to make sure that the client had made contact with the attorney to whom he was referred and that the case was being handled.

Lawyers' Referral charges a nominal sum for each lawyer who is listed. Legal Aid receives a portion of the fee ultimately charged by lawyers to whom it refers paying clients. Discussions will be undertaken to determine if all or a portion of the fees derived from clients referred from neighborhood law centers might be applied towards the local funds which will have to be raised to support the neighborhood law offices program.

(7) Law Schools: Rutgers Law School and other units of the University propose to sponsor a program to train selected individuals from the poverty neighborhoods to serve as indigenous social workers. Their function would be to advise people in the area as to the agencies or organizations which are available to help them. Many of the available sources of help would not be legal in nature,

neighborhood social workers with purposes and uses of the neighborhood legal centers.

The law schools will also be asked to assemble and organize material relating to those fields of the law which particularly concern the poor. This would cover both the substantive aspects of that law and also the administrative and procedural aspects.

The Rutgers Institute for Continuing Legal Education will be requested to conduct a training program for new lawyers going into the neighborhood law centers.

Finally, the law schools may conduct research concerning the effects of the neighborhood centers and concerning the development and implementation of programs of the Social Development Committee.

#### C. Organizational Structure

The formal structure of the LSP should be independent of other organizations. This will enable the LSP to maintain full freedom of legal action in connection with matters of concern to the poor, and will further guarantee that the relation between the LSP attorney and his client will be the traditional independent attorney-client relationship.

At the same time, it is essential that there be the fullest possible cooperation between the LSP and other organized groups within the legal profession and within the community, particularly the Legal Aid Society, the Indigent Criminal Program, and the Lawyers' Referral Service, and the law schools.

The Legal Services Project-Newark shall consist of a Board of Advisors, an Administrator, and such additional personnel and committees as may be necessary to carry out its functions.

The Board of Advisors shall consist, when the organization is fully developed, of 30 persons who will be representative of, although not representatives from, the three segments of the community in Newark which are most immediately concerned with the adequacy of legal services for the poor: (1) the poverty community itself; (2) the Community Action Agencies - the United Community Corporation (herein referred to as UCC), and the Local Area Boards; and (3) the organized legal profession. It shall be understood that members of the Advisory Board shall act in all matters as individuals and not as representatives of the organizations in which they participate, and that their actions shall not be construed to be the action of the organization in which they participate.

The Board of Advisors shall include:

(a) From the Poverty Community - 9 members

- Nine individuals who are members of the poverty community, selected in an appropriate manner.

(b) From the Community Action Organizations - 10 members

- Representatives from each of the Local Area Boards established, or to be established under the United Community Corporation, Newark's Community Action organization and the General Counsel of the United Community Corporation.

(c) From the legal profession - 10 members. These members of the Advisory Board would be representative of the various regiments of the profession, including the Bar Association, the existing organizations which provide legal services to the poor, the law schools and other organizations primarily concerned with the law.

Inasmuch as all of the operations of the UCC and the Area Boards contemplated under this proposal are not now in being, the existing area boards will furnish extra representatives until additional area boards are formed.

The Board of Advisors shall elect, from among its membership, a President and an Executive Board. The President shall be the Chairman of the Executive Board. Membership on the Executive Board shall be balanced among the groups represented among the Advisors, so far as practical. The Board of Advisors shall make fundamental policy for the LSP, upon advice from the Executive Committee and the Administrator. The Board shall appoint an Administrator who shall be the executive officer of the LSP.

The Executive Committee may act on behalf of the Board of Advisors between meetings of that body.

The Administrator shall supervise the personnel and operation of the neighborhood law office, coordinate the activities of the LSP with other organizations and individuals, plan and executive research and development of programs to meet legal needs of the poverty community which are identified as legal services are afforded the community, and advise the Board of Advisors.

D. The Number of Neighborhood Law Centers Which will be required

A separate neighborhood law office will be established to operate with each Local Area Board; so that complete services may be rendered the residents of the area. These are areas of concentrated poverty, where 250,000 people live, largely in condition of poverty.

At present, three Local Area Boards have been established by the UCC. There are active plans and available funds to establish three more such Local Area Boards, and it is understood that these will be activated in the fall of 1965. In addition, a request for funds to establish three more Area Boards is being prepared for submission to OEO. Thus it is contemplated that there will ultimately be nine such boards.

The present proposal for LSP-Newark contemplates the opening of neighborhood law centers in the fall, 1965, in conjunction with the three existing Area Boards, and in the early part of 1966 as three more Area Boards become operative. An additional three Area Boards are still in the planning stage, and are not included in this proposal. However, the sufficient flexibility is afforded the LSP Administrator so that the staff personnel might, if desirable, service these new boards at their establishment.

Standards for the use of the facilities financed by LSP-Newark can only be tentatively stated in the beginning, for experience may require that such standards be changed. Initially, the standards shall consist of an income limitation, which is subject to being waived or raised in light of family, or other special condition. Any individual whose income in the last year, or whose average income during the last three years was not more than \$3,000 shall be eligible for the services of LSP. Family groups shall be entitled to an additional \$1,000 per family member, in determining eligibility, with full family income being considered.

These income limitations may be waived by the staff attorney or the supervising attorney of the neighborhood law office in the event that considerations of the individual or family render it just and equitable to do so. Such considerations include, but are not limited to, recent illness, unemployment, debt structure and the like.

All requests for a waiver of qualification which are denied shall automatically be reviewed by the Administrator on an adequate record which shall be prepared in the neighborhood law office.

Services of LSP-Newark shall be available without regard to race, creed, color or national origin.

#### E. Personnel Requirements

Each neighborhood law office should be staffed by three attorneys to render adequate community service. It is difficult to estimate the proper number of attorneys for each local board, and it is planned to relate the recruitment practices to experience as it develops in the neighborhood offices so that an optimum staff can be developed. A staff of three attorneys is sufficiently large to assure that at least one attorney will be in the office at all relevant times, while the others may be available for court work, or other out-of-office community activities. Of these attorneys, there should be one senior attorney with several years experience. This balance will assure that experienced legal advice will be given, provide initial experience for some law school graduates,



and keep the budget of the office in manageable bounds. The objective is a full-time staff, but during developmental phase, part-time assistance may be necessary.

Law student help may be available on a part-time basis to engage in research to the extent that this activity is not incompatible with the full-time study of law, and in no event in excess of 10 hours per week.

Each office should be staffed with two secretaries, and should have a rudimentary library.

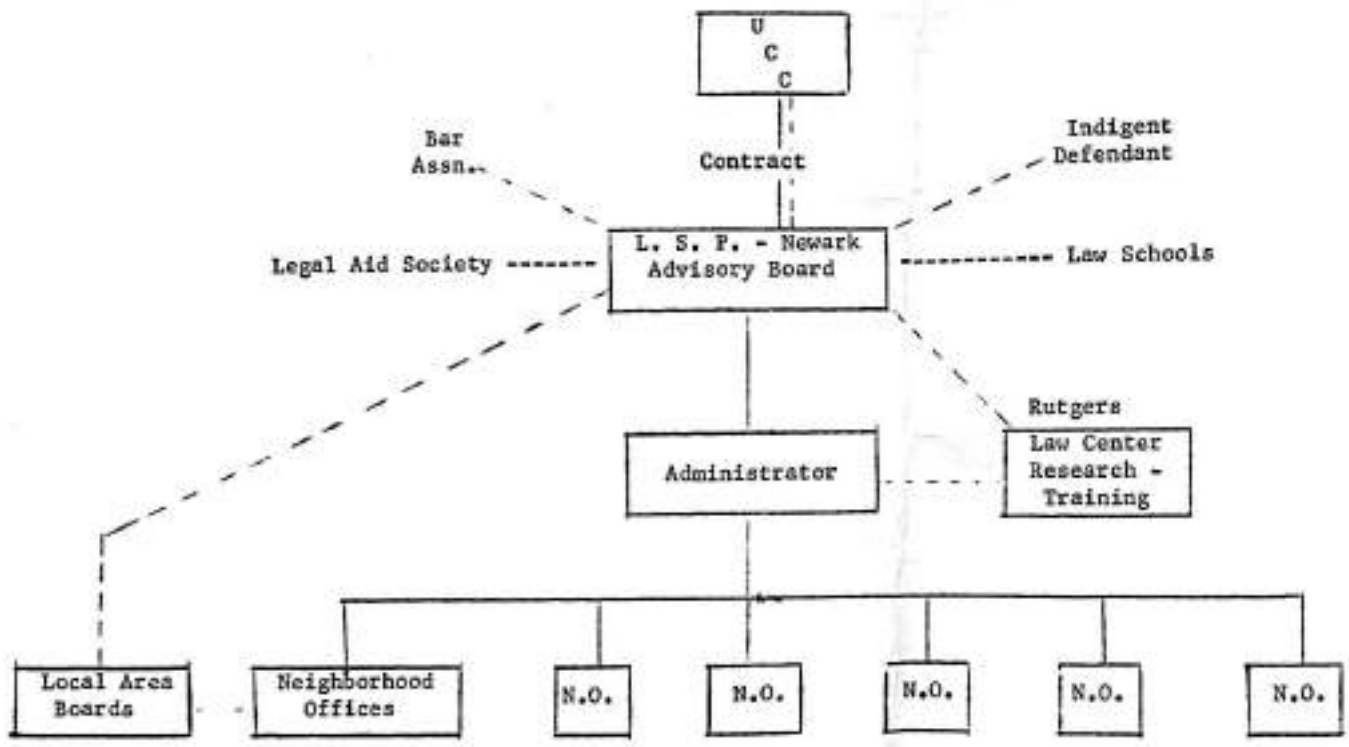
The Administrator should be retained on a substantially full-time basis, as should his assistant. Each should have a secretary, and the central office of the Administrator (which may be located in the Rutgers Law School) should contain a more comprehensive working library. (Full scale research facilities will be available, of course, in the Rutgers Law Center Library.) Sociological research into the effectiveness of the program and its implications in the community may be carried on in conjunction with the Rutgers Law Center. In addition, proximity to the Rutgers Law Center may generate legal research into areas of law made relevant by the flow of cases concerning the legal problems of the poor.

#### F. Facilities and Equipment

Ultimately there will be, under the present project, six neighborhood law offices, each with adequate, but not elaborate facilities for three lawyers and two secretaries. Library facilities in each office should include one set of New Jersey Statutes, one set of New Jersey cases, the New Jersey Practice series, the New Jersey Rules series, and miscellaneous administrative material relating to legal fields in which the poor are frequently involved. The office should be equipped with efficient typing and filing equipment, and dictating machines.

The Central Administrative offices should contain offices for the Administrator, his assistant, two secretaries, and a library-conference room. Efficient typing and filing equipment, dictating machine and Xerox copying facilities should be available.

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Broken lines indicate informal relations