

# The Storefront Lawyer Helps the Poor

By HERBERT MITGANG

**J**OBS, housing, education—these are recognized as the major problems of the sixth of the nation that lives in poverty. But a fourth—equality before the law—is seldom mentioned because it is little recognized and, anyway, seems like a luxury. Yet a new generation of dedicated young attorneys, shunning the blandishments of Wall Street firms, is proving that access to legal rights can help the poor to attain the other basic rights.

And the poor are coming to these young community lawyers by the hundreds of thousands. If the poor can't find the lawyers, the lawyers track down the poor. Nothing like this has happened before to extend legal rights in this country.

In less than three years, community law offices have become a major federally supported undertaking of the Office of Economic Opportunity. Its legal services program is behind 850 law offices in 255 projects staffed by 1,800 full-time lawyers (this compares in numbers and talent to the 2,000 attorneys of the Department of Justice in Washington and all its regional offices). Every state but North Dakota and Alabama has at least one community law office: receiving Federal help, and Birmingham and a three-county rural area in Alabama have applied for assistance.

Community law offices take various forms. The usual location is at street level or one flight up, with a big sign in the window inviting indigent clients to enter. A legal van on wheels covers a two-county area out of Jay, Okla. It is similar to the mobile law office run by Mobilization for Youth on New York's Lower East Side. On the Upper Peninsula of Michigan and in rural Montana, legal circuit riders make the rounds in the tradition of country doctors and preachers.

These community lawyers have provided legal advice and representation for approximately 600,000 poor families in the last two years. They have helped more than a thousand stock clubs, tenant groups and poverty organizations to set up buying clubs, co-op laundromats, credit unions and other self-help institu-

tions. They have educated more than two million poor people about their rights and responsibilities through neighborhood legal-awareness programs.

Because dedication motivates the attorneys in community-law practice, the Federal Government gets a high return on its investment: the poor have to pay no fees at all for legal service, and there is comparatively little cost to Washington.

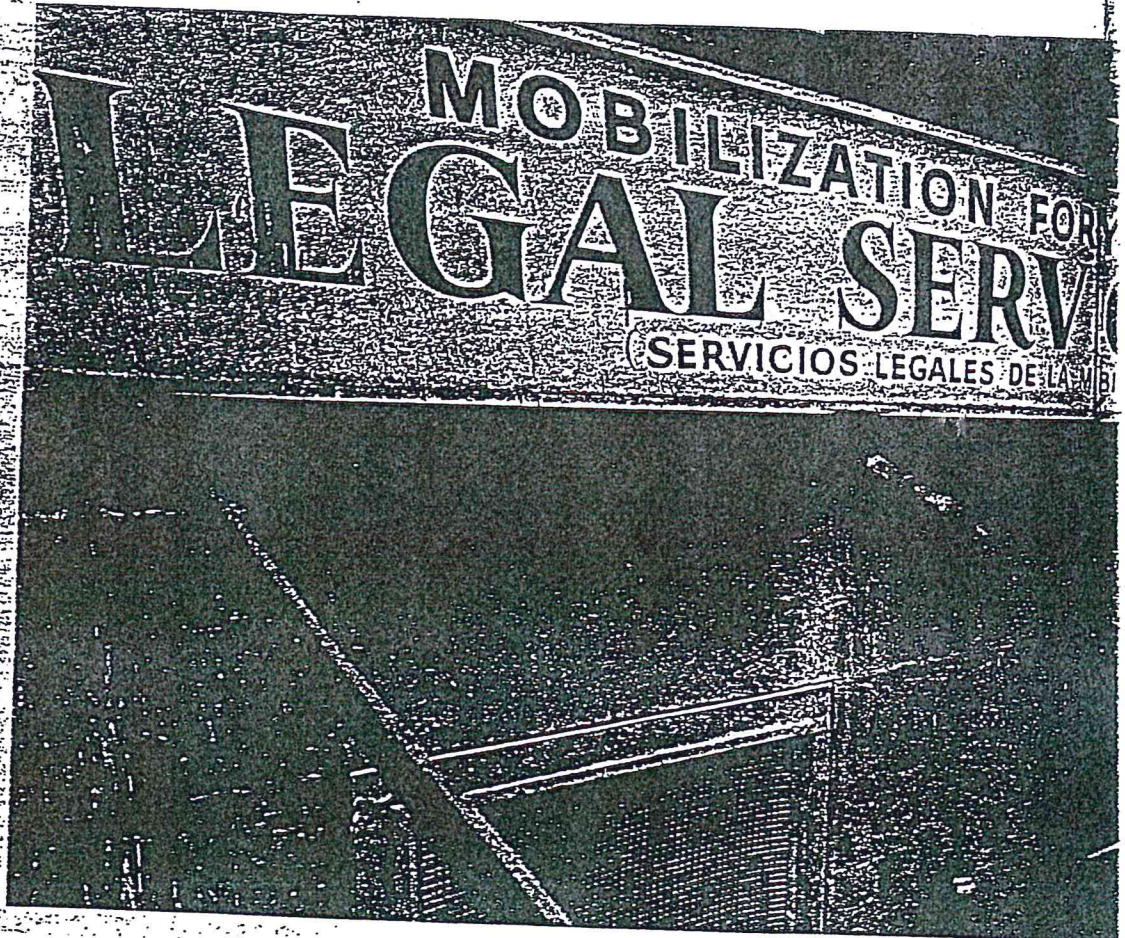
Since the attorneys do not come under Civil Service, staff salaries range from \$6,000 a year in rural areas to \$15,000 in the cities, with the average \$8,500 (project directors average \$14,000 a year). The total budget going directly into community operations across the country this past fiscal year was \$38-

million, plus another \$3-million for research, technical assistance and training programs in law schools and elsewhere. O.E.O. legal services has requested additional funds for more storefronts, but the new Administration may disagree with the idea.

**I**T is a maxim of the private practitioner that his time is too valuable for him to go to court. The community lawyers do go, and with a zest that annoys some judges and police officers. "You're not like regular lawyers," one New York judge recently told a community lawyer. "You fellows have an obligation to avoid battling with the courts because you're with an organization." The attorneys believe otherwise. Some of the judges who are not used

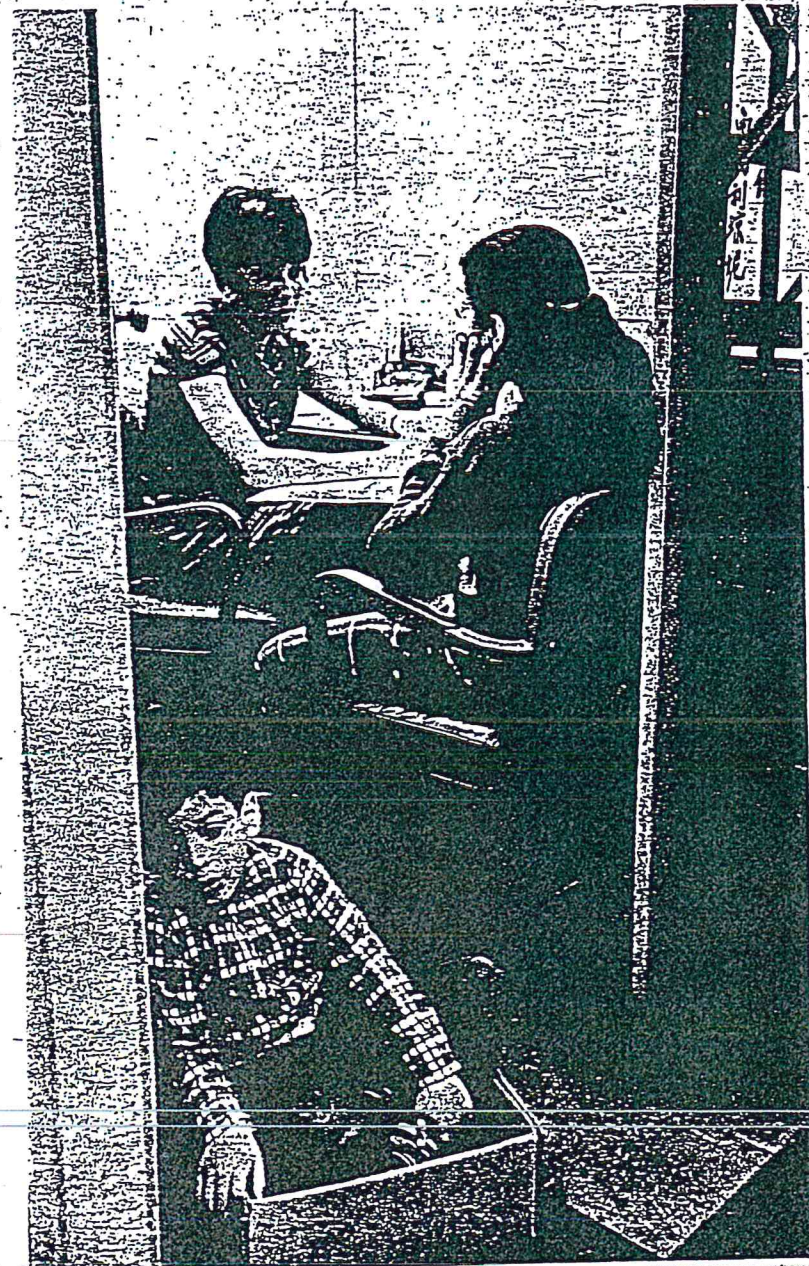
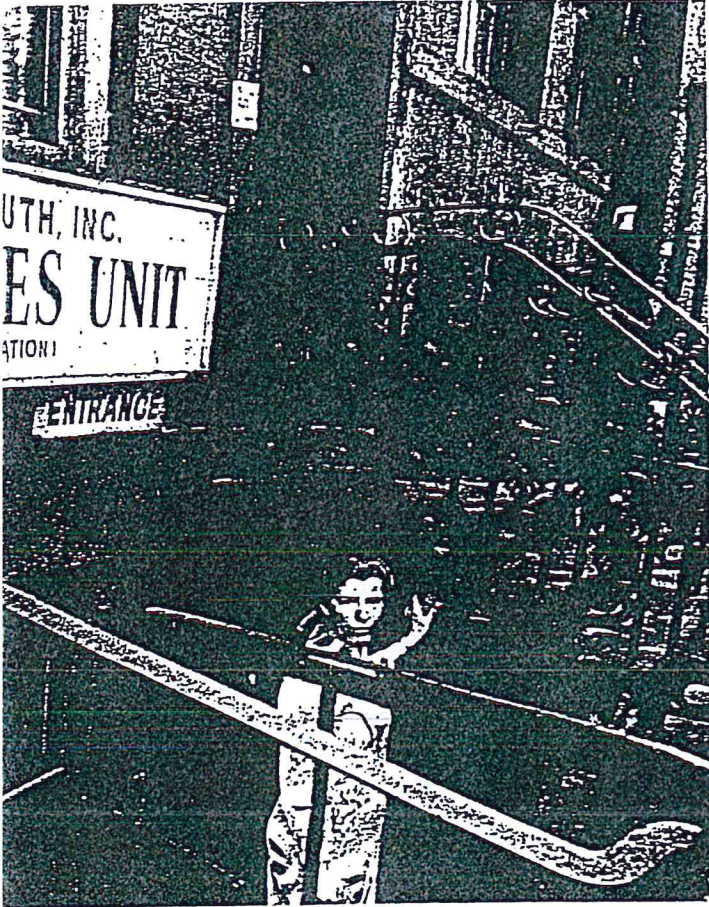
to being challenged with briefs and citations and are in the habit of knocking heads together have been forced to crack open the law books for the first time in years. For they know that community attorneys do not stop at the lower courts and often take up cases to test on appeal.

As a result of such activity, more than a million and a half poor people—most of whom never entered a lawyer's office, private or public—have benefited from favorable and far-reaching court decisions initiated to challenge statutes and procedures that penalized the poor as poor. In the process, the community lawyers have won more than 70 per cent of their court trials, 60 per cent of their appeals, 72 per cent of their consumer-complaint cases and 79 per



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cent of cases involving local, state and Federal administrative agencies. These decisions could be called the Law of the Poor—a concept unknown only a few years ago. For example, in Austin, Dallas and several other jurisdictions, community lawyers broke up home-improvement rackets that were bilking the poor of millions of dollars a year. In a series of 16 cases contesting the constitutionality of welfare-residence laws—which were so strongly condemned by the President's advisory commission on riots—community lawyers increased the income of jobless families by several million dollars. (Actually, all the poor got was what they were entitled to—a principle that has benefited nonplanting land-

*Six hundred thousand families have found a way to equality before the law through a Federal program bringing legal services to the poor. Typical of the young attorneys staffing community law offices is Nancy Le Blanc, above, associate director of New York's legal assistance program and an authority on housing law, at the East Third Street office. Top right, clients wait at the Rutgers Street office to see lawyer Candis Vengris, right.*

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owners and oil-industry operators who hire high-priced attorneys to get theirs from the Government through depletion allowances.)

Hundreds of everyday decisions have ended practices that formerly deprived the poor of millions of dollars annually. But it is a constant struggle on the philosophical level with some members of the bar and in government. It comes down to whether O.E.O.-funded lawyers can act as true advocates for clients in the same sense as a private attorney acts for a paying client, whether Federal funds can be used to support legal representation that inevitably must result in changes in the legal system.

In California when Gov. Ronald Reagan's administration reduced the services supplied under the state medical-aid program, a group of clients asked California Rural Legal Assistance lawyers for help. Some clients had had medical services terminated abruptly—teeth pulled but no dentures, stroke patients denied physiotherapy, near-blind children unable to obtain corrective lenses. The C.R.L.A. attorneys obtained a temporary restraining order halting the medical cutbacks. The Sacramento County Superior Court upheld the Modesto office of C.R.L.A. by granting the attorneys for the medically poor a permanent injunction against the cut-backs ordered by the state Health and Welfare Agency.

As a consequence, the emboldened

Modesto attorneys took on a case for a group of farm laborers whose jobs and incomes were threatened by an influx of *braceros*. These Mexican migrants themselves were heading for unsanitary camps maintained by the big growers. The conditions of the camps were exposed by Sheldon Greene, director of the Modesto office, and his attorneys, who obtained injunctive relief blocking the importation of the *braceros*. Then an agreement was worked out between C.R.L.A.'s clients and the Department of Labor that screened *bracero* applications so that imported migrants as well as permanent laborers were protected.

ONE-THIRD of O.E.O.'s legal services funding goes to the Northeastern region, covering New York, New Jersey and the New England states. P. Vaughan Gearan, the new, 31-year-old director of the Northeast region, started out in private practice in Fitchburg, Mass., after graduating from Georgetown Law School. Then he was elected president of the Fitchburg City Council, only to resign to become an attorney in the community law office that started up there. As director of the Fitchburg office giving aid to poor clients in three towns and rural areas, he provided legal backing for a tenant strike that withheld rents to obtain minimum housing standards.

The major achievement of the Fitchburg office was to incorporate an organization of welfare mothers

and then represent them to see that they got what they were entitled to under the law. And when a restrictive welfare bill was almost certain of passage, Mr. Gearan and his welfare mothers succeeded in persuading the Massachusetts Legislature to write one of the most liberal and forward-looking state welfare laws.

IN the old melting-pot streets of New York's Lower East Side, at Mobilization for Youth, whose legal services unit under Edward V. Sporer, now at Yale Law School and the nation's leading authority on illegal protection for the indigent, blazed the first trails in this field—the poor are treated not as charity cases but as clients. That almost says it all: the dignity of the word underscores professional attitudes. Often they

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show up with a bilingual card in their hands reading:

"Si le detiene la policia... Cuales son sus derechos?"

And the question of what rights you have if arrested by the police is answered on the card: "You have the right to remain silent. . . . You have the right to have a lawyer immediately after you are arrested, and to make three phone calls from the police station. Ask to make these calls, and call your lawyer immediately. . . . If you can't afford a lawyer and you need legal advice call Mobilization for Youth—OR 7-0400—at any time of the day or night and ask for a lawyer."

Which may be a little better service than people who normally employ lawyers can expect, but there is awareness among the M.F.Y. attorneys that you have to reach out to people who are psychologically and often physically unable to make the trip to an impressive office somewhere uptown.

Inability to afford a lawyer is the only requirement of the clients who show up at 320 East Third Street, the main office; at 95 Delancey Street; at 759 10th Avenue, a new storefront on the West Side, or at 24 Rutgers Street. For most clients that means an income of up to \$3,000 a year (a maximum increased by \$500 for each dependent), although such factors as medical debt, un-



LOOKING FOR BUSINESS—If the poor won't come to the office, the office goes to the poor. New York's mobile unit is the first in the country.



steady work, and forced high rent, are taken into account. There is no shortage of legal business under these terms; and, interestingly, little resentment from the traditional neighborhood lawyers because their nonpaying and often difficult cases have been absorbed by M.F.Y.'s eager attorneys.

There may be no busier group of practitioners in the city. Every month they handle hundreds of cases involving criminal matters, housing, consumer frauds, social security, workmen's compensation, immigration, and the family-law spectrum from custody to divorce. In 1967, more than 5,000 clients received individual legal service. And this does not include the representation provided to tenant groups and welfare recipients—the basic “bread and butter” cases in the offices. The practice here is part educational—of both clients and courts, neither of whom are accustomed to such intensive pleading on behalf of the poor.

If you read the sign in the window of the Rutgers Street storefront (taking your pick of languages: Spanish, Chinese, English), then enter (without a lot of formality), you encounter most of the human frailties and legal entanglements. It is doubtful if the clients are aware that the four attorneys here are from the University of Chicago law school (two of them), Stanford and Harvard and are paid much less than they would get in the large law firms

## To the poor, the law often means a pair of handcuffs

where many of their classmates are, or that the three law students (Michigan, N.Y.U. and Harvard) who helped them in the summer worked for pay of about \$80 a week, which is just above the poverty line.

Stephen Wizner (Dartmouth College, University of Chicago law school), who supervises the Rutgers Street office, started out as a Department of Justice lawyer in the Attorney General's honors program in Washington. After several years there as a prosecutor, Wizner came to New York. He worked as an attorney for the Center for Social Welfare Policy and Law at Columbia, then decided he liked dealing with flesh-and-blood clients and going to court—where he is two or three times a week.

ONE of Wizner's discoveries in this atmosphere is that there must be a recognition of ethnic differences in interpreting the meaning of cruel and inhuman treatment in a marriage. “For instance,” he says, “among Puerto Rican couples it may take the form of physical violence. The same is true of Negro couples. In Jewish families, it might be a way of cooking or not raising children properly by failing to send them to Sunday school.”

The clients at the Rutgers Street storefront are about evenly divided among the Spanish-speaking, the Chinese and Jews who have not been able to make it out of the old neighborhood or have remained because of small businesses which bring in little above the poverty level. One old Jewish woman who rarely left her block walked into the office because it was there. She had wanted to get an annulment for 13 years—and did—because of a bigamous marriage. And a 70-year-old man wandered over from Little Italy, with an operatic tale. He had returned to his old village after his first wife had died, had brought back a new one, and she had left him the moment after the ship sailed past the Statue of Liberty and docked. He wanted a divorce.

The attorneys handle many matters of administrative law outside the courts. A Chinese seaman comes in who has lost his papers because of an allegation that he used opium. A workman wants to get his pass restored by the Waterfront Commission. Many of the matters involving the Chinese are settled in the office by Ping Lee, a legal social worker employed by M.F.Y., who practiced in Taiwan before coming to the United States.

“The myth that the Chinese people take care of their own cases is not so,” Wizner says. “There are not

many Chinese on welfare, but many are poor. They have their problems, too, and Ping Lee often settles them amicably—after some shouting back and forth—right here in our offices. They prefer that to the loss of public face in a courtroom.

“But all our clients have the standard complaints as consumers, tenants and welfare recipients. The poor have all the afflictions, and sometimes a few more that need counseling. Of course, we don't get the problems of uptown clients—how my corporation can purchase the assets of your corporation. But we try just as hard. I knew I had arrived when a judge in Family Court recently accused me of being too aggressive on behalf of my client.”

**MAJOR** criminal and housing cases are usually handled by Harold J. Rothwax, M.F.Y.'s director of legal services, and Nancy E. Le Blanc, the

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associate director, at the East Third Street office. A sign says: *Servicios Legales de la Mobilization*. It overhangs a sickly colored greenstone building (as distinct from the brownstones uptown) that includes a ground-floor storefront without the store office. The clients walk up a flight of steps and enter one of the modest cubicles where, rugless and windowless, some of the brightest attorneys in New York listen to their problems. Considering the great number of cases, the service here is remarkably rapid. There are no batteries of receptionists, secretaries and associates, no need to put up a good front to impress the clients.

“We try to make the contact between lawyer and client a personal one,” says Mr. Rothwax (Yale and Columbia Law). “Whenever possible, appointments are made to avoid long waits—the long waiting line is the hallmark of charity and paternalism. We're very much aware that the man or woman who waits with a crisis has his or her sense of dependency enforced. If a poor person is entitled to legal service, it should be as a matter of right and not as a favor. He must feel that the law can be used as an instrument of improvement and change. Otherwise, he won't turn to the law.”

What the criminal cases especially



**SPECIALIST**—Matters affecting New York's Chinese community are settled by Ping Lee, a legal social worker, who practiced in Taiwan before coming to the U. S.



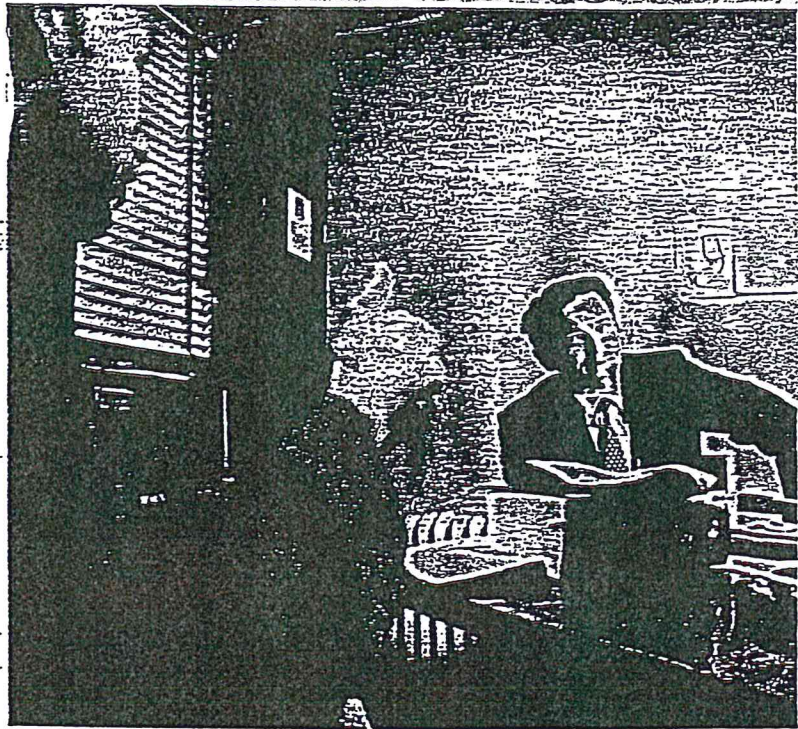
reveal is that there is one law for the poor, another for the organized criminals with the expensive name lawyers who go on television and get their pictures in magazines. To the poor, the law often appears as a racial standoff, a language barrier, a pair of handcuffs. When a man is caught in the machinery of the police and the law, everything in his life can collapse.

A father of five children has been a factory worker for six years. He has no criminal record. One night he is arrested for disorderly conduct and malicious mischief, and the court sets the bail at \$1,000. He cannot pay it, remains in jail for two weeks and loses his job. Mr. Rothwax points out that the whole system of bail militates against the poor, some of whom cannot put together even \$10 or \$20. The result sometimes is a modern version of the Dickensian debtors' prison.

Material-witness jailings are particularly ugly for the poor. A man is shot to death on the Lower East Side, and a youth, later found innocent, is arrested and charged with possession of the murder weapon. The District Attorney says he is not ready for a hearing and the judge refuses to demand that the D.A. show cause for the delay. After the youth is held for five days—in violation of the law—the case is dismissed. But the judge then decides, without a hearing, to hold the youth as a material witness and sends him to a jail for civil-law cases. A Mobilization for Youth attorney who has been handling the case is refused permission to see his client without the D.A.'s consent. Finally, a hearing is obtained, which has been the youth's legal right from the beginning. "The courts can violate the law," Mr. Rothwax says, "and only militant advocates can protect the legal rights of clients."

**P**RACTICING on the Lower East Side, as in other areas where the indigent do not always put their best legal foot forward, the attorneys watch their own behavior and appearance. "We aren't as completely free in our dress as our clients," Rothwax says. "I asked one of our attorneys not to wear a big cowboy hat while entering the court because it might be prejudicial." Martin Spiegel (Tufts, Columbia Law) advised one of his East Village clients to please wear a shirt and tie in criminal court. "He did," Spiegel says, "but he also put on beads and wore flowers in his hair."

Although the cases are often as unusual as the clients, the attorneys here find themselves in both general and special practice. Miss Le Blanc (Mills College, Yale Law) has become one of the country's leading authorities on housing law. She had worked for a small, prestigious law firm off Fifth Avenue as an underpaid attorney when she decided that



**FOR THE DEFENSE**—Major criminal cases are handled by Harold J. Rothwax, the director of Mobilization for Youth legal services in New York. "If a poor person is entitled to help, it should be as a matter of right, not as a favor."

protecting the estates of little old ladies was not her cup of tea (which was indeed served to clients in that office). Now she argues for tenants in the slums as if they were owners of Park Avenue cooperatives.

Of Miss Le Blanc, whose 51-page handbook on landlord-tenant law is widely used (it describes the law in the City of New York as it affects tenants who live in slum housing), one of the Civil Court judges who would prefer more timid attorneys for the poor told his clerk, "If you see her coming, duck."

To make sure that the legal indigent are being reached in the New York area, M.F.Y. even reaches out to them with the first mobile "storefront" law office of its kind in the United States. It is a camping truck that parks for a week at a time on blocks distant from the regular offices. Before it wheels up, leaflets are distributed saying where the truck will be parked and inviting a discussion of legal problems by those who cannot afford a lawyer. The truck has room for a driver, attorney, secretary, a couch for the client and a telephone for the lawyer on duty.

"Sometimes it only takes a phone call to settle a matter on the spot for a client," one of the attorneys says. "For instance, we can usually get a marshal to hold up a notice of eviction. More often, we make the phone call from a nearby booth because it's less expensive. On more complicated matters we send clients around to

the regular offices. The mobile legal unit serves as good publicity for the neighborhood storefronts. It's still a little unbelievable to people. When I was on duty one week, a woman came in who wanted to know if this is the truck where she could get a chest X-ray."

**T**HE storefront lawyers, while apprising clients of their rights, have also made the indigent more aware of such traditional and important organizations as the Legal Aid Society. In New York City, additional legal corporations are being set up through Community Action for Legal Services to operate in 10 slum neighborhoods. The O.E.O. regional office will underwrite 80 per cent of the cost. The executive director of C.A.L.S., John DeWitt Gregory, has recruited some of the brightest men coming out of the law schools and even private practice. "In money terms we can't expect to be competitive with the large law firms," he says, "but we can be in human terms."

For what the attorneys giving their all really seek is a piece of the social revolution, a chance to apply their professionalism in the frontlines of legal deprivation. They have chosen to operate out of storefronts in the slums or as itinerant lawyers defending the migrants and the people living in the shacks in rural America because this is where the new awareness is, where dreams unheard of till now can be recognized as legal rights. ■