

**Twenty Years
of
LEGAL SERVICES
in
Pennsylvania**

**LAW
COORDINATION
CENTER**

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HISTORY OF LEGAL SERVICES IN PENNSYLVANIA

Twenty years ago federal funding of legal services through the Office of Economic Opportunity (OEO) heralded a new approach to the representation of the poor. Prior to that, in Pennsylvania as elsewhere in the country, a handful of legal aid societies had part-time and volunteer lawyers who had barely been able to advise clients whether existing laws provided remedies.

Federal funds were to provide full-time lawyers who could provide the same quality of vigorous legal, administrative and legislative representation for the poor that has always been available to those who can afford counsel. This philosophic basis was expressed by U.S. Supreme Court Associate Justice Lewis Powell when, as President of the American Bar Association in 1965, he said:

"Equal 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 fundamental that justice should be the same, in substance and availability, without regard to economic status."

Pennsylvania's pioneering federally-funded programs were started in 1966 in Philadelphia (Community Legal Services), Allegheny County (Neighborhood Legal Services Association), in Delaware County (Delaware County Legal Assistance Association), and in Lackawanna County (Northern Pennsylvania Legal Services).

The Philadelphia Bar Association had the roughest time. Then Public Services Committee Chairman William Klaus, who later served for several years as the program's Board Chair, recalls that "there was bitter and vigorous opposition from a number of bar members who believed that a legal services program would take away some of their clients and harm others, particularly landlords, credit companies and collection agencies."

Following several weeks of hearings, the late Common Pleas Court Judge, Raymond Pace Alexander, approved the charter, noting in a landmark decision later useful to other applicants for federal funding throughout Pennsylvania that:

"This is another step, long neglected, long overdue, in that direction. A new area of freedom, freedom for those who are unable to pay to consult with and be represented by the best legal talent available in all problems affecting the American family, all of which is provided for by a great government. The American lawyer can be justly proud of this unique event in American legal history."

Services Corporation. Today, Title XX Department of Welfare funds are still being disbursed and supplement federal monies which form the funding base for many of the state's legal services programs.

During these expansion years, community groups, clients and the private bar played major roles in assisting legal services attorneys to strengthen their programs. Law Coordination Center client Board member Ernestine Watlington explained:

"I spent a lot of time helping our program in Harrisburg become more responsive to our needs and saw it become more effective as a result. Poor service is no service, and I just decided I'd rather be a part of the solution than the problem. Neighborhood offices have played a vitally important part in our community because without legal advice it is impossible for us to help ourselves."

Thelma Grady, President of the Clients' Council of Erie and a 12-year Board member of Northwestern Legal Services echoed Watlington's comments, and added, "Clients on boards are able to tell people in the community what legal services is doing so that they can be more supportive of their local programs." Grady also commented on the importance of client board training so that "community people can really contribute" to legal services programs.

Members of the private bar in every county also made substantial contributions to their legal services programs during those years, as well as before and since. A case in point, and not atypical, is that of Paul W. Reeder, who was President of the Board of Directors of Susquehanna Legal Services, based in Williamsport, from 1973 to 1981. Reeder initially became involved in 1972 when the local bar association, of which he was President-elect, was approached by a legal services lawyer for financial support and the bar's blessing in setting up a program with Title XX funds.

Reeder reports that the bar was "extremely skeptical and very resistant to an outside organization coming into the community," but that when it became clear that -- with or without bar support -- legal services was on its way, the bar decided they had best participate so as to "mold and shape" the program. Reeder, who by then was President of the bar, was "deputized" to be the "watchdog" to make sure the "carpetbaggers" did not do anything too disruptive, and to do the molding and shaping.

"Their long hair and blue jeans -- never mind their knapsacks -- horrified me," Reeder recalled. "This is not my idea of how lawyers should look. Substantively, however, they were a smart, young group, but they had chips on their shoulders, no doubt built by the bar association's treatment of them."

Reeder explained that the substantive work done by the program's attorneys had gained the respect of local lawyers and, in particular, the judiciary, who recognized and appreciated their ability; he also noted that gradually they began "dressing like lawyers" and have long since become an integral part of the legal community.

Finally, in observing what a worthwhile experience being President of the Board was, Reeder said that, when the program's budget was cut by 25% in 1981, all the attorneys stayed on without pay to close out their cases. "I can't imagine that if I couldn't meet the firm's payroll that our associates would stick around...They also handled the cost-cutting and establishing their priorities very responsibly."

The 25% cut in funds was extremely hard on legal services programs, in Pennsylvania and elsewhere which have always been strapped for funds.

In Pennsylvania, services are provided in all 67 counties by 291 attorneys and 121 paralegals through 20 local programs which have 78 offices. In 1984-1985, 102,449 clients received legal assistance, a substantial number, but 18,000 less than received legal counsel in the peak funding year of 1980-81.

CHRONOLOGY OF FEDERAL FUNDING FOR
PENNSYLVANIA LEGAL SERVICES PROGRAMS

1966 Community Legal Services, Inc. (Philadelphia) received first Office of Equal Opportunity (OEO) legal services grant in state.

Neighborhood Legal Services Association (NLSA) established in Allegheny County. Later expanded to serve Beaver, Butler and Lawrence counties.

Northern Pennsylvania Legal Services, initially incorporated and established with a modest Ford Foundation grant in 1964 to serve Lackawanna County, received early federal funding. Now also serves Bradford, Sullivan, Susquehanna, Wayne and Wyoming counties.

1967 Bucks County Legal Aid Society. Incorporated much earlier as bar association program.

Southern Alleghenys Legal Aid, Inc., originally known as Cambria County Office of Legal Aid, Inc. Received federal funding and later expanded to Bedford and Somerset counties.

1970 Legal Aid of Chester County, Inc.

Northwestern Legal Services. Initially incorporated to serve Erie County. Now also serves Cameron, Crawford, Elk, Forest, McKean, Mercer, Porter, Venango, and Warren counties.

Legal Services of Northeastern Pennsylvania, formerly the Legal Aid Society of Luzerne County. Later expanded to Carbon, Monroe and Pike counties.

1972 Central Pennsylvania Legal Services. Program initially incorporated as Tri-County Legal Services in 1972 to serve Lancaster, York and Berks counties. Now also serves Dauphin, Lebanon and Perry Counties.

Keystone Legal Services, Inc. incorporated. Serves Centre, Clearfield, Huntington, Juniata, and Mifflin counties.

1974 Legal Services, Inc. Initially incorporated in 1966. Serves Adams, Cumberland, Franklin and Fulton counties.

Southwestern Pennsylvania Legal Aid Society, Inc. Initially incorporated in 1968 to serve Greene and Washington counties; now also serves Fayette County.

1975 Blair County Legal Services Corporation incorporated; began operations in 1976.

Laurel Legal Services, Inc. Initially incorporated in 1967 to serve Armstrong County. Now also serves Clarion, Indiana, Jefferson, and Westmoreland counties.

Susquehanna Legal Services. Incorporated in 1973 to serve Northumberland, Snyder and Union counties. Later expanded to serve Columbia and Montour counties.

Lehigh Valley Legal Services, Inc. Serves Lehigh and Northampton counties.

Montgomery County Legal Aid Service.

1979 Senior Citizens Judicare Project of the Philadelphia Bar Association.

Schuylkill County Legal Services. Incorporated in 1972.

IN SUPPORT OF LEGAL SERVICES

"The only stable state is the one in which all men are equal before the law." Aristotle, Politics, Book V.

"The legal aid society is an agency of justice - doing what it is not practicable for lawyers to do individually on any large scale. The legal profession owes it to itself that wrongs do not go without a remedy because the injured man has no advocate...Does the lawyer ask, who is my neighbor? I answer - the poor man deprived of his just dues." Charles Evans Hughes, ABA speech in 1920.

"Now, therefore, be it resolved that the American Bar Association reaffirms its deep concern with the problem of providing legal services to all who need them and particularly to indigents and person of low income...

"Further resolved, that the Association, through its officers and appropriate committees, shall cooperate with the Office of Economic Opportunity and other appropriate groups in the development and implementation of programs for expanding availability of legal services to indigents and person of low income..." ABA House of Delegates, February 7, 1965.

"Lawyers must be activists to leave a contribution to society. The law is more than a control; it is an instrument for social change. The role of [the] OEO program is to provide the means within the democratic process for the law and lawyers to release the bonds which imprison people in poverty, to marshal the forces of law to combat the causes and effects of poverty.

"Each day, I ask myself, How will lawyers representing poor people defeat the cycle of poverty? This is the purpose of the Office of Economic Opportunity, and, unless we can justify our contribution to that purpose, the program I direct is not properly a part of the War on Poverty.

"If you will accept bold ideas, new theories, courageous innovations, and disputed principles with an open and inquisitive mind and a renewed commitment to make the law an instrument of advantage for disadvantaged people, we will be a significant generation. I challenge you to disturb me with proposals of

great magnitude and bold concepts." E. Clinton Bamberger, Jr., First director of the National Legal Services Program, in a speech to the 1965 NLADA convention.

"'Why legal services?' In our view there are at least four reasons that are valid.

"First, legal services are an effective means to ameliorate the effects of poverty. The issue is disputed, but in my view a compelling case is made by a fair review of the history of the past decade.

"Second, legal services for the poor are essential because the hurdles imposed by the legal system should not be insurmountable due to poverty. The government has mandated that everyone use the legal system in some situations: when one is sued, when one wants a divorce, when one is entitled to welfare benefits. That mandate should carry with it financing to ensure that the poor are not precluded from this use.

"Three, many of the substantive rules of law and the institutions that apply them affect the poor unfairly. It may be that more empirical evidence is needed on the issue, but I don't have any questions about its validity and I doubt you do either. The legal system places distinctive, heavier, and unfair burdens on the poor.

"Finally, access to the legal system is an inherent right of citizenship. That system is a chief mechanism for ordering and reordering individual and social affairs. As part of government, it belongs to all citizens. Part of this approach says that if the political liberty of a citizen means anything, it must mean the opportunity to use the law. Another part is that individuals can hardly be asked to live under and respect the law unless they have an opportunity to use it. And society as a whole has a substantial stake in making the legal system available to all citizens, not just to some." Thomas Ehrlich, first President of the National Legal Services Corporation, December 1976 NLADA Briefcase at 64-65.

"That so many diverse groups joined forces on behalf of legal services - and that legal services attorneys continued to service their clients competently despite intense financial and political pressures - illustrate the staying power of the legal services movement. As a result of that staying power, public funding of

legal services for the poor is accepted as essential throughout the country.

"For these reasons, the Corporation is persuaded that publicly-funded legal services for the poor are a permanent part of the legal system. For the first time in far too many years, the energies of legal services lawyers, clients, and bar groups can be fully devoted to the objective of obtaining equal access to justice for all members of society. For the first time, the goal is within reach.

"The goal is not a modest one...

"The Corporation has established a minimum short-term goal of providing the equivalent of at least two attorneys for each ten thousand poor people nationwide, a level of service that prior experience indicates will provide only minimal access to justice for poor people.

"The corporation's long-term goal is to provide the equivalent of at least four lawyers for each 10,000 poor persons. No timetable has been set for achieving that objective. It is well to remember, however, that even this level of service will not be adequate unless supplemented substantially by funds from other sources and increased pro bono publico by members of the private bar." Legal Services Corporation Annual Report 1976, at 27.

"[I]ronically, at the same time we perceive that there are few lawyers for the poor and new poor, we hear that law schools are turning out too many lawyers, that there are not enough jobs to go around.

"The explanation for this apparent dilemma is quite simple: legal representation in the United States is grossly maldistributed...

"...I believe that the problem of unequal justice will take a commitment from more than just the legal profession. Not only is a broader commitment necessary, it is fitting as well. Society at large is the ultimate beneficiary of a just and equitable system of law - and society thus bears the ultimate responsibility for its attainment. Lawyers, because of their great familiarity with the importance of representation, can and must form the cutting edge of society's commitment to equal access to justice. But the moral claim of equal justice applies no less to each member of society than to members of the legal profession.

"Of course, equality of representation alone cannot redress all the imbalances and inequities in society - in equality of educational opportunity, of housing, of jobs, of medical care. To achieve these broad goals lawyers must join hands with the rest of society. We may disagree about the nature of equality required in a just society, and the most effective and desirable manner of attaining it. One thing I think is indisputable. If the promise of the Founders - of equal justice under law - is to be attained, it is to be attained with a national commitment to make justice available to all - no matter what their position in society.

"We are told time and time again that the goal of equal justice is Utopian, that we must be practical and settle for less. I cannot agree. There are too many injustices which are beyond our power to remedy. It is thus all the more imperative to redress unfairness when we can. Though the challenge is difficult, we can have equal justice for all. I leave you with the words of the Jewish scholar, Hillel:

'The road is long,
The time is short,
If not now, when?'"

The Honorable David L. Bazelon, Speech to 1978 Annual NLADA Conference, December 1978 NLADA Briefcase, at 172, 175.

PENNSYLVANIA LEGAL SERVICES PROGRAMS

BLAIR COUNTY LEGAL SERVICES

Black & Yon Building - 5th Floor
1107 12th Street
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(814) 943-8139
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One Pond Street
Bristol, PA 19007
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Executive Director: David Tilove

CENTRAL PENNSYLVANIA LEGAL SERVICES

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10 South Prince Street
Lancaster, PA 17603
(717) 299-0971
Executive Director: Sam Milke

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Sylvania House
Juniper & Locust Streets
Philadelphia, PA 19107
(215) 893-5312
Executive Director: Louis Rulli

DELAWARE COUNTY LEGAL ASSISTANCE

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Chester, PA 19013
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Executive Director: Ann Torregrossa

KEYSTONE LEGAL SERVICES

477 East Beaver Avenue
State College, PA 16801
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Executive Director: Michelle DeBord

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Greensburg, PA 15601
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LEGAL AID OF CHESTER COUNTY

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The Law Coordination Center (LCC) provides statewide support for the legal services field programs in Pennsylvania. Its purpose is to improve the quality and efficiency of advocacy for low income people by providing statewide support resources in a cost-effective manner for all programs and client organizations. In cooperation with field program personnel and established client organizations, LCC has developed a number of services to advance these purposes. For more information, write 118 Locust Street, Harrisburg, PA 17101-1414 or call 1-800-732-3545.

