

# Legal Needs of the Poor in the City of Denver

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The provision of legal services without regard for the individual's ability to pay has long been a tradition of the American legal profession. It is a basic tenet of a democratic society that the protection of individual rights cannot turn on a matter of income or social class, since justice then becomes a luxury, available to a privileged few. Our society has met this problem largely by relying on the sense of professional responsibility of private practitioners and by developing legal aid societies.

In the last decade, however, many people—including members of the American Bar—have expressed dissatisfaction with the level of effort in this area. In the first place, it has become more clearly recognized that the number of individuals needing legal services but whose need far outstrips their income is very large, particularly in urban areas (American Bar Association, 1965: 12). The gap between the need for legal services and the money to pay for them is most obvious, of course, for those living in poverty. The voluntary, part-time efforts of private practitioners and the services of legal aid societies using lawyers paid by funds contributed by the local community no longer appear to be sufficient (Lowenstein and Waggoner, 1967: 805-850).

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AUTHOR'S NOTE: *This study was financed by the Office of Economic Opportunity Grant Number H.E.W. No. OEG-4-7-061236-0093.*

In the second place, there has been a significant change in expectations with regard to the right of obtaining legal services. In the past, the provision of legal services without payment was often regarded as equivalent to an act of charity, both by those who provided the services and those who received them; the obligation of society was viewed more as a matter of noblesse oblige than a binding duty. Recently, however, there has been a growing sense that the aid of a lawyer in the protection of individual rights is a right in itself and should not be dependent on charitable impulses. Partly incorporated into law in criminal matters, this changed viewpoint is now becoming prevalent in the area of civil law as well.

In the third place, there are many people who argue that the need for legal services has grown larger as our society has become increasingly bureaucratized and complex, particularly in the area of relationships between the poor and agencies of government. As Sparer (1964: 23) has pointed out:

With the change in the role of government, both national and local, has come a profound though insufficiently noted change in the legal relationship to the poor. No longer is the primary contact of the poor man with the law in the ordinary courtroom (criminal or otherwise), but in the anteroom of a city, state, or federal agency as he awaits a determination of vital significance to him and his family. . . . The better part of the public, including the relevant professionals in social work, law, and agency administration—did not and still do not infer from the relationship of the poor with the legal power of the government agencies that the poor need legal assistance and advocacy in dealing with the agencies.

By the middle of the 1960s, the House of Delegates of the American Bar Association formally recognized that the legal needs of the poor could no longer be fully met with the limited resources of privately financed legal aid societies or voluntary services. In February 1965, the House of Delegates pledged “to cooperate with the Office of Economic Opportunity and other appropriate groups in the development of services to indigents and persons of low income.” This expression of commitment at the national level was not completely shared in all local communities where many lawyers were disturbed by what they considered to be the spectre of federal intervention in the practice of law, possible strains on the canons of legal ethics, and—in some cases—a threat to their means of livelihood. Nonetheless, the American Bar as a whole was prepared to cooperate in the solution of an acute social problem.

In September 1965, E. Clinton Bamberger, Jr., was appointed as the first director of the Legal Services Program of the Office of Economic Opportunity. During the next eleven months more than 160 programs in 43 states were funded with grants totaling \$27 million. Of the 50 largest cities in the

United States, 37 received OEO legal services grants and 9 of the remaining 13 had submitted applications (Office of Economic Opportunity, 1966).

An interest in the possibility of developing a program for extending legal services to the poor was expressed by a variety of groups in the city of Denver, including the College of Law of the University of Denver, the Denver Bar Association, the Denver Legal Aid Society, and the Denver War on Poverty, Inc. It was believed, however, that such a program would be much more likely to succeed if it were preceded by research which would reveal in detail the nature of the legal needs to be served, the characteristics of the population involved, the scope of potential legal resources existing in the city of Denver, and the variety of factors—other than the simply economic—which influenced the effectiveness of efforts to extend legal services to the poor. This paper is an outgrowth of the research report prepared to provide some answers to these questions.

### DEFINITION OF THE POOR IN DENVER

There is nothing inherent in the distribution of income, of course, which provides a line separating the poor from the nonpoor. The definition of poverty involves a judgment, the setting of an economic standard below which a family's income is deemed inadequate. As Herman Miller (1964: 80-81) has commented:

Poverty is one of those emotionally charged words that can trap you if you are not careful. Much needless soul searching can be avoided if it is recognized at the outset that there is no objective definition of poverty any more than there is an objective definition of art or beauty. The standards of poverty are established by society. They can be arbitrarily defined for a given time and place; but they vary from place to place and they differ from time to time for a given place.

Most writers who have studied the problem of poverty in the United States in recent years have appeared willing to agree on an income of \$3,000 per year for an average family and \$1,500 for a single individual as useful cutting points (Harrington, 1967: 171-186). Obviously, factors such as age, geographical location, health, and so on might change these cutting points, as might the fact that they are calculated in terms of 1960 costs of living. These details are important, but we do not think they need detain us here; we can take the figures cited above as reasonable working standards for the purposes at hand.

In Denver, as in all cities, the problem of poverty is partly a matter of the family composition of the household. Of households which are made up of an

intact family—i.e., a family in which both husband and wife are present—approximately 12% earn less than \$3,000 per year. For households which have a family with children but are broken by the absence of either the husband or the wife, the figure rises to 37%. For most of the families which are incomplete, it is the husband who is absent; 90% of the broken families are of this type. Households made up of single individuals are likely to be as badly off as broken families—some 36.4% fall below the \$1,500 per year mark which we have taken as the cutting point for poverty for this group.<sup>1</sup> There are 61,050 single individuals (or “unrelated” individuals as they are referred to by the Census) living in separate households in Denver, as compared to 107,614 intact families and 17,021 broken families. About six out of ten of these people living alone are women, and the age distribution for unrelated women is markedly different from that of unrelated men. Whereas some 45% of unrelated males are 45 years of age or more, about 64% of unrelated females are in this category.<sup>2</sup>

In short, about 22% of the families and unrelated individuals in Denver are living in poverty by the standards we have set, according to the 1960 census. A large proportion of these households are composed of relatively older persons living by themselves—particularly women—and families broken by the absence of the husband (See Table 1).

TABLE 1  
HOUSEHOLDS ABOVE AND BELOW THE POVERTY LINE  
IN THE CITY OF DENVER<sup>a</sup>

<i>Household Composition</i>	<i>Below the Poverty Line<sup>b</sup></i>		<i>Above the Poverty Line</i>		<i>Total</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
<b>Families</b>						
Husband and wife present	12,638	11.8	94,976	88.2	107,614	100.0
Spouse absent	6,224	36.6	10,797	63.4	17,021	100.0
Husband absent	5,574	40.8	8,079	59.2	13,653	100.0
Wife absent	650	19.3	2,718	80.7	3,368	100.0
<b>Unrelated Individuals</b>						
Male	8,607	32.9	17,485	67.1	26,092	100.0
Female	13,936	40.0	21,022	60.0	34,958	100.0
<b>Total</b>	<b>41,405</b>	<b>22.3</b>	<b>144,280</b>	<b>77.7</b>	<b>185,685</b>	<b>100.0</b>

<sup>a</sup> Source: U.S. Department of Commerce, Bureau of the Census (1961, Vol. I, part 7: 363-364).

<sup>b</sup> Less than \$3,000 per year for families.  
Less than \$1,500 per year for unrelated individuals.

Minority group status, of course, also plays a part in the incidence of poverty. The nonwhite population (which forms about 6% of the population in Denver) is primarily Negro and is overrepresented in the lower income brackets. In every category of household composition, the percentage of nonwhites falling below the poverty line is greater than the percentage of whites. In the case of families where the husband is absent, 62.7% of the nonwhites are below the poverty line as compared to 38.2% for whites; for single women, 55.3% of the nonwhites earn less than \$1,500 per year as compared to 39.1% for whites. For single nonwhite women 65 years of age or older, the percentage soars to 63.3%—but there are only 332 persons in this group. In the population of nonwhite households as a whole, about 31.6% fall below the poverty line, compared to 21.6% for whites.

In the city of Denver, as in much of the surrounding region, the Spanish-American population forms another important minority group; and, in fact, it outnumbers the nonwhite population by a ratio of about four to three. Unfortunately, complete U.S. Census data are not available for a detailed analysis of the socioeconomic position of the Spanish-American population.

### LEGAL NEEDS OF THE POOR

In attempting to estimate the nature and extent of legal needs of individuals at the lower end of the income distribution, it was decided that it would be best to examine two contiguous neighborhoods in the most poverty-stricken area of the city: Globeville, and Five Points-Curtis Park. These two neighborhoods pose the most serious social problems in the city, they form meaningful geographic units, and they are large enough and varied enough in their demographic characteristics to provide a picture of the range of legal needs which might exist. In 1960, these two neighborhoods had a population of 40,373 persons grouped in about 13,000 households.

The sample design was based on a multi-stage probability sampling procedure; and due to limitations of time and financial resources, the sample size was limited to approximately 400 households with the head of the household serving as the person to be interviewed. The survey instrument consisted of a structured interview schedule covering four major topics:

- (a) demographic characteristics such as age, race, sex, marital status, income, etc.;
- (b) perceived legal problems and experience with legal services;
- (c) data concerning possibly unperceived legal problems;
- (d) attitudes and knowledge concerning law, lawyers, and legal agencies.

This sort of information, of course, has the limitations of survey data which are of necessity cast in terms of predetermined categories and restricted in

depth, with the exception of a small number of topics which can be explored in more detail. At the same time, it has the virtues of survey data which can provide a representative picture of a large and varied population in quantifiable terms.

In the early stages of the construction of the questionnaire we became convinced that we would need to have some sort of a "legal checkup" list—a series of questions designed to elicit information about the possible existence of legal needs. Such information could not be very detailed, given the limitations of time imposed by a questionnaire designed to gather data on a variety of topics. We would not be able to say with complete certainty that a legal remedy could be provided for the individual's difficulty, nor that the facts in the situation were such that the individual definitely required legal assistance. But it would be sufficient if we could gather enough information concerning a group of situations typically involving legal problems of the poor so that in the professional judgment of lawyers a decision could be made as to whether the individual needed help. The procedure for arriving at this decision will be described later.

The interview schedule was pretested in the Neighborhood Law Center, which formed another major component of the research project with a particular interest in the adequacy of the so-called "legal checkup." Persons who came to the Center with legal problems served as subjects; the information obtained in the interview was checked against the information obtained by the lawyer in the Center who handled the case. It was found that the interview schedule frequently turned up more legal problems than the lawyer did in his interview with the client—primarily, we think, because the lawyer was apt to confine himself to the issues presented by the client as problems, whereas the interview schedule ranged over a variety of situations which the individual himself might fail to define as containing legal difficulties. The legal checkup list, then, appears to be a useful device if the objective is to determine the number of legal problems, as opposed to solving a particular issue.

The questionnaire was then revised and revised again, until it was thought ready to be pretested in the field. A staff of interviewers was recruited and trained. As far as possible, we hired interviewers who lived in the area in which the survey was to be conducted. Although the turnover rate was high and the inexperience of the interviewers initially posed special problems of standardization and administration of the questionnaire, the use of interviewers from the area did much to establish an acceptance of the project in the neighborhoods and helped secure a frankness of answers which probably would not have been obtained otherwise.

The interviewing of the households in the sample was begun in the last part of March and completed by the end of May 1967.

One of the first questions in the interview schedule was concerned with whether a member of the household felt he had had a legal problem in the

last five years. The questionnaire was administered to the head of the household and, in the great majority of the sample, the legal needs which were uncovered were those of the respondent. This early placement of the question was designed both to engage the interest of the respondent and to serve as a screening device for a series of subsequent questions about the issues involved, the people to whom he turned for help, etc.

Of the 402 households in the sample, 173, or 43%, reported that they had had a legal problem in the past five years. The types of problems most frequently encountered fell into the categories of (1) domestic relations, centering on issues of divorce and support payments; (2) torts, typically involving personal injury or property damage in automobile accidents; and (3) creditor-debtor relationships, generally focusing on matters such as the repossession of goods. About 78% of those who reported a felt legal need also reported that they had gone to see a lawyer about the matter. Evidently, when a problem is defined as a legal problem by the people in our sample, they do not feel as reluctant about seeing a lawyer as some writers have suggested might be the case—or, if they are reluctant, they manage to overcome it. Their experience with the law may, of course, modify their attitudes. On the whole, however, about two-thirds of the people who have seen a lawyer feel they were fairly treated. Some 14% say the case is still pending and they have not yet made up their minds; about 17% report that their treatment by the lawyer was “unfair.” Of those who say they were treated unfairly, the great majority say that “it cost too much,” “it did no good,” or both. It seems possible that “fair” treatment is sometimes being equated with a favorable outcome, although there have undoubtedly been instances in which the respondent believes—perhaps correctly—that the lawyer did not exert himself sufficiently. It is also possible that many individuals in our sample have very little idea of the appropriate charges for the services of a lawyer. The lawyer’s work for a client is often invisible, involving what must

TABLE 2  
PERCEIVED LEGAL PROBLEMS CLASSIFIED BY TYPE OF ISSUE

<i>Type of Issue</i>	<i>Number</i>
Administrative agencies	8
Bankruptcy	3
Creditor-debtor	21
Criminal	6
Domestic relations	58
Landlord-tenant	5
Torts	23
Other	46
Issue not reported	3
Total	173

often seem to be esoteric documents, and the proper relationship between fees and services may be far from plain. Like other types of services which are used infrequently and which involve fees that can vary rather than have a fixed market price, the work of the lawyer often stands exposed to the suspicion of excessive charges.

Of greater importance, however, is the possibility that the individuals in the sample had legal problems of which they themselves were unaware. In order to throw light on this issue, the questionnaire of each respondent was reviewed by a panel of six lawyers who were assigned the task of deciding whether the information indicated, in their professional judgment, that the individual stood in need of a lawyer with regard to one or more legal problems. Three of the lawyers were from the Neighborhood Law Center and three from other forms of legal practice in Denver, in order to balance a possible bias of lawyers who were deeply involved in providing legal services for the poor. As it turned out, there was very little difference between their judgments. Each questionnaire contained information concerning twenty areas of possible legal need, including such matters as consumer buying, automobile tort cases, landlord-tenant relationships, etc. With a sample of 402 persons, there were 8,040 evaluations to be made; and it was decided that if at least five of the six lawyers on the panel agreed that the information provided by the questionnaire indicated the probable existence of a legal problem, a legal need could be said to exist. Each of the six lawyers on the panel was asked to decide if a legal problem was or was not present in each of the potential problem areas for each respondent, as we have indicated above. In approximately 95% of the evaluations, at least five of the six lawyers came to the same decision.

With this procedure, it was found that approximately 62% of the individuals in the sample had one or more legal problems. As might be expected, a large share (some 78%) of those who had reported a felt legal need were diagnosed by the panel of lawyers as being in need of legal services. More importantly, however, of the 232 individuals who indicated that they did *not* think they had a legal problem, 120 were evaluated by the panel of lawyers as being in need of legal help. The examination of the questionnaires by the panel of lawyers indicated the existence of a total of 603 legal problems. If we generalize from the sample to the population of households from which it was drawn, this would suggest that, in the 13,000 or so households in the two neighborhoods, there would be approximately 5,600 felt legal needs, of which 4,400 would be recognized as such by lawyers. In addition, there would be approximately another 15,000 legal problems recognized by lawyers but which the people themselves were unaware of.

The distribution of legal problems diagnosed by the panel of lawyers differs from the distribution of legal problems reported by the individuals in the sample—most notably with regard to criminal matters and administrative



agencies. (The data presented with regard to diagnosed legal needs do not include issues involving domestic relations, since these require analysis by the sex of the respondent. This material will be discussed later.) There are, apparently, many instances in which individuals become involved with the criminal law, particularly in the areas of misdemeanors and traffic offenses, with little realization of their legal rights; and, similarly, many individuals seem to be unaware of their legal rights in matters involving workman's compensation, unemployment benefits, and welfare payments (see Table 3). More generally, however, there is the difficult question of why there are so many legal needs which go unnoticed. It is possible that the need for a lawyer is, in fact, recognized, but is defined out of existence by the people themselves. It is also possible, however—and this seems more likely—that people are frequently ignorant of their legal rights and duties, that they do not recognize the legal implications of a variety of situations or the fact that legal remedies are available for many of their problems. And this is probably true of a great many people at all socioeconomic levels.

TABLE 3  
DIAGNOSED LEGAL PROBLEMS CLASSIFIED BY TYPE OF ISSUE

<i>Type of Issue</i>	<i>Number</i>
Administrative agencies	101
Bankruptcy	19
Creditor-debtor	78
Criminal	175
Domestic relations	—
Landlord-tenant	7
Torts	103
Other	120
Total	603

We can assign a "legal problems" score to each respondent by counting one point for each legal need diagnosed by the panel of lawyers. The distribution of scores for the individuals in the sample are presented in Table 4.

It is a minor but intriguing fact that the one individual diagnosed by the panel of lawyers as having nine legal problems reported no felt legal needs. In any event, we can dichotomize the legal problems scores into zero and one or more, and use the resulting categories to examine the incidence of legal problems among different segments of the population.

Length of residence in Denver is positively associated with legal needs. For those individuals who have lived in Denver for one year or less, 36.8% are

TABLE 4  
 FREQUENCY DISTRIBUTION OF LEGAL PROBLEMS SCORES

<i>Score</i>	<i>Frequency</i>	<i>Percentage</i>
0	152	37.8
1	91	22.6
2	64	15.9
3	47	11.7
4	25	6.2
5	11	2.7
6	5	1.5
7	2	.5
8	3	.8
9	1	.3
Total	402	100.0

diagnosed as having one or more legal problems. The figure rises to 65% for those who have lived in Denver five years or more. However, the small number of individuals in the short-term residence categories means that we cannot put too much trust in the observed relationship—a change in a few cases either way would change the pattern markedly. The relatively small number of short-term residents is, perhaps, the important fact, for it suggests that the two neighborhoods studied may be more stable than other neighborhoods in the poverty area.

There is very little difference in legal problems scores between males and females or among different ethnic groups. In the latter cases, it might have been expected that Negroes and Spanish-Americans would have more legal problems than Caucasians due to patterns of discrimination, but this is not borne out by the facts. It is undoubtedly true, of course, that discrimination can and does create legal problems for members of minority groups. But it is

TABLE 5  
 LENGTH OF RESIDENCE IN DENVER AND LEGAL PROBLEMS SCORE

<i>Length of Residence in Denver (years)</i>	<i>Legal Problems Score</i>				<i>Total</i>
	<i>Zero</i>		<i>1 or More</i>		
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	
0-1	12	63.2	7	36.8	19
1-5	18	50.0	18	50.0	36
5 or more	120	35.0	223	65.0	343
No answer	2		2		4
Total	152		250		402

possible that this factor is offset by a positive correlation between income and the quantity of legal problems, at least in the lower portion of the income distribution, as we will see in a moment. Insofar as membership in a minority group tends to place the individual on the lowest rungs of the income ladder the likelihood of encountering certain legal problems may be reduced.

Very few people living in the neighborhoods under examination could be called well-off, but not all of them are living in poverty according to the criteria we discussed earlier. In fact, it is estimated that approximately one-half of the households in the sample fall below the poverty line, taking into account household composition and using self-reports of the weekly income of the household as an indicator (see Table 6).

We are assuming here that about one-eighth of the unrelated individuals reporting an income between \$26 and \$50 per week are below the poverty line, as well as all those earning \$25 per week or less; and about one-half of the families reporting an income between \$51 and \$75 per week are similarly placed, as well as all families earning \$50 per week or less. This probably underestimates the amount of poverty, since discontinuities in employment are common. Approximately 35% of the individuals in the sample are not in the labor force due to retirement, illness, not seeking work, and so on. Of those in the labor force, some 36% are unemployed.

Of all households estimated as being below the poverty line, approximately 62% have one or more legal problems. It is worth noting, however that the data suggest that legal problems scores tend to increase with income levels. The same pattern is found with respect to education, since 54% of those with eight years of schooling or less have one or more legal problems, compared to 69% for those with nine or more years of schooling.

The limitations of our data prevent us from analyzing these patterns in any detail, but it appears likely that the number of legal problems an individual

TABLE 6  
INCOME LEVELS AND LEGAL PROBLEMS SCORES

<i>Income Level</i> (Household income per week)	<i>Legal Problems Scores</i>				<i>Total</i>
	<i>No.</i>	<i>Zero</i> <i>%</i>	<i>1 or more</i> <i>No.</i>	<i>%</i>	
None	6	60.0	4	40.0	10
\$1-25	25	51.0	24	49.0	49
\$26-50	51	44.7	63	55.3	114
\$51-75	28	31.5	61	68.5	89
\$76-100	25	37.9	41	62.1	66
\$101-150	10	22.7	34	77.3	44
\$150 or more	3	16.7	15	83.3	18
No answer					12
<b>Total</b>					<b>402</b>

has reflects in part the individual's participation in the society. As paradoxical as it might seem, it may be that as the income level of a family increases, its members may become more involved with those situations which are likely to generate legal questions—such as buying and driving an automobile, purchasing consumer goods on the installment plan, etc. In the questionnaire, we asked if the individual owned a variety of goods such as a refrigerator, a TV set, a car, and so on. Of those individuals who owned up to three such items, 55% had one or more legal problems. For those owning four to six of such items and those owning seven or more, the percentages with one or more legal problems were 59% and 72% respectively. The material benefits of our society sometimes seem to carry difficulties in their train. It is also possible, of course, that there is an opposite tendency involving welfare benefits, treatment by the police, discrimination (as we have suggested), and so on. On the whole, however, a positive correlation between socioeconomic status and the frequency of legal problems in a number of rather commonplace areas may outweigh a negative correlation between socioeconomic status and the number of legal problems involving such things as a discriminatory exploitation or the harsh and illegal treatment by government agencies. The result is that the overall number of legal needs of those at the bottom of the social heap is possibly somewhat less than the number of legal needs of those immediately above them. The ability to fulfill those legal needs is another matter.

As was pointed out earlier, the material on legal needs in the area of domestic relations is best handled separately, since questions touching on this issue were phrased somewhat differently for men and for women. In both cases, however, we confined ourselves to problems of domestic relations arising from a previous marriage and we did not inquire into problems with regard to an existing marriage. Men were asked about possible problems with regard to custody of children and the amount of support payments that they were making. Women were asked about the amount of support payments they were receiving and the regularity with which they were paid. Since the interview was to be conducted in the household, with the spouse possibly present, we felt there would be too great a likelihood for reticence and similar factors arising from the interview situation to bias the results.

The diagnosis of the panel of lawyers of legal needs arising from a previous marriage indicated that there were 37 heads of households who had legal problems in the area of domestic relations, five of whom were men and 32 of whom were women. All of the men and about eight-tenths of the women were either Negro or Spanish-American; and these must be added to the collection of diagnosed legal problems we have discussed so far.

In summary, then, about 43% of the households in the sample report a felt legal need, with most of the problems being in the areas of domestic relations, torts, and creditor-debtor relations. In the judgment of a panel of lawyers,

however, reviewing the information provided by the questionnaires, there is a large number of legal needs of which the people themselves are unaware. Approximately 62% of the sample could be said to have one or more legal problems, excluding the area of domestic relations involving an existing marriage. There are, in particular, many unperceived legal needs involving administrative agencies and criminal matters.

A conservative estimate would place about 50% of the households below the poverty line; and approximately 62% of these households have one or more legal problems—again, not including the area of domestic relations involving an existing marriage. We think there is no question that there are substantial numbers of legal problems among those who live in poverty and who do not have the financial resources for private legal services. It should also be pointed out, however, that the number of unperceived legal problems may increase with income levels, at least up to a certain point, and the problem of legal needs which are not being filled is not confined to those below the poverty line. In the latter case, households presumably possess at least some of the financial resources to fill these needs, although this point remains unexplored.

In an earlier section of this paper, we indicated that about 78% of those with a felt legal need had gone to see a lawyer about the matter. About 10% of these 134 people who had sought out legal services did not say how much they had been charged; of the remaining 119 cases, however, 42% indicated that they paid no legal fees, 35% paid less than \$100, and 34% paid \$100 or more. Of the 50 people who paid no legal fees, 18 stated that they had received help from the Legal Aid Society.

As was suggested before, people in our sample with a perceived legal problem do not seem to show any marked reluctance in seeking the services of a lawyer. And, in fact, about 88% of the people in the sample say that if they thought they had a legal problem, they would go to a lawyer. But a lawyer is not the only person who is viewed as a source of help in such situations. Some 61% also say they would go to a minister; about 58% would seek help from a relative, and about the same percentage would rely on a friend. Half of the sample would go to a doctor, 41% would turn to a social worker, and 27% would rely on a politician. It is quite possible that they do receive help from these additional sources, although a lawyer might have many reservations about the quality of the help received. The important point, however, is that there evidently exists a network of aid which is more than a matter of professional legal services; and this network is not to be dismissed simply as an unwarranted intrusion into the lawyer's professional domain. There are many types of services, such as medical aid, in which the lay public bypasses the professional. The results very often may be worthless or actually damaging, as is frequently the case with nonprescription drugs (see *The Medicine Show*, 1963). Yet there is a possible place for this network of aid,

both as a conduit to full professional services and as a source of sensible advice in relatively simple situations. The legal profession has tended to see its services as a custom-made product which can only be supplied by trained lawyers with a relatively high price as a result. There is a serious question, however, as to whether it is better to have a high-quality service restricted to a few or a product of lesser quality distributed to many.

The relatively small number of people who received help from the Legal Aid Society is understandable, perhaps, in light of the small number of people in our sample from the poverty area who are aware that legal services are available in the city of Denver without charge. The Legal Aid Society has been in existence for almost fifty years—and only 33% of our sample knew of its existence, and less than 20% of these could name even its approximate location.

### THE NEIGHBORHOOD LAW CENTER

As was noted earlier in this report, this study of the legal needs of the poor in the city of Denver involved two major parts: a questionnaire administered to a random sample from the poorest section of the city, and the operation of a neighborhood law center. The Neighborhood Law Center was thought of as an experimental effort, as a way of providing services in Denver which had not been tried before, the outcome of which would reveal invaluable guidelines for any attempt to provide legal services for the poor on a more extensive scale.

The philosophy behind the concept of a neighborhood law center is, of course, part of a larger philosophy about the needs of the poor in our society. The War on Poverty may seem like little more than an empty slogan to some critics; and there is no question that the course of the war has been uneven in the past and is uncertain in the future. Yet it is also true that in the early 1960s, a new orientation began to be developed toward the needs of the poor—an orientation that justified a slogan couched in the terms of battle. In an earlier period, much of the effort of our society to deal with the plight of the poor had left the poor in the role of passive recipients of public aid. In the decade of the 1960s, however, it was beginning to be realized that any program of “more of the same” was not enough. It was perfectly obvious, of course, that larger resources were needed—a great deal larger—to alleviate some of the most pressing needs which had been unrecognized or ignored for too long. But it was also becoming clear that if the cycle of poverty was ever to be broken, the poor would have to be transformed from an object of endless public assistance into a group of people who could help themselves—politically, economically, and psychologically. And this would require training, education, a recognition of the individual’s dignity, and a wider social partici-

pation in a variety of areas. The poor, in short, were to be helped by giving them the means to break out of poverty on their own, rather than by being locked into the pattern of a meager dole.

Providing legal aid for the poor was seen as a vital element in this new approach, since the exercise of one's legal rights is a fundamental part of what is meant by full participation in a democratic society. And, it was believed, a neighborhood law center offered a number of possible advantages over the existing system of providing legal services for the poor, for the following reasons:

*First*, the location of a law office in the neighborhood where the poor lived would help overcome the social distance and the physical distance which were apt to alienate the poor from the very services they needed. A central, downtown office, it was argued, was all too likely to be seen as another symbol of an impersonal, bureaucratic society with little interest in or understanding of, the problems of those below the poverty line.

*Second*, legal aid societies (the dominant means of providing legal services to the poor) were badly overloaded and, in general, were forced to place a number of restrictions on the types of cases they would handle. But however convenient these restrictions might be from an administrative viewpoint, they might have little relationship with the major legal needs of the poor. Furthermore, the office hours of legal aid societies possibly formed another barrier, and there was a need to experiment with providing services at night and on the weekend. In short, there was a need for great flexibility, and this could best be provided in a neighborhood law office.

*Third*, and perhaps most important, there was a need for a new spirit in the provision of legal services. The legal rights of the poor, it was argued, were all too often regarded not as rights but as privileges, even by legal aid societies. Attacks on the status quo, constitutional challenges, litigation with important business interests in the community, confrontations with government agencies—all, it was held, were unlikely to be undertaken by existing forms of legal services which had grown too staid and were financially dependent on the very elements in the community that would feel threatened by such activities. But a neighborhood law center—relatively autonomous, funded by the OEO—could be infused with such a spirit and could identify itself more closely with the needs and interests of the poor. At bottom, perhaps, the major hope was for a difference in attitude—but a difference in attitude which might have far-reaching consequences. In any event, it was with these ideas in mind (ideas that were common, I think, in city after city where the problem of extending legal services to the poor was being attacked with new vigor and enthusiasm) that the project began its operation of a neighborhood law center.

TABLE 7  
 NUMBER AND TYPE OF CASES HANDLED BY THE NEIGHBORHOOD LAW CENTER  
 26 NOVEMBER 1966 to 10 OCTOBER 1967

<i>Type of Case</i>	<i>Number</i>	<i>Subtotals</i>	<i>Type of Case</i>	<i>Number</i>	<i>Subtotals</i>
Domestic relations			Criminal misdemeanors		
Divorce and separate maintenance	568		Assault and battery	2	
Restraining order	68		Disturbance	10	
Custody	48		Public drunkenness	4	
Dependency and support	102		Welfare fraud	3	
Subtotal		786	Shoplifting	8	
Debt			Parole	6	
Credit counseling	61		Other	64	97
Defense of debt claims	179		Subtotal		
Garnishments	9		Juvenile		
Post-judgment citations	6		Larceny/burglary	17	
Bankruptcy	63		Malicious mischief	8	
Wages	23		Assault and battery	7	
Subtotal		341	Disturbance	2	
Traffic			Probation revocation	8	
Citations	80		Other	19	61
Motor vehicle revocations	22		Subtotal		
Subtotal		102	Landlord-tenant		
Administrative			Lockouts and evictions	40	40
Welfare	46		Subtotal		
Unemployment	22		All other cases	232	232
Other	17		Subtotal		
Subtotal		85	Total	1,744	1,744



In the ten-and-one-half-month period during which the Neighborhood Law Center was in full operation, it handled a total of 1,744 cases, as indicated in Table 7. A very large proportion of these cases—some 45%—fell in the area of domestic relations, which matches the experience of other programs for extending legal services to the poor throughout the country. As a number of commentators have pointed out, the poor man's divorce has often meant simply walking away from a marriage, and as a result there is a large reservoir of illegal marital relationships for those living in poverty. The extension of legal services to the poor is likely to lead to an attempt to legitimize existing arrangements, but it is quite possible that the proportion of cases in the domestic relations area would decline as the program continued its operation.

About 46% of the cases were referred to the Neighborhood Law Center by welfare agencies, Neighborhood Health Centers, Neighborhood Action Centers in the War on Poverty, and similar organizations involved with problems of the poor. In addition, however, friends and relatives were frequently reported as a source of advice to come to the Neighborhood Law Center; and VISTA workers played a similar role. In about 10% of the cases, it was decided that the individual did not meet the eligibility requirements. Of those cases which were handled by the staff of the Neighborhood Law Center, 27% required appearances in court, and these trials and hearings often involved a large amount of idle time, unfortunately, for although matters were handled with dispatch once they were before a judge, there were the inevitable postponements and periods of waiting.

The great bulk of the cases required a relatively brief time for interviewing on the part of the lawyer. This first encounter, however, was viewed by the lawyers on the staff as being of critical importance for reasons which transcended the need to gather information on the case. It was at this point that the Neighborhood Law Center could best make clear to the community it served that the individual seeking legal aid was not to be treated as a supplicant or a cipher caught up in an indifferent bureaucracy. Instead, the individual was to be treated as a person expressing what was presumably a legitimate claim for legal services and entitled to all the courtesy and concern traditionally a part of the lawyer-client relationship. Individuals coming into the office were not to be screened by a hurried and impersonal clerk quick to turn their difficulties into proper entries on a mimeographed sheet and more intent on administering a means-test than on the problem which had brought the clients there. The necessary information could be collected by a lawyer in the natural course of the initial interview where the focus of attention remained on the client and his problems.

It was this viewpoint which guided intake procedures and undoubtedly it led to certain inefficiencies; but by all accounts it was an influential factor in reducing the cynicism and suspicion which are so often encountered in attempts

to aid the poor who have grown weary of seeing their needs subordinated to the needs of organizational routines.

The standards of eligibility used by the Neighborhood Law Center were the same as those used by the Legal Aid Society—namely, an income of \$1800 per year or less in take-home pay for a single person, with an additional \$600 per year, for the head of a family, for each dependent. These standards of the Neighborhood Law Center, as in the Legal Aid Society, could be adjusted to take into account special circumstances such as illness, total debts, and so on. In addition, two types of cases were excluded on a priori grounds: those involving a possible contingency fee and those involving a felony. In the latter portion of the Neighborhood Law Center's operation, the Public Defender's Office was given the authority and funds to handle misdemeanor cases, and those were thereafter excluded from the Neighborhood Law Center. This policy represented a departure from that of the Legal Aid Society at two significant points—the acceptance of routine divorce cases and the acceptance of bankruptcies. Both of these represent legal needs of the poor which have been much neglected but which involve the very difficulties that so often disrupt the lives of those living in poverty.

At an early stage in the development of plans for the Neighborhood Law Center, it was decided that an important portion of its effort should be directed to questions of community education and what could be called preventive law. The sheer press of everyday activities meant that these plans had to be curtailed, but it was possible to make at least some gestures in this direction; and members of the Neighborhood Law Center staff spent many hours discussing the legal needs of the poor with a variety of low-income groups, particularly with reference to matters of consumer buying such as interest rates, contractual obligations, etc.<sup>3</sup>

Furthermore, two so-called strategic cases were undertaken with the expectation that they would aid not just the particular individual involved but large segments of the population living in poverty. The first of these centered on the Colorado requirement that calls for one year's residence in the state before the individual can receive welfare benefits in the form of aid to dependent children, aid to the needy disabled, etc. A suit was filed in the United States District Court for Colorado by the Neighborhood Law Center asking the Court to issue an injunction restraining the state of Colorado from enforcing the requirement and to provide immediate aid. The suit attacked the constitutionality of the state's requirement on the grounds that it violates the equal protection clause of the United States Constitution and sets up an invalid barrier to the free movement of citizens.

The second case involved a challenge of a Colorado state statute which prohibits any person from receiving compensation for representing a welfare recipient in a claim for welfare benefits. An attorney of the Neighborhood

Law Center represented such a client whose claims were denied, and filed a petition with the Denver District Court asking for a judicial review of the state Welfare Board's decision.<sup>4</sup> At this point, the Attorney General of the state of Colorado filed a complaint to enjoin the attorney from representing such clients and the attorney promptly filed a counter-complaint asking for a judgment of the Court, declaring that the statute was invalid on the grounds that it involved an unconstitutional infringement of the individual's right to counsel. In addition, the Neighborhood Law Center began legal research on the problem of insurance requirements and the revoking of automobile drivers' licenses. No case involving this issue, however, reached the trial stage. Research and resources developed by the Neighborhood Law Center were subsequently used by the Legal Aid Society staff in the trial stage in two proceedings of this nature.

### CONSEQUENCES OF THE NEIGHBORHOOD LAW CENTER

Any precise measurement of the impact of the Neighborhood Law Center is a difficult task, and there were no funds in the budget of this project for research in that area. Nonetheless, we can point to what seem to be some of the salient consequences.

The project was undertaken in a community which had mixed views toward the idea of an OEO effort to extend legal services to the poor. There were some members of the Bar who were much opposed to such a plan, just as there were individuals in the poverty group who were opposed to it on the grounds that it would be nothing more than a token gesture. To some extent, I think, these attitudes have been changed. It has become quite obvious that the Neighborhood Law Center has been meeting legal needs of the poor which were not being met in the past, and that the reservoir of legal needs is far too large to be handled by existing local funds alone or by volunteer efforts. Furthermore, the poverty neighborhoods served by the Neighborhood Law Center have, according to all reports, come to accept the Center as an honest, dedicated, and effective effort on their behalf.

The courts and government agencies have, quite generally, been receptive to the work of the legal staff of the Neighborhood Law Center. And the experience of being involved with the Center—for law students from the University of Denver Law School, lawyers from the staff of the Legal Aid Society, and members of the Young Lawyers Section of the Denver Bar Association—has led to a much greater understanding of the legal needs of the poor and a greater competence in dealing with those needs.

This is not to say, of course, that all has been sweetness and light. Yet the very fact that the Neighborhood Law Center did not generate more opposition

points, in a way, to a kind of failure. In my opinion, the effort to extend legal services to the poor was, in a sense, "defused."

The evaluation of the Neighborhood Law Center must depend on some standard of expected performance; but this involves a choice, a decision about what the extension of legal services to the poor really means, and on this issue there is no clear agreement. One view of the problem is that providing legal services to the poor is primarily a matter of meeting legal needs within the traditional lawyer-client relationship and concentrating on individual difficulties as they are encountered in the unplanned flow of clients to the lawyer's office. The existing system of legal rights and duties is not the target, nor is concern focused on preventing legal problems from arising in the first place. Instead, the lawyer's task is seen as administering to the legal needs of the poor in much the same manner as administering to the legal needs of any other group; the only difference is the source of the payment.

Another view of the problem, however, (and it is a view held by the writer of this paper) is that the legal needs of the poor transcend the need for aid in the settlement of day-to-day disputes. The existing system of laws and regulations can and should be challenged at numerous points, for in a very fundamental sense the problems of the poor are often rooted in situations which are now held to be lawful or legitimate. There must be a deliberate effort to seek out those cases which will have far-reaching consequences, whatever else may be done in satisfying immediate legal needs, such as the two strategic cases mentioned above. Furthermore, the extension of legal services for the poor involves much more than merely providing standard legal remedies, for the lawyer can forestall legal difficulties as well as unravel them once they have occurred—and this, in many ways, is the more fruitful duty.

This second view of extending legal services to the poor is, of course, more activist in tone than the first, more apt to disturb the community power structure—and is undoubtedly unacceptable to some members of the Bar, as well as many persons in the community who would prefer a safer and less troublesome course. Nonetheless, it was an important strand of thought entering into the conception of the Neighborhood Law Center—although it was barely translated into action. The Neighborhood Law Center was swamped with the rush of clients; and whatever may have been the ideology of the staff, the sheer press of people in need of immediate legal aid meant that it was the first view of legal aid for the poor rather than the second which dominated its operations.

I am not sure it could have been otherwise, for to have restricted the intake of cases in favor of other objectives could have meant that the Neighborhood Law Center would have failed to gain the confidence of the population it was supposed to serve. But it does point to an important lesson for any attempt to find new and better ways of extending legal services to the

poor. The magnitude of routine legal needs is likely to absorb most of the energy and concern of the lawyers in a neighborhood law center. It is not the hostility of the larger community toward more radical solutions or the opposition of economic interest groups which sets up the only barrier to more innovative forms of legal services—although these undoubtedly exist. Instead, it may be the professional training and experience of the lawyer intent on aiding the poor which provides the stumbling block. Like a doctor confronted with a man injured in an explosion, he is apt to feel that now is not the time to talk of new forms of professional practice or broad programs of social change. His professional expertise urges him to supply a remedy for the case immediately before him; and thus he locks himself, all too understandably, into the pattern of aiding an endless stream of the injured.

There is no easy solution for this problem and it is possible that programs for extending legal services to the poor will lose much of their revolutionary sting—to the satisfaction of some and the dismay of others. But if new solutions are required, and there are many who are convinced that they are, it seems likely that it will be necessary to establish groups of lawyers who take this as their primary task. The extension of legal services and the creation of new forms of legal services do not appear to mix well; the former is likely to absorb the latter as the lawyer in the Neighborhood Law Center goes about his daily activities.

It seems likely, then, that if the problem of the legal needs of the poor is to be solved more adequately, a broad program of institutional change is required in addition to grappling with day-to-day issues. Such a program would involve at least four elements:

- (1) The development of educational techniques, types of counseling, and so on, whose main task would be in the area of prevention.
- (2) Legislative changes which will afford better protection for the poor.
- (3) An increase in the efficiency of neighborhood law centers which are faced with problems of management like any other enterprise.
- (4) The deliberate, systematic selection of strategic cases which will materially benefit large groups of the poor, as opposed to benefiting the isolated individual.

## NOTES

1. The three lowest income categories used by the Census are under \$1,000, \$1,000 to \$1,999, and \$2,000 to \$2,999. The figure given above, therefore, is an interpolation based on the assumption that there is a linear distribution of income within a particular income category.

2. In the United States as a whole, about 25% of all households are composed of unrelated individuals. In the Denver Standard Metropolitan Area, however, the percentage runs about 37%. We suspect that this may be due to the fact that in many cities in the western part of the country a large proportion of the population is made up of migrants. When the spouse dies (and the life expectancy of males is about seven years less than that of females) or if the spouse leaves (and as we have noted, most families are broken by the absence of the husband), the remaining individual is most likely to be an older woman with no relatives nearby to turn to.

3. It is, of course, an obvious feature of poverty in the United States that the poor remain relatively unorganized, and it is difficult to establish effective channels of communication with larger numbers of those living in poverty. Some groups do exist, it is true, such as community action councils, ADC mothers, adults connected with Head Start programs, and so on. But these are not really enough; and if a program of education and preventive law is to have much impact, I think that greater use of the mass media will be essential. It should be noted that the Neighborhood Law Center developed material on problems of consumers which was used by National Educational Television for a program in December 1967.

4. The Legal Aid Society of Denver had seldom appealed for a judicial review of the decision of any administrative agency.

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