Richard Sloane

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Sent: Wednesday, July 11, 2012 6:00 PM
To: Richard Sloane
Subject: Comment on Draft Strategic Plan
Attachments: Comment on Draft Strategic Plan.pdf

Attached is a comment.

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Re: Comment on Draft Strategic Plan for 2012-2016

Dear Mr. Sloane:

Please accept this comment on the LSC Board's Draft Strategic Plan for 2012-2016.

I began my legal services career as a Reginald Heber Smith Fellow in 1968. In the course of that career I have performed many roles and had many opportunities to participate in discussions of LSC's strategic directions. Along the way I have had the honor of being a member of Lou Oberdorfer's Transition Team that took the OEO Legal Services Program and made it into the Legal Services Corporation in 1975, of being LSC's Vice President for Finance and Management under LSC President Dan Bradley from 1979 to 1982, and of serving as Special Assistant to LSC President Alex Forger from late 1993 to 1996.

During each of these periods at LSC, and in a number of other moments in these 44 years, LSC has faced important decisions about its strategic approach to its charge under the LSC Act. Conceptualizing the Corporation as the head of a national law firm and setting a course to place that firm, through its grantees, in every county in the country was a critical set of judgments in 1975. Deciding in 1981 that the era of the centralized law firm was over, and that only a decentralized model for Corporation leadership made sense when a sitting President sought to defund LSC was an equally critical but very different set of strategic conclusions. Then, in late 1993, a newly-confirmed Board of Directors embraced a Project Advisory Group vision of a $3.6 billion delivery system designed to achieve "Equal Justice for People in Poverty." I'm proud to have had a part in each of those processes.

Today the Corporation, under the inspired leadership of President Jim Sandman, considers setting a path that may be as important as any of those referred to above. If it is not quite as ambitious or sweeping as "minimum access" or declaring a goal of a fully-funded "equal justice" system, that is appropriate to these times. But I think these times are more like the early Reagan era than the draft Strategic Plan is willing to accept. If I'm right, the Corporation might be wise to modify its plan in a way that embraces what it can still do well, recognizes what it cannot do, and has the wisdom to know the difference.

In 1980, LSC had an Office of Field Services with more than 100 employees at its D.C. headquarters and in nine regional offices (featuring management and legal Technical Assistance capabilities as well as comprehensive monitoring of more than 300 grantees), another 70 or so employees in the Office of Program Support (Training) (featuring Management and Paralegal divisions along with legal training and regional training specialists), a Research Institute with about 15 employees (exploring quality improvement, delivery systems and substantive questions), as well as a healthy management and administration infrastructure. The budget was $21 million. The vision was of a national law firm led by LSC. Leona Vogt was just completing the Delivery System Study, Ken Smith was writing an early paper on measuring outcomes, Basic Lawyering Skills Training and Managing Attorney Training was offered without fee, the 1007(h) study was guiding development of better services to special populations with special legal needs, and the Quality Improvement Project was beginning to evaluate advanced systems for editing documents at a distance.

I see echoes of that vision of a vibrant, dominant LSC in the draft Strategic Plan. But each part of the vision is to be carried out by a dramatically smaller staff. The Corporation's budget, adjusted for inflation, is about the same $21 million as in 1981, but the effects of inflation make those dollars worth only about 40% of their value in 1981. Moreover, the cumulative impact of GAO reports, die-hard legal services haters and their Congressional representatives on fiscal issues and monitoring, all under the tender scrutiny of the IG, require that today's LSC invest a larger share its diminished resources pure compliance and administration.

Even if the political situation were different, an LSC that strives to be the leader of a national law firm again with such a small staff will almost certainly fail. It will be able to do only a little training, a little research, and a little TA along with its major monitoring effort. In its drive to lead in all things it will diminish state-level leadership and foster unproductive competition. Even in 1980, with all its riches, LSC was struggling to fulfill its vision. Yet LSC provided 80% to 90% of the legal services funding in 1980; in 2012 it is providing about 25%.

And the political situation is miserable. Since 1980, every step taken by LSC has been scrutinized by a hostile minority in Congress. There is no "neutral" training -- every training event carries values about representation that will raise hackles on the hill. Every research effort will be a candidate for cries of social engineering and political motivation. What kind of advocacy is the explicit technical assistance effort going to embrace? Not the "high quality representation" of the early 1980's, or "policy advocacy" from the 1990s, or "legal counsel for the poor" from the 1960s. There are no safe havens here. If LSC tries to implement this plan it will be putting it's head in a noose.

I do not wish to criticize the analysis in the Strategic Plan that sees each of the major strategies as important. I simply wish to suggest that more recognition of the realities of scarce resources and political limitations calls for a strategic vision that depends more on the efforts of others and accepts a critical but diminished role for LSC. We have been dealing with these forces for some time now. It feels like a classic case of the oft repeated statement of George Santayana, who, in his Reason in Common Sense, The Life of Reason, Vol.1, wrote "Those who cannot remember the past are condemned to repeat it."

What might LSC do best under these circumstances? President Sandman has been touting an "access" strategy. Perhaps LSC should seek to lead on helping the courts deal with the massive need of the eligible population of self-representing litigants. In such a strategy LSC might innovate freely (the SRLN certainly sees lots of needs for change, working in cooperation with the courts). A tight alliance with courts and AJ Commissions might be palatable at a tea party. And there would still be room for a "high quality" performance criterion and leadership from state funders on more aggressive advocacy needs.

I recently had the opportunity to develop some of these ideas about what might be LSC's best strategic posture in a more thoughtful way. I will close my comment with those thoughts, which appeared in a recent edition of the MIE Journal under the title "CAN DO, INDEED!"

I saw a delightful production of Bernstein's treatment of Voltaire's "Candide" last night. In this classic farce, the iconic optimist, Pangloss, puts a superficial positive spin on every negative occurrence in order to prove that this is the best of all possible worlds. Murder, rape, torture, deceit and other terrible events are all just misunderstood by the people to whom they happen. About to be hung, he notes that God in his wisdom made it possible to invent the rope.

Today in our legal services world, negative developments dominate our consciousness. The MIE Journal Committee sees an unending cycle of "one step forward, two steps back" and asks why, after 45 years of federal funding, "justice" isn't more important in our country? Why does the public allow our funding to decline just when low income people face increasing poverty and resulting legal problems? Is the "rule of law" collapsing? Should we abandon our historic reliance on government funding because any growth will inevitably be followed by cuts? It is all too frustrating. Only a Pangloss could find this the best of all possible worlds.

Yet underneath the stormy surface I believe there are at least three strong currents flowing toward more justice for low-income individuals with legal problems. Where these currents are taking us is probably not where we hoped we were going, but the emerging characteristics of this new world are far more positive than our bad feelings about today would suggest. I believe these currents are carrying us forward, not back. The public is not and will not allow our funding to decline in any sustained fashion. Instead, the public will increasingly support us through charitable giving along with governmental support. The rule of law is gaining, not declining, on the world stage.

The negative attacks and economic shocks are annoying and must be dealt with in the short run, but the three underlying developments will determine the shape of legal services in the future:

> First, in these 45 years (since the Office of Economic Opportunity (OEO) began funding civil legal services in 1966), civil legal services has grown from a youthful and inexperienced movement into a mature institution in which leadership and underlying purpose are evolving naturally into new shapes that we can't predict.
>
> Second, the systems through which people obtain just results and assert their legal rights are being reconceived along lines that are very promising but quite different than some of our earlier legal services visions.

Third, we may already be moving away from dependence on traditional funding by annually appropriated government grants toward a much more complex but healthy financial future.

A mature institution

The War on Poverty and its OEO brought forth a new system for providing legal assistance to low income individuals when it's Office of Legal Services began funding legal services programs in 1966. Earl Johnson has told this story of hope and exuberance.[1] Young lawyers were recruited to join the crusade for social justice. Legal careers were shaped by the imagination of equal justice. Then, during the last half of the 1970s, the new Legal Services Corporation built on the OEO foundation and established a national delivery system. Legal aid reached into every county in America in 1980.

The legal services movement of 1980 was young and raw. LSC funding had grown from $71 million to $300 million in five years. Most legal services jobs in 1980 had not existed in 1975. LSC reported that 92% of its lawyers had less than ten years of legal experience.[2] The conventional wisdom of the day was that new lawyers would cut their teeth in legal services, getting invaluable experience working directly with clients, handling trials and appeals on their own, and then move on to jobs in law firms.[3] The other 8% of program lawyers were spread out across the age spectrum. They included lawyers from legal aid societies that existed before OEO, and lawyers who had defied conventional wisdom and stayed past their predicted departure dates in order to pursue the OEO vision.

Most of the rhetoric of legal services dates from the OEO and early LSC years. Phrases like "empowerment," "law reform," "community development," "social change" and "systemic advocacy" were everywhere. Serving as "general counsel to the low income community" was the model. These words inspired young lawyers of that era, and they accomplished much.

President Reagan brought this formative period to an end in 1981. Funding was cut 25% in 1982, which was actually more like a 33% cut because of high inflation. Rhetoric went underground, replaced by "high quality representation," and LSC gave up the vision of leading a national law firm for social justice and closed the doors of its Research Institute and training division.

But the institution grew, year by year. By 1985, only 76% of field program attorneys had less than ten years of experience. More experienced lawyers of every age were three times as

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[1] Earl Johnson, Jr., Justice and Reform: The Formative Years of the American Legal Services Program (1974).

[2] Or maybe it meant less than ten years of experience in their job in legal services. The data table isn't clear. Extrapolating from later tables suggests the meaning given in the text. LSC, Selected Funding and Staffing Characteristics of Field Programs Supported by the Legal Services Corporation – Start of 1980: A Fact Book (February 1980), p. 9.

[3] In retrospect, this wisdom may have always been wrong. The Harvard "Career Paths Study" done by the late Leona Vogt demonstrated that lawyers tended to leave their first jobs after 3 to 5 years in about the same proportion in all legal careers. Leona had been the principle investigator for LSC's Delivery System Study in the 1970s. Leona Vogt, From Law School to Career (Harvard Law School Program on the Legal Profession 1986).

common as in 1980. Five years later, less than 60% of legal services lawyers were less than ten years out of law school. 3% had 10 to 15 years of experience and almost 20% had more than that. Ten years after that, in 2000, less than half (48%) of legal aid lawyers had fewer than ten years of experience. The annual data tables have a new category by this time, attorneys with 20 or more years of experience; in 2000, fully 25% of legal aid attorneys met that description.[4]

The age stratification of legal aid lawyers is far advanced in 2010. In a standard year, about 5% of the national legal aid attorney population will be new, entry level hires. Attorneys with five or fewer years of experience are about 30% of the staff, slightly less than that will be arrayed between six and fifteen years, and about 40% will be lawyers with more than fifteen years at the bar.[5]

Or, to put it another way:

> Legal aid attorney staffs are getting older: One third of the lawyers on these staffs are 45 or older.
>
> About 15% of legal aid lawyers started their careers before President Reagan took office. The current leadership of many programs is drawn from this group of individuals.
>
> However, 85% of legal aid lawyers have never worked in a time when their primary funding sources espoused a vision of "rebellious" lawyering[6] or the law reform and community empowerment goals of OEO.
>
> In fact, 30% of the lawyers on LSC-funded staffs were not born when Ronald Reagan took office, and
>
> 50% of the lawyers on LSC-funded staffs graduated from law school in the 21st century.

The data also document the obvious shift in gender. In 1982, only 38% of attorneys in LSC-funded programs were women; in 2010, women account for 69%. The effects of the shift from majority men to majority women may be as important as the aging of the attorney population and deserves further study.

On the other hand, there has been very little change in the race of legal aid attorneys. In 1982, 11% of attorneys were black, 10% Hispanic, 1% Native American and 1% Asian; in 2010 the comparable figures are 13%, 13%, 1% and 5%.[7]

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[4] LSC, Characteristics of Field Programs 1986, p. II.8-9(unpublished draft); LSC, Fact Book 1990, p. 50; LSC, Fact Book 2000 (page not known).
[5] LSC, Fact Book 2010, p.38.
[6] Jerry Lopez, Rebellious Lawyering (1992).
[7] LSC, Characteristics of Field Programs Supported by the Legal Services Corporation - Start of 1983 -- A Fact Book (Feb. 1983), pp.20-21; LSC, Fact Book 2010 (June 2011), p. 37.

As a result of this maturation process, the legal services system is probably much more stable than it was thirty years ago. Managers are no longer likely to be lawyers plucked from the ranks of advocates with no demonstrated managerial skills. Administrative and financial infrastructure is better thought out, more competently staffed and professionally trained. Supervision of legal work is much better, and young lawyers are more likely to receive supervision from more experienced senior staff.

Perhaps it is also true that the mature staff now found in legal services offices is less likely to make political mistakes than it's immature predecessors. For better or worse, legal services lawyers are now fully integrated into the bar associations they mistrusted thirty-one years ago. In addition, former program staff are now judges in courts of almost every level of state and federal judiciaries.

A more controversial conclusion may also be warranted. The culture of an organization tends to persist for awhile as individuals depart and are replaced. Eventually, however, emerging leaders and different external conditions will combine to forge new visions and force new strategies that fit a new time.

The OEO vision still has weight. Lawyering is still a critical tool for empowering a low-income community and advocating for the rights of vulnerable people who would otherwise not be heard. Nevertheless, it seems likely that the OEO vision must give way to a post-Reagan reconceptualization.

We are on the threshold of a momentous change. In the next five or ten years, lawyers born in the forties and weaned as lawyers in the OEO era will be giving up their positions of leadership in our programs. The new leaders that replace them will come from a later generation and will inevitably bring with them a different sense of mission and a different set of goals. This transition has already begun. In Massachusetts, for example, only two of the thirteen people who were Executive Directors of field programs in 2005 are still Executive Directors. Ten men and three women, average age more than 60, all of them white, have been succeeded by a group of four men and six women, average age in their early 50s, two of them black and one Hispanic.

This is no longer an OEO legal services delivery system. It is a post-Reagan system. Its work will be grounded in a sophisticated, mature appraisal of justice and poverty in the 21st century. Its vision will be revolutionary but will fit its time. Perhaps because the OEO-era leadership is still holding on, the voice of the new vision is still muted. But I am confident that the new voice will be strong, creative and authentic. In fact, maybe the other two undercurrents discussed in this essay are that voice, beginning to seize the future.

Reconceiving the justice system

Contrary to popular opinion, the struggle for equal justice may never have been stronger in the United States than it is today. It's just that a major part of it is taking place in a totally different form than anticipated by the planning of our legal services community.

Our prevailing image of the need for reform in the justice system is lawyer-centered and adversarial. We have studied the incidence of legal needs among our eligible population and built an institution that deploys its legal professionals to offer legal advice and, for a small percentage of folks with serious problems, legal representation in judicial and administrative proceedings. Our planning for the future has projected this image into larger frames with more resources.

But fundamental change has been taking place in our legal system while we have been busy making our plans.[8] There have always been large majorities of low-income folks going through legal processes without a lawyer. They used to be voiceless, usually defaulting or showing up to be dismissed by judges and clerks. In the 60s and 70s, legal services lawyers began to give them voice with cases like Goldberg v Kelly. Our vision was one in which a legal services lawyer or paralegal took each case, analyzed the facts, applied the law and guided the client to a just result. We articulated this vision in policy documents and funding proposals.[9]

Of course, we paid attention to the plight of those who could not make it through our waiting lists and queues to representation. The person proceeding "in pro per" or "pro se" got a share of our resources through clinics, written materials, telephone advice, hotlines and, more recently, LegalHelp websites. Along the way, the unrepresented party became a "self-representing litigant" ("SRL").

While we were nibbling at the edges of the vast array of SRLs, the courts were being swamped by the mass of increasingly-informed parties. Gradually, the judicial branches around the country began to figure out some strategies that helped. Self-help centers, information desks and law librarians began to channel SRL energy in more useful ways. Educational programs and ethics opinions supported judges and clerks who began helping SRLs navigate the judicial maze and speak effectively in court. Mediation and conciliation programs brought professionals into dispute resolution roles. Lawyer for the Day programs developed non-representation approaches that guided SRLs through their day in court. On line, more and more standardized forms became available along with increasingly flexible and competent tools for finding and using those forms.

At the same time, the ranks of helping professionals offering legal help to low-income individuals with legal problems also grew. Usually without any sense of the broader context in which individual developments occurred, non-lawyers began to dispense legal information and even take advocacy roles. Perhaps the largest number of these new members of the justice community are found in social service agencies, helping their clients obtain benefits and improve their lives through administrative agencies. Most recently, LSC has been emphasizing the role of public librarians who have computers with which to find LegalHelp websites and training in research methods that are easily applied to finding the law. Inevitably, some of these social service workers accompanied their clients to courts and administrative agencies and sometimes were thrust into speaking roles.

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[8] John Lennon, Beautiful Boy ("Life is what happens to you while you're busy making other plans.")

[9] See, e.g., PAG, Equal Justice for People in Poverty (1993); NLADA and CLASP, Toward a Comprehensive, Integrated, Client-centered, Statewide Delivery System (2000); American Bar Association, Standards for Providers of Civil Legal Services (1986) and ABA, Standards for the Provision of Civil Legal Aid (2006).

I believe these trends are going to grow and gradually transform operative visions of equal justice. There were never going to be enough lawyers to staff a full representation model of a delivery system. Instead, non-lawyers are going to continue coming into information and advocacy roles, meeting the judicial and administrative agency strategies for managing the flood of SRLs. The promise of these new approaches is access to just outcomes without a lawyer.

A hint of a next step along these lines can be seen in Turner v. Rodgers,[10] decided by the U.S. Supreme Court last June. The case asked whether an obligor could be sent to jail without having been provided with a lawyer at a civil contempt hearing for failing to pay child support. The Court ruled that he could. But the reasoning was not simply the traditional explanation that the obligor had the keys to his jail cell – pay and get out. Rather, the Court suggested that the due process clause, under which counsel was required in criminal proceedings, did not always require a lawyer. Other approaches that offered fundamental fairness could suffice. The door to more non-lawyer systems of helping SRLs work out their cases swung open a bit wider.

There will be plenty of legal services work to do as this future emerges (if it does).[11] Lots of courts have yet to embrace the best practices that are being developed, and making sure that fundamental fairness is actually the result of new systems will require vigilance. Allied professionals will need good legal materials to work with and training in relevant law. Some SRLs will have complex disputes that call for a lawyer's skills to unravel and policy advocacy will still be essential.. Nevertheless, the road to justice for many low-income individuals is improving.

New funding mechanisms

Money and politics are at the root of the present depression among legal services supporters. The great early hopes for the Legal Services Corporation seem irretrievably compromised. The recent Tea Party theatrics only confirm what has been apparent for 30 years. LSC and its grantees are in a fishbowl, Any sign of leadership from LSC that can be seen as supporting OEO-era visions will be interpreted as taking a side in the culture wars. Indeed, because legal disputes so often involve values clarifications by courts, LSC funding will remain a useful target for social issue ideologues even if LSC itself maintains a low profile.

While LSC's range is limited, the three currents discussed in this paper may all be ones that LSC can safely support. The mature institution needs an effective grant maker and performance monitor, and training for effective management and administration would be helpful. The foray into mentoring and leadership development was more risky; values-based decision making opens up more sensitive subjects. Similarly, the development of court-based methods of producing just

[10] June 20, 2011.

[11] As this article was being prepared for print by the MIE Journal, Margaret Marshall, the former Chief Justice of the Massachusetts Supreme Judicial Court, suggested that this subtle shift in vision was under way. In an Op Ed piece calling for financial contributions to support legal aid, Chief Justice Marshall inverted our traditional understanding of the role of legal services programs. "Nonprofit legal aid organizations are the most effective supplement to our court-sponsored programs for civil litigants in need." Boston Globe, October 29, 2011, p. A11 (emphasis added).

outcomes for SRLs is a pretty safe area for LSC leadership. The Technology Innovation Grant project seems well designed along those lines.

State-level funding – appropriations, IOLTA and filing fees – has been the prime area for growth during the last 25 years. State funders not only support the network of LSC grantees but, in many cases, give grants to other providers of civil legal services as well, so the network of state funders encompasses more of the national delivery system than LSC.[12] Despite the lowest interest rates of the modern era, historic levels of state debt and a long and deep recession, we appear to have maintained total national funding for civil legal services at pre-recession levels for the first two years of the recession. 2011 may well see a dip, but each year so far has brought surprises.

But reliance on discretionary appropriations from federal and state governments is inherently vulnerable to political upset. One approach that reduces that vulnerability is the campaign to establish rights to counsel in more civil cases. There is much to consider regarding this campaign,[13] but my point for this article is that the legal services community is already well on the way to new approaches to resource development that will cushion the effect of continuing political challenges regarding LSC. Europe is even further along on this road, providing an example to follow.

We might start with the massive funding for civil legal services that is already being spent in the states but simply not counted in these discussions. Many states have a right to counsel for parents facing termination of parental rights, for wards in guardianship petitions, for psychiatrically challenged individuals who lack competence to consent to the administration of drugs, and even in divorce and custody cases. All of these types of representation have been priority work for legal services programs in the past.

It appears that they are left out of our calculations of funding to the degree that the funding goes to public defenders. That may have made sense previously, but not when a concerted effort to establish more rights is under way. If a state adopts Article V of the Uniform Probate Code, and creates a right to counsel for wards in guardianship proceedings, the new funding should be included in our calculations of civil legal services funding whether a civil legal aid program or a defender legal aid program is receiving the money.

This is not a small matter. The Massachusetts public defender is the Committee for Public Counsel Services (CPCS). CPCS handles a variety of civil matters for which there is a right to counsel. Several years ago, when IOLTA funding was more robust,[14] the CPCS civil budget was

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[12] There are some large providers that eschew LSC dollars because of the restrictions (e.g., CLS in Philadelphia, Legal Aid Society in NYC and GBLS in Boston), do not qualify for LSC grant lines (e.g., state support and national support centers whose LSC funding was eliminated by Congress in 1996) and there are many smaller advocacy organizations that cannot compete for LSC dollars but play important roles in state delivery systems.

[13] See L.Powers, J.Bamberger, G.Singsen & D.Miller, Key Questions and Considerations Involved in State Deliberations Concerning an Expanded Civil Right to Counsel, M.I.E. Journal Summer, 2010, p.10.

[14] Massachusetts' IOLTA Committee earned $32 million in 2008. In 2010 its receipts fell to $9.2 million, which was the second highest state total that year.

larger than the total funding of the rest of the civil legal services community. This appears to be true in other states as well.[15]

The key to the future stability of legal services is that the funding is perceived as a right. Compared to LSC, or to a discretionary state appropriation, a right to counsel is more likely to be funded. There can still be battles over the amount of the appropriation. Public defender budgets have been cut by governors and legislatures. But we rarely encounter a situation in which the budget might be eliminated entirely.

Along with a right to counsel strategy, another path that reduces dependence on government grants is to be more entrepreneurial. For example, collecting attorneys' fees holds the potential to generate new revenue. Even greater revenue is available though carefully chosen fee for service work. LSC has restrictions on fee-generating cases that need to be observed, but it is feasible to work together with local bar referral systems to provide legal assistance to financially ineligible clients. Any private lawyer who wants to participate can do so. No clients should be taken whose income exceeds some level agreed to with the bar (such as 250% of the poverty line).

In the long run, there are two other developing approaches to fund raising that promise greater independence from the government grant cycle. The first is the burgeoning Medical-Legal Partnership movement. In the long run it appears possible that the most efficacious remedy for certain medical conditions is a lawyer. The paradigmatic case is childhood asthma, which in some instances can be all but cured by forcing the landlord to get rats and roaches out of the building. If further research reveals other such circumstances, or similar conditions in which a lawyer is one part of a well-designed treatment team,[16] the day may not be far off when the New Yorker cartoon shows a doctor handing a prescription slip to someone and saying, "Take two lawyers and call me in the morning."[17] The national cost of health care in the United States was $2.5 trillion in 2009.[18] One-tenth of one percent of that cost would be $2.5 billion.

The second road to financial independence is general charitable giving. Some legal services programs have become quite successful at raising funds from lawyers, and it is appropriate for lawyers to support legal assistance for the poor. But legal services is a service to the whole community, not just the poor or the lawyers. Like hospitals, museums, the symphony or the boys club, a legal aid society doing its job is a vital element of a healthy community. Without it, a

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[15] Although not germane to this essay, it is worth noting that we also omit Protection and Advocacy funds and Ombudsmen funds unless they are received by a traditional legal aid society. Excluding them from our conception of the legal services community is the first step to excluding them from our awareness as allies.

[16] For example, the new health care law creates incentives for hospitals to reduce the frequency with which surgical patients return to the hospital after being discharged. It's easy to imagine a lawyer as part of a discharge planning team and a post-discharge support team.

[17] See Singsen, Take Two Lawyers (speech to Medical-Legal Partnership Summit Conference, March 26, 2010. http://www.medical-legalpartnership.org/sites/default/files/page/Gerry%20Singsen's%20Remarks%20--%20Take%20Two%20Lawyers.pdf

[18] Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services, National Health Expenditure Accounts 2009

town is a less desirable place to live, work or raise children. It's time for legal services to take its proper place as one of our cherished institutions.

I began this essay with MIE's question, why the public doesn't love justice more? I'm ending with the suggestion that it does love justice more than we know, but we haven't been asking the question right.

One personal note about these developments is important. I don't like them all. I am a product of my times, and long ago hitched my wagon to the engine of high quality representation. The catch phrases and explanations of this vision have filled my years. They come down to believing that legal services should aspire to develop a full understanding of a client's legal situation, assess a full array of legal tools with which to pursue remedies under the law, implement strategies with a high degree of skill in the use of those tools and give an informed client the choice about which remedies to pursue. This is, of course, the vision of legal services that wealthy individuals and thriving commercial institutions have.

Current developments seem to be leading us to a less expensive, less adversarial system of meting out justice for the 70% or more of us who cannot afford the price of high quality representation. The emerging system falls short of equal justice under law, just as most human inventions fall short of their aspirations. I hope for more in the hands of the new leaders. But I believe we are headed toward more justice for more low-income people and that our generation has done its part in creating that best of all possible worlds.

Very truly yours,

Antone G. Singsen III