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Closing the Confidence Gap: Legal Education's Role

CLOSING THE CONFIDENCE GAP: LEGAL EDUCATION'S ROLE

BY ALAN MERSON*

One aspect of America's present urban dilemma is a crisis of confidence in the legal system. Professor Merson has been intimately involved in recent efforts to bridge this "confidence gap" in Denver, Colorado, through his activities in the Denver Model Cities Program and as Director of Urban Legal Studies at the University of Denver College of Law. In order to meet this confidence gap, he urges the legal profession to address itself not only to providing more adequate legal representation of the poor, but also to institutional reform, legislative revision, and community education. He details the involvement of the College of Law in the Model Cities Program, the success of which suggests a very special role for legal education in discharging this responsibility. The law school may thus be viewed not only as a vehicle for professional education, but as an institution committed to developing a wide range of human resources in the larger community.

INTRODUCTION

THE urban crisis is not simply a crisis of economic deprivation; it is, in its most significant dimension, a crisis of confidence in the American system. Without attempting to define "the American system," we can surely say that its legal framework and the legal institutions it has spawned are prime determinants of the economic, social, and political arrangements which characterize it. If indeed there are defects in "the establishment" which have caused this crisis of confidence, it is not surprising to see the legal establishment share much of the blame.

"How can we view the legal system as a vehicle for social change when every day we see it serving only the interests of the wealthy and the powerful?" This is a question repeatedly asked of lawyers who seek to serve the poor and thereby attempt to offer legal alternatives to self-defeating violence. It is certainly a question which has arisen often in Denver's recent efforts to bridge this confidence gap.

To be critical of existing legal institutions and current methods of distributing legal services is not to deny a rather remarkable disposition on the part of the legal profession generally to promote a more egalitarian distribution. The efforts of the Office of Economic Opportunity to provide greatly expanded neighborhood legal services has received strong support from the Amer-

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ican Bar Association and from many state and local bar associations.¹ However, as everyone acquainted with legal aid is well aware, simply providing more lawyers to handle individual cases will never meet the demand. A recent study in Denver has demonstrated the likelihood of ever-increasing caseloads far outstripping the capacities of even greatly expanded staffs.² The study clearly demonstrates that most legal problems are unperceived.³ Adding lawyers to neighborhood law offices in a usual and often niggardly arithmetic progression, however laudable and necessary, may well create a new Malthusian dilemma by simply promoting legal needs in a rapidly accelerating geometric ratio.

This point, hardly a matter confined to the Denver area, has not been lost on thoughtful leaders in the legal services field.⁴ The concept of group legal services, while not yet bearing the American Bar Association's seal of approval,⁵ has survived constitutional challenge⁶ and is certainly one hopeful response to the growing legal needs of middle class and low income clients. Furthermore, current efforts in Chicago and Detroit to make group representation relevant to the common needs of large numbers of poor people, *e.g.*, public housing tenants and welfare recipients, may

¹ The Office of Economic Opportunity's Legal Services Program evolved from the Economic Opportunity Act of 1964, 78 Stat. 508 (codified in various sections of 42 U.S.C.), Title II-A of which denotes a purpose "to provide stimulation and incentive for urban and rural communities to mobilize their resources to combat poverty through community action programs." *Id.* at 516. (This statement of purpose has been broadened by a 1967 amendment. 42 U.S.C.A. § 2781 (Supp. 1969)). Although the Act did not specifically authorize a legal services program, the report of the Senate Committee on Labor and Public Welfare indicates a legislative intent not to exclude such a program. S. REP. No. 599, 89th Cong., 1st Sess. 3501 (1965). The House of Delegates of the American Bar Association adopted a resolution on February 8, 1965, pledging cooperation with the Office of Economic Opportunity in developing an expanded program for legal services to the poor. CCH P.O.V. L. REP. § 6110 (1968); 51 A.B.A.J. 548, 551 (1965). See also the remarks of Louis F. Powell, Jr., at the National Conference on Law and Poverty, reprinted at 51 A.B.A.J. 751 (1965). Somewhat later, state and local bar associations added their endorsement of the program. See *In Re Community Legal Services, Inc.*, No. 4968 (C.P. Ct., Philadelphia County, May 10, 1967). This is not to deny the often grudging nature of the endorsement and the occasional challenges to the program's legality pressed by certain state and local bar associations. CCH P.O.V. L. REP. § 6110 (1968).

² G. SYKES, LEGAL NEEDS OF THE POOR IN THE CITY OF DENVER (Research Report of the College of Law, University of Denver, financed under a grant from the Office of Economic Opportunity, 1968).

³ *Id.* at 60.

⁴ See Address of Earl Johnson, Jr., Director of the OEO Legal Services Program, in Cambridge, Massachusetts, March 17, 1967, in PROCEEDINGS OF THE HARVARD CONFERENCE ON LAW AND POVERTY 1 (1967).

⁵ The A.B.A. Special Committee on Availability of Legal Services recommended the sanctioning of group legal services arrangements at the August 1968 Annual Meeting of the American Bar Association. 54 A.B.A.J. 851 (1968). Action was deferred, however, to permit further testimony by spokesmen for state and local bar associations. 13 AMERICAN BAR NEWS, No. 11, at 6 (Nov., 1968). The House of Delegates again deferred action on this matter at their January 1969 meeting.

⁶ See *N.A.A.C.P. v. Button*, 371 U.S. 415 (1963); *Brotherhood of Railroad Trainmen v. Virginia ex rel. Va. State Bar*, 377 U.S. 1 (1964); and *United Mine Workers of America, District 12 v. Illinois State Bar Assoc.*, 389 U.S. 217 (1967).

provide patterns for emulation nationally.⁷ The Office of Economic Opportunity's Vista Lawyer Program,⁸ together with pioneering efforts in group legal representation on a statewide basis by California Rural Legal Assistance and Alaska Legal Services,⁹ suggest a national justification, both urban and rural, for restructuring legal aid to accommodate the group model.

In looking to group legal services and group representation as appropriate responses to the legal system's crisis of confidence, there is a tacit assumption that providing representation, individually or collectively, to those previously unrepresented can begin to build greater confidence in the legal system. While this is probably a fair assumption, it is questionable that representation in whatever form can do the job alone. Institutional reform is, and must be, a concurrent goal. Thus, municipal law can probably be administered more effectively and inspire greater trust among denizens

⁷ See 1 COMMUNITY LEGAL COUNSEL REP. 1 (1968):

Community Legal Counsel (CLC) is the operating name given to a combination of two legal assistance programs: (1) the Community Counsel Demonstration Project, funded by the Office of Economic Opportunity's Legal Services Program as a pilot study in poverty group representation; and (2) the VISTA Community Counsel Project, supported by OEO's Volunteers in Service to America (VISTA). The National Legal Aid and Defender Association (NLADA) is the sponsor and recipient of the Legal Services Program grant. National Association of Community Counsel administers both projects under contracts with NLADA and VISTA.

CLC maintains offices in Chicago and Detroit. Its lawyers serve as "corporate" counsel for organizations and groups seeking to combat poverty conditions in slum areas. Staff lawyers labor to identify and develop the legal processes necessary for slum residents to participate in resolving their own problems and rebuilding their communities. Attention is focused on community-wide problems such as urban renewal, Model Cities, public education, hospital and medical services, housing development, code enforcement, tenant rights, and police abuses.

CLC's services range from advice to representation in litigation and appeal. Assistance is provided in all types of organizational activities from incorporation and obtaining tax exempt status to actions for declaratory judgments and injunctions. CLC lawyers research appropriate law and advise clients of opportunities, rights, and responsibilities. They explain the legal implications of various activities and, if necessary, suggest possible alternative courses of action. They provide guidance in documenting community needs and abuses and assist in developing the legal and moral arguments necessary to obtain public understanding and support for group activities.

See Note, *Beyond the Neighborhood Office — OEO's Special Grants in Legal Services*, 56 GEO. L.J. 742 (1968).

⁸ *Advocates of Change — A Challenge for Lawyers*, 4 VISTA VOLUNTEER MAGAZINE 16 (Mar., 1968).

⁹ Both programs were funded in 1966 by the Office of Economic Opportunity to provide legal services primarily to the rural poor. The California program, led by James Lorenz and Gary Bellow, has had a profound effect on the legal stance of California's migrant farm workers, resulting largely from its well-publicized efforts to halt bracero importation and to prevent a drastic reduction in medical services to the poor. See Cray, *Social Reforms Through Law*, THE NATION, Oct. 14, 1968, at 5-9. The Alaska program, slower in starting, has pioneered in the use of non-professionals as investigative aides, enabling it to establish the kind of rapport with Alaska's native poor to gain acceptance as "house counsel" for various native groups. See Howitt, *Alaska's OEO Program Gets Under Way With Offices in Four Cities*, 6 ALASKA L.J. 97 (1968); D. Pearson & J. Anderson, *Hickel Balked at Curbing Alaska's Water Pollution*, THE DENVER POST, Jan. 7, 1969, at 16, col. 3.

of the ghetto if New York City's pattern of neighborhood city halls were to be followed.¹⁰

In some instances, however, institutional change may not be nearly so beneficial as bypassing an institution entirely. For example, rather than expanding what may well be an already topheavy court structure, the administration of justice might be enhanced by excluding from the primary jurisdiction of the courts two important classes of cases: (1) those involving housing and (2) those involving the claims of finance companies and collection agencies. In both classes an arbitration procedure could be developed to relieve the courts of their large caseloads and to supply a professional expertise more suited to an administrative framework than the adversary system.¹¹ So long as the courts are in a position to reassert jurisdiction in cases where arbitration fails, it is difficult to see how even compulsory arbitration of this type can unduly prejudice either side.¹²

If the substantive law itself is unfair to certain classes of people, institutional innovation will obviously be of limited value. One need not be especially astute to perceive that landlords and sellers have traditionally been the beneficiaries of both legislation and judicial doctrine in their favor and against the interests of tenants and consumers.¹³ Clearly, the only way to restore confidence in the law's ability to administer evenhanded justice when the substantive law itself is discriminatory is to redress the balance through basic legislative changes. Thus, more recent legislation defining the rights and duties of landlord and tenant tends to abandon medieval property law concepts in favor of a contractual approach, emphasizing mutuality of obligation.¹⁴ The Consumer Credit Pro-

¹⁰ See NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS 294-95 (1968); *The City and the Slum: New York Experiment in Communication*, unpublished address by Robert M. Blum, Assistant to the Mayor, City of New York, in Portland, Oregon, March 30, 1968.

¹¹ See remarks of Dr. Edgar S. Cahn in PROCEEDINGS OF THE HARVARD CONFERENCE ON LAW AND POVERTY, *supra* note 4, at 55-59.

¹² The Cleveland Legal Aid Society has been supervising the Hough Housing Improvement and Arbitration Project, described in the Society's PROPOSAL FOR THE HOUGH HOUSING IMPROVEMENT AND ARBITRATION PROGRAM (Jan. 20, 1967), and summarized in CCH P.O.V. L. REP. §§ 7730.35, 7425, & 8300.44 (1968). See Note, *supra* note 7, at 770-73 (1968); *Tenants' Grievances Pressed in Rabbinical Court*, 3 LAW IN ACTION 1 (Aug., 1968). See also remarks of John A. Spanogle, Professor, University of Maine Law School, adumbrated in 1966 SUMMARY OF CONFERENCE PROCEEDINGS: NATIONAL LEGAL AID AND DEFENDER ASSOCIATION 7.

¹³ Carlin, Howard & Messinger, *Civil Justice and the Poor*, 1 LAW & SOCIETY REV. 9, 13-16 (1966); Willier, *Legislation to Help the Poor Consumer and How to Get It*, in OHIO STATE LEGAL SERVICES ASSOC., COURSE ON LAW AND POVERTY: THE CONSUMER § 2.01 (1968).

¹⁴ See, e.g., Michigan's recently enacted *Tenant's Bill of Rights*, embodied in [1968] Mich. Pub. Act No. 297, § 1, and codified in MICH. COMP. LAWS ANN. § 600.5637 (Supp. 1969). See generally Schoshinski, *Remedies of the Indigent Tenant: Proposal for Change*, 54 GEO. L.J. 519 (1966).

tection Act¹⁵ and the Uniform Consumer Credit Code¹⁶ are similar but somewhat less bold attempts to redress the balance respecting consumers' rights and remedies.

In addition to (1) more and better legal representation, (2) institutional change and innovation, and (3) legislative reform, the most enduring ally of social change within the ordered framework of existing institutions would be community legal education on a much broader scale than now exists anywhere in this country. In spite of notably ambitious programs in Cincinnati, Atlanta, New Haven, and Kansas City,¹⁷ the techniques currently employed, *i.e.*, pamphlets, talks, and occasional radio and television dramatizations, fail to realize the potential afforded us by the communications media's present state of the art.¹⁸ Furthermore, community legal education has not received the kind of support and intellectual input from those responsible for professional legal education which one might have expected. Indeed, in all of the approaches mentioned thus far to meet the legal system's confidence gap, the law schools have, with rare exception,¹⁹ failed to provide aggressive leadership.

How, then, can legal education begin to provide leadership to the profession and to the community in meeting pressing urban needs? To gain even a preliminary perspective, legal education must necessarily be viewed in the larger context of university involvement in community affairs. Unless one is willing to retreat into the elitism of Jacques Barzun,²⁰ a view of the university as an institution of, by, and for the community is inevitable. Thus, the university may have important teaching and research goals, but if *l'affaire Columbia* demonstrated nothing else, it should prove that expect-

¹⁵ 15 U.S.C.A. § 1601 (Supp. 1969).

¹⁶ Revised Final Draft, UNIFORM CONSUMER CREDIT CODE. There is a substantial question whether either act will, in fact, materially advance the interests of low income consumers. A joint NLADA-OEO task force, although critical of several features of the UCCC, concludes that "it represents a fair compromise between the position of reputable merchants and extenders of credit and the position of the consumer." *Major Program Effort Urged on UCCC*, 3 LAW IN ACTION 8, 9 (Dec., 1968).

¹⁷ The programs in Cincinnati, Atlanta, and Kansas City are operated by OEO-funded legal aid societies. See Harris, *Community Legal Education: Its Role in Legal Services*, 27 LEGAL AID BRIEFCASE 91 (1968) and the remarks of Ralph Crisci in 1967 SUMMARY OF CONFERENCE PROCEEDINGS: NATIONAL LEGAL AID AND DEFENDER ASSOCIATION 177-80. The New Haven program is conducted by the OEO-funded Dixwell Legal Rights Association, Inc., which is directed by a law student. See Note, *supra* note 7, at 747-53.

¹⁸ See H. MENDELSON, OPERATION GAP-STOP, A STUDY OF THE APPLICATION OF COMMUNICATION TECHNIQUES IN REACHING THE UNREACHABLE POOR (Feb., 1968). This project was financed by the U.S. Office of Education and operated by the Communication Arts Center of the University of Denver.

¹⁹ See note 24, *infra*.

²⁰ J. BARZUN, THE AMERICAN UNIVERSITY: HOW IT RUNS AND WHERE IT'S GOING (1968).

tations concerning the university's role unavoidably include an element of community service. Surely, the university need not be dragged kicking and screaming into accepting this responsibility. The very nature of the institution as a repository of learning would appear to argue for the employment of that learning in resolving the knottiest of society's dilemmas.

The Dean of the University of Denver College of Law, Robert B. Yegge, has recognized the significance of community service as a law school function, not only for its intrinsic worth but also for its unique pedagogical value.²¹ Consequently, the University of Denver College of Law, which in 1904 had become the first law school to grant credit to students working in a legal aid clinic, embarked decisively upon a course of thoroughgoing community involvement in collaboration with the Denver Model Cities Program. Other law schools, notably the University of Detroit Law School, have made similar commitments to urban involvement.²² What follows here is simply a brief chronicle of one law school's contribution to erasing the confidence gap.

I. DENVER'S URBAN PROGRAM

The Department of Housing and Urban Development designated Denver a "model city" on November 16, 1967.²³ This proved

²¹ The University of Denver's Administration of Justice Program, founded by Dean Yegge in 1963,

is a unique attempt to bring law and the social sciences together in a fully cooperative effort. . . . [The Program] is staffed by lawyers, social scientists and members of the judiciary

The aims of the program embrace teaching, research and service to the community. Participation by law students forms an integral part of the program's activities and provides a significant opportunity for the student to deepen and broaden his understanding of the law in operation.

69 UNIVERSITY OF DENVER, UNIVERSITY OF DENVER BULLETIN: COLLEGE OF LAW 16 (Dec. 30, 1967). See also 1968 ANNUAL REPORT OF THE ADMINISTRATION OF JUSTICE PROGRAM.

²² The University of Detroit School of Law received an OEO grant in the fall of 1965 to launch a program of community legal education, representation of indigent clients, and a restructuring of its curriculum to focus on urban legal problems. Its law review, renamed the Journal of Urban Law, concentrates on the legal problems of the urban poor. Law schools at the University of Pennsylvania and the University of Michigan are funded by OEO to train Reginald Heber Smith Community Lawyers. The training is designed to provide the participating lawyers with a background in the field of poverty law in preparation for a year's field work with legal services programs throughout the country. Similarly, George Washington University and New York University are offering programs for VISTA lawyers which lead to the degree of Master of Laws. Harvard Law School, already administering its highly successful Community Legal Assistance Office, will initiate on July 1 of this year an LL.M. program for prospective teachers in clinical-legal education. 43 HARVARD LAW RECORD 1 (Oct. 6, 1966); 20 HARVARD LAW SCHOOL BULL., at inside front cover and at 6-9 (Jan., 1969).

²³ The effect of this designation was to provide the city of Denver with a 1-year planning grant of \$223,000.

to be the catalyst for the University of Denver College of Law's entry into the community development arena. Although there is hardly a necessary dependence upon the existence of a local Model Cities Program for law school community involvement, it may be instructive to take a brief look at the particular federal enterprise which afforded the law school its best opportunity for urban action. Quite clearly, there are any number of federal, state, and local programs which might provide a similar handle for law schools in virtually every part of the country.²⁴ Several of these programs, including Model Cities, lack a specific legal emphasis; however, that in no way negates a major role for law schools in such programs.

Viewing the Model Cities Program as a prototype for law school community involvement, let us first examine the program's statutory purposes and then see how, in fact, institutions of legal education may advance virtually every one of these purposes.

To paraphrase the literature of the Department of Housing and Urban Development, Title I of the Demonstration Cities and Metropolitan Development Act of 1966²⁵ provides for a new program designed to demonstrate how the living environment and general welfare of people living in slum and blighted neighborhoods can be substantially improved in cities of all sizes and in all parts of the country.²⁶ It calls for a comprehensive attack on social, economic, and physical problems in selected slum and blighted areas through concentration and coordination of federal, state, and local efforts.²⁷ The statute provides for financial and technical assistance to enable cities to plan, develop, and carry out comprehensive local programs containing new and imaginative proposals to create "model" neighborhoods.²⁸ Any municipality, county, or other public body having general governmental powers (or two or more public bodies acting jointly) is eligible to participate.²⁹

Thus, the Model Cities Program is designed to exert a substantial impact upon the basic problems of human and physical

²⁴ Chief among these is the Legal Services Program of the Office of Economic Opportunity. However, the Departments of Justice, Health, Education and Welfare, and Housing and Urban Development all possess funds which a fertile mind can channel into law school coffers. Title XI of the Higher Education Amendments of 1968 will probably be providing up to \$75,000 for virtually every law school interested in providing an expanded clinical experience program for its students. Pub. L. No. 90-575 (1968). See also Hetzel, *The Model Cities Program: A New Opportunity for Legal Skills*, 27 LEGAL AID BRIEFCASE 107 (1969).

²⁵ 42 U.S.C.A. § 3301 *et seq.* (Supp. 1969).

²⁶ U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, IMPROVING THE QUALITY OF URBAN LIFE: A PROGRAM GUIDE TO MODEL NEIGHBORHOODS IN DEMONSTRATION CITIES, HUD PG-47, § 1.1.1 (Dec., 1967).

²⁷ *Id.*

²⁸ *Id.*

²⁹ 42 U.S.C.A. § 3312(3) (Supp. 1969).

deterioration in the urban environment. The program at the local level is required to deal with the most deeply rooted social and environmental problems of a neighborhood. The Act itself lists the following purposes:³⁰

- (1) to rebuild or revitalize large slum and blighted areas,
- (2) to expand housing,
- (3) to expand job and income opportunities,
- (4) to reduce dependency on welfare payments,
- (5) to improve educational facilities and programs,
- (6) to combat disease and ill health,
- (7) to enhance recreational and cultural opportunities,
- (8) to reduce the incidence of crime and delinquency, and
- (9) to establish better transportation between homes and jobs.

Note that purpose eight is the only one to have a direct relationship to the law. It was natural, therefore, that the University of Denver College of Law's formal participation in the 1-year planning phase of the program was restricted to developing innovative approaches to the extension of legal services to the poor.³¹ With this rather limited mandate, however, the law school has found it possible to broaden the base of its involvement to include activities in each of the four areas mentioned above in which the legal system's confidence gap must be closed.

II. REPRESENTATION AND ADVOCACY

To meet even its limited contractual responsibilities, it seemed apparent that the College of Law would have to go far beyond simply interviewing the officials of agencies now involved in rendering legal services to the poor. The Model Cities Act itself suggested the direction our program had to take, *i.e.*, close involvement with the residents of the designated neighborhoods in an attempt to

³⁰ 42 U.S.C.A. § 3301 (Supp. 1969).

³¹ The College will undertake a specific study of the legal problems of the residents in the Model Neighborhood Areas in order to develop a system or systems which can more adequately meet the needs of the residents' legal problems which are presently not being met because of the current limitations of the existing services and institutions available to the residents.

.....
The College will work with the resident planning committees on Police-Community relations and legal aid, the Resident Steering Committee, and the Resident Policy Task Force, primarily, and secondarily with all other resident planning committees, in order to obtain resident response and ideas as to their existing legal problems and to assist in devising methods available to provide possible solutions to these problems.

Agreement of July 3, 1968, between the City and County of Denver and the University of Denver.

define the major problems and to design programs to meet them.³² Accordingly, faculty members and law students working with them were invited to meet regularly with the resident planning committees of the Denver Model Cities Program. Resident committees were created to deal with such concerns as physical planning, adult education, welfare, manpower, legal services, police-community relations, and economic development. One faculty member was designated a "technical coordinator" to the committees on legal services and police-community relations to assist both committees in supplying needed data and in informing them of alternative courses of action to be considered as responsive to the problems uncovered. The role of the law students was somewhat different. They were to act as advisors, counselors, and advocates for the committees with which they worked. They were not only to inform the committee members of alternative courses of action and to assist in articulating the needs and desires of the committees, but to represent the committees in dealing with third parties. Note that the law students did not simply work with those committees having a special interest in law reform. They acted as advocates and counselors for every one of the 13 resident committees created to deal with the nine statutory aims.³³

³² 42 U.S.C.A. § 3303(a)(2) (Supp. 1969) requires "widespread citizen participation in the program . . ." The Department of Housing and Urban Development has outlined some rather extensive performance standards for citizen participation. For example:

In order to provide the citizen participation called for in the Act, there must be some form of organizational structure, existing or newly established, which embodies neighborhood residents in the process of policy and program planning and program implementation and operation. The leadership of that structure must consist of persons whom neighborhood residents accept as representing their interests.

The neighborhood citizen participation structure must have clear and direct access to the decision making process of the City Demonstration Agency so that neighborhood views can influence policy, planning and program decisions. That structure must have sufficient information about any matter to be decided for a sufficient period of time so that it can initiate proposals and react knowledgeably to proposals from others. In order to initiate and react intelligently in program matters, the structure must have the technical capacity for making knowledgeable decisions. This will mean that some form of professional technical assistance, in a manner agreed to by neighborhood residents shall be provided.

Where financial problems are a barrier to effective participation, financial assistance (e.g., baby sitting fees, reimbursement for transportation, compensation for serving on Boards or Committees) should be extended to neighborhood residents to assure their opportunity to participate.

Neighborhood residents will be employed in planning activities and in the execution of the program, with a view toward development of new career lines, including appropriate training and modification of local civil service regulations for entry and promotion. Memorandum COA Letter No. 3, from the Model Cities Administration of the Dep't of Housing and Urban Development to all prospective applicant cities, Oct. 30, 1967.

³³ See Note, *A Honky in Povertyland*, 46 DENVER L.J. 130 (1969) for a report of one law student's participation in the program.

The theory which helped define the law student's role is based on the assumption that poor people will never develop a loyalty toward the legal system until that system is shown to be capable of being manipulated for their benefit. The poor have long viewed the legal system as an instrument of exploitation and lawyers as the system's agents for exploiting them. By providing the resident committees with at least a modicum of legal competence, it was hoped that this pattern might be reversed.

Throughout most of the past year, there have been 12 law students working on a day-to-day basis with the resident committees. By and large, the students have been able to inspire an amazingly high degree of trust in themselves and in the role of legal advocacy. There have been occasional problems with role identification when students were said to have exceeded their mandate and to have become advocates for one or another faction within a committee.³⁴ These instances have been surprisingly rare, however, compared with a generally high level of professional responsibility, resulting in approbation by program administrators and residents alike.

The foregoing is not to suggest the absence of serious risks to the law school in promoting this type of legal advocacy. In the first place, the role of the law students has been, and will continue to be, badly misinterpreted. Thus, law students have been accused of foisting their own ideas upon a group of ignorant and easily influenced citizens.³⁵ Local officials who are challenged by citizens' committees represented by the law students may prefer to view the law student as an instigator rather than as an advocate.³⁶ As might be expected, the strongest pressures thus far have

³⁴ This is made more likely because there are representatives from two minority groups — Mexican-Americans and Negroes — serving on each committee. There is a tendency, too, for the committee chairman to view the student advocate as his personal counselor.

³⁵ This accusation was made by the Executive Director of Denver's Commission on Community Relations in a letter to the team of Federal officials responsible for reviewing Denver's Model City Plan: "In final analysis, in working through the proposals page-by-page, word-by-word, it becomes more and more evident that the residents were not speaking to the establishment — the assigned law students were projecting their pre-conceived ideas, and foisting them on the Model City program as ideas of the residents." Letter from Minoru Yasui, to Dr. Henry Welch, Chairman, Mr. Philip Milstein, Vice-Chairman, Interagency Policy Task Force, Denver Model City Program, Sept. 30, 1968.

Mr. Yasui's comments may not be entirely unrelated to the vehemence with which the Denver Police Department was then denouncing proposals of the Resident Police Community Relations Committee, treated *infra* at note 45.

³⁶ This has happened on more than one occasion, when the law student has done nothing more than draft a letter called for by committee members and signed by the committee chairman.

come from the local police with respect to the representation of citizens pressing for changes in departmental structure and conduct.³⁷

For a law school willing to risk a certain amount of opprobrium and its attendant political and economic insecurity, the

³⁷ The Resident Police-Community Relations Committee has had difficulties in its dealings with the police almost from the date of its creation on May 14, 1968. The committee's initial concern was with the "stop-and-frisk" procedures then employed by the Denver Police Department. The Chief of Police was invited on several occasions to meet with the committee, but at no time did he do so. As summer approached, the committee became increasingly concerned with the number of relatively minor incidents in largely Negro Northeast Denver, incidents in which mace and tear gas were rather extensively used by the police. Within a week's time in late June, a Black youth was shot by a patrolman and a Mexican-American youth was shot and killed by another police officer. On June 25, the committee met and drafted a proposal for establishing citizen patrols in the Model Neighborhood, known as Community Action by Local Marshals, later as Community Action by Local Men (CALM). The proposal's aim was as follows:

The purpose of CALM is to directly involve members of Denver's minority communities in promoting community harmony by establishing working lines of communication between the police and target area residents, and eventually to establish a cohesive force of dedicated young men whose purpose is the betterment of the quality of life of all residents of their communities.

....

CALM is to include 100 young men from the Black and Mexican communities to be employed to operate in those areas covered by Police Districts 1, 2 and 4. Ninety-five young men, 17-25 years old, will be employed, four additional men will serve as commanders, and one minority community member as a chief. This personnel would work one shift per day, seven days per week.

Identifiable uniforms would be worn. For immediate implementation, arm bands would serve. Personal cars could be funded for use immediately. City cars to be applied for in the ensuing weeks. All personnel will, of course, be unarmed at all times.

The Resident Police-Community Relations Committee, Proposal for Community Action by Local Men, 1 DENVER MODEL CITY PLAN (APPENDIX 1) 12-13 (Nov. 29, 1968).

Several attempts were made to contact the Chief of Police and have him participate in drafting the proposal. These efforts were unavailing. Nevertheless, the proposal received the approval of the local community action program and was hand-carried to the OEO office in Kansas City. OEO officials there expressed their admiration for the program and promised to press for its implementation when funds became available.

On June 28, the CALM proposal was officially submitted to the police department for comment. The only comment came in the form of public denunciations of the proposal in the local press. The Denver Post, July 3, 1968, at 2, col. 2. CALM was branded the work of Black Militants who were "making unreasonable demands." *Id.* The only possible justification for such a charge was that one member of the Police-Community Relations Committee was identified as a Black Panther and another as a self-proclaimed Black Militant. The remaining six active members of that committee could in no sense be said to have any links to militant organizations. It should be noted, too, that the committee's two student advocates — Kyle White and Robert Conclin — actively participated in drafting the proposal. The fact that by July 19th, the Denver Police Department had been bludgeoned into negotiating with the committee and had indeed been forced to give its grudging approval to the proposal is a remarkable tribute to the ability and dedication of White and Conclin. The activities of both students have, of course, been under heavy fire ever since, with resulting pressures on the law school to withdraw from its Model Cities role.

Naturally, the Police-Community Relations Committee's subsequent recommendations for psychiatric testing of police officers, establishment of a civilian review board, human relations training for police officers, elimination of discriminatory hiring practices by the department, and a more aggressive campaign for recruiting minority police officers served only to increase the pressure on the law school to withdraw its student advocates. 1 DENVER MODEL CITY PLAN (APPENDIX 1) 3 (Nov. 29, 1968). Fortunately, the Chancellor of the University and the Dean of the Law School, far from being intimidated by the pressure, have continued to support vigorously the role of student advocacy in the Denver Model City Program.

benefits accruing from this kind of program are of a high order. For one thing, it places the law school and its associated university community in the van of institutions seeking needed social change. It effectively catapults the law school into that select company of those who are seen by the alienated as allies of meaningful change. And it has done this largely because of the unique asset it, and it alone, possesses — the law student. For the law student has attributes which are combined in no other person. He has developed a measure of legal expertise which, while not complete, is sufficient to enable him to gain access to the legal system for those whom he seeks to represent. And secondly, in contrast to the licensed practitioner, his age is such as to create no generation gap, and his ties to "the establishment" are much less direct and visible. If the program is properly supervised, he does not practice law in a traditional sense, but he brings the tools of law to the aid of the disadvantaged. In some senses, he is the organizer, negotiator, planner, and advocate which the American Assembly asserts all future lawyers will have to be.³⁸

If, as seems likely, the legal system's crisis of confidence is most acute among the younger members of militant organizations like the Black Panthers and Brown Berets, then the law student, aided by his school and by equally committed allies within the practicing bar, is in a position to provide meaningful legal alternatives to otherwise inevitable violence.³⁹

III. INSTITUTIONAL CHANGE

Seeking institutional reform is not a new role for law schools. The university, including the law school, has long been looked to by governmental and economic institutions for the expertise needed to make these institutions function more effectively. What *is* new today about the law school as an institutional reformer in the urban arena is that it is being called upon not by its traditional establishment allies, but by the poor and powerless to help them confront and compete with these older collaborators.

In the context of the Denver Model Cities Program, the College of Law was called upon to design the outlines of a municipal

³⁸ THE AMERICAN ASSEMBLY, REPORT OF THE AMERICAN ASSEMBLY ON LAW AND THE CHANGING SOCIETY 2 (Mar. 17, 1968).

³⁹ One need not be especially astute to observe this issue being presented time and again in the course of meetings with resident groups. The Denver Police Department notwithstanding, one of the signal achievements of the Denver Model City Program thus far has been to include members of the more militant organizations within its resident participation component. This at least permits the issue to be presented.

ombudsman. The intent was to offer the disadvantaged an additional means of public redress and hopefully to create a far greater measure of confidence that local government is prepared to respond to legitimate grievances. Although the law school, with a generous promise of assistance from the Ford Foundation,⁴⁰ prepared such a proposal and presented it to the Denver City Council, the ombudsman was unfortunately viewed by council members, under pressure from a hostile police force, as unduly violative of their prerogatives. Failure in this instance, however, hardly argues against continued efforts of this sort.

Unrelenting police pressure was also decisive in preventing adoption of certain fundamental changes in the structure of the police department itself. Dean Yegge headed a blue-ribbon commission which, aided by six law students, was responsible for several far-reaching recommendations.⁴¹ Although it could be argued

⁴⁰ This was entirely due to the forceful advocacy of Professor Walter Gellhorn of Columbia University on our behalf.

⁴¹ The City and County of Denver presently has two personnel agencies:
a.) The Civil Service Commission which deals with the policemen and firemen, known as certified employees, b.) Career Service Authority which deals with all other city employees.

Because of this dual set-up, there is no question that duplications of functions exist, thus creating a greater expense for the city.

The Committee is cognizant that policemen and firemen prefer to keep their retirement and sick leave benefits under the present system; however there is no question that the present system fails to devote as much time as necessary for recruitment, promotion, management, etc. The Career Service Board has more money, time and knowhow to better handle these functions. . . . Thus, your Committee recommends that the police and fire benefits protected by the Charter be retained . . . however, the recruitment, testing and certification function should be transferred to the professional secretariat of the Career Service Authority. In order to protect the impartiality of Career Service, all of the directors of the Service shall be appointed by the Mayor with the advice and consent of City Council.

....

. . . Mere experience no longer adequately serves the entire interests of the significant charge of the safety services. In addition to continuing education in-service, efficiency also requires pre-training of those participating or aspiring to participate in the all-important work of the safety services. There isn't such a thing as "instant policemen"; thus, the trial-and-error approach must be first preceded by systematic education and secondly assisted, in service, with the same carefully planned educational program.

The Committee feels that certain outmoded limitations upon the organization and practices of the Police and Fire Departments exist in the City Charter and/or the various rules applicable. To accomplish fully the demanded service, the Committee would urge that change in law and/or regulations be adopted which would not only allow safety services cadet programs, but would also permit entry by persons employing special skills into appropriate specialized positions.

Letter from the Civil Service Review Committee to the Honorable Tom Currigan, Mayor of the City and County of Denver, Sept. 16, 1968.

Although the committee's recommendations were endorsed by the mayor, the city council confronted 500 uniformed Denver policemen in its chambers on the night it considered the report. It is hardly surprising that the report received not one favorable vote. The Denver Post, Sept. 17, 1968, at 3, col. 1.

that the failure of these attempts at institutional reform may have produced increased bitterness in the minority community, one could hardly suggest that no efforts at reform be attempted. Furthermore, minority group members have come to look upon the law school itself as an appropriate vehicle for hastening reform.⁴² The law school's stature in this respect has been further enhanced by a current, ambitious attempt at institution-building — the development of a resident-controlled corporation for administering certain components of the Denver Model Cities Program.

The concept of Resident Participation, Incorporated, (RPI) originated with residents of the target area neighborhood who feared that at the conclusion of the Model Cities planning year there would be no meaningful role for the residents in implementing the projects they had helped design. Unlike neighborhood development corporations in other metropolitan areas with a primary emphasis on economic development,⁴³ RPI was to be an umbrella agency for both *political* and economic expression and control. Several law faculty members, 12 law students, and sympathetic members of the Denver Bar met with the putative board of directors of RPI, chosen by each of the 13 Model Cities resident committees, and evolved the articles, bylaws, and implementation strategy for the corporation. When it became known that the Department of Housing and Urban Development was unwilling to view the corporation as an appropriate delegate agency, at least until its capacity and expertise had been demonstrated, a law student suggested the creation of a "community development consortium" to be composed of Denver's leading educational institutions and to act as a nurturing parent to the resident corporation for a 1- to 2-year period. This consortium would provide (1) a channel for the funding of Resident Participation, Incorporated, during this period and (2) the training necessary for RPI to gain independent funding status

⁴² There is quite obviously an inverse relationship between the esteem in which the Law School is held by "establishment" organizations like the police department and the credibility it achieves in the minority community. Thus, the very hostility of the police toward Dean Yegge's report has aided the law school in building bridges to the Black and Brown communities.

⁴³ See Note, *Community Development Corporations: A New Approach to the Poverty Problem*, 82 HARV. L. REV. 644 (1969); *Community Development Corporations*, address by H. R. Taylor, Urban America National Conference on Non-profit Housing and Community Development Corporations, in Washington, D.C., Oct. 14, 1968; *The Ghetto & Co., Inc.*, 5 VISTA VOLUNTEER MAGAZINE 4 (Jan., 1969).

at the close of the period.⁴⁴ Once refined, this concept has emerged as the accepted pattern for community development under the Denver Model Cities Program.⁴⁵ In retrospect, it seems doubtful

⁴⁴ C. *Administration and Organization*

Initial Structure: The initial structure is based on the Community Development Consortium (CDC) which will represent the combined personnel and resources of the Colorado Council of Churches, Inc.-Core City Ministries (CCC-CCM), the Denver Center of the University of Colorado (CU) and the University of Denver (DU). CCC-CCM will be responsible for the direct participation of Target Area residents through the sponsorship of a private, non-profit corporation formed by, and consisting of, the resident planning component of the Denver Model City Program, Resident Participation, Inc. (RPI). The governing board of the CDC shall consist of two representatives each from CCC-CCM, CU, and DU, and six representatives chosen by RPI. The CDC shall be the delegate agency of the CDA (City Demonstration Agency, the arm of the city government responsible for administering the Model Cities Program) responsible for the administration of the continuing resident participation component of the Model Cities Program for the initial period of ten to twenty-four months.

Phase I — Training and Interpretation (6-13 months): The CDC will first divide the Target Area into sensible, cohesive neighborhood districts. It will then recruit and select 150 Target Area residents for training as part-time community developers. Fourteen full-time staff personnel will be employed to implement the program. The training of these residents shall be the responsibility of the RPI staff, CU, DU and CCC-CCM and shall include work in community development, effective leadership techniques, human relations theory and practice, and the legal aspects of community development. Training will be provided for the trainees on a regular basis, and they will be compensated for their part-time assignment. Included in this training phase will be a program of interpretation of the Model Cities philosophy to all residents of the Target Area.

Phase II — Neighborhood Development (4-10 months): The CDC will contract with RPI and the Denver Opportunity, Inc. (DO) (Denver's local Community Action Program) for assistance in the development of the neighborhood districts. The CDC, its newly-trained community developers, the RPI staff, and DO community developers will then organize and develop affiliate resident organizations in each of the neighborhood districts in the Target Area.

Phase III — Organization (1 month): The Articles of Incorporation and the By-laws of RPI will be amended to provide for direct election of the Board of Directors of the corporation by the individual neighborhood districts within the Target Area. The name of the corporation will be changed to Resident Action, Inc. (RAI). The neighborhood districts will then elect the Board of Directors of RAI.

Final Structure (start of third year): RAI will be a delegate agency of the CDA for the resident participation component of the Model Cities Program and shall be eligible for designation as a delegate agency for other projects of the program as well during the remaining years of the action program. In addition, RAI will advise and coordinate the work of the neighborhood districts. It shall also make application for funding and administration of projects outside of the Model Cities Program. The CDC will continue to act in an advisory capacity to RAI. RAI and the CDC (which will continue to employ a staff of community developers) will jointly undertake the development and organization of neighborhood districts in areas of Denver not included in the Model Cities Target Area.

3 DENVER MODEL CITY PLAN, Ch. 1, at 1-3 (1968).

⁴⁵ There have been repeated attempts on the part of Denver Opportunity, Inc., to be delegated the primary role for resident training and organization in place of the Community Development Consortium. However, this was specifically rejected by the Denver City Council in giving its final approval to the 1-year action program. The Denver Post, Jan. 22, 1969, at 3, col. 2.

that without the law school's prior efforts at institutional change on the residents' behalf, the consortium, in which the law school plays a key role, would have been accepted by the residents as their agent.

The precise outlines of the consortium, its relationship to Resident Participation, Incorporated, and its phased withdrawal over a 2-year period, accompanied by RPI's assumption of responsibility during the same period, have been the subject of continuing negotiation for the past several months. As a participant in the consortium, the law school will be called upon not only for its legal expertise, but for newly crystallizing talents in the fields of community development and organization. It will help design new political structures based on indigenous precincts. It will undoubtedly cooperate with other members of the consortium and, indeed, other departments of the university to develop still other institutions of community development, *e.g.*, buying clubs, cooperatives, housing corporations, and credit unions. Thus, by assisting Model Neighborhood residents in developing the types of institutions necessary for their economic, social, and political well-being, the law school will, in a very real sense, demonstrate how new institutions can evolve within an existing framework to achieve fundamental, yet nonviolent, change.

IV. LEGISLATIVE REVISION

A prominent role for law schools in promoting legislative change had existed long before the University of Denver College of Law began its collaboration with the Denver Model Cities Program.⁴⁶ Nevertheless, this activity has not only flourished but taken on new dimensions in the Model Cities context. In a sense, Model Cities has forced the law school into a polygamous relationship with a number of other institutions by virtue of Model Cities' emphasis on coordination.⁴⁷ In the housing field, for example, it could not ignore the work of the Metropolitan Denver Fair Housing Center, a private nonprofit corporation funded largely by OEO and the Ford Foundation to promote better and more racially

⁴⁶ Legislative research bureaus have thrived for many years within several law schools — most notably Harvard — and legislative drafting has long been one element of a student's clinical experience at the University of Denver College of Law.

⁴⁷ The Act enjoins participating cities to accomplish their objectives "through the most effective and economical concentration and coordination of Federal, State, and local public and private efforts to improve the quality of urban life." 42 U.S.C.A. § 3301 (Supp. 1969).

balanced housing throughout the Denver metropolitan area.⁴⁸ The Fair Housing Center's field workers acquire the kind of firsthand knowledge of housing problems necessary in any attempt to bring about corrective legislation. The Center has also served a valuable coordinative function, bringing together the disparate activities of the law school, the Denver Legal Aid Society, and other private groups concerned with housing legislation.

Both as an additional element of its Model Cities commitment and as a component of its newly expanded student internship program, the College of Law has begun the practice of assigning student interns to the Fair Housing Center to work for up to 20 hours a week on problems of legislative reform.⁴⁹ In addition to existing legislative internships, the College of Law is creating new internships in the fields of welfare and consumer credit. By giving the law student an opportunity to make the rounds with a welfare caseworker or to spend an academic quarter observing the credit departments of major retailers, he can approach his task of legislative drafting with insight and informed judgment. Furthermore, the Model Cities Program has built in an advisory role for target area residents with respect to needed legislation.⁵⁰ Theoretically, this should provide the law school with several perspectives on legislative revision. Thus, faculty and students have worked both with the Colorado Bar Association and with Model Neighborhood residents con-

⁴⁸ The Center is a private, non-profit, action organization. The Governing Board of thirty is elected by the membership at its annual meeting. Both the Governing Board and the policy-making Executive Committee represent a cross-section of minority and majority citizens.

A staff of forty-five persons carries out the day-to-day work of the Center under the supervision of the Executive Director, who in turn reports to the Governing Board.

At the base of the Center's structure is strong community and individual support from the citizens of metropolitan Denver. It is financed by contracts and grants from the federal Office of Economic Opportunity, the Ford Foundation, the state of Colorado, the City and County of Denver, local private foundations, local business and industry.

METRO DENVER FAIR HOUSING CENTER, INC., *THE COMPREHENSIVE STORY OF METRO DENVER FAIR HOUSING CENTER, INC.* 10 (1968).

⁴⁹ One product of this effort has been a new housing bill, drafted with the cooperation of Legal Aid Society lawyers and the Fair Housing Center staff. As of this writing, the bill, numbered as Senate Bill 300, has been introduced in the current session of the Colorado Legislature. The Bill, entitled "A Bill Concerning Housing; Creating Covenants by a Landlord with Respect to Certain Rental Housing; Amending the Law Concerning Forcible Entry and Detainer; and Providing That Counties Shall Have the Authority to Enact Housing Codes," appears to be dead for this session of the legislature, however.

⁵⁰ The original *Denver Model City Plan* contained a program for consumer law reform to have been conducted under the supervision of Model Neighborhood residents. This program has been replaced with a restructuring of the Denver Legal Aid Society to provide for strong resident input on matters of suggested legislative reform.

cerning changes in consumer credit law wrought by the proposed Uniform Consumer Credit Code. This places the school in a unique position to synthesize varying approaches to a common legislative problem.

V. COMMUNITY LEGAL EDUCATION

Community legal education really embraces two quite distinct activities. The first grows from the law school's recognition of a responsibility not only for professional education but for educating the community generally about one's legal rights and responsibilities. The second function might more appropriately be called "paralegal training," since it is designed to give laymen whose work has a close relationship to the law the legal background necessary for better performance of that work.

A. General Legal Education

In response to repeated urgings of the resident leaders of the Model Cities Program, the College of Law is attempting to devise truly creative and imaginative methods for communicating to the community-at-large a citizen's basic legal rights and responsibilities. More specifically, this effort is directed to the rights and responsibilities of welfare recipients, debtors, tenants, and criminal defendants. Obviously, this involves the development of educational materials for dissemination through the news media. Far more significant, however, is a newly formed partnership between the College of Law and the University of Denver's Department of Mass Communications which will result in a resident owned and operated UHF television station directed to the informational, social, and economic needs of the Model Neighborhood.⁵¹

⁵¹ IN CAPSULE

Very briefly what is proposed is the institution in Denver of a small U.H.F. TV station serving the special needs of local disadvantaged sub-populations. Because the returns from such an operation would be social rather than economic, this would seem an apt area for the utilization of Federal funds — on say, a two or three year pilot basis at least. Because of the inherently experimental nature of such an undertaking the involvement of the University of Denver in it would be invaluable, particularly because of the corpus of knowledge and expertise in this particular area developed of late by the University's Communication Arts Center.

FUNCTIONS

Such a TV station could serve the following functions:

(A) Very basically it would act as a tool to reach relatively isolated sub-populations distinguished by two characteristics: (1) Currently they are *not* adequately reached by those messages which serve to "tie-in" most

Apparent is the almost limitless potential of such an undertaking as a vehicle for effective community legal education. With the Department of Mass Communications providing the technical training necessary for the operation, the law school providing its legal expertise, and Resident Participation, Incorporated, providing overall policy control, one would expect the resulting product to bear a reasonable relationship to actual community needs.

B. Paralegal Training

The College of Law has already conducted a paralegal training course for field workers of the Metropolitan Denver Fair Housing

citizens to the wider life of the community, and, (2) In so far as they *do* receive communications of any kind their preferred medium is television.

(B) It would provide substantive evidence to the disadvantage of government, community, and university concern with their problems, and further, could serve to acquaint the community at large more thoroughly with those problems.

(C) It would be an apt vehicle of social education regarded in its widest context. . . .

(D) It would be essential for such a station to be staffed to the highest degree possible and progressively with local people of Negro and Spanish-American origin. Currently very few people from these ethnic groups work in the TV industry. For any group not to be represented in this particular industry is to offer a strategically important barrier to thorough involvement in the wider life of the community. The reason for the current situation is not so much racial prejudice on the part of employers as a lack of adequately trained personnel from the groups concerned. It would be an important function of such a facility as that envisaged not just to train *one* staff, but to find jobs in the TV industry for trained "graduates," train replacements, and, hopefully provide a stream of qualified TV personnel for other stations on an on going basis.

(E) Perhaps the most important function envisaged would be one already mentioned, i.e. the provision of broadly socially-educative material. To provide only this kind of material would very likely lose the station its audience. The pill is accepted because of its sugar coating not because of its therapeutic contents. For this reason alone it would be essential for the station to supply an adequate proportion of entertainment material. Further, the particular populations with which such a station would be concerned are to a large extent deprived of cultural material and entertainment-fare geared to their own specific tastes. For example Mexican films are shown occasionally in local movie theaters and occasionally Mexican entertainers play locally. Such entertainment is never seen on local television. Here is a real need that could be met. The position with regard to Negro entertainment is not quite analogous, largely because of the linguistic factor. But there is scope here too. For example Negro comedians and singers who play the Negro club circuit would be offered a wider audience.

Such a station could also function as a stage for locally developed entertainment and dramatic talent and might provide a focus for local ethnic efforts in the performing arts generally.

(F) Lastly the kind of facility envisaged would also provide a perfect setting, particularly in so far as the University of Denver would be intimately involved in its operation, for continuing investigation of the role which can be played by television in ameliorating current social problems.

An Outline Proposal for a Community U.H.F. Television Station Serving Denver's Disadvantaged, Prepared by Harold Mendelsohn, Director, Communication Arts Center, University of Denver, Denver, Colorado, Aug. 1, 1967.

Center.⁵² Perhaps the most interesting aspect of that 20-hour course was the total reliance upon law students as paralegal instructors. Under faculty supervision, the students prepared teaching outlines in the fields of consumer protection, housing, welfare, domestic relations, and criminal law. Although housing was, of course, the prime concern of the trainees, they recognized the noncompartmentalized nature of the law and requested instruction in the other areas. Indeed, the primary criticism of the course was its brevity.⁵³

The paralegal trainees not only felt they had acquired greater competence in their jobs, but they experienced an increased ability to conduct their personal affairs more intelligently.⁵⁴ Now beginning similar training are 20 welfare caseworkers who have asked for substantially the same course but with a sharper focus on problems more relevant to their work.⁵⁵ Thus, it appears that one may modify the core curriculum in ways which will be most responsive to a particular training group.

Apart from policemen, who were given paralegal training during 1968 with indecisive results, recipients of paralegal training will probably include insurance adjusters, juvenile court officers, probation counselors, and that newest of professionals, community

⁵² Mr. John Houtchens, a VISTA lawyer assigned to the College of Law, explains and evaluates the course as follows:

The initial effort in paralegal education by the University of Denver College of Law was conducted by law students over a three week period. The class was composed of approximately 20 field workers from Metro Denver Fair Housing Center who spent 20 hours listening to lectures on housing, employment, welfare, family, criminal and consumer law.

....

The people in the class were of varied educational backgrounds. Most had completed high school and a few had some college education. Their concerns were mainly centered around the problems of the poor as tenants in urban housing.

The goals of the course as designed seemed to be threefold; (1) provide the class with an overview of the areas of the law with which they were most likely to be concerned, (2) create an awareness on the part of the class of potential legal problems, and (3) equip the class with enough understanding of the law in their special area of interest that they could render advice to their clients. This third goal was not designed to encourage the unauthorized practice of law. It was designed to train those working directly with the poor to help the poor understand their rights and duties under the law to the same degree most middle class laymen understand their rights and duties.

Given the fact that this was the first effort at the College of Law in paralegal education, I believe it was successful in accomplishing its objectives. This is not to say that future efforts should simply be modified versions of the first. On the contrary, I believe there is much room for further development and creativity.

Memorandum from John Houtchens to Alan Merson, Dec. 11, 1968.

⁵³ "An evaluation questionnaire was completed by the class at the conclusion of the course. The most striking general comment of the class was that the course was too short. Several went further to say that they suggested the course go into more depth." *Id.*

⁵⁴ *Id.*

⁵⁵ The Denver Department of Welfare has expressed an interest in having all its 200 caseworkers take the course.

organizers.⁵⁶ Indeed, we can move farther afield and see the value of paralegal training for school administrators, social security officials, employment service personnel, and a host of others whose work is intricately bound up with the legal system but who have not been provided with the requisite legal background.

In addition, Model Neighborhood residents have been seeking employment in law-related subprofessional positions such as legal secretaries, investigators, and aides in existing neighborhood law offices. Many of the residents possess the basic skills required for such positions but lack the additional legal training necessary for them to qualify fully. The College of Law is now modifying its current paralegal training curriculum to provide the additional training necessary to upgrade basic skills to a subprofessional level.⁵⁷

CONCLUSION

Four approaches have been suggested for meeting the legal system's crisis of confidence: Adequate legal representation, institutional reform and innovation, legislative revision, and community legal education. We have seen something less than total commitment on the part of the legal profession, including legal education, to mounting an aggressive campaign on these four fronts. We have also seen, however, that there may be a very special role for legal education in building bridges to close the confidence gap. When a law school can begin to conceive of itself not only as a vehicle for professional education but as an institution for community development, it will discover a much wider range of options to which its resources may be committed. It may in fact perceive that the reciprocal benefits of a commitment to community development will materially advance its longstanding responsibility for professional education. For the continued viability and effectiveness of the legal profession itself may well depend upon how quickly the profession and its generative institutions acknowledge that closing the confidence gap will admit of no further delay.

⁵⁶ It seems entirely appropriate that law schools assume a major role in the training of community organizers, since presumably it is the law school's function to instruct in the techniques of planning, organizing, negotiating, and advocating. See THE AMERICAN ASSEMBLY REPORT, *supra* note 46.

⁵⁷ Naturally, there will be a heavy emphasis on the procedural aspects of law, including the nature and use of legal forms, pleadings, mechanisms of discovery, and the requirements for service of process. Apart from the direct employment benefits afforded by this kind of training, the program will undoubtedly serve to supplement the activities mentioned under General Legal Education. Its most immediate effect will be to provide a substantially greater number of the disadvantaged with a more than casual exposure to the legal process.