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Legal Aid in Denver

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The Denver Legal Aid Society's 25th Anniversary

Every lawyer will remember that portion of the oath taken by him at the time he was admitted to practice by the Supreme Court of Colorado which is as follows:

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed. . . ."

Attorneys recognize that if any meaning is to be given to this solemn declaration then it is incumbent upon them to see to it that every person who has a just cause of action, or who is a defendant in any suit, criminal or civil, has a lawyer capable and willing to appear on his behalf. I am sure, too, that every attorney at law realizes that one of the chief distinctions between our American system of government and that of totalitarian states is that we provide and insist upon the right of every man to have his "day in court" and to be represented by competent counsel.

It is for the reasons above stated that more than 25 years ago members of the Denver Bar Association founded the Denver Legal Aid Society and ever since that date have endeavored to support its aims and purposes. I sincerely trust that in the future each lawyer will feel it his personal privilege to assist and cooperate with the Legal Aid Society when called upon to do so.

JOHN E. GORSUCH, Chairman of the Board,
Denver Legal Aid Society.

LEGAL AID IN DENVER

HON. JOSEPH J. WALSH

President, Legal Aid Society of Denver

Freedom and equality of justice are twin fundamental conceptions of American jurisprudence. That statement by Reginald Heber Smith, in a report on the first comprehensive survey of legal aid more than 30 years ago, rings just as true today as then. Legal counsel and court representation for those unable to pay for such services are requisites in any democracy that is to survive. Legal aid, as that term is presently used, consists of an organized effort on the part of the bar and the community to provide these services of lawyers free, or for a token charge, to persons who cannot afford to pay an attorney's fee and whose cases are unremunerative on a contingent fee basis. It is, therefore, a credit to both the bar and the entire community of Denver that no worthy person who has sought legal aid in this community during recent years has been denied advice, consultation, and ade-

The first record of organized legal aid as such in this country dates from the year 1876 when Edward Saloman, a practicing lawyer in the City of New York and a former governor of the State of Wisconsin, organized a society to assist German immigrants who were without funds to secure counsel. Thereafter, the "Bureau of Justice" was organized in Chicago to serve all indigent applicants. By the turn of the century Boston, Philadelphia, Pittsburgh, and Newark had organized societies for like pur-

poses. By 1916, 37 cities operated some form of legal aid organizations. There were 117,201 people who sought advice or other services from the agencies then existing. By 1949, 92 legal aid offices providing services in civil cases were in operation throughout the United States.

An early local attempt to provide "Justice for the Poor" was made in the year 1904 when the University of Denver School of Law organized a "Legal Aid Dispensary" primarily to provide practical experience for the University's law students. Considerable work was done in the matters of wage claims and nonsupport. While this effort was successful from educational and charitable points of view, the volume of work and administrative costs prohibited activities after the year 1910. The then Dean stated that he found he was dispensing more money to keep the legal aid department running than he was dividing among his entire faculty. This, of course, led to the abolition of the legal aid department; however, the Dean stated that he found this method excellent for teaching the practical aspects of law.

By the year 1924, the need for an organized legal aid society was felt in Denver and received the backing of leading members of the bar as well as other prominent citizens. On the 25th day of February, 1925, the hands and seals of seven men¹ were affixed to the certificate of incorporation of the Legal Aid Society of Denver. The certificate provided that the management of the Society was to be entrusted to a Board of Directors consisting of 25 persons.² The gate to the hall of justice was then opened, and it has since been locked in that position. Year by year, an increasing number of our citizens have sought assistance at the offices of the Society until presently, after 25 years have elapsed, the number of applicants annually exceeds 4,000.

The embryo organization was supported through contributions from members of the bar and from other public spirited citizens. The worthiness of the organization was recognized by the community at large in the year 1928 when it became an agency of the Denver Community Chest.

LEGAL SERVICES RENDERED BY STAFF, BAR, AND LAW STUDENTS

Throughout the years, individual members of the bar have contributed great support to the organization. Because of an extremely limited staff, the agency could not have progressed without such support. Likewise, the agency's officers, board members,

¹ L. Ward Bannister, Charles C. Butler, Horace N. Hawkins, George C. Manley, Albert A. Reed, Halsted L. Ritter, and Stanley T. Wallbank.

² L. Ward Bannister, Charles C. Butler, Tyson S. Dines, Clayton C. Dorsey, W. S. Friedman, Charles D. Hall, Horace N. Hawkins, Mrs. Ann Hayes, Thomas Kelly, Samuel Kohn, George C. Manley, John Mullen, James Pershing, Dr. Lillian Pollock, Albert A. Reed, Mrs. Verner Z. Reed, Halsted L. Ritter, Jacob V. Schaezel, Thomas Stearns, George P. Steele, James Thomas, Stanley T. Wallbank, and Mrs. Willis Wolf. Tribute should also be paid to the late Harry Green, whose untiring efforts contributed so much to the success of the Society during its formative years. The long and continuous service of Mrs. Ida Nelson also merits commendation.

and committees have given freely of their time and counsel in assisting staff members with various problems, policies, and procedures that inevitably confront an organization of this type.³ Nevertheless, the present smooth and business-like management of the Legal Aid Society is due in no small measure to the able assistance and splendid executive work of its present director, Paul Irey, and his efficient staff consisting of John W. Patterson, H. Joe Rawlinson, and Mrs. Barbara Freed. It can truthfully be said that they have dedicated their services to a worthy cause and that their compensation for the services they perform is far from adequate.

Since court representation by staff attorneys must of necessity be limited, prior to the adoption of the existing manual of policies, a study was made of the experiences of similar agencies throughout the country in an effort to make the most effective use of available personnel. This study made clear the desirability of utilizing to as large an extent as possible the services of members of the bar. Consequently, under existing policies, a case is accepted by the Society only if the payment of any fee would cause undue hardship to the applicant. On the other hand, if a partial fee can be paid, the matter is referred to a member of the panel of 117 attorneys who assist on a purely charitable basis. The fact that for the year 1949 the average fee received by an attorney on a referred case was only \$17.46 again bespeaks the highest co-operation from members of the bar in counseling and representing those who cannot strictly qualify as charitable clients.

Each year some 10 to 12 students from the University of Denver College of Law "serve their terms" in the offices of the Society. The students work directly under the supervision of one of the staff attorneys. They may interview clients, draw conclusions concerning the application of the law to the factual situation, and represent clients in the Justice Courts. The students also assist in research when necessary. This arrangement has proved most helpful and satisfactory. From their experiences, the students benefit greatly through the confidence that they acquire in their own abilities to "act like lawyers." From the standpoint of the Society, the assistance from students in interviewing clients as well as in performing other duties saves much time to staff attorneys. The University recognizes that this training is invaluable to the students and allows them credit for the work.

³ The present Board of Directors and members, active and honorary, who give of their time and thought and who are never too busy to lend a helping hand in the solution of the many problems that confront the Society during the course of a year include such outstanding citizens as: Dr. A. S. Cecchini; William Doyle; John E. Gorsuch, Chairman; Mary C. Griffith; Charles D. Hall, Treasurer; Hon. William S. Jackson; Dean Gordon Johnston; Ben Lantz; Norman A. Lundstrom; Stevens Park Kinney (Honorary Vice President); Max Melville; Al G. Meyer; Dr. Arthur L. Miller; Msgr. John R. Mulroy; Fritz Nagel (Honorary Member); Hon. Orle L. Phillips (Honorary Member); Catherine Dines Prosser; Lon J. Putnam; Mrs. Elizabeth Quereau; Howard Roepnack; James N. Sabin, Vice President; Joseph C. Sampson; Jacob V. Schaezel; Edward H. Sherman; John Campbell Street; Franklin A. Thayer; Stanley T. Wallbank; Harold M. Webster; Edwin J. Wittelshofer; and Rabbi Joel Zion.

The rapid growth of population in communities outside Denver in adjacent counties has necessitated some arrangement with the bar of the First Judicial District. Hundreds of persons who are employed in the City and County of Denver, yet reside within a county in the First Judicial District, have brought their problems to our offices. If these clients have been without funds, and if their actions were pending in a Denver court, assistance has been rendered. However, the applicants have often needed representation in the courts of an adjacent county. The bar of the First Judicial District recognized this situation and formed a Legal Aid Committee with a panel of volunteer attorneys to serve such applicants in their respective counties. It is felt that this committee has performed a fine service, and through its efforts the entire Denver area is now being served. This is undoubtedly what the Honorable Fred M. Vinson of the United States Supreme Court had in mind when he said:

Legal Aid should not exist only in the cities; it should be extended to every part of this country to protect the rights of those who cannot protect themselves.

NATURE OF LEGAL PROBLEMS PRESENTED

As a matter of basic policy, it has been found necessary to place some restrictions on the type of cases handled. For example, divorce and separate maintenance matters are not handled by staff attorneys unless there is a definite social need or unless the service is recommended by a member of the bar. Other family matters, on the other hand, are readily accepted, and much time is spent by staff attorneys in such matters as civil enforcement of the payment of support orders. Generally real estate matters cannot be accepted except in the defense of foreclosure and on behalf of tenants in eviction matters. Bankruptcy problems are not accepted or referred unless investigation shows that the applicant is harassed by threats of garnishment or other measures which would endanger his job. Claims on behalf of a client in excess of \$100 or wage claims in excess of \$200 cannot be accepted as a matter of general practice. Personal injuries cases will not be accepted where it may be assumed that a member of the bar will handle them on a contingent basis.

During World War II, the Society provided counsel and legal service for servicemen and their dependents who were unable to retain private counsel. Again the Society is endeavoring to render a like service, particularly in civil matters where the applicant's problems are governed by the Soldiers' and Sailors' Civil Relief Act as amended. In this connection, all matters concerning conveyances of real property or the drafting of wills are referred to a member of the panel.

Very often applicants for legal assistance at the offices of

the Society are concurrently confronted with a social problem that can be answered only by some other branch of the community services, public or private. The Legal Aid Society expresses its grateful appreciation to the many agencies that have assisted in this field.

The problems that have been presented to the Society may be divided into four different groups: economic, family, property, and "other". During the year 1949, 1,641 applicants were confronted with problems which, in one manner or another, affected family relationships. Purely economic matters were presented in 991 instances, whereas 918 involved property rights. Approximately one-fifth of the applicants were confronted with problems that could not be properly classified in these first three groups. Slightly more than one-half of the applicants sought only advice. Of all the problems presented to the Society by the applicants during the year, 1,086 were terminated without court action. 759 were referred either to attorneys on the reference panel or to other agencies. 134 were terminated after court action, and 104 were rejected at first interview.

SOME LAWS HARSH WHEN APPLIED TO INDIGENTS

The experience of the Legal Aid Society during its first 25 years of operation has revealed that there are some laws of this state which, although undoubtedly enacted in good faith in an attempt to correct a then existing evil, have caused particular hardship when applied to the indigent applicant for legal aid. Serious thought should be given to the matter of remedial legislation to provide the very substantial number of persons relief from what appears to be undue hardship under some of these existing laws. Particular attention should be given to the present lien act as it affects tenants as well as to the manner in which it is enforced, to the existing attachment and exemption statutes of this state, and to the matter of foreclosure and sale of personal property under powers contained in chattel mortgages or conditional sales contracts together with subsequent deficiency judgments after foreclosure. These are the most urgent fields wherein legislative amendment would seem to be needed for the relief of families in the low income brackets. The problems which they present (together with the criminal aspects of non-support) are discussed more in detail in separate articles appearing in this issue.

Many clients come to the offices of the Legal Aid Society with hopeless situations arising from contracts entered into without the advice of counsel. It would seem to be obvious, therefore, that the work of the Legal Aid Society would be furthered through any encouragement or publicity which is given to programs designed to impress upon the public the importance of seeking legal advice prior to executing what may appear to be simple contracts.