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Report of Legal Aid Committee

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Report of Legal Aid Committee

associate and personal friend who now lives for us only in memory.

JOHN H. DENISON
RICHARD H. HART
ROBERT J. PITKIN
EDWARD D. UPHAM, *Chairman*

April 27, 1929.

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REPORT OF GRIEVANCE COMMITTEE

The Grievance Committee has disposed of all matters submitted. The majority of complaints have been settled after conference with the attorney and the complainant. Six cases have been referred to the Committee on Grievances of the Colorado Bar Association with recommendation that action be taken.

Respectfully,
ERNEST L. RHOADS, *Chairman*

April 23, 1929.

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REPORT OF LEGAL AID COMMITTEE

The Legal Aid Committee of the Denver Bar Association has held four meetings during the current fiscal year, the first meeting being on February 8, 1929. While there was some delay in getting our work started, we have, since the date of its inception, pushed it forward to the best of our ability.

We were advised that various members of the Bar had made informal complaints about the Legal Aid Society of Denver, and of the way in which its work was being conducted. The attorney who was reported to have made such complaint was in every instance interviewed personally by the chairman or one of the other members of our committee. Cards were sent out by the Bar Association to all its members, inviting suggestions concerning the manner in which the work of the Legal Aid Society was being conducted. In response we received 16 cards and letters containing various suggestions.

On April 24 we held a meeting at which Mr. James H. Pershing, President of the Legal Aid Society, and Mr. Horace N. Hawkins, Vice President of the Society, were present. Mr.

Stanley T. Wallbank, Treasurer of the Society, was invited to meet with us, but was unable to be present. At this meeting all of the suggestions above mentioned were carefully considered.

We have visited the offices of the Legal Aid Society, and while there interviewed Mr. Harry C. Green, its Secretary and General Attorney. Mr. Green was very courteous in explaining the routine of the work to us and in discussing generally the problems with which he had to deal. He told us that formerly he had had a stenographer, but that he had found that an assistant could be of more help to him, so instead of employing a stenographer he now had an assistant who is also a typist. Mr. Joseph P. Constantine is his assistant at the present time. He is a young attorney; receives a salary of \$80 a month from the Society, and has the privilege of engaging in the private practice of law. The principal complaint to us by the members of the Bar Association concerns persons who apply for legal aid but who are found to be able to pay a fee for the work needed. It has been reported to us that such cases, or some of them, have in the past been handled by Messrs. Green and Constantine in their private capacities as attorneys at law, and that they have retained personally the fees collected. Whether or not this is true we have been unable to determine, but Messrs. Green and Constantine have, according to Mr. Green's statement to us, engaged in private practice to some extent. So long as they do this it is our opinion that misunderstandings and dissatisfactions will continue to arise.

Several attorneys have also inquired as to whether or not divorce cases should be handled by the society, asking whether divorces are a necessity or a luxury. We have considered and discussed this point in detail also.

The officers of the Society suggested to us that it might be possible for the Society to obtain offices in the Community Chest Building, 531 14th Street. The purpose of this would be not only to reduce expenses by saving rent, but also to keep the Legal Aid Society in closer touch with the other departments of the Community Chest. The officers of the Society also suggested that if this could not be arranged, certain advantages would be gained if the Society had an office entirely

to itself instead of sharing offices in a suite with other attorneys; that the name of the Legal Aid Society should be more prominently displayed on or by the entrance door, and that the names of all employes of the Legal Aid Society, as attorneys at law or otherwise, should be removed from that door. While we are inclined to agree with these suggestions, we deem them matters of routine which should be left entirely to the discretion of the officers of the Society.

As a result of our investigation, study and discussion, we make the following recommendations:

1. That the General Attorney of the Legal Aid Society and any assistant or assistants he may have, who are licensed attorneys, devote their entire time to the work of the Society, and that neither they nor any of them be allowed to engage in any private practice; that the only exception to this rule be in specific cases or matters which have been explained to the Executive Committee of the Society and the consent of the Executive Committee obtained; that only those applicants for legal aid should be served who are unable to pay such a fee (either presently or contingent upon the outcome of the matter or case) as a competent lawyer would charge to handle the matter on a business basis. Frequently applicants are able to pay some small fee, though it may be too small to warrant a competent lawyer to handle the matter, and sometimes applicants can pay fees out of the fruits of litigation, though the amount so collected for the client is too small to warrant a competent attorney to handle the matter on a contingent basis. Fees should be collected in all such cases and such fees should be turned over to the Society. Applicants who are able to pay such a fee, either presently or contingent upon success, as a competent attorney would charge to handle the matter, should invariably be referred to an outside attorney. A list of attorneys who are willing or would like to have such cases referred to them should be kept by the General Attorney of the Society. The General Attorney should have a wide discretion in selecting the attorneys to whom such cases are referred, in order that particular types of cases get into the hands of attorneys familiar with that type of practice. As an aid in this the list of attorneys above mentioned should be advisory only, and he should not be confined to it in selecting attorneys

to whom he refers cases. Referred cases should be so widely distributed, however, that no one can feel (as has been felt in the past) that favoritism is being shown to any attorney. Periodic reports should be made to the President of the Society and to the Secretary of the Denver Bar Association, containing a list of the cases referred to other attorneys, together with a brief description of the case, the amount involved, and the name of the attorney to whom it was referred.

2. In all cases where an applicant has an action already pending, and has an attorney of record, the Society should take no action in the case without previously conferring with the attorney of record.

3. It is our view that divorce and annulment cases are rare in which the necessity for immediate action is so urgent as to warrant the Legal Aid Society in furnishing legal representation. The general rule should be that the Society will not furnish legal representation for the institution or defense of actions of this character, though an exception should be made in very rare and exceptional cases. If the applicant is a destitute widow a competent attorney can usually be found who will handle the case in the hope that the court will be able to force the husband to pay an adequate fee. If the Society would furnish legal aid to the applicant in other classes of cases, we feel it proper for it to furnish legal representation in divorce cases, providing the case is one which has been abandoned by other attorneys on account of their inability to collect alimony; and that having so entered the case the Society may properly represent the applicant in the collection of alimony and prosecute the case to a decree.

Respectfully submitted,

JAMES L. GOREE, *Chairman*
NICHOLAS LAKUSTA
G. DEXTER BLOUNT
MORELAND M. HUMPHREYS
JAMES A. WOOD
J. E. GORSUCH