THE LEGAL AID CLINIC—A MEANS OF COORDINATING THE LEGAL PROFESSION

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INTRODUCTION

It is the purpose of this article to suggest one more remedy for the ills from which the legal profession is now suffering, if we are to believe the rather extensive list of complaints already described with great particularity by many persons. Our first step will be to lay a foundation by summarizing these criticisms.

"It is only too well known that in many jurisdictions the standards of requirements for admission to the bar are so low or so laxly administered that the bar in those jurisdictions now embraces many members possessing neither the technical qualifications, the general education, nor the moral qualities fitting them for the performance of their duties; that improper conduct, often of a gravely unethical character, on the part of members of the bar is frequent and that such misconduct is engaged in with impunity, due to the absence of proper means for inquiring into such conduct and taking the action that the findings would render desirable. It is impossible to estimate the damage that results from this condition of affairs. Apart from the personal injustice that is often thereby caused, it renders more difficult the whole task of administering justice and does the incalculable injury of bringing into disrepute the administration of the law."¹

Such criticisms as these are widespread and represent the opinion of a section of the general public. The profession consisting as it does of the Bench, the Bar and the Law Schools, has in late years made valiant efforts to surmount these difficulties. Various remedies are proposed. The development of an organized bar in each state with definite duties and powers is one of them; stiffening of professional standards, both as to admission to the

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¹ WILLOUGHBY, PRINCIPLES OF JUDICIAL ADMINISTRATION (Brookings Institution, 1929) 400.

Bar and as to ethical conduct thereafter is another. In this fashion, it is sought to do away with the causes of complaint.

With due regard to the valuable work already being done in this direction, it is submitted that one other obstacle of some magnitude is present. The Bar and the Law Schools are not in complete accord. The division between men engaged primarily in practical pursuits and those engaged primarily in theoretical pursuits has produced a condition of a house divided against itself; each group complains of the other.

The complaints of the active practitioners are largely to the effect that law schools are too theoretical. The law school group is inclined to believe that the average member of the Bar is too much interested in the business side, and too little interested in the scholarly side of professional work. At random, the following quotations are indicative of this sentiment.

Elihu Root ² says:

"The change (in the attitude of the individual toward law) may well be seen in our colleges and law schools, where there are many professors who think they know better what law ought to be, and what the principles of jurisprudence ought to be, and what the political institutions of the country ought to be, than the people of England and America, working out their laws through centuries of life. And these men, who think they know it all, these half-baked and conceited theorists, are teaching the boys in our law schools and in our colleges to despise American institutions."

Other criticisms of a more specific sort are also presented. Justice Stone of the Minnesota Supreme Court, speaking before the American Law Institute in Washington on May 10, 1930, comments upon the fact that criticism is worse rather than better in recent years. He goes on to ask:³

"Might there not be some changes in the curricula of law schools that would make their graduates more dependable counsellors? Why not, for example, make requisite for ad-

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² ELIHU ROOT, *Individual Liberty and the Responsibility of the Bar*, ADDRESSES ON CITIZENSHIP (Harvard University Press, 1916) 517.

³ *Los Angeles Daily Journal*, May 17, 1930, p. 1.

mission to the bar some special knowledge of accounting and business administration? Why not make sure before he leaves the law school that the young lawyer knows enough about finance and economics to be a reasonably safe counsellor for the first widow for whom he collects life insurance on a verdict for the death of her husband?

"So much by way of suggestion. What I advocate is the addition to the theory now taught in our law courses of some practical elements designed to qualify the law graduate, to the greatest possible degree, as a safe counsellor for his first clients."

The President of the Association of American Law Schools, speaking at the Twenty-seventh Annual Meeting in New Orleans on December 27, 1929, says the following:⁴

"A few years ago practitioners were demanding that law schools become more practical and instruct their students so that they might step from the classroom to the courtroom. In response to this demand most schools have fitted up more or less elaborate practice courtrooms. Though the student has thus become acquainted with the various pieces of furniture of the courtroom, his experience in actual trial court work has not been materially enlarged.

"Whether the work is in charge of a full-time law teacher, an active practitioner, or a local judge, the results are much the same. Proper materials for trial court work are lacking, and, except for the occasional school that stages an annual murder for a spectacular trial, of a type in which it is to be hoped the student will not in practice be called upon to participate, the so-called trials, based upon written statements of facts, do not make possible any near approach to reality.

"If these exercises were but limited to frivolousness and horseplay, their effect on the student would be bad enough, but in many cases they are much worse than useless, in that they introduce the students to some of the worst forms of unethical practice. Often prospective attorneys are given the statement of facts, and are assigned or allowed to pick those who are to testify. Nor is the situation very materially improved when the instructor gives directly to each witness an outline of the matters which are to be the foundation of his

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⁴ (1930) *Handbook of the Association of American Law Schools and Proceedings of the Twenty-Seventh Annual Meeting* 21.

testimony. In either case, it is quite impossible to present a complete picture of the matters in controversy, or to describe in detail the events which are to be related on the witness stand. After the issuance of these statements, there follows such coaching of witnesses as to the testimony they are to present as in actual practice would very properly be considered grounds for disbarment."

Alfred Z. Reed of the Carnegie Foundation has the following to say regarding law school work:⁵

"A modification or adaptation of this general idea appears, however, in the support that a few law schools have given to a reform generally known—in imitation of its medical analogue—as the 'Legal Clinic.' The student is either required, as a prerequisite to his degree, or at least is encouraged, to spend part of his law school period in the office, not indeed of a private practitioner, but of a legal aid society, public defender, or similar agency. The authorities of the school and of the society cooperate in organizing and supervising the student's work, with the object of making it conduce to the special ends of each. On the educational side, the student, in addition to participating in a wide range of professional activities, sees how the law actually works in relation to a stratum of society with which he sometimes has no other direct contact. The alliance tends to foster, not only practical expertness, but also knowledge of the need and of the principles of social law reform, and a high standard of professional ethics.

"The three principal obstacles to the spread of this movement are: first, doubts often felt by the legal aid authorities as to the value, for their own purposes, of volunteer assistants; second, inability, in any case, to accommodate more than a small proportion of the students that attend law schools in our large cities; third, the small amount of time—a few hours weekly during a single year or less—that any individual student can be permitted to divert from the regular work of the school. Where conditions are ripe for this kind of cooperation—that is to say, when both parties are eager for it, and hence willing and able to overcome the many practical difficulties that arise—it can be made to yield results of genuine educational value to the students involved. Not

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⁵ REED, ANNUAL REVIEW OF LEGAL EDUCATION (1929) 16.

even for such students, however, is it anything like a complete solution to the problem of how to provide practical training.

"Similarly fruitful, but similarly limited in its application to the general problem, is the device of requiring students, as part of their training in procedural law, to attend genuine trials conducted in genuine courtrooms."

The foregoing material leads us clearly to the following conclusions: there is public criticism of the Bar; the Bar is not organized sufficiently to improve its position in all respects; one of the causes of weakness in the Bar is the lack of harmony between the practicing attorney and the law school group.

The criticisms point definitely to the desirability of the establishment in law schools of a new kind of machinery which will bring back to the field of legal education a certain amount of practical work in addition to the highly necessary theory. It is the purpose of this article to discuss a series of experiments that are being made in establishing this sort of machinery, and to determine, in so far as it can be done at this stage, how successful the experiment is.

The general field of legal aid work is now familiar to lawyers and law schools.⁶ The legal aid societies of the country handle a vast amount of business in a very practical way. When a legal aid society is joined to a law school so that the law students may assist in caring for this vast body of cases, a situation is presented comparable in some respects to the clinics operated in connection with medical schools for the training of medical students in practical work. One must not carry the analogy too far because the practice of law differs from the practice of medicine, but the name

⁶ *Bibliography on Legal Aid Work*: The following material will give the reader a fair conception of the work, R. H. SMITH, *JUSTICE AND THE POOR* (Carnegie Foundation, 1919); see generally *Annals of the American Academy of Political and Social Science*, March, 1926, *ibid.* March, 1928, *ibid.* September, 1929 (Part I); Smith and Bradway, *Growth of Legal Aid Work in the United States*, Bulletin of the U. S. Bureau of Labor Statistics, No. 398; MAGUIRE, *LANCE OF JUSTICE* (Harvard University Press, 1928); PERRY, *LAW AND THE POOR* (Published by Smith, Elder & Co., London, 1914); GURNEY-CHAMPION, *JUSTICE AND THE POOR IN ENGLAND* (Published by Routledge & Sons, Ltd., London, 1926); WILLOUGHBY, *PRINCIPLES OF JUDICIAL ADMINISTRATION* (Brookings Institution, Washington, 1929) Part VI, 569, *et seq.*; see also reports of the Legal Aid Committee of the American Bar Association, beginning with the Symposium in 1920; see (1920) *Proceedings of the American Bar Association* 217, *et seq.*

"legal aid clinic" is so nicely descriptive that everyone knows what it means.

The field of legal aid clinics is beginning to be well documented.⁷ This article does not purport to discuss the specific work of clinics, but does propose to consider certain advances that have been made in an effort to reach the law school group on the one hand, the practicing lawyer on the other, and bring the two together into a neutral legal aid forum where, in an atmosphere that is friendly to both groups, they may work out differences that may arise.

The practicing lawyer asks that the law schools send into the profession men better equipped to handle specific work and with higher motives and ideals so that professional standards and professional ethics may continue on a high plane. On the other hand, the law school asks that provision be made for a practical practice course under conditions where law students, without actually practicing law without a license, may learn something of the human problems involved. The clinic presents just such a piece of machinery. There are enough cases and cases of sufficient variety to satisfy the law school in its request for a practical practice course. At the same time, there are opportunities for protecting the clients from the mistakes of inadvertent juniors and of conducting the whole proceeding on the basis of no charge to the client, which inevitably tends to raise the standards of practice and ethics as the Bar would like them to be raised.

In the third place, an opportunity is given to members of the Bar to come back to the law school field, and there engage in phases of law which are familiar to them, and which are perhaps of more practical interest than the customary graduate courses given in law schools. These three phases of the work of the clinic organizations will be discussed hereafter.

The experiments are taking place to a greater or lesser degree in all law schools where there are legal aid clinics. The accessi-

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⁷ *Legal Aid Clinic*: Most of the early literature on this subject is collected in an article by the author, *The Nature of a Legal Aid Clinic* (1929) 3 So. CAL. REV. 173; see also Bradway, *Legal Aid Clinic as a Law School Course*, *ibid.*, at 320; Bradway, *Legal Aid Clinics and the Bar*, *ibid.*, at 384; Bradway and Wheaton, *Legal Aid Organizations and Their Connection with Law Schools and Students* (1930) 16 A. B. A. J. 453.

bility to the writer of the material at the University of Southern California makes it desirable for illustrative purposes. Equally valuable data may be secured at the other law schools.

THE TYPES OF LEGAL PROBLEMS WHICH A STUDENT MAY MEET IN A LEGAL AID CLINIC

The first problem is to ascertain whether a sufficiently diversified form of practice comes through the clinic office to give the student a reasonable chance. The following list indicates the type of cases handled by the Southern California Legal Aid Clinic Association during the fiscal year September 16, 1929 to September 15, 1930.

DATA AS TO CASE—NATURE

A. Cases Growing Out of Contractual Relations		E. Domestic Relations, Husband and Wife	
1. Wages	21	40. Domestic Relations	49
2. Promissory Notes	29	41. Husband and Wife	12
3. Small Loans		42. Annulment	32
4. Other Money Claims	6	43. Divorce	98
(a) Representing Plaintiff	58	44. Separation	9
(b) Representing Defendant	50	45. Desertion	6
5. Installment Contracts	21	46. Non-support	16
6. Wage Assignments and Garnishments	13	47. Alimony	12
7. Insurance	5	48. Community Property	3
8. Partnership	12	49. Breach of Promise	1
9. Breach of Contract	52	Parent and Child	
10. Investments	7	51. Parent and Child	9
B. Torts		52. Non-support	66
11. Workmen's Compensation ..	21	53. Adoption	7
12. Personal Injury	54	54. Guardianship of Person ..	19
13. Attorney and Client	15	55. Custody	13
14. Libel and Slander	6	56. Crimes vs. Children	4
15. Fraud, Deceit and Misinformation	32	57. Non-support of Parents ..	6
16. Tort	35	58. Illegitimacy	6
C. Cases Growing Out of Property		F. Criminal Matters	
21. Real Estate	227		
22. Landlord and Tenant	75	G. Various	
23. Personal Property	33	71. Patents	11
D. Estates		72. War Claims	5
31. Estates of Deceased	37	73. Employment Offices	
32. Insane and Feeble-Minded Persons	7	74. Drafting Legal Documents	2
33. Minors' Estates	3	75. Complaints Against Medical Profession	5
34. Bankruptcy	18	76. Incorporation	1
		77. Naturalization	2
		78. Pensions	6
		79. Citizenship	1
		80. Compensation	3
		H. Miscellaneous	
		81.	46

It is obvious from this that the cases are of a widely diversified character, and that the volume is sufficiently large so that no man is likely to have two identical cases.

WHAT PRACTICAL EXPERIENCE DOES THE STUDENT RECEIVE?

When we come to discuss the specific work that the students do on these cases, the following reports handed in by two of the students taken at random indicate specifically what sort of service they were able to give, and what sort of experience was gained. At the end of his period of service each student at Southern California is required to make a report of services rendered to clients. In this report, the first column represents the case number; cases are recorded in the office numerically as received. The second column represents the symbol under which the case is classified when it is closed. A specific code is kept showing the dispositions of cases. The third column indicates what the student did. It is very abbreviated, of course, but it does show that the students have to do such practical things as learn how to dictate letters; to talk over the telephone, to draw legal documents, to study points of law and report to a client, and, most of all, to deal with the human problems that are bound up so inextricably with the legal matters. It must be remembered that this work is all done under close supervision of active members of the Bar, who have time to devote to talking with the students. Thus, there is no question of a student practicing law without a license.

The fourth column is reserved for the credit points. Each student is required to do a certain amount of work in the clinic based not on the time spent, but on the services rendered to the client. The credit points indicate the relative value of the service rendered. A minimum number of credit points must be secured in the course before the student is eligible to receive a mark for the quality of his work. This plan, which approximates the conditions of practice where a fee depends to some extent upon the services rendered, has interesting possibilities as a method of pedagogy. The final column indicates the approximate time spent on each case.

REPORT OF STUDENT No. I

COVERING THE SPECIFIC WORK PERFORMED IN THE LEGAL CLINIC FOR THE
BENEFIT OF CLIENTS DURING THE SECOND SEMESTER, 1929-1930

*Statement of Services Rendered Such as Documents Drawn,
Advice Given, Letters Written, Personal Calls or
Telephone Calls, Reconciliation*

No. of Case	No. Credit		Time Spent
	Points Asked for		
1079 VIII	Investigation, letters written—Affidavit		
	also	5	4 Hours
1080 Ib2	Refused—Asking advice by letter	1	5 Min.
1081 X6	Affidavits drawn; hearing set over	5	3 Hours
1085 X6	Guardianship papers drawn—Case dis- continued	5	2 Hours
1090 IIb2	Referred to trust department of bank..	1	15 Min.
1096 IIb2	Referred to private attorney	1	10 Min.
1100 X6, 7	Hearing in Juvenile Court, law found but not needed in Juvenile Hall	5	3 Hours
1106 V	Advice given, telephone calls	2	1 Hour
1124 Ib2	Refused case	1	15 Min.
1146 IIb2	Advice given and referred to private attorney	2	20 Min.
1151 IIb2	Refused case	1	10 Min.
1155 VIII	Documents drawn—Law found on case	5	1 Hour
1164 IV1	Telephone call	½	10 Min.
1174 IIb2	Referred to private attorney	1	15 Min.
1177 Ib1	Refused case	1	15 Min.
1187 IIa	Advice given	2	10 Min.
1209 IIb2	Referred her to private attorney	1	15 Min.
1222 V	Advice given	2	40 Min.
1223 VIII	Advice given—Affidavit drawn	3	1 Hour
1243 V	Telephone call made	1	15 Min.
1250 IIa	Advice given	2	30 Min.
1264 IX2	Adjusted case, telephone calls	3	30 Min.
1265 IIb2	Referred back to client's attorney	1	20 Min.
1266 IX2	Secured rescission of contract, tele- phone call	10	30 Min.
1273 Ib1	Refused as husband can pay for divorce under law. Referred to attorney on list	1	20 Min.
1340 Ib2	Refused as out of court's jurisdiction. Advice given	1	30 Min.

 63½

(Student's Signature)

REPORT OF STUDENT No. II

*Statement of Services Rendered Such as Documents Drawn,
Advice Given, Letters Written, Personal Calls or
Telephone Calls, Reconciliation*

No. of Case			No. Credit Points Asked for	Time Spent
87	IIa	Advice given	2	15 Min.
304	X3	Prepared affidavit for publication of service; Interviews with client; Served complaint; Letters written; Phone calls; Prepared and filed default and setting card; Trial of case	10	2 Hours
305	X3	Interviews with client; Prepared and filed setting card and default; Letters; Trial of case	10	1½ Hours
735	IIa	Advice given	2	20 Min.
1045	X3	Interviews; Arranged service; Prepared and filed default and setting card; Let- ters written; Trial of case	10	2 Hours
1102	IIa	Advice given	2	20 Min.
1103	IIa	Advice given	2	15 Min.
1106	IIa	Interview, phone call	1	10 Min.
1114	IIa	Advice given	2	15 Min.
1116	VIII	Interviews; Letters; Prepared com- plaint; Prepared affidavit of publica- tion of summons	10	2 Hours
1123	Ib1	Interview	1	10 Min.
1135	IIa	Advice given	2	20 Min.
1148	VIII	Documents drawn	5	30 Min.
1180	V	Interviews; Investigated facts; Inter- viewed probation officers; Hearing in Juvenile Hall; Looked up law; Pre- pared petition for guardian <i>ad litem</i> ; Letters; Advice	10	2 Hours
1184	IIa	Advice given	2	20 Min.
1191	IIa	Advice given	2	10 Min.
1195	IIa	Interview; Research; Advice given	5	30 Min.
1197	IX.2	Interview; Prepared stipulation extend- ing time to answer; Effected settlement with attorney for husband; Phone calls; Meeting with attorney for defendant..	10	1½ Hours
1210	V	Inspected probate files; Advice; Letter..	5	30 Min.
1229	Ib1	Interview; Prepared husband's questions in order to show cause; Advice	5	20 Min.

1232	IX3	Interviews; Letters written; Phone calls; Settlement effected	10	30 Min.
1233	IX3	Letters written; Interviews with opponent; Conference of parties; Phone calls; Settlement effected	10	1 Hour
1241	IIa	Advice given	2	15 Min.
1253	IIa	Advice given	2	15 Min.
1255	IIa	Advice given	2	10 Min.
1287	X6	Interviews; Prepared bankruptcy forms; Filed same; Hearing <i>re</i> creditors; Phone call; Research	10	2 Hours
1289	IIa	Advice given	2	15 Min.
	Ib1	Interview	1	10 Min.
1296	IIa	Advice given	2	15 Min.
1297	IIa	Advice given	2	20 Min.
1302	VI4	Advice; Letter; Phone call; Interview with District Attorney	10	30 Min.
1312	IX2	Interview; Letter written; Settled	10	20 Min.
1316	IIa	Advice given	2	15 Min.
1320	IIa	Advice given	2	15 Min.
1322	IIa	Advice given	2	15 Min.
1324	IIa	Advice given	2	15 Min.
1347	IIa	Interview;		
	X6	Letter written	5	20 Min.
1349	Iib2	Interview	1	10 Min.
1371	VIII	Interviews; Complaint drawn; Prepared affidavit published; Letters	10	1 Hour
1378	IIa	Advice given	2	15 Min.
1382	IIa	Advice given	2	20 Min.
1383	IIa	Advice given	2	20 Min.
1386	Ib1	Interview	1	15 Min.
1387	Ib1	Interview	1	10 Min.
1389	IIa	Advice given	2	20 Min.
1404	Ib2	Interview	1	15 Min.
1452	IIa	Advice given	2	20 Min.

 198

(Student's Signature)

From this it will appear that the student has an opportunity for a reasonably diversified practice, and learns from actual contact with court officials, clients, counsel and others, many of the things that he must learn before he can handle even his first case. To this extent, the practical requirements of the law school are satisfied.

THE CLINIC FROM THE VIEWPOINT OF THE BAR

On the other side, the Bar is interested in the practical efficiency of the men who come to it. Because the students in the clinic have an opportunity for constant conference with members of the Bar and members of the law school faculty who have time to devote to straightening out the students' difficulties, there is every reason to believe that the students are essentially better equipped when they come to practice than they would have been without this experience.

The students themselves recognize this situation. In the last examination, the question was given, "What have you learned in the Clinic?" The students were asked to group their answers under five headings:

1. Legal Aid Clinic as a Practical Course.
2. As a Synthesis of Law School Work.
3. As a Means of Enlarging Social Vision.
4. As a Practical Course in Legal Ethics.
5. As a Course in Strategy.

The following quotations illustrate the reactions of the students to these and similar points. It is fair to state that no pressure was exerted upon the student to require him to give any specific type of answer. There does exist the immemorial custom that the student desires to please the instructor in the hope of a better mark, but even discounting this, the quotations reveal a sincere interest in and appreciation of the work:

a. Relation of Legal Aid Course to other courses in Law School

"The legal clinic in the law school is, in my opinion a progressive step forward in the preparation of law students for the profession which they have chosen. Why such courses are not incorporated in the curriculum of every Law School has, in my mind, caused considerable thought. It is apparent to me, especially since taking an active part in the law clinic of this school that the average law student completes his work in law school, is admitted to the bar clothed with a degree and his mind filled with principles of legal logic

without the least idea of how this preparation is to be used and a faint understanding, if any, of how the application of these principles will work out in a given case or the probable result. The system of the average law school in preparing the student for his life's work is comparable with a situation in which a mechanic is given tools, instructed as to their particular use and then sent out to make his repairs without knowing the least ideas of the machinery he is to repair or the method of procedure to adjust the same. It seems that in this advanced age that the governing bodies of our institutions who are training the men who will in the future guide and decide some of the nation's most vital and intricate situations would realize that old antiquated method which is still prevalent in most of our law schools is falling short of its purpose. It is plainly seen in every-day life and in every court of the land where these examples of the old system are making mistakes at the expense of their clients, not to mention the cost to the state and the crowding of the courts with cases which in the first place could have been settled out of court or should never have been brought to the attention of the court.

"The Legal Aid Clinic gives the student an opportunity to apply the principles studied and digested during his complete law course. It also affords an opportunity to see how they work out when properly applied and the serious consequences which may arise if these principles are misapplied. It is a course which the student cannot afford to leave out of his schedule, as it is in my opinion, the crowning feature of the complete preparation for the practice of law and having taken an active part in such a course I am convinced that, 1, the principles of law must be well in mind, and, 2, there must be some method of study by which a general working knowledge (at least) of these principles can be given in order to properly qualify one for the practice of law, and in this respect the Legal Aid Clinic qualifies as the proper method and should be a required subject in every law school."

b. Legal Aid Clinic as a practice course in actual legal work

"Legal Aid Clinic stands alone among the courses offered by the Law School as the only complete practical course. Practice court is good but it does not go far enough. There is too much room for 'horse play' and lack of serious consideration of the principles on each case. I am not en-

deavoring, however, to belittle the course, as it is in itself invaluable. But in comparison with legal aid work it falls far short of being a complete practical course in the technical sense. The Legal Clinic furnishes the student with the actual problem, such as is found in the average law office. The parties are real and not fictitious and their problems are truly legal and in the student's endeavor to thrash it out he deals with the true parties or their legal representatives. The same care and consideration is necessary as if the student were a licensed attorney and doing business for himself. His client's problem is the student's problem and it is truly a situation where client and representative are battling together, matching their wits with those who are more experienced and qualified, and getting the results desired. It is a practical, tough, up-hill battle such as the student will have in his future practice and in no other course is he given such an opportunity. The conclusion and the results obtained give the same personal satisfaction as if he were a licensed attorney. The same personal interest is manifested in bringing the matter to a final conclusion, which is beneficial to both the student and the client. As a practical course in legal work there is not a course that can equal it. It is truly what the name implies and gives the student the experience he should have in these actual problems. I think that it should be a four-year course and that the Bar Association should endorse it and require that applicants for admission to the Bar should have completed such a course before admission."

c. As a synthesis of law school work

"The legal aid work, as I have mentioned before, is the crowning feature of law school work. It is the synthesis of the student's work during his four years of study. In the legal aid work the student enters the clinic, which can be compared to a laboratory, with his principles of law well in mind. In this clinical laboratory he transfers these principles into consequences and results, in the only possible way provided for him to do it. The legal clinic corresponds to the internship of a doctor. It is well known that a doctor cannot go out into the world to practice his profession until he has successfully completed his interne work. He applies the different theories and principles of medicine that he has learned to the patients brought to him under the supervision of a skilled and experienced physician and in his way qualifies

himself for the confidence that the public places in him. Is it not reasonable to expect the same qualifications of an attorney in regard to his profession? Does not the lack of clinical experience on the part of an attorney account for the distrust of the legal profession and explain the criticism that is continually the leading subject in many of the well known journals and periodicals of the day? In my opinion it is a large contributing factor if not the fundamental cause. The establishment of a clinic will go a long way toward correcting this evil if given the recognition and hearty approval of the Association of American Law Schools and made a requirement for membership in that group. On this particular phase of the question, I think that we can well afford to borrow this requirement from the medical profession.

"The law profession should require that future attorneys complete a course of practical law work and there is no other means whereby the result may be accomplished, than through the legal aid clinic."

d. Social viewpoint from point of view of legal aid clinic

"Legal aid clinic brings close to the student's mind by practical methods and experience, the great social and economic problems of the day, the lack of which are a serious handicap to the practicing attorney. It points out to the student the need of legal services by a class who have been denied the services of an attorney because of the inability to pay the fees and consequently have been unable to secure relief from a situation which is theirs as a matter of right.

"It also indicates that in a great many cases there are problems which a thorough investigation would disclose were not those for a court to decide but purely arbitratative and could be easily adjusted by an attorney without enforcing the particular right in the court. In many cases by simply winning the confidence of the client he can be shown wherein he is wrong and justice done to both himself and the other parties involved.

"It also gives the student a good outlook on what causes certain problems to arise and will assist him in determining the motives and action of individuals in given cases and circumstances. In other words, the student gets an insight into the inner workings of human nature and to be a good attorney one must be a good judge of these things.

"The social viewpoint of the clinic is often opposite to that which a court would take of the same problem, but by research and proper influence the legal aid clinics can bring pressure upon legislatures and courts to effect the proper legislation which these findings warrant and in this way rectify the view of the courts and do justice to those who may now be deprived of some privilege.

"The clinic will impress upon the student the fact that although he 'may not consider himself his brother's keeper' he will naturally want to assist from the standpoint of human nature in whatever way he may be able. There is a certain amount of human appeal in the clinic which the student cannot help but feel and having once assisted a client, he will at once become interested and experience a certain responsibility to give any advice or assistance necessary to improve the client's health, morals, economic and mental welfare. I believe, that our laws are tending to follow the advice and recommendations of the eminent social workers and in this respect the clinic should be one of the foremost in sponsoring such movements."

e. As a practical course in legal ethics

"In this phase of the clinic work, there is also a great practical advantage gained by the student. Legal Ethics is a subject to which the average attorney gives but little thought and attention, except as to the common or well-known rules of ethics. But there are others just as important which are flagrantly violated and of which the average student is ignorant. In legal clinic the student learns how and in what manner an opposing party should be contacted, his duties to his client, duties to the state and community, duties and obligations to courts, care of clients' money and interests, obedience to the authorities, and which I think the most important of all as far as legal clinic work is concerned, the one which attorneys generally have disregarded, is that it is his duty to take a case regardless of the personal benefits to himself, which might be one of a client poor and oppressed and without means to prosecute. The clinic also impresses on the student the need to settle as many cases as possible out of the courts and to be reasonably certain that, before a case has been taken into court, that every available possibility of making some settlement has been used, and further, that there is a right which the courts ought to enforce."

f. As to legal strategy

"Legal aid clinic schools the individual in the important method of meeting a client and winning his confidence and maintaining the same throughout the handling of the entire case. The individual is here trained as to the proper steps to take in the progress of the case. This method is important because if the proper strategy is not used, it may mean the loss of the case, a dissatisfied client, or on the other hand a long drawn out procedure whereby the client becomes disgusted and the reputation of the individual or the organization is enhanced. It also may cause a breach between the client and the individual.

"The clinic gives a practical course in the best method of attack with a purpose which is a speedy, thorough, satisfactory conclusion of the case. Care should be used not to rush but in all events it should not be allowed to drag along.

"Too many cases are not satisfactorily closed or terminated because of procrastination through the individual acting when the time suits him instead of when the time is ripe for action.

"The surest and quickest way to bring to a close a case is to work continually on it and follow up every possible opportunity to do work or urge settlement. Always have your work in such shape that you are waiting on the opposite party to reply or make a move and in the meantime, time can be spent working on the possible defenses that he might offer and in this way the individual is always prepared."

* * * * *

Perhaps, most important of all is the aspect of the clinic in connection with professional ethics. Naturally, an effort is made to induce the students to maintain the highest standard. In this respect we are concerned not so much with how bad a lawyer may be before he may be disbarred. We are more interested in the question as to what would a good lawyer do in a particular case to distinguish him from the less desirable element of the profession. An effort is made in the clinic to draw the line between the shyster and the leader of the Bar so that the student may have an opportunity of observing that such a line is drawn in practice, and may be encouraged to strive to be on the right side of that line.

EVIDENCES OF THE PROGRESS OF THE EXPERIMENT

We come now to consider such evidence as is available of the progress of this experiment. Obviously, the first group to keep in mind is the clients. Many of them have expressed in writing their appreciation for services rendered. Also, we must assume that about as large a percentage of them are dissatisfied, as is the case in most law offices. Probably every practicing lawyer has one or more dissatisfied clients, and certainly in the vast number that come to legal aid clinics, it is not surprising to find some who are not thoroughly in support of the idea of clinic work.

The following letters are from clients:

Dear _____

Through your help and kindness, I still have the children and may God always bless you.

Judge _____ and Attorney _____ have been wonderful and I hope some day to be able to repay all of you.

Wishing you success and happiness,

Your friend,

* * * * *

Mr. _____

I hardly know how to close my letter of appreciation as you cut me short on my offer to pay for time and bother on my account. If at any time I can do anything for the Legal Aid Clinic in a general way, I would be pleased to hear from you.

Gratefully,

* * * * *

Dear _____

The weight of authority back of a demand for justice made by the Legal Aid Clinic Association as directed by you and represented by Mr. _____, I have learned brings satisfactory results. After almost three years effort on my part to get delivery of deed or a return of the money paid on a fully paid purchase contract, my claim still was unheeded. It was then I called on the Legal Aid Clinic and Mr. _____ took charge of my case, and in less than two weeks he brought my trouble to a satisfactory conclusion for which you may know I am truly thankful.

Truly yours,

The second group of persons to be interested are the members of the Bar. The following quotations from letters indicate that they also are interested and satisfied with the work:

"I think you are fulfilling an important need of the community. I shall be glad to have matters referred to me by you for the coming year."

* * * * *

"Your association is satisfying a pressing social need and you are to be congratulated on your splendid efforts to date.

"I consider it is a distinction to be numbered among those considered worthy to receive references from your association.

"I am heartily in favor of your activities and I wish to inform you of my willingness to accept any matters you may see fit to refer to me for the ensuing year."

* * * * *

"I am glad to inform you that I shall consider it not only a duty but also a pleasure to cooperate with your Department in rendering my services in the future any time I am called upon."

* * * * *

"I was much gratified to learn that the Clinic has been able to accomplish so much in this particular field and I shall be more than glad to co-operate in any way possible to further this work and in that connection take this opportunity of saying that I will be glad to handle any matters which may be referred to me during the coming year on the same basis as heretofore stated."

* * * * *

"Our firm would be glad to cooperate in any way in doing any of the work that you may refer to us as both Mr. ——— and myself feel that we are aiding in a good cause in assisting in helping this movement as much as possible.

"Please, therefore, consider this office at your disposal in way of referring any of the persons who come to you for assistance and desire the services of an attorney."

"I am very much interested in your work and am happy that you have had such great success. You may be sure that I shall be glad to work with you again next year as I have during the past."

* * * * *

The most interesting development in the work has been the closer relationship between the law school and the younger members of the profession who have gone into practice. Last year ninety of the members of the junior bar in Los Angeles formed a committee and agreed to take such cases as arose in the clinic office where a small fee could be paid. The ability to pay a fee takes the case and the client out of the legal aid jurisdiction, and a problem is presented as to where such persons should go. This committee of the younger lawyers is the answer to the question. It was appointed by the Bar Association, and during the past year 200 persons have been sent to members of that committee. It is interesting to note this year that many of the students who graduated last year have communicated with the writer, requesting that they be put on the committee for this year. Here is a practical bond between the law school and the younger profession.

On the other hand, the development of an advanced course for research purposes has resulted in the registration of several students each year who are members of the Bar and who desire to come back from active practice to take some work in the law school, and yet who find it more helpful to be able to do the work in some field more closely related to the one in which they are now working. If this advanced research course is continued, there are great possibilities of a closer contact between members of the Bar and the Law School.

The plan is admittedly experimental; much remains to be done, and in time much will be done to improve it. The point to emphasize here, however, is that it is possible to orient the work in such a way that it will tend to bring the two branches of the profession of the law closer together, and thereby make for a more solid professional grouping. Certainly, the desirability of a closer professional union is so evident that there should be every

reason to encourage experiments that promise reasonable success in this line.

We have tangible evidence that there are members of the legal profession in active practice who appreciate the value of the legal aid clinic movement as a means of bridging over the gap between the two branches of the profession. In April, 1930, Reginald Heber Smith of the Boston Bar, Chairman of the Legal Aid Committee of the American Bar Association, writing to Alfred Z. Reed, whose criticism of the situation has already been quoted, has this to say among other things:

"First, anything that can separate those who have the aptitude for practice from those who have not before they are finally turned loose on the public would be a blessing. The present situation is shocking to me. I know of no office that tries harder than does my own to get good men and to give them a sound training. We have a special committee called 'Committee on New Juniors' consisting of a senior partner, a junior partner, and a junior. They spend time on getting good men and trying to get them well started in our office. They are paid by the firm for that time. We have taken in only graduates from Harvard. Only about 50% of the young men make good in spite of the best we can do. The men we have not kept represent tragedies. They are misfits. They had enough intellectual capacity to pass examinations and no ability to practice. We are in general practice, have lots of small cases, have tried to make our office fill the gap you point out so clearly, and, as to 50% of our men, have failed. After ten years of this I can say that of the men we have kept most have become partners; of those we did not keep I know only one or two who have amounted to anything at the profession.

"On ethics and character you are exactly right to say that it is impossible to judge immature persons. In my experience the problem is even worse than that; you cannot properly judge immature persons even if they have committed an offence for which they could be disbarred. Let me give you an actual case.

"Fourteen years ago I was secretary of the Massachusetts Bar Association's grievance committee. We had before us a young lawyer who had committed an offence under the Selective Service act. It was bad, it was unpatriotic, it was a

disbarrable offence. In short, it was a bad case. The lawyer was so young that the committee, largely persuaded by a judge and myself, voted not to disbar. During the fourteen years I have had a Christmas card from the lawyer every year with a note of thanks. I have checked up on him and find that he has practiced honorably for all these years. I recommended him to the American Bar Association and he has been elected.

"This and similar cases have convinced me that when you are dealing with the immature you cannot judge, because character has not been formed. The man who errs, knows it, and profits by it, is likely to develop a stronger character than one who has never been tempted and never has suffered.

"Finally, I still believe that the legal aid organizations will steadily play a larger and larger part in solving both problems than is yet realized. I cannot state on paper a complete program for the solution. But I see them solving a part here and a part there, and if they can overcome obstacles in detail, they can finally overcome the whole."

We have now considered a situation and suggested a remedy. There is no doubt as to the seriousness of the situation. There is some likelihood that the remedy may prove satisfactory. It is submitted that it should be given at least a trial. The results, if success is secured, will be a coordinated legal profession better able to set its own house in order, and thereby able to meet public criticism. There is an opportunity through the extension of legal aid work to do a great public service by increasing in practical fashion respect for the administration of justice in this country.