

**State of Support**



## Coming Full Circle

*By Victor Geminiani, Executive Director<sup>1</sup>  
Lawyers for Equal Justice*

Forty years ago this September, a group of about fifteen new law school graduates from various regions of our country traveled to Atlanta, Georgia, to begin working with the Atlanta Legal Aid Society. We had all graduated from law school a few months earlier. Most of us were without a clue about what we would do with our law degrees. Lyndon Johnson’s “War on Poverty” had recently decided to invest in legal services for the poor by dramatically increasing federal funding for local legal aid programs. Working for a few years in one of these programs seemed like a good way to begin using our newly acquired skills. It also seemed like a good alternative to other options facing graduates in 1969.



Some of those arriving were “Reggies” like my good friend Steve Gottlieb, some were VISTA’s like myself, and some were actually hired as “permanent” employees (whatever that meant), thanks to the significant new federal funding. By the first week, we had overwhelmed the five “really permanent” lawyers who were previously staffing the program’s effort to help the entire poor population in Atlanta.

As part of the “War on Poverty,” legal aid programs around the country were told to use the new funding to engage in systemic advocacy on behalf of their clients and low-income communities. This work was known as law reform and our orders were to be aggressive in pursuing our local or national reform efforts. For the most part, the new mission had some solid initial successes. Those successes were supported by a broad array of new due process rights of poor people declared in several opinions by the U.S. Supreme Court. They were also supported by the ability to enforce a variety of new federal laws, such as the Truth in Lending Act and the Civil Rights acts, passed just a few years before. Mostly I think they succeeded because of the freedom and en-

Those challenges include the deterioration of the funding available to fund their work, the need to redefine their program’s place in a post-restrictions climate in Legal Services Corporation (LSC) funded programs and the desire to overcome their current isolation from other similar programs providing support.

couragement we felt for our efforts at “law reform,” and because of the network of national and state support structures that had been established across the nation to provide mentoring, expertise, training, coordination and co-counseling.

That structure of organized support gave all of us the courage to overcome our personal fears and to capitalize on our youthful daring. Successes included closing down illegal jails, organizing rent strikes, rearranging local voting processes and challenging the constitutionality of the many local and national processes and laws of government that oppressed the poor. Regardless of how isolated and uninformed we were or felt, national and state support programs gave us immediate contact with experts who had knowledge on the complex issues we were confronting. Support programs shared pleadings and opinions in successful similar litigation. Support programs connected us with others who were working on similar challenges around the country. Support programs also periodically

© COMING FULL CIRCLE  
Continued from page 17

brought us together to share a “Woodstock” moment when we realized that we were part of a whole national network of advocates focused on changing laws and programs that treat the poor disgracefully.

A lot has happened in the delivery of legal services for the poor since that fall of 1969. Included among the changes is the significant deterioration of our system of support. The articles in this MIE *Journal* special feature detail some of this history. The authors share old memories, recite recent successes and describe new challenges ahead. Those challenges include the deterioration of the funding available to fund their work, the need to redefine their program’s place in a post-restrictions climate in Legal Services Corporation (LSC) funded programs and the desire to overcome their current isolation from other similar programs providing support. Each of these challenges must be resolved with new answers that are relevant to current realities. Some answers should include:

- The elimination of LSC funding in 1996 provided the impetus for the creation of many regional funding agreements between field and support programs. Those agreements have almost all disappeared with field programs undergoing funding reductions or with changes in leadership and visions. A new dialogue is urgently needed both at the state and national level that both defines the needs for vibrant national and state support systems as well as explores the viable options to fund those activities.
- The removal of the current restrictions against engaging in class actions and collecting attorney’s fees for successful litigation will provide LSC-funded programs with new opportunities in complex advocacy. Success will often depend upon field program staff having available a stable coterie of experts with knowledge in both complex substance issues and litigation processes. In some situations, the politics of national and local funding received by field programs may require those experts along with many of their activities to be located in support programs. If so, delivery designs will need to be explored that will enable coordination, mentoring, training and co-counseling to be institutionalized.
- Since the elimination of LSC funding in 1996, support programs have become dangerously isolated from each other. There has been no coordinated effort to share experiences and learn from both failures and successes. It is time to begin a concentrated national effort to reduce the isolation of support programs by creating periodic opportunities for face-to-face trainings, technology-assisted vehicles for sharing expertise and an organizational voice for their needs.

My own personal perspective on legal services for the poor was formed during my first year in Atlanta Legal Aid Society. It was a different time but its lessons for me have remained constant throughout the years. To have a legitimate local and national system of justice, poor people must have advocates who are encouraged and supported in their efforts to represent their critical interests. This encouragement and support must be given to staff regardless of the political consequences of their advocacy. Perhaps these times may give us all a treasured opportunity to recreate a national delivery system that includes strengthened alliances with support programs. This seldom can be done without with the existence of support programs that have political independence, stable and quality staff with relevant expertise and sufficient funding to support their efforts. We have some serious work ahead of us to get there from here.

1 Victor Geminiani is the Executive Director of Lawyers for Equal Justice (LEJ) in Hawaii. LEJ ([www.lejhawaii.org](http://www.lejhawaii.org)) is a state support legal aid program that engages in class action litigation and policy advocacy directed at systemic reform in low-income communities. LEJ also represents individuals who are asserting their rights for VA and/or Social Security benefits. He is a founding board member and past Chairperson of the Management Information Exchange. He has also served as the Executive Director of the Western Massachusetts Legal Services, the Legal Services of Northern California, The Legal Aid Foundation of Los Angeles and the Legal Aid Society of Hawaii, as well as the Regional Director of the Legal Services Corporation responsible for overseeing the seventy five LSC funded programs in the ten southeastern states. Victor may be reached at [victor@lejhawaii.org](mailto:victor@lejhawaii.org).