

Lincoln Legal Services Society offers aid

Editor's note: Joyce Ware, a journalism major, takes an in depth look at the Lincoln Legal Aid Service. The story was completed as an assignment for the school of journalism's depth reporting class.

By Joyce Ware

NU School of Journalism

You and your mate can't get along anymore. Every time you're together for more than two minutes one of you starts fight that sometimes lasts for days.

You insult each other and each other's relatives, friends and acquaintances — all at the top of your voices. The dog howls along. The neighbors complain constantly about the noise. The children start crying whenever they see mommie and daddy in the same room together — before either has said a word.

So you decide to get a divorce. First step — contact a lawyer.

But lawyer's are expensive. Suppose you have little or no income. What then? Who provides legal aid for the poor? Who pays for it? Who is eligible to receive it?

There are three areas in which legal help might be needed — a civil case, a misdemeanor case or a felony case. Divorce falls in the civil category.

To help the low income person involved in a civil case, the Lincoln Legal Services Society (LLSS) was organized in late 1965 under the federal Office of Economic Opportunity Act (OEO). It is an outgrowth of the Legal Aid Bureau and a delegate agent of Lincoln Action Program.

LLSS offices are on fourth floor of the Lincoln Center Building. The staff includes Director Lawrence Sandberg, director; Paul Conley, assistant director; and Larry Greenwald, staff attorney. It is governed by a nine-member board of directors, which includes five Lincoln attorneys and four representatives of low-income persons in Lincoln. The attorneys are recommended by the city bar association, the low-income members by the Lincoln Action Program.

The Society is a non-profit corporation. Eighty per cent of its operating funds come from the federal government and 20 per cent from local contributions, including the Lincoln Bar Association and the Community Chest. Its present budget is about \$56,000, most of which goes for staff salaries.

LLSS handles civil legal action for low-income persons in Lincoln and Lancaster county without charge. Income-family size guidelines, set by OEO, determine whose cases will be handled. An urban family of four, for instance, would be eligible for free legal aid for LLSS if their annual net income was \$3,600 or less.

When a potential client visits the LLSS office, one of the three attorneys interviews him to determine whether he qualifies for free legal aid and to learn the nature of his problem.

The society will not handle criminal



Director Lawrence Sandberg

cases, misdemeanors or fee-generating civil suits.

The most frequent type of case is divorce. Sandberg cited the following example, from which identifying details were deleted:

"Mrs. Smith's husband left her with 10 children, gave up his job and went to live with another woman, leaving his wife all the bills.

"We got a divorce for her and took her through bankruptcy proceedings. She left Lincoln and now holds a responsible position in another city.

"We felt we've given her a new lease on life. Even though there are 11 persons in her family, she is earning enough money that she no longer meets guidelines for services."

Bankruptcy common

Bankruptcy cases are the second most common, Conley said. From December, 1968, to December, 1969, the society handled bankruptcy proceedings for 31 persons with a total of half a million dollars in debts.

Other types of cases include landlord-tenant relations, wage garnishments, custody cases and mental health board hearings. Cases often include more than one legal problem.

"A man behind on his child support payments was called for contempt of court," Sandberg said. "He faced a jail sentence, and came to our office for help.

"We had him examined by a psychiatrist, who indicated that he was unfit to assume the responsibility of provider and father at the time. Hospitalization was recommended.

"The man appeared before the mental health board and agreed to be committed to the state hospital. The court was informed and the contempt proceedings were stopped.

"This man, without legal assistance, would be in jail. And while support payments aren't being made now, he is

getting help and should be able to support his children in the future."

"On the defensive"

LLSS's major problem is always being on the defensive, Sandberg said. "Everything is at the last minute. People come to us when they've waited too long, when they already have the summons in hand. We would like them to come before trouble begins — preventive law."

LLSS can initiate positive action on occasion. For example, that office helped about 55 low-income home owners fill out and file homestead exemption applications.

Housing is one area where low-income persons don't exercise their legal rights, according to Conley.

"Tenants will rent from almost anyone and pay almost any price," he said. "They aren't organized."

If a group of low-income persons who live in inadequate housing were willing to do something about the situation, Conley said, they could come to LLSS to bring a suit against the landlord.

The court would investigate, and if it found the conditions as described, would issue a court order to make repairs, he explained. Then the rent money would be paid into the court, and the landlord could get it after the place was repaired, or the money could be used for repairs if the landlord refused, Conley said.

In addition, LLSS could prevent the landlord from evicting the tenants in retaliation for bringing suit, he said.

There is now a plan afoot to involve University of Nebraska law students in LLSS. They previously helped in legal aid when the Legal Aid Bureau was in operation. But then they could give only limited help because they couldn't try cases in court.

Since a Supreme Court ruling last July, Conley said, senior law students can practice in courts under supervision of a practicing attorney. "Law students came to us and said they would donate a time to go through cases to help ease our case load," he said.

"About 20 signed up. No firm commitment has been made yet. The program, if approved, will start in September."

The law student would take the case completely through the judicial process, beginning with the initial interview. Conley and Green would supervise the student.

Referral services

A lawyer referral service is operated out of the LLSS office for those who don't qualify for free legal aid because of income and to handle cases for low-income persons that LLSS can't take, such as a damage suit for someone injured in a car accident.

According to John Dudgeon, chairman of the Lincoln Bar Association's lawyer referral committee, the service was set up at the request of the OEO in conjunction with the Bar Association.

Any person who needs an attorney's advice can consult the service, Dudgeon said.

Lincoln lawyers sign up for the referral system. Their names then go on file and are taken in rotation.

"Lawyers participating agreed in advance to a maximum charge of \$9 for a half-hour consultation. This way the



Attorney Larry Greenwald

person knows beforehand how much it will cost him," Dudgeon explained.

"After the first consultation, and depending on the case, the lawyer and client will agree on what has to be done and set a fee."

There is no limitation on the type of case handled, he said. Misdemeanors, felonies and civil cases are taken. About 40 to 50 cases are referred each month, he said. The service now has about 56 lawyers.

Justice Inc. was created to deal with one of the areas not covered by LLSS. It is a recently formed, non profit corporation designed to provide free legal counsel to indigents charged with misdemeanors.

According to a plan submitted to the Legal Aid committee of the Bar Association, Justice Inc. will handle "misdemeanor offenses with an emphasis on more serious offenses."

It will not handle drunk cases "except where special or unusual circumstances exist." Traffic cases are also limited. The plan says, "No traffic offenses will be handled except those of a more serious nature, such as drunken driving and driving with a suspended license, or where special or unusual circumstances exist."

Services needed

Justice Inc. was organized by a group of five university professors, a lawyer, an architect, and a representative of the Indian community who saw a need for such a service. According to Herbert Friedman, the only attorney on the board of directors, the organization is now asking for volunteers among Lincoln attorneys to donate their services for two cases a year.

"If we can get 25 lawyers to volunteer their services, we're in good shape," he said. Friedman said the main problem now is getting the lawyers interested enough in the idea "that they'll be willing to donate some time."

Theodore Kessner, LLSS governing board member, had a somewhat different view of the plan. He said, "The proposal, as far as it went, looked like a good idea." But he pointed out possible problems.

He said that limiting the types of misdemeanor cases to be handled left as wide a gap as the gap the organization hoped to fill.

And he said there are ethical con-

siderations. As the plan is now outlined, a potential client will be interviewed by a member of the board of directors to determine financial eligibility and the nature of the case. He must then be approved by the interviewer and one additional board member before he is referred to one of the volunteer attorneys.

Only one board member (Friedman) is a lawyer. Kessner contended that this referral process "involves a lay person in the practice of law."

One other type of case remains — a felony, a major crime such as grand theft or rape, in which punishment is confinement in the State Penal Complex for a year or more.

A low-income person charged with a felony is now represented by a court-appointed attorney when his case comes up for trial.

Kessner, however, sees the need for a public defender, a county-paid attorney who would defend low-income persons charged with a felony.

The present system, he said, works hardships on practicing attorneys because they may be called on to take a type of case they haven't handled in years. It could also be a hardship on the defendant not to have an experienced criminal lawyer, he said.

Summer Nebraskan

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lecture series to continue

The Latin American lecture series will present two more speakers in the next two weeks.

Erwin Epstein, assistant professor of comparative education at the University of Wisconsin, will discuss "The Indian Problem" at 1:30 p.m. Thursday in the Nebraska Union.

A week from Thursday, July

9, William Mangin, chairman of the Department of Anthropology at Syracuse University, will speak on "Education and Rural Development," in the Union.

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