Newsletter

May 1991

Reflections at 20 Years

by Rod Boggs

The Washington Council of Lawyers' twentieth anniversary provides an appropriate moment to reflect on the growth of public interest practice in general and, from my vantage point as Director of the Washington Lawyers' Committee for Civil Rights, on how one public interest group's agenda has changed to meet new challenges. Suffice it to say at the outset that the landscape today is in many respects far different from that which confronted the new recruits to the public interest movement in 1971.

It was only in the late 1960's and early 1970's that public interest law began to gain broad acceptance and support. Growing out of the legal services movement and using the models provided by the ACLU and the NAACP Legal Defense Fund, Inc., a number of new groups were established in those early years, often with funding from major national foundations. Those were indeed times of great excitement and energy, fueled by a sense that lawyers and the legal process could play central roles in achieving a just society.

The ensuing years have, of course, seen their share of disappointments—some might say more than their share; but it is hard to quarrel with the conclusion that the public interest movement, and the Council as well, has stood the test of time. The number and diversity of public interest organizations has increased enormously over the years, with many groups that were new to the scene in early 70's, now firmly established, and literally dozens of new organizations now serving important constituencies such as the elderly, the disabled and children that had previously lacked effective representation in the courts or legislatures. All of these groups have dealt with changing conditions, including the predictable problems of funding and in recent years a more conservative judiciary.

The evolving program of the Washington Lawyers' Committee illustrates how one public interest organization has responded to these changing conditions. From the Committee's perspective, perhaps the most important development in the past 20 years took place in 1972 with the amendment of Title VII of the 1964 Civil Rights Act to cover federal, state and local government employees. Hard as it is to imagine today, in 1971, as the Council was getting organized, federal workers had virtually no effective remedies to combat employment discrimination. The 1972 legislation put federal workers on an equal footing with private employees, and as a result, over the past 20 years the Washington Lawyers' Committee has represented thousands of federal workers in successful challenges to discriminatory practices at dozens of agencies throughout the federal government. These cases have produced back pay awards in excess of $40 million and led to significant employment advances for minorities and women throughout the federal services.

Another notable aspect of the Committee's EEO program, which dates to the Council's creation, is its 20 year history of litigation challenging discrimination in the D.C. construction industry. As major work began on the construction of the Metro system in 1970, the skilled construction trades in the D.C. area were almost without exception characterized by rigid segregation and discrimination. It was not unusual in those days to encounter unions, such as the sheetmetal workers, with fewer than 20 black journeymen out of memberships exceeding 1,000. Today, thanks in large part to a dozen law suits and the adoption of goals and timetables for minority hiring, the situation is much improved. Progress, however, has often been grudging: at least one Committee case on behalf of several hundred black ironworkers has been fought through the federal courts for 17 years.

The area of sex discrimination—particularly the issue of sexual harassment—provides another illustration of the Committee's expanded focus. While today there is no doubt that sexual harassment constitutes unacceptable and clearly illegal conduct, this was far from clear in 1975 when the Committee undertook to represent a woman employee at the EPA who had her offer of promotion conditioned upon the grant of sexual favors. Amazing as it may seem today, it was virtually impossible at that time to find social science evidence on the extent of this problem or the serious damage that it produces.

Housing discrimination is another matter that has become a much more important part of the Committee's agenda over

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McCarthy to Speak at Gala Event

Senator Eugene McCarthy will speak at the Washington Council of Lawyers gala 20th Anniversary reception, Thursday, May 30, 1991, at the Holiday Inn Crowne Plaza Hotel, located at Metro Center, 775 12th Street, N.W. A light supper buffet will be served at the reception. Famous disc jockey Steve Hollman will provide '60s and '70s music.

Senator McCarthy will speak on the role of lawyers in society. Senator McCarthy has had a distinguished career as an academician, Congressman, Senator, lecturer and journalist. His opposition to the Vietnam War led him to challenge President Johnson for the Democratic Presidential nomination in 1968. Prior to the Democratic Convention, Senator McCarthy won the primaries in Wisconsin, Pennsylvania, Massachusetts, Oregon and New York.

Senator Eugene McCarthy

Founding members of the WCL will also be honored at the reception.

The cost of the reception will be $20.00 per person. Telephone reservations may be made by calling 637-8719.

Civil Legal Services for the Poor: Justice Delayed

by Linda E. Perle

Unlike in the criminal defense area, the courts have never recognized a constitutional right to civil legal services. Nevertheless, individual members of the legal profession have always felt that they had a duty to represent indigent clients on a low-fee or no fee basis, as part of their "pro bono publico" obligation—for the public good.

In the late nineteenth century, lawyers and bar associations began to organize and supplement these sporadic individual efforts through the establishment of small, privately-funded legal aid societies in many of the larger metropolitan areas across the country. In some cities, these private efforts received modest supplemental support from the municipalities where they operated. These early legal aid societies were generally staffed by part-time lawyers, often operating out of their own private offices, concentrating on individual case representation in a few limited areas. There was no concept of law reform or any effort to address the causes of poverty through the legal system.

By 1919, when Reginald Heber Smith, general counsel of the Boston Legal Aid Society, undertook the first national study of legal aid, there were 40 legal aid programs in 37 cities. Smith's book *Justice and the Poor* urged the private bar to expand its efforts to provide legal services to the poor. Over the next half century, the number of legal aid socities slowly increased; by 1947 there were 70 programs; by 1963 the number had grown to 249. Nevertheless, these programs were still concentrated in major metropolitan areas, primarily on the east and west coasts, and received only $4 million in total support from the private bar, foundations and local charities. These programs still concentrated almost exclusively on individual representation within a narrowly circumscribed range of issues such as domestic relations and landlord-tenant.

In the 1960's the focus began to change. Several national organizations, most notably the NAACP Legal Defense and Education Fund and the ACLU, had developed a tradition of law reform work that had been successful in using litigation to secure legal rights for the disadvantaged. A new spirit of social activism emerged from the legal profession, and lawyers began to use litigation as a vehicle for social change. The Ford Foundation funded a small number of experimental legal services programs as part of a multi-service program intended to improve social conditions in poor urban areas.

In 1964 Congress enacted the Economic Opportunity (OEO) Act, popularly known as the War on Poverty. Although the OEO Act did not specify civil legal services as a focus of the federal government's efforts, Sargent Shriver, the first director of OEO, decided to earmark funds for legal services. That decision was ultimately endorsed by both the American Bar Association and the National Legal Aid and Defender Association. Despite numerous political and philosophical disagreements, law reform emerged as an essential element of the new OEO Legal Services program. Over $20 million was allocated to 130 OEO legal services grants by the end of the 1966 fiscal year. These grants supported a delivery system composed of locally-controlled legal services programs, staffed by well-trained, full time poverty lawyers, supplemented by a national structure of support, training and technical assistance which became know as the "back-up centers." This system promoted a much more aggressive form of advocacy on behalf of the low-income community than had been supported by the traditional legal aid societies. Legal services lawyers brought litigation, often in the form of class actions, that challenged the policies and practices of entrenched government agencies and powerful private institutions that had tremendous impact on the lives of the poor. They lobbied state legislatures and Congress on behalf of their clients. They advocated for the poor in every forum that could make a difference, and they won—at least as often as they lost.

During the late 1960's and early 1970's, OEO-funded legal services lawyers won a series of significant legal victories for their clients, including many that successfully challenged actions taken by public officials on the local, state and national levels. They successfully challenged state welfare procedures for determining benefit levels and cut-offs; they succeeded in forcing legislative changes that created new rights for the poor in consumer and landlord-tenant law; they succeeded in establishing fairer criteria for determining who should receive free medical services. Low-income clients finally had a vehicle to help them enforce their statutory and constitutional rights. But the victories came with a heavy price.

Linda E. Perle

Congressional opposition to a federal legal services program began to emerge almost from its inception, spurred on by powerful constituencies that were threatened by legal services advocacy. Conservatives in Congress accused legal services attorneys of advocating positions that reflected their own views of society, rather than the legal needs of the poor. Governors of numerous states tried to reign in legal services program advocacy in retaliation for legal services litigation that challenged state institutions. In 1970, Ronald Reagan tried unsuccessfully to veto the OEO grant to California Rural Legal Services for its successful litigation against the state and powerful agricultural interests. At the same time there were continuous efforts to interfere with program operations by local politicians and bar groups whose positions or clients were threatened by legal services advocacy. By the end of the 1960's, within OEO itself, there developed a marked conflict between some members of the Nixon Administration and supporters of the legal services program over the kind of role that programs should play. Echoes of that debate resound today.

By the early 1970's supporters of the legal services program began to view the creation of an independent, private, nonprofit corporation, funded by Congress but outside the control of the federal government, as the only way to preserve the legal services program as an aggressive advocate for poor people. Bills were introduced in Congress in 1971 to create a legal

services corporation amidst a barrage of ideological attacks on the OEO program. President Nixon vetoed the legislation that was passed in 1971 and threatened a veto of the 1972 bill because both bills limited the President's power to appoint all of the members of the corporation board.

In 1973, Nixon, with the help of Howard Phillips, began to systematically dismantle OEO, including the legal services program. Although the Nixon/Phillips effort was enjoined by the Federal courts, supporters of legal services realized that a compromise over the LSC Act was essential to preserve the program. The legislation that President Nixon signed into law in August, 1974, just days before his resignation, permitted the President to appoint all of the board members, subject to confirmation by the Senate. The bill also contained a number of restrictions on advocacy and the use of funds by legal services attorneys that were the result of compromise between the supporters and critics of legal services. Legal services programs were not permitted to participate in desegregation or Selective Service cases; legal services attorneys were not permitted to engage in political activities; involvement in abortion representation was severely limited; grant funds could not be used for research unrelated to specific cases. While these compromises permitted the LSC Act to become law, they did not entirely quell the political controversy that had surrounded federally-funded legal services for the previous decade.

The first board of the Legal Services Corporation was finally confirmed in mid-1975 and began to set up a structure and develop policies and regulations to guide the work of the new Corporation. Although many of the original board members were fairly conservative and few had any real experience with service to the poor, virtually all were supportive of the basic idea of the legal services program and defended its existence and independence. Representatives of legal services programs, clients and the ABA all were actively encouraged to participate in the process of establishing the new institution. Congress had appropriated $71.5 million for the Corporation in its first year, but programs were still concentrated in certain areas of the country, primarily in urban centers.

The late 1970's were halcyon days for the Legal Services Corporation. Neither the Ford nor Carter Administrations interfered with LSC operations or board decisions. Funding grew from $71.5 million in 1975 to $321.3 million for the 1981 fiscal year. The increased funding was split between increases to existing programs and expansion of legal services into previously unserved areas, including much of rural America and most of the South and Southeast. In some areas expansion was met with hostility from the local bar, politicians and community leaders who feared that the new breed of lawyers would upset the social order in pressing their demands for rights for the poor, and many of the controversial issues that had plagued the program a decade before arose in the newly-served areas. Nevertheless, broad based support for the Legal Services Corporation in Congress, the organized bar and the general public gradually increased and eventually the program was accepted as an institutional presence in most areas of the country. Local control became a hallmark of the program and much of the advocacy shifted from the national to the state and local levels.

By 1981 the legal services program had achieved its modest initial funding goal of "minimum access." This represented funding to provide at least two legal services lawyers for every 10,000 poor persons. Minimum access was the lowest base for funding; some of the older programs historically had substantially higher levels of federal funding as well as resources raised from other public and private funders. But no legal services program had enough resources to even remotely meet the crushing need for civil legal services for the poor people living in their service areas. Local program boards were required to set priorities for the use of resources, subject only to the restrictions set out in the LSC Act.

The election of Ronald Reagan ended the years of expansion and the growth of political independence for the Legal Services Corporation. The Reagan Administration was openly hostile to legal services and sought its complete abolition. This attitude was a product of both Ronald Reagan's historical antipathy toward legal services as well as his general philosophical belief in the limited role that government should play in supporting social programs. The initial impact of Reagan's effort was a 25% reduction in funding for the Legal Services Corporation for FY 1982.[1]

When Congress refused, however, to abolish the legal services program entirely, the Administration, with support from New Right conservatives in Congress, embarked on a major effort to place severe restrictions on the scope of legal representation and to eliminate any legal work that had long-term significance for the expansion of legal rights of the poor. Part of this effort was directed at shifting from a system of staff attorney programs to paid private bar providers and law school clinics. Part was directed toward limiting representation to those services that met the basic, "day-to-day" legal needs of the poor. The national support system of "back-up centers," which had brought many of the successful class actions that so enraged critics, was one of the prime targets of the Administration's efforts.

A major political struggle erupted in Congress over the Administration's plans for legal services. The organized bar at both the national and local level joined with legal services programs to ensure survival of the Corporation. The Senate refused to confirm Reagan's appointees to the LSC Board. Virtually none of the Administration's legislative proposals were enacted.

The LSC staff and a majority of the recess appointees to the LSC Board became increasingly hostile to local programs and turned to regulatory efforts to curtail legal services activity. The Board adopted new regulations to further restrict legal services activities in areas such as legislative and administrative advocacy. The staff increased harassment of legal services programs with escalating demands for information, constant threats of defunding and a stepped-up monitoring effort that disintegrated into a series of adversarial encounters over access to records and compliance with ever-increasing requirements and restrictions. Fortunately, Congress responded with riders to appropriations bills that restricted some of the more outrageous efforts by the LSC staff and board and continued to appropriate funds which increased, albeit very gradually, despite the fact that the authorization legislation for the Legal Services Corporation had expired in 1980. Nevertheless, the 1980's were years of struggle for legal services advocates, who had to cope with severely diminished federal resources, at a time when the demand for services was increasing almost exponentially, all in the context of a hostile funding agency.

The 1990's have seen an almost imperceptible change for the better for the legal services community. The 1990 Congressional appropriation was $316.5 million, still short of the 1981 level of $321 million, and far below the amount needed to provide

Newsletter

Anita Johnson
Ilene Knable Gotts

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We encourage the submission of articles, announcements of available jobs, and other informational notices from our membership. Contact Ilene Gotts at 862-5390.

[1] In 1983, the Washington Council of Lawyers conducted a national study of legal services programs to determine the impact of the reduction in funding on programs' ability to provide legal services. That study documented the overwhelming unmet need for civil legal services and the tremendous impact that the cuts had had on the capacity of legal services programs to meet those needs. It also documented the efforts that legal services programs were making to use their limited resources more efficiently and effectively.

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President's Column

by Paul Smith

In this largely retrospective edition of the WCL newsletter, I have the task of looking to the future—of the Council and of the agenda we seek to promote. Because of the very nature of WCL's main goal—equal access to justice for all citizens—it hardly makes sense to hope for a day in the foreseeable future when "success" will be ours. The struggle for equal access to justice is one part of the larger effort in this society to create equality of opportunity for all people regardless of their race, gender or socioeconomic origins. That struggle, in turn, is perhaps the central theme of American history in the twentieth century.

In that broader debate, the goal of equality of opportunity is not itself controversial. The issue is how best to achieve it—by, for example, utilizing the machinery to government to help those who need extra assistance or, in the alternative, emphasizing growth in the private sector as the best way to achieve real progress. When the focus is the legal system, there is a similar choice of emphasis. One approach is for government to redistribute resources by funding legal services for those who cannot afford it. The other is to put greater reliance on voluntary efforts by the private bar.

Obviously, this cannot be seen as an either/or choice. The dual approach will be necessary in the future as well. As Judge Harry Edwards stated in his 1989 keynote address at the WCL Summer Pro Bono Forum, it is unrealistic to expect that part-time voluntary efforts of lawyers in private firms will ever meet the need for representation of the multitude of persons caught up in legal disputes who lack the means to hire their own counsel. But, looking to the near future at least, it is also unrealistic to expect major legislative or judicial initiatives mandating additional shifts of resources toward the funding of legal services.

The current trend is therefore toward greater emphasis on *pro bono* efforts. Maryland and New York have undertaken extensive efforts to convince lawyers in private practice to honor their professional obligation to provide *pro bono* services. Clearly, the Council must capitalize on this momentum by translating it into meaningful increases in the time devoted to *pro bono* services in this metropolitan area.

As for the Washington Council of Lawyers itself, my personal view is that we should continue to be a group focused on a specific agenda of promoting equal access to justice. In view of the clamor of competing groups and causes seeking support these days, such an approach may not be a prescription for massive growth in membership. Our agenda will seldom seem as immediately compelling to many potential supporters as the latest fight over civil rights, civil liberties or the like.

A specific focus, however, is also the main strength of the Council. WCL remains an effective voice in the legal community on our key issues precisely because we do not attempt to lead the way on a host of other goals. One example is our endorsements of candidates for D.C. Bar offices, where our emphasis on "equal access" concerns has allowed us to exercise significant influence among many bar members. My recommendation, therefore, is that the Council should continue to take the "point" position on its main issues, while not neglecting the opportunity to build coalitions with other groups on those issues and others as well. There is, in fact, a broad consensus about the need to promote more representation of those who cannot afford counsel, and the Council should continue its efforts to translate that consensus into concrete reforms.

WCL needs to consider other ways to involve more members in its work. We have talked at some length about hands-on projects that will call on the time and energies of large numbes of members outside the Board of Directors. I, for one, hope that such projects will be high on the agenda for the coming year.

Reflections *(from page 1)*

the past 20 years. Despite the passage of federal fair housing legislation in 1968 and the initiation of a dozen or so cases in the D.C. area during the 1970's, housing discrimination has really been recognized as a pervasive problem susceptible to attack only as a result of the vigorous testing activities initiated in recent years by private fair housing groups such as the Fair Housing Council of Greater Washington. The use of testers was endorsed by the Supreme Court in its 1982 *Havens* decision and dozens of fair housing groups around the country are now using this highly effective technique. Indeed, over the past two years, the Washington Lawyers' Committee has helped to adapt the testing technique for application in the area of taxi cab discrimination and most recently to the field of equal employment. The use of testers may prove to be the most important civil rights advance since the passage of the modern civil rights legislation in the 1960's.

Rod Boggs

In addition to changing litigation strategies, the past twenty years have also seen a remarkable expansion of constituencies served by the Washington Lawyers' Committee. A traditional focus on issues of race has grown to include a substantial emphasis on questions of gender, national origin and immigration. Again it is hard to remember that in 1978, when the Committee established its Alien Rights Law Project, not a single Spanish speaking attorney was providing free legal services to the immigrant communities in the D.C. metropolitan area. Today, by contrast, the Committee's vibrant project has been joined by a number of effective programs helping to serve an enormous client population numbering in the hundreds of thousands. As recent events have made all too clear, much work remains to be done in this field.

Of all the changes in the Lawyers' Committee agenda, none has been more significant then the creation of new programs to address issues of public education and child care. Both of these initiatives were premised on the realization that traditional litigation to secure equal access to housing and jobs would be of little help to individuals who lack basic educational skills. Thus beginning in 1980 the Committee began to devote substantial resources to working with the parents of children in the D.C. public schools. Through direct assistance to parents at individual schools and work on a city wide basis with Parents United for the D.C. Public Schools and the Washington Parent Group Fund, the Committee has found that lawyers can make a profound difference in helping parents to improve their schools. Despite the myriad of serious problems which remain, the D.C. public schools are far better today than they were ten years ago, and a well defined agenda for further reform is firmly in place.

What can one public interest group conclude from twenty years of effort? First, we know that the goal of assuring basic civil rights and full equal opportunity for all members of our community is an on-going and difficult challenge that requires all the resources and resolve which we can muster. Second, it is clear that despite inevitable frustrations and disappointments, the spirit and commitment that has sustained the Lawyers' Committee and the Council of Lawyers remain alive and strong in our profession. We look forward to the challenges which lie ahead.

Rod Boggs has been a member of WCL's board since WCL's founding in 1971.

WCL Beginnings

by Russell B. Stevenson, Jr.

The founding of the Washington Council of Lawyers in 1971 was an historical inevitability. The Council was, in many ways, a product of the '60s (which, as anyone who lived through them knows, did not end until about 1975). The arrival on the relatively conservative Washington legal scene of large numbers of very idealistic and relatively liberal young lawyers recently emerged from the political and social ferment of the university campuses of the time was bound to create an organization committed to social change and liberal ideals. Whatever we might have thought at the time, the small group of us who served as the nucleus of the organization were, it now seems clear, more acted upon by history than actors in it.

There were several strands that came together to contribute to the founding of the Council. One was a letter-writing campaign by a loosely-organized group of relatively junior law firm associates in opposition to the nomination of Harold Carswell to the Supreme Court. Our efforts in calling and writing friends around the country generated several thousand letters to the Senate Judiciary Committee. Whatever our contribution to the defeat of the nomination, we were encouraged by our success, and began to think of the possibilities of doing even more with a stronger organizational base.

Shortly thereafter, two of the founders, Paul Wolff and Greg Gallo, had a conversation with a friend who was active in the recently-formed New York Council of Law Associates. That conversation led to a lunch at a downtown deli that included, as best I can recall, Paul, Greg, Chris Buckley, me and perhaps one or two others. We agreed on a desire to create an organization of Washington lawyers in which we would feel at home, and which could serve as a base for more activities like the anti-Carswell effort. We aimed a little higher than the New York group; we deliberately avoided confining our membership by our name and actively solicited (with some modest success) the participation of partners as well as associates.

In part, we were also reacting against what we perceived as the conservatism and stodginess of the District of Columbia Bar Association, then the only general purpose organization of Washington lawyers (the unified bar not having yet come into existence). We thought of the Bar Association as a rather sleepy, very conservative trade association dominated by local practitioners who tended (we thought) not to share our values or ideals. Whatever the truth of that perception, it was at least true that few lawyers from the larger firms were active in the Association, which concerned itself more with local matters than with the broader national, political and social issues about which many of us held strong feelings.

It is unlikely that any of the founders could have said at the time just what he thought were the goals of our new creation. We were in general agreement on its values, but we had very little in the way of a plan of action. Even if we had tried, we probably could not have articulated anything approaching a clear mission statement.

Russell B. Stevenson, Jr.

With little more in the way of organizing effort than circulating a memorandum among lawyers in our own firms and calling a few friends in other firms to ask them to do the same, we soon had a respectable-sized membership list.

One of our first and most gratifying opportunities to make our point was handed us on a silver platter by our antithesis, the Bar Association. It had traditionally sponsored each year, on May 1st, a luncheon in honor of Law Day. The Association's invited speaker for the first Law Day Luncheon after the Counsel was organized was Robert Mardian, then Assistant Attorney General for Internal Security in the Nixon Justice Department. Mr. Mardian had gained a reputation of being particularly hostile to liberal values in general and civil liberties in particular. That the Bar Association should have invited him to present an address at a ceremony intended to honor the higher ideals of the law was bitterly ironic. It confirmed our belief in the need for our new organization. The Council organized a "Counter Law Day Luncheon" which we held in the same hotel, at the same time, as the Bar Association's affair. Our speakers were Harold Hughes, a liberal senator from Iowa and former Democratic presidential contender, and Terry Lenzner. Our luncheon outdrew the one across the hall by four- or five-to-one.

Next to founding an organization that has endured for 20 years and continues to support the professional values in which its organizers so strongly believed, perhaps the most lasting mark the Council left on the Washington legal profession came at the time of the creation of the unified bar. The Court of Appeals had directed that a nominating committee be elected to make nominations for the first Board of Governors. The mechanism for the selection of the nominating committee was a sort of town meeting to which all members of the bar were invited.

Our great fear was that, as the largest organized body of the bar, the D.C. Bar Association would succeed in selecting the first nominating committee and that its representatives would set an unsympathetic tone for the governance of the new unified bar that might take years to overcome. So we decided to organize our own slate. The Executive Committee, which included, among others, Rod Boggs, Marna Tucker, Ralph Temple, Chuck Hill, Marc Efron and Ann Macrory, solicited the participation of several other like-minded organizations including the Washington Bar Association and the Women's Bar Association. After a lengthy meeting we arrived at a carefully balanced slate of candidates for the nominating committee. We circulated that list among our friends and colleagues, encouraging them to appear at the "town meeting" and vote for our slate. Our slate was elected by a landslide; the lowest polling of our nominees received twice the number of votes as the next highest candidate. The Bar Association never knew what happened.

It is a fair guess, that the first Board of Governors would have been a less distinguished group of a far more conservative bent than the group whose nomination and election was so directly influenced by the work of the Council. It was a proud start for a fine organization.

Mr. Stevenson was the first president of the Washington Council of Lawyers. He is currently a partner in the Washington, D.C. office of Pepper, Hamilton & Scheetz.

Payton at Summer Forum

The annual summer lunch forum, Wednesday, July 10, 1991, will feature John Payton as the keynote speaker. Payton is the newly-appointed Corporation Counsel for the District of Columbia.

Lunch will be served. The summer forum has traditionally attracted, in addition to Council members, a large number of summer law firm associates interested in incorporating pro bono work into their careers.

Prior to his appointment as Corporation Counsel, January 14, 1991, Payton was a partner at Wilmer, Cutler & Pickering.

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Civil Legal Services *(from page 3)*

the 1981 level of service in 1990 dollars. For 1991 Congress voted $327 million. Non-LSC funding from foundations and private donations, Interest on Lawyer Trust Accounts (IOLTA), and state and local governments now total close to $150 million, but these funds are unevenly distributed among the 325 legal services programs.

Unlike its predecessor, the Bush Administration has exhibited no overt hostility toward the legal services program and has recommended that Congress continue to fund the Corporation at current levels. President Bush has replaced the Reagan holdover board with new recess appointees, but they have yet to be confirmed by the Senate. The new board appears to be somewhat less ideologically opposed to the legal services program than the Reagan board, but many of its members have embraced the rhetoric of the conservative "reformers" who still want to fundamentally alter the way in which legal services are delivered to the nation's poor, limiting representation to only those issues that bear on the "day-to-day" legal needs of the poor and prohibiting the use of class actions, legislative advocacy, and other techniques perceived as promoting law reform and social change. The Congress has tied the hands of the board, forbidding them from passing any new regulations and requiring them to basically maintain the program intact until at least the end of the current fiscal year.

For the first time in more than a decade there is a genuine effort in Congress to pass a new reauthorization bill for the Legal Services Corporation, although there is still fundamental disagreement between the legal services community and conservative critics over many of the basic tenets of the program. For the balance of the century legal services programs are likely to remain lightening rods for criticism by conservatives.

Since its founding in 1971, the Washington Council of Lawyers has been an active and vocal proponent of legal services, both in its efforts to promote the local D.C. legal services program, Neighborhood Legal Services, and its support for fewer restrictions on advocacy and increased funding for the legal services program nationally. Local support from voluntary and mandatory bar associations has been a critical linchpin in the successful effort by the private bar to preserve a strong, independent and effective legal services program. If legal services in its current form is to survive in the years to come, it is vital that the Council and its fellow bar groups continue and intensify that effort.

Linda E. Perle is a Senior Staff Attorney at the Center for Law and Social Policy. She serves as counsel to the legal services community under a contract with the National Legal Aid and Defender Service and the Project Advisory Group. She was President of WCL from 1980 to 1982.

This history of legal services is based upon longer writings by Alan Houseman, John Dooley, Joan Lieberman, Earl Johnson and Rhoda Schulzinger.

Payton Forum *(from page 5)*

He had an extensive civil rights practice at the firm. In 1989, he represented the City of Richmond, Virginia, before the Supreme Court in a challenge brought against its program to let contracts to minority firms. Thereafter, he represented a number of cities and other public entities in connection with issues relating to the use of racial preferences. His practice also included litigation, insurance, international transactions, and other matters.

Payton has taught as a visiting professor at Harvard Law School and at Georgetown Law Center. He is a member of the Advisory Committee on Procedures of the D.C. Circuit Court of Appeals, a member of the hearing committee of the Board of Professional Responsibility of the District of Columbia Court of Appeals, and a member of the District of Columbia Bar Court of Appeals Study Committee.

After graduating from Harvard Law School, Payton clerked for the Honorable Cecil F. Poole on the United States District Court for the Northern District of California.

Payton has been a member of WCL for a number of years and has served on the WCL Board of Directors.

The telephone number of the WCL Public Interest Job Clearinghouse has been changed. The new number is 637-8719. Margery Passett continues to run the Clearinghouse.

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Law and the Public Interest: 1971-1991

featuring

SEN. EUGENE McCARTHY

guest speaker

Please join us in celebrating the Council's twentieth anniversary and the law firms, organizations and individuals who have devoted time, energy and resources to the Council and its public interest work over two decades. The celebration will include a sumptuous buffet and dance music from the 1970s.

Thursday, May 30, 1991
6:00 - 9:00 p.m.
Members and non-members welcome

Holiday Inn Crowne Plaza
775 12th Street, N.W.
(Metro Center Station, 12th and G St. Exit)

Admission $20.00 in advance for attorneys in private practice, $15.00 in advance for public interest lawyers, legal assistants and students.
(Admission includes free 1991 membership for new members)

Please reserve _____ places at $20.00/$15.00
to the Washington Council of Lawyers' Twentieth Anniversary Reception.

Name: _____

Address: _____

Daytime Phone: _____

Please send a check in the enclosed envelope, payable to WCL, by May 23rd to the Washington Council of Lawyers, 1200 New Hampshire Avenue, N.W., Suite 700, Washington, DC 20036.
For more information, call Margery Passett 202/637-6581.

THE WASHINGTON COUNCIL OF LAWYERS

CELEBRATES

20 YEARS OF ACCOMPLISHMENTS

1971-1991

The New York Times

WCL PUTS MAN ON MOON

PUBLIC INTEREST LAWYERS ASK, "WHAT ON EARTH DO WE DO NEXT?"

FRANK HOWARD— Senators' All-Time Home-Run King, Has Smashed 334 Homers in Majors

THE NEW YORK TIMES

Bar Group Study Finds 'Retreat' on Civil Rights Under Reagan

By Leslie Maitland
Special to The New York Times

WASHINGTON, Sept. 15 - In a detailed study of the activities of the Justice Department's civil rights division, a Washington lawyers' association asserted today that "the Attorney General's early promise to vigorously enforce the law has not been fulfilled."

The 138-page study, which compares the division's record in the first 20 months of the Reagan Administration with that of previous administrations, was prepared by the Washington Council of Lawyers.

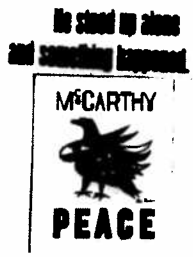
The council, founded in 1971, describes itself as a public interest, non-partisan bar association, with members from private law firms, community groups and governmental agencies. Its board of directors includes lawyers from several large Washington law firms, including Hogan & Hartson, Arnold & Porter, and Covington & Burling.

THE WASHINGTON COUNCIL OF LAWYERS
P.O. Box 38343, Washington, D.C. 20008

April 9, 1971

Dear Washington Lawyer:

The first meeting of the Washington Council of Lawyers was held on April 2, 1971. Over 200 lawyers heard Ramsey Clark stress the need for activist organizations to provide a mechanism which would put lawyers in contact with the unrepresented. We feel that the Washington Council of Lawyers fills this need.



CQ Special Report, Civil Rights

Sept. 17, 1983

Preparing for New Confrontations

Larger and Broader Coalition Of Civil Rights Organizations Thrives as White House Foe

January 24, 1985

The Honorable Edward M. Kennedy
Senate Office Building
Washington, D.C. 20510

Dear Senator Kennedy:

LEGAL TIMES

Council of Lawyers Holds Fast to Original Goals

By Eleanor Kerlow
Legal Times Staff

Celebrating its fifteenth anniversary, the Washington Council of Lawyers seems to have endured not by shifting with popular causes, but by holding fast to the ideals on which it was founded in 1971.

"We were all dreamers. We wanted to make all these changes," recalls

Council Testimony Criticizes Federal EEO Procedures

At the October 8, 1986 hearing of the House Subcommittee on Employment and Housing, WCL Vice President Joseph Sellers criticized federal EEO procedures as "largely ineffective."

The New York Times

SUPREME COURT, 6-3, UPHOLDS NEWSPAPERS ON PUBLICATION OF PENTAGON PAPERS

Justices Influenced By WCL Amicus

—Spiro Agnew, Jan. 1972.

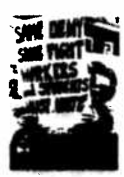
AGNEW: I KNOW I COULD HANDLE THE PRESIDENCY

Edmund Muskie wept in the New Hampshire snows when a newspaper article attacked his wife in 1972; the display of emotion may have cost him the Democratic Presidential nomination.

The Evening Star and The News — NIGHT FINAL

WCL, KISSINGER, HANOI ANNOUNCE "PEACE IS AT HAND"

Le Duc Tho Calls WCL Representative 'Tough Negotiator'



The Washington Post

WCL Investigates Iran-Contra Link

Reagan Claims Not 'Fully Informed'

Arms Scandal May Overwhelm Hill Agenda

September 17, 1987

Senator Joseph Biden
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Council Fights Attorneys' Fee Cap

By Timothy Linden

The Council is vigorously opposing a bill before Senator Orrin Hatch's Subcommittee on the Constitution, which would limit attorneys' fees in civil rights and other cases against the government to $75 per

The Washington Post

WCL: "NIXON MUST GO"

Interest Group Breaks Watergate Scandal Wide Open

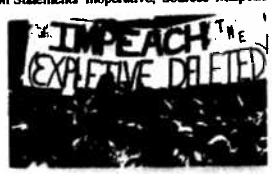
Administration Statements 'Inoperative,' Sources 'Mispoke Themselves'

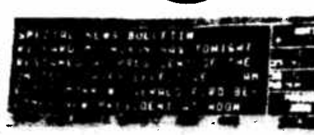
The Washington Post

Senate Rejects Bork, 58-42

Senators Cite WCL Opposition

Ginsburg Eyed As Potential Nominee





The Washington Post

BUSH SELECTS QUAYLE DESPITE WCL OPPOSITION

The Washington Post

America Celebrates Its 200th

President Praises WCL Contributions to Nation

The New York Times

WCL NEGOTIATES RELEASE OF HOSTAGES FROM IRAN

Council Prevails in Supreme Court

In a significant victory for the Washington Council of Lawyers, the Supreme Court ruled 5-4 last June in *City of Riverside v. Rivera* that the amount of damages awarded to a civil rights plaintiff does not limit the amount of attorney's fees awarded under 42 U.S.C. § 1988

PRO BONO

Can It Survive The Bottom Line?

SEPTEMBER/OCTOBER 1990

PRO BONO: BEYOND THE BOTTOM LINE — 35

The Washington Post

D.C. Lawyers Lag In Work for Poor

Four of 10 Don't Meet Voluntary Guide

Four out of 10 lawyers surveyed at Washington's largest firms did significantly less free legal work for the poor than even the minimal guidelines set by conferences of local lawyers and judges, according to a survey to be released this week by the Washington Council of Lawyers.

PRO BONO PUBLICO — WCL

WASHINGTON COUNCIL OF LAWYERS/*a public interest voice in the legal community*