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Concord, New Hampshire

Practicing law as a public service
Representing the poor is rewarding

By LEE VAN DUZER
For the Monitor
September 07. 2004 8:00AM

When someone says "lawyer," we immediately think of a person in a sharp suit with a briefcase. This person has a fancy car, a plush office and a secretary. We tend to forget about the underpaid and overworked lawyers who protect our rights by serving as public defenders, and their only slightly better paid adversaries, public prosecutors.

Then there is a group of lawyers who don't even register on the public's radar: lawyers working for legal services or legal aid organizations.

Criminal cases appear in the news frequently, but who wants to hear about a poor tenant, barely making ends meet, who was unfairly evicted? Or the struggling mother of three, on welfare, trying to divorce her abusive husband?

The even better question: Who wants to give these people legal advice?

I am in my third year of law school and may well become one of the attorneys who do just that. This summer I interned at the Legal Advice and Referral Center, where I learned a lot about the phrase "with justice for all." To people who cannot afford an attorney, the center provides telephone advice in the areas of family, housing, consumer, bankruptcy and benefits law.

Under the supervision of an experienced attorney, I managed some of the family law clients whose calls I answered. This included relaying advice to them, receiving calls when they had new questions, keeping track of upcoming hearings so my supervisor could prepare the client and, in a couple of cases, drafting documents.

Some clients had hearings coming up because their opponent had filed proceedings with the court; others were waiting to file their case.

One client was a woman who simply wanted to continue visiting with her child. Another was trying to prevent her abusive ex-boyfriend from receiving custody of their child. Another was a father trying to protect his children and divorce his abusive wife.

Sadly, domestic violence was involved in many of our callers' legal and family problems.

On their own

When they first called the center, our clients were usually a bit frantic, in the middle of a family trauma and unsure of their legal rights.

In cases where no hearing was imminent, simply learning about the legal process and finding out what they could do allowed them to relax a little. In cases where our clients went to a hearing with only the preparation from my supervisor, it was amazing to see how resourceful they could be.

These were people with no legal training, sometimes without a college education, going into court and representing themselves in front of a judge, and sometimes opposite an attorney.

One client I spoke with after a hearing showed tremendous insight. She recognized that she had done well in court and that the judge might still rule against her – a concept that I, as a law student, am still having trouble appreciating.

When answering the phones, my first task was to determine if the caller fit the poverty guidelines established by the Legal Services Corporation – a federally funded program that provides grants to local legal services organizations.

For example, the guidelines require that a single person earn no more than \$17,457, and a parent with three children earn no more than \$35,344.

For the most part I found callers to be respectful, considering they were calling because they were about to lose their apartment or dealing with an abusive spouse or with custody issues, and I started asking about their income. Many were on welfare, Social Security or disability, and they were accustomed to having to jump the financial eligibility hurdle.

Aside from callers who are financially ineligible, some simply never reach an advocate. The Legal Advice and Referral Center staff totals seven attorneys, two paralegals and two office staff to serve the entire state. That is one reason the center is unable to serve every potential client.

More help

Fortunately the center isn't the only organization. There are also New Hampshire Legal Assistance, the Disability Rights Center and the Lawyer Referral Service's reduced fee program, to name a few.

The Legal Advice and Referral Center also refers some eligible clients to New Hampshire Pro Bono – a program of the New Hampshire Bar that matches private attorneys willing to volunteer their services to clients in need of services who cannot otherwise afford a lawyer. For eligible clients that Pro Bono is unable to place with an attorney, or even while a client waits for an attorney, the center provides advice and counsel by phone.

A Public Interest Coalition Fellowship funded my summer internship. The coalition is a student group at Franklin Pierce Law Center that raises money to provide fellowships that pay law students to work in unpaid internships in public interest law.

Students receiving these fellowships have worked in the offices of the New Hampshire Public Defender, local prosecutors, the state attorney general, local legal service organizations, state agencies, the U.S. attorney and the United Nations War Crimes Tribunal for Rwanda.

While I learned some practical legal skills this summer, my most important lessons were not legal. First, I gained a greater understanding of what life is like for those who are living below the poverty line.

Second, I developed a deeper respect for the lawyers who help the impoverished by working for the state or a legal services organization or by volunteering to take pro bono cases.

These lawyers represent the true spirit of the American legal system: justice for all.

(Lee Van Duzer, a third-year law student at Franklin Pierce Law Center, is a member of the Monitor's board of contributors. He was the 2004 Sulloway & Hollis Public Interest Fellow and thanks the Sulloway law firm for financing his fellowship.)

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