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# Reflections on an Internship at a Legal-Aid Clinic

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Reflections on an Internship at a Legal-Aid Clinic

by

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To Complete the Requirements for  
The University Honors Program  
UHON 499

Under the Direction of  
Dr. Rick Williams

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## Reflections on an Internship at a Legal-Aid Clinic

The practice of legal aid--federally and state funded legal assistance--suffers from many difficulties. Foremost among these difficulties is a serious and widespread lack of funding and of lawyers. In an article focusing on the shortage of lawyers willing to do pro-bono work, Time magazine refers to legal aid as having a "sad fate" because, in the words of one lawyer, "We just don't have the money or the staffing to do it all."<sup>1</sup>

### Land of Lincoln Legal Assistance Foundation

Land of Lincoln Legal Assistance Foundation is a case in point. Funded by the federally created and regulated Legal Services Corporation--which, contrary to its own clients' interests, hired law firms to lobby Congress to reduce its 1989 budget from \$305 million to \$250 million<sup>2</sup>--Land of Lincoln's purpose is to provide free legal representation in civil matters to individuals whose income is at or below the federal poverty guidelines. Maximum allowable income levels for clients range from \$5,770 annually for a family of one to \$19,490 for a family of

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<sup>1</sup>Lacayo, Richard. "The Sad Fate of Legal Aid," Time. (June 20, 1988) p. 59.

<sup>2</sup>The Corporation's request was met with strong opposition from the members of the House and Senate appropriations subcommittees responsible for the LSC; Senator Ernest Hollings (D-S.C.) and Representative Neal Smith (D-Iowa) even questioned the legality of the LSC's hiring of counsel to influence legislation. According to the Washington Post, Hollings said it is "outrageous to hire former staffers over here . . . to lobby us. One, it's illegal. And No. 2, it's unmitigated gall." See Ruth Marcus. "Legal Services Corp. Hires Firms to Push for Budget Cuts." Washington Post. Apr. 22, 1988, p.1; Charles Roberts. "Legal Aid Agency Will Ask Congress for Smaller Budget." San Francisco Banner Daily Journal. Apr. 22, 1988.

eight.<sup>1</sup> The foundation serves 64 counties in the southern half of Illinois and can provide only one attorney for every 10,000 eligible persons.

Given this attorney-to-potential-client ratio, Land of Lincoln has prioritized its case acceptance schedules to four substantive areas of law: Public Benefits and Health, Housing, Utilities, and Family Law. In addition, each branch office of the Foundation may accept cases in the areas of Individual Rights, Economic Development, Consumer Affairs, Education and Employment.<sup>2</sup>

### The Carbondale Office

The Carbondale branch office of Land of Lincoln, located on Illinois Highway 13E between Carbondale and Murphysboro, has four lawyers and serves thirteen counties. It has a support staff of three secretaries (who also perform receptionist duties), one full-time paralegal, and several interns. The interns are usually third-year law students at Southern Illinois University Law School. Because the service area for the Carbondale office is so large, it has established two other offices, one in Cairo and one in Eldorado, to make the service more available to the rural clients. The lawyers take turns making weekly trips to these two locations.

Potential clients either call the office or stop by to make an appointment to be interviewed by a lawyer. Most of the time, the lawyers will turn over these "client intake" appointments to an intern. An interview can last from fifteen minutes to an hour. I usually spent an hour with each client. The clients usually enjoyed talking about their problems, probably because I was the first

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<sup>1</sup>For families with more than eight members, \$1,960 is added annually for each additional member. See LSC Eligibility Regulation 45 CFR Part 1611.

<sup>2</sup>Land of Lincoln Legal Assistance Foundation. "1988 Revised Priorities and Case Acceptance Schedules" adopted according to the provisions of Priorities in Allocation of Resources 45 C.F.R. S 1620 (1987).

sympathetic ear they had encountered in the legal process. Long interviews, however, are luxuries the lawyers can ill afford, so most of their interviews end as soon as the necessary facts are discovered.

### The Role of Interns

Interviews take up a great deal of time and do not require any legal expertise. One way legal-aid lawyers could save time would be to completely delegate the interviews to the support staff. The workload, however, is heavy for everyone and the support staff is generally kept very busy on other tasks, such as answering the phone and word processing. The ideal goal would be for the lawyers to perform only those functions that require a law degree, but given the current funding and staff personnel constraints, this goal cannot be met. The Carbondale office relies on its interns as much as possible, and the more interviews the interns conduct, the better off the lawyers (and the clients) are.

After the interview, the important facts are dictated by the interviewer and typed by a staff secretary. Every Monday morning the entire staff meets to discuss the interviews, and as a group decides which cases fall into the program's priorities and which do not. Each case is then assigned to a lawyer or an intern for further research. These meetings also function as support sessions for lawyers struggling with difficult cases. The group is able to brainstorm and offer suggestions for alternative approaches to difficult cases.

My first days as an intern at Land of Lincoln were filled reading articles, manuals, pamphlets, regulations, and case law. I was overwhelmed with the number of cases and the diversity of subject matter that fall under the four priorities. The lawyers in the office make some attempt to specialize; education and unemployment insurance cases are handled by one lawyer, public benefits and

health cases are handled by another lawyer, public housing and employment discrimination cases are handled by a third, and landlord-tenant and home ownership cases are handled by a fourth. The sheer number of cases, however, requires that each lawyer be able to handle every kind of case.

### Family Law Cases

Several types of cases are routinely handled by all four lawyers, particularly family law (divorce and child custody) and utility cases. Hence, each lawyer has to have a working knowledge of the law in these areas. For family law this is not an impossible task; the office has a comprehensive computer file of all the necessary documents. The office is not as well equipped, however, to handle utility cases at an efficient rate.

The Carbondale office places a high priority on representing the custodial parent--the parent who has historically had physical custody of the child or children. Hence, the issues of divorce and child custody tend to be involved in the same cases. The office's computer file and its recently designed, step-by-step checklist for divorce and child custody cases allow most of the paperwork to be successfully delegated to interns, like me, who work in the office. Paperwork is a time-consuming process; delegating it to an intern frees the attorneys' time and allows them to concentrate on preparing for court.

Court preparation is no easy matter, but here again the office seems to be successful at turning over most of the work to the interns. Papers are filed, witnesses are called, and case law is gathered by the interns. Third-year law students are even allowed to represent the client in court, if the client signs the appropriate waivers. The lawyer provides the overall courtroom strategy while the intern gathers the necessary material.

Although the office has developed some efficient methods for handling family law cases, it lacks elemental information that could make the process even more effective. There is, for example, no comprehensive list of addresses, phone numbers, or staff of the court houses where most of Land of Lincoln's litigation is handled. Every time a letter is to be mailed, the lawyer must check either a personal address file or the applicable phone book to find this basic information. Data such as this could be easily compiled by computer, freeing the lawyers' time for more thoughtful tasks.

Even without an organized, comprehensive data base, the Carbondale Office is able to represent clients successfully in family law cases. During my summer there, I worked closely on three such cases. The first was settled after a deposition of the client's ex-husband, the second was settled the day before the trial, and the third was still in the pre-trial stage when my internship ended. In each case, Land of Lincoln represented a woman seeking custody of the children, and, in each case, the opposing party had hired a private attorney.

Private attorneys' fees can be a significant issue in family law cases; a private lawyer commonly asks for an initial payment of \$1,000 or more before going to court; if the clients cannot pay, they are pressured to settle. When one case I worked on was settled the day before the trial, we suspected such a situation. My first impression was that not having to make an initial cash payment could be a real advantage for the legal-aid client; no matter what the cost, the legal-aid attorney has to give his best effort to every stage in litigation. Upon reflection, however, I realized that legal-aid attorneys do not have the same resources as private lawyers and that every minute devoted to one case is one less minute devoted to another case. There are so many cases demanding the legal-aid lawyers' time that there is no way to give them the attention they deserve.

The number of family law cases is so great, in fact, that malpractice has



become a concern for the lawyers at the Carbondale office. Knowing that they were overloaded, the lawyers requested the executive office of Land of Lincoln to allow them to stop taking new family law cases until they closed several of their present cases. When the executive office denied the request, the lawyers had to notify the insurance carrier that they were at risk of becoming candidates for malpractice suits.

### Utility Cases as a Source of Frustration

While the office is overloaded with family law cases, at least it has a mechanism in place for dealing with them; this is not so for utility cases. It is true that family law cases follow general patterns, thus making collection of data a reasonable task. It can be argued that the extreme variety of situations covered by utility law does not lend itself easily to comprehensive categories. However, it is indefensible not to have a telephone and address list of all the utility companies in the Carbondale office's serving area, as well as a list of the public assistance programs that support the low-income utility customer.

Utility cases are the most difficult cases because each one is unique. Case law never seems to help predict the final outcome because of the multitude of fact situations and rules of law--the slightest change of facts or rules of law could diametrically change the outcome of a case. For the same reasons, litigation proceeds slowly and cautiously. Meanwhile, the client is desperate because he has no water, or no electricity, or no natural gas. Desperate clients tend to call their lawyers more often to complain that their problems are not being solved fast enough.

My two utility cases were extremely complicated and neither was near settlement when my internship was over. They frustrated me because they lacked

clear answers. I could not tell whether the utility companies were in the wrong, because their guidelines were vague and because there was no case law covering my clients' specific situation. I understood from the lawyers in the office that this circumstance is true of most utility cases. When I called the utilities for information, the persons in charge were never available and they never returned my calls. With so many other cases to handle--four public housing cases, three family law cases, one AFDC (Aid to Families with Dependent Children) case, plus two or three potential-client interviews per week--the utility cases tended to migrate to the bottom of the pile. I was reminded of their presence only by the ceaseless calls and letters of the clients, which served to generate considerable guilt for lawyers, staffers, and interns alike.

It is easy to lose track of right and wrong in utility cases; that is, if right and wrong can be determined at all. Maybe the client did not pay his bills, maybe the client could not pay his bills, maybe the utility is only doing its job, maybe the utility is not doing its job. Utility cases require soul-searching. They pit morality against technicality. They embody an entire system of law that tries to avoid addressing the human elements of tragic situations by dwelling on rules. If the bill is not paid on time, the utility is shut off. Period. It does not matter to the company whether the landlord or the tenant is responsible for paying for the utility bill. It does not matter that an adult child's charges may be wrongly added to a parent's bill. All that matters is that a utility rule was broken.

When rules become the begin-all and the end-all, law reverts to a mechanical process; justice is bereft of the compassion that makes it civilized. Right and wrong are no longer important; only technicalities have value. I found myself checking notification procedures over and over--did the utility company give adequate notice of shutoff? Did the shutoff notice contain the necessary information? Was the bill calculated correctly? Did they inform the customer of

the grievance procedure? The list goes on and on.

The ultimate resolution of utility cases takes time, tremendous amounts of time, that legal-aid lawyers do not have. All the cases have to balance; all the cases demand the same amount of attention; all the clients deserve the same amount of consideration.

### Conclusion

After a summer of dealing with the stress and the guilt from most of my cases and the few meager benefits from the rewarding ones, I came to the conclusion that the problem with legal aid is that there are too few people working with too little money to solve too many problems for too many clients. The lawyers' and support staff's time is so filled that they cannot create systems and files which could speed the overall process. No one can stand back and reach into the office to fix things. The work is so stressful that positive attitudes are hard to come by; people remain because they are dedicated, but dedication easily leads to burn-out when there are few rewards and when the system never seems to improve.

While more funding and personnel could help ease the burden on the legal-aid lawyer and consequently benefit some clients, it cannot solve the underlying social problems which make legal aid necessary. Our political, social and economic systems are so plagued with complex situations and desperate persons that legal aid will never be able to function at an efficient level. All the funding in the world will not make the troubles of the utility customer any less painful or the emotions of the divorce clients any less real. All the lawyers in the world will not lessen the amount of litigation or increase the amount of compassion in the law.

Yet, there are lawyers and students, like me, still willing to practice legal-aid law. Beyond all that is negative and depressing, legal aid is a very special way to help one person at a time through life's crises. While not all the cases are settled in the clients' favor, successful legal-aid cases mean the world to winning clients. Success means electricity. Success means water. Success means custody of the children.

It is this chance of success that keeps lawyers practicing legal aid. Not every person can practice the kind of law that offers so few rewards amidst so many disappointments, but some people are able to find gratification in it. After my internship ended, the lawyers in the Carbondale office placed a victory bell in the copy room which they ring whenever a client's case is successful; however mute its sound may be, however quiet, small, and unassuming, it means that one person is better off than he was before. And that means everything to the legal-aid lawyer.