A STUDY AND EVALUATION OF CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

BY

CALIFORNIA OFFICE OF ECONOMIC OPPORTUNITY
1971
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I. INTRODUCTION.

Under the provisions of the Economic Opportunity Act of 1964, as amended, Section 242 thereof, the Governor of any state is given the authority to approve or disapprove any grant initiated by OEO. This authority applies to the refunding of California Rural Legal Assistance, Inc., a California nonprofit corporation, which has been refunded for calendar year 1971 by the Legal Services Division, Office of Economic Opportunity, Headquarters, Washington, D.C. This refunding is in the sum of $1,884,101 (federal share).

The California State Office of Economic Opportunity has conducted this extensive evaluation into CRLA, so that a rational decision can be made in terms of their refunding request pursuant to Section 242 of the Economic Opportunity Act.

CRLA carries out its functions from nine offices in rural areas (Marysville-Yuba City, Modesto, Madera, Gilroy, McFarland, El Centro, Santa Rosa, Salinas and Santa Maria), conducts a lobbying function through its registered lobbyist in Sacramento and is administered out of a central headquarters in San Francisco. The latter office also conducts a substantial amount of the appellate work carried on by CRLA. CRLA employs approximately 44 attorneys and a substantial clerical staff, and has community workers and investigators in its employ as well.

II. CONDUCT OF THE EVALUATION.

A. General Background.

We began by considering all available information concerning CRLA, including past evaluations, as well as correspondence and other materials in our files. It was soon obvious, however, that the scale of CRLA's operation, as well as the importance and dimension of the issue, required more thorough and, in some respects, more refined techniques of evaluation than had been used in the past. As CRLA itself is fond of pointing out, no program has been more thoroughly investigated and evaluated. But despite the resources deployed from every quarter to its evaluations, the complaints continued to pour into our office, not only from CRLA's adversaries, but, much more significantly, from the poor, whom CRLA is supposed to serve.

B. Problems of Evaluation.

(1) Size and Organizational Complexity of CRLA. CRLA is one of the largest publicly-financed legal service program in the United States. Its nine operational field offices, though geographically separated by substantial distances, nevertheless often seem to have operational ties with one another. Particularly, the mobility of CRLA attorneys between operational field offices makes it quite difficult to ascertain the operating rationale for the organization. This problem can be appreciated,

when in any limited period of time, CRLA attorneys may turn up in different operational areas, and sometimes even participate in cases that are filed by other OEO legal service programs. Thus, geography and a lack of rational organizational structure complicated our evaluation efforts.

The geographical distances involved are formidable, with more than 500 miles separating CRLA's office in Marysville on the north to its El Centro office in the south, only a few miles from the Mexican border. Each office normally services more than one county -- which may comprise an area as large or larger than many states.

(2) Use of Questionnaire. The situation required new approaches, particularly to augment the capabilities of our office to undertake a task of this size. The result was the mailing of a questionnaire to 3,400 judges and lawyers, randomly selected, within the areas served by CRLA's operational offices. The questionnaire was designed to enable the respondent to comment upon the major facets of CRLA operations (Exhibit 11-0131). From our review of the materials in our files, we were aware that CRLA had been criticized for specific kinds of activities, and that certain leitmotifs ran like threads through its whole program. Thus, to get a better total profile of CRLA, we included certain questions in the mailed inquiry which were designed to better define the program areas.

The questionnaire resulted in an attack upon the Director personally in his capacity as an attorney and against the State Office of Economic Opportunity (Exhibit 22-1049). In addition to criticism directly from CRLA, we were censured by the National Legal Aid and Defenders Association (NLADA). We have since learned that approximately 75 percent of the membership of NLADA is composed of OEO-financed lawyers from legal programs. We were unaware of this censure (which took place in Texas) until informed of it by local newspapers, who had received copies of the censure resolution. The news reports of this censure prominently displayed the name of the Honorable Warren E. Burger, Chief Justice of the United States, as Honorary President of NLADA. We later discovered that this was untrue and very misleading. The Chief Justice, and Mr. Justice Harlan, had resigned from their positions in the organization in July, 1970. (Exhibit 22-1049.)

Although NLADA and CRLA endeavored to get our office to burn or otherwise dispose of the responses to the questionnaire, we refused to do so and have found the responses useful in achieving a perspective on CRLA that would have been unavailable to us in any other fashion. We have maintained the responses in strictest confidence and will continue to do so, as we have assured our respondents that we would. The questionnaire was largely subjective and does not lend itself to statistical analysis

in the way a public opinion poll does. Not a single questionnaire is included among the supporting documents to this evaluation, and none have been quoted.

The incident involving the questionnaire dramatized several key factors that had to be taken into account. First, it demonstrated that if we were to maintain the integrity of our investigation, we would have to foil efforts in the form of brute powerplays by members of the poverty-law establishment. Obviously, one of the concerns that led to this outcry was that for the first time since the 1968 GAO investigation, an independent organization, other than one substantially influenced by poverty lawyers, was going to evaluate a legal services program. This meant that poverty lawyers would be effectively denied the control they had enjoyed over all previous evaluations. Second, in light of such activity, the questionnaire can now only be seen as a secondary issue given the broader and deeper significance that legal services has taken within the political system. An understanding of these issues is paramount to understanding the significance of our report and the irrational responses that were manifested even to the idea that some other agency would dare evaluate a legal services program. Thus, we turn our attention first to the political context within which this investigation took place, and then to the dominant substantive opposition to our effort.

(3) (a) The Political Context of Our Evaluation. During 1970, National OEO, under the leadership of Donald Rumsfeld, was considering the idea of regionalizing legal service programs. This move was interpreted by the poverty-law establishment as an attempt by OEO to weaken the legal services program by diffusing and localizing its control. In late November, this poverty-law establishment mobilized national protest, to decry the long-coming dismissal of National Legal Service Director Terry Lenzner and his assistant. Thus, OEO Director, Donald Rumsfeld, was regaled by angry denunciations from this establishment's representatives from every legal service program in the United States. Pressure built up to the point where, in order to counter the impression that the Nixon Administration was opposed to legal services, the Director of OEO made a highly unusual public announcement that he had approved CRLA's refunding proposal for 1971--an approval that accelerated the program's refunding cycle.

The political sensitivity of the issue increased with the resignation of Mr. Rumsfeld as Director. His successor, Frank Carlucci, has been appointed by the President, but not yet confirmed. If we concluded that the delivery of quality legal service to the poor required that CRLA be abolished, there was always the possibility that Mr. Carlucci's confirmation might be held up as the

price of his overriding the veto. (We think this possibility is extremely unlikely, given the reprehensible conduct that such political blackmail would entail, but we have had to consider the possibility nonetheless.)

(3) (b) Substantive Opposition to Legal Service Evaluations. The whole series of incidents placed this office under increased pressure to evaluate objectively a program whose refunding had already become both public and political. The acceleration of the cycle reduced the time for evaluation, and made a difficult job all the more so.

The power of the poverty-law establishment is augmented by an extremely friendly press, which is always ready to transmit and amplify the poverty-law establishment's propaganda barrage.

In addition, any service agency threatened with extinction has available to it virtually unlimited scare tactics with respect to its constitutents. For those who have received legal services from CRLA (we do not deny there are many in absolute numbers during its four-year life), the prospect of its demise appears far more alarming than the possible attendant prospect for improvement.

The poverty-law establishment's willingness to flex and deploy its political muscle is ironic, in light

of its repeated protests against "political interference" in legal services. The most frequently heard argument against public scrutiny of legal service programs is that they can only be effective if they are free from "political interference". Even certain organized bar associations have come down very hard against any moves which would tend to put legal service programs under closer scrutiny by public officials.

This position confuses legal service law practice with the practice of the private Bar. In private practice, the client, who receives the service, also pays the bills and is, therefore, sovereign. In publicly-funded legal services, the recipient (poor person) and buyer (taxpayer) are different people. The poor person has no sovereignty, no effective control over the person giving service to him. In the face of this, the legal service lobby has argued that in fact they, as the monopoly provider of service, ought to be able to speak for the recipients. They argue, in effect, that the seller of the service ought to be able to speak for both the recipient and the buyer. It is as if the moguls of the Standard Oil Trust of the early 1900's had demanded the right to speak for the interests of their consumers. In fact, given the tendency for consumers to be exploited by monopoly producers, it is legitimate to ask whether or not the consumers in this case, the rural poor, are being exploited by

the monopoly producers, CRLA. If this is the case, the consumer has little choice in terms of the type of legal assistance he desires to consume and, furthermore, has even less chance of influencing how the product is, in fact, to be produced and distributed.

In a certain sense, the problem is insoluble. Somebody must determine how legal service can best serve the poor, and it seems reasonable that the determination should ultimately be made by elected officials, who are at least responsible to their constituents (which include both buyers and recipients). Yet the present program is controlled by vested interests that provide the service far removed from the local communities they serve.

As the August evaluation pointed out:

> "When there are a number of attorneys choosing which ones (i.e., cases) he is going to bring, there may be, in a sense, a political judgment."
> (Page 27; emphasis added.)

It is possible to put the point more directly: legal services have the capacity to be politically manipulated and, therefore, in a democracy, must have an explicit base to which they are responsible. They are established and funded by public bodies and administered by providers whose service will depend in large measure on their own political predilections. The argument that legal services are to be left entirely to poverty lawyers is disingenuous, as it

demands a privilege available to no other provider of services, either public or private. The severity of this problem is clearly demonstrated when it is juxtaposed to the legislative mandate of OEO that the total local community must be the basis of decision and responsibility.

(3) (c) Prohibitive Costs Incurred by Citizens Desiring to Participate in the Evaluation of CRLA.

In some ways the most difficult aspect of the evaluation concerned the people in the communities who assisted us. Given the ability of the poverty-law establishment to harass those who disagree with it, through the press and in court, some people in the communities we have talked to felt a great reluctance to speak their dissatisfaction with CRLA publicly. This genuine fear may help to account for the inadequacies of response that other evaluations have received when the evaluators have gone out for one day to ask what lawyers and judges in an area think about the program. If a representative of the American Bar Association goes to a rural community and asks the members of the local bar and bench what they think of CRLA, more likely than not the representative will receive substantially bland comments, even from those who may feel very strongly.

Many people who assisted us in the communities acknowledged the chance they were taking in doing so. To a considerable extent, the willingness of OEO to respond to their call will determine whether they ever again go on record, and put themselves on the line in evaluations. We feel a great debt to those who have put themselves on the line, for often the instinct of people is not to get involved in controversy. Of course it is always much "safer" to remain aloof, but we believe strongly that at the heart of a healthy democracy is a citizenry willing to take risks for the things in which they believe.

C. Gathering the Facts.

Our primary interest in the evaluation has been to get the facts. We have sought to avoid the difficulty acknowledged in the August 1970 evaluation of CRLA that "different preconceptions and characterizations" produced "subjectivity" (Page 51). We interviewed people from all walks of life and all political and philosophical points of view. We have relied upon facts and specific cases, as well as informed opinion. In several instances we enlisted the assistance of the professional investigating service of the Department of Human Resources Development. They were deployed to take statements from persons whom we had identified as possessing information of value about CRLA.

Their independence and detachment assured objectivity in this vital statement-taking function.

D. Weighing Evidence.

(1) Predisposition of Witnesses. In weighing the credibility of testimony, we looked carefully at an individual's position and political philosophy. Opposition to CRLA emanating from a person who opposed the concept of legal services for the poor we tended to discount. Similarly, support from sectors of the poverty-law establishment, we evaluated in light of their special interest.

Opposition to CRLA from people working in OEO programs (especially those presently or formerly associated with CRLA) or from people who have worked in other legal service programs, we considered to be highly significant. Also, we gave special weight and credibility to opinions about CRLA from those who affirmed their support for the concept of publicly-supported legal service to the poor.

(2) Location of Witnesses. We have considered the geographical location of those offering facts and opinions to be highly relevant. OEO programs are premised upon local control and the ability of local communities to determine their own needs and evaluate their success. Thus, those who live and work in the areas served by CRLA's operational offices have had the best opportu-

nity to formulate informed opinion as to the actual impact of CRLA in all its dimensions. Opinions from persons in urban areas, unless they exhibit some specific knowledge about CRLA, are almost useless and have been omitted.

E. Other Evaluations.

We have been asked constantly by CRLA and its supporters why we are evaluating a program that was evaluated as recently as August, 1970 (Exhibit 11-0134). Apart from the separate and formal responsibility that Section 242 of the Economic Opportunity Act as amended imposes on the Governor to review programs funded by OEO, we have felt it necessary to conduct our own evaluation of CRLA because of our deep concern that other evaluations have been limited not only in scope but in thoroughness.

(1) The August 1970 evaluation was conducted by 14 people who each spent seven days, one in each of seven of CRLA's nine operational offices. They spoke with CRLA attorneys and individuals in the area. Few of the evaluators were from California and none of them from its rural areas. As one evaluator put it:

> "So, I feel that as a result of my short investigation, that CRLA is probably doing a good job...I didn't get a chance to talk to some people as I would like, but you can only do so much in a day..." (August 1970 Evaluation, pp. 11-12).

To ask such people to "paradrop" into the rural communities served by CRLA and attempt to learn anything in depth about the full impact of the program in a day is asking a great deal, even from the distinguished people who participated in the evaluation.

The limitations and scale are dramatized in this excerpt from the August evaluation. One participant concluded that CRLA attorneys were "universally competent and highly professional", giving as the basis for his judgment the following:

> "...The lawyers in the CRLA office there were universally competent and highly professional. That would be my judgment as well, from talking to them. There are five lawyers in the office, one was not there. I had a chance to talk with only one, briefly. The other three, I would say, are all very good lawyers." (Page 6--Emphasis added.)

The most severe limitation of the August 1970 evaluation (and others as well) was its failure to consider that many of CRLA's admittedly recurring problems might be institutionally and structurally founded. (Of course, the limited time in the field for each evaluator precluded any one individual from gaining an overall perspective of the CRLA program.) There is implicit acceptance of CRLA's structure in the report. No other conclusion can explain the complete lack of concern for possible structural defects despite recitation of many

problems which might suggest them.

The report's failure to relate problems to the institution is illustrated in the following discussion:

> "Also, recently, an incident at the Delano High School involved one of the newer members of the CRLA staff and this provoked hostility by the community. This is the most controversial aspect of the entire focus and has been very sensitive for us... Recently, they hired a young Chicano attorney, who we found has a great passion for the people and a great sense of outrage. Unfortunately, he has found it difficult to channel his passion into a legal context and has, in a number of instances, literally taken to the streets as a community organizer. This happened in particular at the Delano High School, which resulted in the withdrawal by students and a picketing of the school. He led the picketing." (Page 14--Emphasis added.)

This discussion was followed by the following observation:

> "It is true, many of the lawyers attached to CRLA are inexperienced lawyers, and sometimes members of the Bar whom I interviewed, referred to that inexperience. In the Salinas office, for example, with the exception of the senior lawyer, all of the lawyers have less than five years of practice." (Page 16--Emphasis added.)

Incidents recited throughout the evaluation suggest that the problem goes considerably beyond inexperience. What is disappointing is that the August evaluation lacked the imagination and depth to consider the possibility that these problems had their roots in institutional flaws of CRLA.

Beyond this problem, the evaluation did contribute some serious and alarming observations. On community relations, for example, the following is significant:

> "There is one point I would like to make about the office in McFarland, at least in my impression, is that it has not always been able to deal well in matters affecting the community. It is not always able to involve itself dispassionately. That is to say, they have assumed from the very outset that the poor community, that is, the poor white community were the good guys, the establishment, the government, the growers, were all the bad guys and what has happened, in a sense, is that the adversary relationship has been withdrawn from the courtroom and has taken place initially in the streets, in their initial confrontation with the community." (Page 15--Emphasis added.)

The evaluator then noted that the community did not possess the hostility toward CRLA which the CRLA office imagined:

> "I guess what came out of McFarland was for the nonpoverty community to say, 'I wish CRLA in McFarland would work with us. If they are going to sue us, fine. But I wish they'd work with us and speak to us and research the problem, not so much legally but factually before they plunge into a suit.'" (Page 15--Emphasis added.)

One of OEO's major emphases is the mobilization and integration of all segments of a community to eradicate poverty. Here was a problem going to the very heart of such a concept. Here was an instance in which an OEO Legal Service office was disrupting a community, stirring tensions and hostilities and which, had they been done by someone outside of the poverty industry, would have been universally

condemned. Thus, questions concerning the institutional soundness of CRLA as an organization capable of providing legal services to the poor while producing meaningful and integrated changes in rural communities are necessary and legitimate.

(2) The other most celebrated evaluation of CRLA was that done by the General Accounting Office of the Comptroller General of the United States, which was released in July 1968. (Exhibit 03-0150-02. This evaluation is discussed elsewhere in this report.)

The GAO Report grew out of a request by Congressman Robert B. Mathias to undertake an investigation primarily of CRLA's relationship with the United Farm Workers Organizing Committee (UFWOC). Specifically, the investigation inquired into the charge:

> that the grantee (CRLA) may not have complied with certain conditions of its grant because of (1) a possible connection between the grantee and the union, (2) the alleged harassment of a county welfare department, (3) inadequate representation of agricultural producers on the grantee's board, and (4) the alleged engagement of the grantee in political activities.

The inquiry into CRLA's connection with UFWOC was limited to five charges, relating to grant conditions that have been made more stringent since 1968, when the report was issued.

The GAO Report was extremely interesting to us as a point of departure. Although it was limited both in scope and in its conclusions, discussed in another section of this report, additional information has since come to light that makes it dubious at best.

(3) In some respects the most hopeful opportunity for a fresh look at CRLA took place in Stanislaus County only weeks before this evaluation was prepared. This occurred when a Grand Jury convened in response to the "growing public concern that California Rural Legal Assistance, Inc., is not carrying out its stated corporate purpose of providing adequate legal assistance for the poor". CRLA had always exhibited a public eagerness to be evaluated by anyone who cared to do so, but when the Stanislaus County Grand Jury convened for the purpose of doing an evaluation, the objectivity of which no one could deny, CRLA secured from the Federal District Court an injunction against any investigation of their program.

The incident is lamentable, for this was the first time that a program would be evaluated by <u>people in the area being served by that program</u>. This point is most important, for typically, legal service programs are evaluated by people from far away, who know nothing about the community in which the program functions. This severe limitation in past CRLA evaluations is ironic in view of <u>OEO's</u>

explicit and dominant emphasis on communities and local control.

In this particular case, the Stanislaus County Grand Jury had several members with excellent credentials to evaluate the impact of CRLA on poor people. Among them were the head of the local branch of the NAACP, and a local leader of the Mexican-American community. But when faced with the possibility they might be evaluated by people not precommitted to the poverty-law establishment, and by people whose intimate knowledge of the community and their constituents could not be questioned, they sought a sanctuary in the federal injunction that prevented the Grand Jury from proceeding further with its evaluation.

The result was that the Grand Jury voted unanimously a resolution urging Governor Reagan to veto CRLA's 1971 budget, and urging him to institute an immediate investigation into CRLA's activities.

In important respects, the Grand Jury evaluation of CRLA that never took place was the most revealing evaluation of the program that has ever occurred. It demonstrates that a duly-constituted body of citizens, with a responsibility to their community, were prevented from discharging their responsibility. They were thwarted

by a highly vocal special interest group bent on preserving its elitist prerogatives-the most important of which was the right to control not only the criteria but also the conduct of their own program's evaluation. The similarity between the Stanislaus experience and our experiences with NLADA over the questionnaire is clear. The only inferences that can be drawn are that local control is fiction rather than fact, and that local citizens cannot modify the behavior of existing elites and institutions such as CRLA, because the costs to them are too high.

F. IRRELEVANT CONSIDERATIONS.

Before we address our attention to relevant indices of CRLA's performance, it is well to take a moment to identify some considerations of CRLA's performance which are not relevant to our evaluation or, if relevant, are not sufficiently precise to give the basis for reasonable judgment.

(1) Suits by CRLA against the State of California or other political subdivisions.

CRLA has and continues to carry on a multiplicity of actions against the State of California. Some of these have caused substantial increases in expenditure of taxpayer dollars in the area of Welfare and Medi-Cal. However, other OEO-supported legal programs in San Francisco, Alameda County and Berkeley have cost the taxpayers many times the dollars in additional taxes that CRLA has. If one

were to take this area of activity into consideration in his evaluation there are much "bigger fish" available than CRLA.

The matter of allowing or disallowing OEO-supported attorneys to sue the government with the risk of increasing the taxpayer costs is a matter of policy for Congress and/or OEO to decide upon. Since it is not proscribed in the CRLA grant, we cannot properly take it into consideration.

(2) The Use of Class Actions.

Class actions are being used with increasing frequency by attorneys everywhere. Class actions are legal tools to be employed as the facts and circumstances warrant. Criticism of CRLA in this area should not, therefore, focus upon the use of class actions per se, but upon specific class actions that either have no necessary relationship to the poor or that contravene some other standard or condition set out herein. It should be added that class actions, by their nature, are very time-consuming enterprises for both sides of the case. In light of the legal hours that must be devoted, great care should be used in deciding to expand a particular case beyond the circumstances of a particular individual seeking to be served.

(3) Statistical Analyses.

CRLA frequently advances a multitude of statistics as evidence of its own success. These statistics primarily involve the number of people served and cases won and lost. We find their facility as statisticians at the very least suspicious in the face of the nonstatistical information and evidence we have gathered concerning the actual operation of their program in the areas affected. This is particularly true of consistent reports that CRLA attorneys are unavailable for service, that they represent criminals frequently and that in the field their ordinary service work is sloppy and unprofessional--in contrast to favorable reports about the high quality of their appellate work out of the Central Office in San Francisco. It is difficult for us to see how one could measure the success of a legal service program numerically. We are convinced that to be truly successful, a program must be concerned with people, not with numbers.

The statistics CRLA cites are almost meaningless, in any event. Among other things, it is most difficult to determine whether a case has taken five minutes or five months to handle.

A win-loss record is hardly relevant to marriage dissolutions, bankruptcies, consumer advice, etc., which have to do with really serving the individual needs of

poor people. Furthermore, it appears that CRLA has not included in its win-loss determination the number of cases which it may have dismissed prior to trial. It clearly does not reveal the numerous losses in criminal cases where its personnel, contrary to its grand conditions, have represented criminal defendants (see section on criminal representation, page).

Recently, the President of the Sonoma County Bar Association, Newton Dal Poggetto, forwarded a letter to our office, which, among other things, indicated the following:

> "We obtained the figures from the Santa Rosa, California, Rural Legal Assistance office on their activities for 1970, and after our Board studied them, we were unable to conclude that the figures were meaningful." (Exhibit 22-1034.)

Similarly in the August, 1970, evaluation of CRLA, it was stated:

> "I know that OEO uses statistics for getting Congressional appropriations and the like, but statistics are very often misleading..." (Exhibit 11-0134.)

SUMMARY

Though the political controversy surrounding CRLA is highly emotional and symbolic, the need to assess correctly the empirical reference of OEO legal concepts and the facts about actual behavior appear necessary if the rural poor are to have a significant voice in determining

what types of legal services they wish to consume. Thus the State Office has conducted its investigation from the following concerns and methods.

First, our concerns about CRLA were twofold. We were concerned with whether or not CRLA was a sound organization. Implicit in such concerns are questions relating to CRLA's ability to represent heterogeneous legal needs of the poor; CRLA's ability to work harmoniously in communities; CRLA's ability as an organization to establish its own authority and internal control; and finally whether CRLA, as presently constituted, is capable of living within the intent and guidelines of OEO. This broad range of questions is oriented primarily towards ascertaining whether or not the present organizational structure has the potential to deliver the goods and services that are explicitly stated in its work program. Our second concern has to do with whether the poor have access to the policy-making organs of CRLA to determine the types of legal services that they desire to consume.

It is important to point out that at the date of this writing, information and evidence is still pouring into our office from all over the State. We expect that once news becomes public of the Governor's veto, many people who may have felt reluctant to speak out before,

will do so for the first time. Thus, it is possible that we may continue gathering information sent to us about CRLA for some time to come.

In several specific areas, we have investigations underway, which were not completed at the time of writing, and we have seen fit, therefore, not to include them. Some of them could turn out to be items of major importance for this legal program, but we are forced to stand on the evidence herein for our recommendation to the Governor.

III. THE PURPOSE AND CONDITIONS OF THE CRLA GRANT CONTRACT

A. PURPOSE

CRLA has been mandated by its grant to provide legal services to the eligible poor in civil matters only within the rural areas served by its operational offices.

> "California Rural Legal Assistance is established to give legal aid to people in need, who cannot afford to pay for a private attorney, and who would not otherwise be helped.
>
> "In order to be entitled to our services, a person must seek aid from CRLA. He must also show that he makes no more than a certain amount of money each year. Finally, he must demonstrate that his case is not the kind which would support a contingent or court-awarded fee, so that it may be presumed that a private attorney would be unwilling to represent him. Only if these three requirements are satisfied may a person become the client of a CRLA attorney."
>
> Appendix E, CRLA Refunding Proposal, 1971

B. CONDITIONS

In order to carry out this mission, the Federal Government has imposed certain specific restrictions, limitations and requirements on CRLA as a part of its grant contract. These conditions are designed to assure that CRLA's mission can and will be carried out effectively. These conditions include, but are not limited to:

(1) A prohibition against representing criminals (except in very special and restricted instances). This

has been done to assure that CRLA's resources will not be dissipated where other services, such as those of the Public Defender, are already available in California.

(2) A prohibition against accepting cases which generate fees (except in very limited and special cases), so that such cases may be referred to private legal counsel.

(3) A requirement that clients meet a prescribed income eligibility standard, so that those in fact able to pay for an attorney will do so and will not utilize the limited resources of CRLA.

(4) CRLA is proscribed from representing a labor union.

C. RULES AND PRINCIPLES

In addition to the specific grant conditions outlined above, there exists a body of rules of professional conduct and canons of legal ethics designed to create an atmosphere, framework and relationship with those to be served and with the community at large, which maintains the dignity of the legal profession and gives the program its highest potential for success. Following are some of these considerations:

(1) A prohibition against soliciting clients and stirring up litigation. This conforms with long-established professional principles of the bench and bar.

(2) A prohibition against conduct unbecoming an attorney. This provision is vital to maintenance of the dignity of the profession.

(3) A prohibition against the filing of harassing or frivolous actions. This is of special importance in the context of OEO-supported legal programs because of the public trust which the use of public funds engenders. The attorney must be ever cognizant of the fact that his clients who pay nothing for his service enjoy thereby a distinct advantage over their adversaries, who must pay for the services of private counsel. These services provided at zero cost create an economic leverage which carries the potential for horrendous abuse and which can serve to distort, rather than enhance, the interests of justice toward a fair and proper result.

(4) A special prohibition attends taxpayer-supported legal services, to wit, that the attorney shall not waste precious resources and shall be guided by concerns for economy in all respects. Only in this fashion can he justify his performance and nurture public confidence.

(5) A prohibition against newspaper publicity by a lawyer as to pending or anticipated litigation so that there will not be interference with a fair trial or the proper administration of justice.

IV. A CASE AND COMMENT MONTAGE OF CRLA-- RES IPSA LOQUITUR

> "California Rural Legal Assistance is established to give legal aid to people in need, who cannot afford to pay for a private attorney, and who would not otherwise be helped." (Refunding Proposal, App. E, p. 1.)

Mrs. Amelia Harris was employed by CRLA's Salinas office from September, 1966, to June, 1969. She is currently interim director of the Monterey County Anti-Poverty Coordinating Council, an OEO-supported agency. While she was with CRLA, she was employed as directing legal secretary and office manager. She states in affidavit:

> "All or almost all of the legal briefs went through my hands. I worked for two directing attorneys, Robert Gnaizda (now Deputy Director of CRLA in Central Office) and Dennis Powell. Mr. Powell assumed his duties in February, 1969. Cases accepted for clients were accepted under guidelines set down by the Office of Economic Opportunity. At least, at first. ...Cases were accepted for clients charged with criminal offenses particularly after Attorney Bill Daniels transferred from the Marysville office. ...Many conscientious objector cases, to avoid the draft, were accepted and defended by Mr. Daniels, in Federal Courts. ...Mr. Daniels was involved with the inmates at Soledad Prison, in the preparation of cases, to be presented in court by the inmate, seeking writs, new trials, and so forth. I do not recall anyone in particular. Some of these cases were accepted because of correspondence received from inmates of the prison. I do know that Mr. Daniels would go to Soledad Prison. Some of these clients were involved in criminal cases, and some were civil cases. ...During the early months of 1969, all domestic relations cases, most consumer credit and automobile credit cases were dropped because the caseload was too high.

It is my opinion and was at that time that California Rural Legal Assistance attorneys were accepting too many cases which were outside the guidelines. Many cases of class action were accepted. Some of these cases were filed simultaneously with the same types of organization in Connecticut. Many cases were established as a result of manufactured situations. I mean by this that clients or potential clients were instructed in certain actions and dialog with agencies and private firms that would lead to litigation. ...This case related to the fact that Mrs. Rodriguez was about to be evicted from her house, however the action was designed to attack another part of the rules of the Department of Welfare. Another case I can recall involves a man at the Day Hall Center, California Farm Labor Service. The persons who were sent to the Day Hall Center were instructed as to actions to take and what to say. These instructions came from Dennis Powell, who was the directing attorney. As I recall, this case involved people handing out leaflets and literature at the Day Hall Center. I do not recall the exact instructions given or to whom they were given. Mr. Powell did coach the persons who went to the Day Hall Center on exact actions to take and instructions as to what they were to say. I know he wanted the farm labor service to have to remove people from the premises, and thereby provide a course of action against the farm labor service to the end of abolishing it. ...In the case of Jeremio v. Salinas Strawberries, that involved the discharge of eight men for organizing a union, that this was a contrived situation wherein the men were instructed as to how to go about organizing a union and then when they were discharged an action was filed against Salinas Strawberries. This same situation occurred in the Martin Produce, Inc., case*. ...I

* It will be noted that Mrs. Harris has evidently confused the facts of the Salinas Strawberries case with those of the Martin Produce case, which she discusses together. The discharge of men for organizing a union (actually there were 9) was involved in the Martin Produce case. This does not compromise, however, the potency of her testimony regarding the "contrived" situations on which she said both cases were prosecuted by CRLA.

recall that I was directed, as Directing Legal Secretary, to seek out times that specific federal courts and federal judges were available. I was given these instructions by the directing attorney, at the particular time. I was directed to seek open dates in the federal courts before Judge Peckham and Judge Zirpoli for the filing and trial of cases. These cases would open up chambers to California Rural Legal Assistance attorneys and were sympathetic to the causes of these attorneys. After the California Rural Legal Assistance decided to drop domestic relations cases, consumer credit cases and automobile credit cases I voiced the opinion that this was not correct procedure under the guidelines set forth and that acceptance of other types of cases outside the guidelines while not accepting cases inside the guidelines was wrong, morally and legally. I was discharged in June, 1969. At the time of my discharge I had leave pay and severance pay coming. I made demand on California Rural Legal Assistance for payment of pay due me. I did not receive my pay. I filed a demand and claim through the Labor Commissioner, Division of Labor Law Enforcement, California Department of Industrial Relations, 21 West Laurel Drive, Salinas. My attorney in this action was William Moreno. The Labor Commissioner ordered payment of the moneys due me plus punitive damages and I was finally paid through the Labor Commissioner office. During the first few months I was with California Rural Legal Assistance the attorneys were performing services to help poor people. However, during the latter part of my tenure this was not true. The attorneys became more concerned with class actions for changes and cases outside the guidelines that were not helping the poor people.*

* Mrs. Harris did not sign this affidavit, because she felt it was inappropriate for her to do in view of her present association with an OEO-funded program. The statement was made before two witnesses, however, and she has expressed a willingness to testify personally to the truth of the facts she presents.

"...They now have to turn away cases that they can't handle in the Salinas office. They don't handle domestic relations. A very big publicity campaign as to the type of routine services they handle would swamp the office. They would have to turn away people and cause antagonism. ..." (August 1970 Evaluation of CRLA, pp. 21-22. Exhibit 11-0134--Emphasis added.)

"In order to be entitled to our services, a person must seek aid from CRLA..." (1971 Refunding Proposal, Appendix E, p. 1.)

In the case of Wolfin v. Vinson, CRLA filed suit on behalf of 16 Indians against a local car dealer. (Wolfin v. Vinson, Superior Court, Lake County, No. 10155.) In the defendant's motion to dismiss, attorneys attached depositions from 15 of the 16 plaintiffs, stating that they had never requested to be part of the lawsuit. An excerpt from one of the depositions follows:

"Question: Now, what did you do on your part to get this lawsuit started?

"A. Nothing.

"Q. Nothing?

"A. No.

"Q. Well, now, your attorney has indicated that he has authorizations signed by each plaintiff authorizing and instructing his firm to bring this lawsuit. Do you recall signing any such authorization?

"A. Yes, I did. After I heard about it.

"Q. After what?

"A. After I heard about it.

"Q. After you heard about what, the lawsuit?

"A. Yes.

"Q. You signed the authorization after you heard about the lawsuit being filed?

"A. Yes.

"Q. How long after the lawsuit had been filed did you sign that authorization?

"A. Oh, I don't know. About--I couldn't remember that far back.

"Q. I see. Alright. Now, other than signing that document after the lawsuit was filed, what if anything did you do before the lawsuit was filed to get the lawsuit started?

"A. Nothing.

"Q. Absolutely nothing?

"A. Absolutely nothing. ...

"Q. When you heard about this lawsuit being filed, were you surprised?

"A. Yes.
(Exhibit 09-0137--Emphasis added.)

One of the people who participated in the August evaluation of CRLA commented: (page 20)

"Some of the attorneys seem to turn people off because a lot of Chicanos I spoke to felt CRLA was using the people to get publicity and not following through with the issues that directly affected the people. They thought that priorities were all wrong because the priorities did not come from the people but come from the attorneys...I think the essence of the people's feeling is that the attorneys should be there to serve the people and not the people to serve the attorneys." (Exhibit 11-0134--Emphasis added.)

"The empathy--when I went around I found a tremendous amount of empathy on the part of the attorneys involved. You could use such descriptive terms as 'dedicated', 'extremely concerned', ..." (August Evaluation, p. 6.)

The affidavit of Rachel Pauline Hubbard states as follows:

"About March 5, 1964, I agreed to take a baby boy three days old who was the son of my husband's nephew. My husband and I agreed to raise the boy in our home. We did not attempt to adopt the child in 1964. During the Fall of 1967, my husband, William Frank Hubbard, suffered a heart attack and was in the Sutter County Hospital for about three weeks. He had a history of heart attacks since 1957. He came home and shortly thereafter we were able to obtain aid from the Sutter County Welfare Department of $144 per month. In August, 1969, I needed to make a trip to Mansfield, Arkansas, as my 85-year old mother was in ill health. I contacted the Welfare Department and obtained permission for me and the child to be out of the State. The day before I was going to leave by bus, my husband decided that he wanted to go. He was feeling good and felt that the trip would do him good. His doctor gave him permission. ...I then went to the Welfare Department and obtained permission for the child, myself and my husband to make the trip by automobile. We drove to Dumas, Texas, where he said he did not feel well, and he was admitted to the hospital in Dumas. He was in the hospital for about three weeks. I telephoned the Sutter County Welfare Department and reported that my husband was ill in the hospital. I wanted them to send my welfare check to Dumas, Texas, where I was staying with my sister. They told me that we would have to come back to California in order to receive any more money as we could not be listed as California residents otherwise. The doctor in Dumas, Texas, stated that we should return to California. We left Dumas, Texas, because we did not qualify for welfare aid from

Texas and my husband needed continued medical help. I drove the car and when we got as far as Modesto area, my husband died right alongside of the highway. After coming home to Sutter County I went to the Welfare Department for aid and the maximum amount I could get was $150 per month. I then went to the United States Social Security Administration to get assistance, if possible, as my husband had been receiving $92 per month from them. I wanted to know if the child could obtain financial aid from my husband's account. I was told that if I had adoption papers completed I could obtain financial aid through my husband's account. I went directly to the California Rural Legal Assistance Office on Seventh Street in Marysville, California, and asked for legal assistance in getting adoption papers for the child. I talked to the head man, Mr. Henry, and explained all the facts to him. He referred me to another CRLA attorney, Mr. Rogers.* I explained everything to Mr. Rogers. He telephoned the Social Security and verified the facts. Then he said he would help me if I would sue the Sutter County Welfare Department for the death of my husband. He said that if they had not wanted my husband to return to California he would not have died. Mr. Rogers wanted me to also sign a paper so he could go to the Welfare Department and obtain my welfare file or records. I would not do that. All I wanted was the adoption papers. Mr. Rogers said all they wanted to do was sue the Welfare and this was the best case they had come across. I just refused to sue the Welfare Department and I walked out. Mr. Rogers telephoned me about five times afterwards asking me to come back to his office and sign the papers so they could get my welfare files. He said the only way I could get the adoption papers was to sue the Welfare Department. This all happened during (about) October, 1969. I still do not have the adoption papers, and I still have not received any financial aid from Social Security. The Welfare

* There is some question about Rogers' exact relationship to CRLA. James Henry was a paid attorney in 1969 with CRLA's Marysville office, but it appears that Rick Rogers may have worked for CRLA through VISTA. He appears on numerous court cases filed by CRLA and lists the same office address. Furthermore, we have a record that he attended at least one CRLA Advisory Committee Meeting and was listed there among employees attended.

> Department increased my monthly amount in November, 1969, and again the first part of this year, 1970, because I have sugar diabetes and cannot work. At this time I am barely able to exist on what I get monthly. If I could get some financial aid from Social Security I could support myself and the child, now six years, much better. As CRLA refused to help me with legal help, I have not been able to get the adoption completed and I cannot afford the legal expenses for a private attorney." (Exhibit 02-0018--Emphasis added.)

The following statement indicates CRLA's willingness to consider alternative mechanisms for improving the delivery of quality legal services to the poor (quoted from notes taken by investigator):

> Neil B. Van Winkle, attorney-at-law stated that when he was President of the Merced County Bar Association, 1967, to 1968, he tried to institute a Judicare Program (supposed to be like Medicare). Indigents who qualified for this program would be given a Judicare Card. When this program was being formulated, Van Winkle ran into heavy opposition from CRLA, because CRLA wanted to come to Merced County and CRLA cannot come into a county where there is free legal service. Mr. Van Winkle further stated that when he gave talks about the program, CRLA was always where he was giving a speech and voiced opposition to the program. (Statement taken December 10, 1970. Exhibit 09-0197.)

> "Time pressure forces the attorney first to accept his clients' own simplistic characterizations of their problems, then to solve these problems at the lowest level of controversy." (Refunding proposal, p. 31.)

In the early summer of 1969, people throughout Santa Barbara County read in the local press that a local grower was spraying dangerous pesticides that were caus-

ing serious injury to the agricultural workers they employed. The same article announced the institution of a suit by CRLA against the Department of Agriculture and the Santa Maria Berry Farms on behalf of two plaintiffs who claimed to be injured by the pesticides. (Ybarra v. Fielder, et. al., Santa Maria Superior Court, No. 6833.) The choice of defendants was somewhat ironic in view of the characterization of that farm by one CRLA attorney as a "model" farm in a newspaper article only a few weeks before the filing of the suit.

Prior to the filing of the complaint, CRLA made no effort to inquire from the defendant what pesticides he was using. It was later determined that harmless fertilizer was all that was sprayed. The same plaintiffs alleging personal injury produced no evidence of injury.

After several lengthy hearings, the directing attorney of CRLA's Santa Maria office, Burton D. Fretz, wrote a letter dismissing the case with the following comment:

> "As the complaint herein indicates, the action focuses upon the problem of the availability of information within the records of governmental offices to farm workers injured by exposure to pesticides. The promulgation after the filing of this lawsuit of a Policy Letter by the Director of Agriculture dated August 11, 1969, (enclosed) and now in effect makes such information generally available."

And he concluded:

"Although concern remains about dangers present in other areas of pesticide application... we believe the question of access to information is largely resolved and accordingly we request entry of dismissal." (Exhibit 09-0184--Emphasis added.)

If CRLA dismissed the case because in fact no injury occurred, the plaintiffs were guilty of misrepresentation when they filed it and the suit was explicit harassment. If injury did occur, CRLA exhibited gross neglect in failing to pursue their case to just conclusion on behalf of their clients who suffered injury. The letter quoted above indicates "injury" was simply a pretext for getting into court.

The suit died with the dismissal, but the damage had been done. The defendants had been forced to defend a costly suit. Equally important, fears and tensions had been stirred in the local citizenry, who believed they were being poisoned by local growers spraying dangerous pesticides. The resentments and hostilities had been fueled between farm workers and their employers, by encouraging the workers to think they were being infected and injured by their employers.*

* In a separate administrative hearing, the crop dusters were suspended for 90 days for dropping the harmless fertilizer on the workers, but CRLA had no direct involvement in this proceeding, other than as witnesses.

> "The Bar Association, on county and municipal levels, are least attuned to the basic problems on a statewide and national basis. The deficiency here, in my view, is not with the CRLA but in the failure of the organized Bar in many areas to meet their responsibility to the poor in the legal services program." (August Evaluation, p. 58.)

Is it any wonder that members of the local bar shy away from, or totally refuse to assist, CRLA when that organization involves itself in the following type of activity?

In the Spring of 1970, a "People's Paper" was published by the Marysville office of CRLA, listing, among others, CRLA attorney Peter Haberfield (sic) as a contributor. The paper listed as its address 1212 F Street, Marysville, which is the address of the local CRLA office. A section entitled "Chief Judicial Racism," states:

> "This visa required the signature of Attorney General PIG Mitchell for approval, which he did not approve. This is the same man that will stand up and lie to your face about the reasons for being in Viet Nam, Cambodia, Africa, Europe, and why you should remain a peaceful and trusting mass while thousands of innocent people are being killed for no reason. So that the rest of the world can be oppressed by this white racist government. We say take heed to this man's message, for if you believe in this man you will forever be a race that will be oppressed, tortured, beaten and killed. This man is willing to take all the steps to keep minority groups from winning human rights, which he will say is all for law and order. What type of law can exist where people want to be free and are fighting for this freedom

> that they have been deprived of where the Pig can kick down your door, beat and kill your children for protesting against what they feel is wrong, and your Black Brothers and Sisters are being shot down in the street like animals. WE ARE ASKING ALL BROTHERS AND SISTERS TO 'TAKE ARMS'. THE PEOPLE NEED YOU." (Exhibit 09-0112--Emphasis added.)

On March 16, 1970, at Yuba College, at a Seminar on Minority Problems, CRLA attorney Peter Haberfeld is quoted as saying:

> "We've learned a lot from the Black Panther party; it's time for a White Panther party. We have to find a course of action, we have to start...the revolution is coming." (Exhibit 09-0110--Emphasis added.)

On January 14, 1969, the Board of Trustees of Gavilan College, Gilroy, California, considered proposed policy for establishing an uncensored bulletin board and table. Gavailan student, Miss Kathe Fish, represented by CRLA attorney Don Kates, Jr., opposed the college rules governing the distribution of materials at that meeting. The President of Gavilan College states in affidavit:

> "Miss Fish and about 30 or 40 students who followed her lead were actively campaigning to have 'four-letter words' authorized for print in the college newspaper." (Exhibit 10-0063.)

On or about January 22, 1969, the President of the College was served with a temporary restraining order filed by CRLA on behalf of Miss Fish. The complaint alleged:

"Defendants, the President and members of the Board of Trustees of the College now seek to expel, suspend or otherwise exclude plaintiff because of her aforesaid activities."

The President continued in affidavit:

"I did not condone the activities of Miss Fish, but I never harassed her in any way and I did not attempt to have her expelled from the college. The CRLA suit states that I tried to have Miss Fish excluded from campus, that I tried to intimidate Miss Fish and keep her from exercising her right to obtain counsel of her choice, and that I tried to deter her from receiving benefits conferred by the Economic Opportunity Act. None of the above charges are true. It is my opinion that the CRLA grossly exaggerated the situation involving Miss Fish in order to make an issue where no real issue really existed." (Exhibit 10-0063--Emphasis added.)

No negotiation or communication preceded the filing of the action, but it stirred tension and turmoil on the campus and made discipline and stability all the more difficult to maintain. Miss Fish left the college not long after this time and became involved in drug prevention work. She is currently under criminal indictment for the sale of marijuana.

"Given the credentials of the Government Accounting Office investigating agency, and given the thoroughness of their investigation in this particular case, accusations regarding CRLA's illicit connection with labor unions have become much less frequent." (Refunding Proposal, pp. 34-35.)

On September 4, 1970, during a UFWOC rally in support of the Union's lettuce strike in Salinas, a person identified as Neil Levy, who is listed as an attorney with the CRLA Salinas office, is reported by a newsman to have addressed the rally and offered the support of the CRLA Salinas office to defend against unlawful detainer actions.* A T.V. film clip showing the rally, describes the scene as follows:

> "California Rural Legal Assistance attorney Neil Levy asked that all workers return summonses from growers notifying them to leave the camp, so that they can be answered in court, adding that in that way he may be able to prolong the day of eviction." (Exhibit 07-0088--Emphasis added.)

The unlawful detainer actions grow out of the growers' practice frequently of paying part of their compensation in the form of housing for the workers and their families. When the union calls a strike, the employers naturally seek to cut off all compensation, which includes the right to free housing. The effect of CRLA's intervention on behalf of the union is to bring additional economic pressure to bear on the employers--an explicit union responsibility--and to force perpetuation of part compensation (the housing) by the employer.

* See also section V.C. herein.

"The project will supply legal assistance to farm workers and other poor persons in California. Its goal is to provide the legal protection necessary to enable the rural poor to help themselves." (Brief Description of the project, in 1971 Refunding Proposal, inside cover.)

A member of the OEO Board of Directors for Merced County recalls one contact he had with CRLA:

"...in June of 1969 a problem arose between the Spanish people and the school board. This happened in Livingston, California. There were several problems, among them the students boycotted the high school. The students carried placards around the school. It was found that these placards were made at the OEO office--the Livingston Service Center. Because of this, some employees at the Service Center were fired. The employees who were fired were represented by CRLA who appealed the firing. Van Winkle stated that the Board of Supervisors, of which he is a member, elected him to be the hearing officer at the appeal hearing for the fired service center employees. Van Winkle stated that at this appeal hearing the CRLA attorneys lined up the witnesses and the audience and created such a disturbance that Van Winkle had two deputies called in to maintain order. Van Winkle stated he had to have two people removed from the hearing...Van Winkle stated that the name of the hearing was the matter of Steven Haberfeld, Lana Lincon, William Heter, and William G. Kex, held on the 17th of June, 1969." (Exhibit 09-0197.)

On January 6, 1970, Mrs. Kathy Young Sears, who resided at 1590 - 22nd Street, Oceana, California, returned from her part-time job to find that her husband had left her. At the time Mrs. Sears was employed by a packing plant on a part-time basis, with an annual income of $2,000.

She was of Korean descent and spoke very little English. When her husband had left, he had taken all of the house furnishings and property and had left her nothing. Mrs. Sears contacted the CRLA office in Santa Maria, California. CRLA, which responded in a letter dated January 29, 1970, said that they would be happy to represent her in defending the divorce action filed by her husband. The letter was signed by CRLA Santa Maria Directing Attorney Burton D. Fretz. The complaint in the divorce action should have been answered 30 days after Mrs. Sears received the summons, which was January 6, 1970. Mrs. Sears did not hear from CRLA for several weeks; she then returned to the CRLA office in Santa Maria and was told by a secretary that she did not need an attorney. She then received a letter dated February 12, 1970, signed by CRLA attorney Daniel Morper, which stated:

> "Dear Mrs. Sears: I regret that you were not informed earlier that this office would not be able to handle your case, due to the income of your husband. I hope this mix-up did not put you at any disadvantage in defending this case."

By the time this letter was received by Mrs. Sears, the 30-day period for answering the complaint had expired. Mrs. Sears, at a tremendous disadvantage because of her language problem, turned to a private attorney in Santa Maria and asked that he help her in this divorce action.

The private attorney took it upon himself to handle the case and help Mrs. Sears. He went to court on her behalf and was able to obtain most of her household goods and six months' alimony. (Exhibit 09-0167.)

> "CRLA has never been formally accused of violating the conditions of its grant with regard to the handling of criminal cases..." (Refunding Proposal, p. 33.)

CRLA's representation of criminal defendants has become so preponderant that, in fact, one local district attorney has ceased to complain about their handling of these cases. CRLA's official answer to these charges is that their attorneys are doing it "on their own time." This is the thread that runs throughout charges of grant violation. The response is so frequent that it has prompted at least one observer to ask whether CRLA attorneys are ever permitted respites from their free time.

In answer to a charge brought by District Attorney James R. Hanhart, CRLA responded (in a letter from Director Cruz Reynoso) by commending the attorney involved for his "selflessness."* The letter went on to recite the practice of large urban law firms, which encourage their young attorneys to work for indigent persons in criminal and civil matters.

* See the exchange of letters in Exhibit 01-0199.

The analogy is disingenuous, as Mr. Hanhart points out in his letter in answer:

> "...the issue is not Mr. Spiegel's "self-lessness" (a personal trait which is worthy of commendation), but rather the equal dispensation of tax-subsidized legal services to indigent criminal defendants.
>
> "Public defenders are tax-subsidized; they cannot pick and choose their clients--they must represent all indigent defendants. Private law firms are not tax-subsidized; they can pick and choose their clients.
>
> "I note you did not make this rather critical distinction in your somewhat hurried letter."

Mr. Hanhart goes on to ask the critical questions governing the administration of all legal service programs:

> "...if CRLA is tax-subsidized, (1) What is the legal basis for its policy of selectivity? (2) What criteria govern these selections? (3) Who supervises the selection process? (4) How does an indigent criminal defendant avail himself of CRLA services? The answers to the above questions might well trigger new policies from the Board of Directors of CRLA." (Exhibit 01-0199--Emphasis added.)

The issue goes further. What prevents CRLA attorneys from advancing the argument that they are doing something on their own time, to circumvent all of their program conditions? The question here is: what ought the public to subsidize? Generally, one subsidizes only that which is in short supply. The evident free availability of certain kinds of services calls into question the whole

policy of the services that must be subsidized in order to be performed.

The tragedy for the poor of CRLA's participation in criminal matters is CRLA's reported incompetence in handling them. CRLA attorneys have little experience in criminal matters, and therefore a client represented by CRLA in a criminal matter is at a tremendous disadvantage, should one of them be unfortunate enough to be on the receiving end of an attorney's "selflessness".

In People of State of California v. Michael Diaz, CRLA attorney Donald W. Haynes, of CRLA's Santa Maria office, defended Mr. Diaz, who was charged with the crime of contribution to the delinquency of a minor (PC Section 272), and appeared in court as attorney of record for said Diaz. The Deputy District Attorney of Santa Barbara County describes the incident as follows:

> "The case involved an 18-year old boy committing statutory rape on a 15-year old girl, and when the girl's parents objected, members of the CRLA's office took the girl from her parents, taking her to Mexico and arranged for them to get married. (At least, this is what Mr. Haynes stated to the court.) I seriously considered taking the case to the Grand Jury, charging Mr. Haynes and others with a felony. However, due to evidentiary problems and the press of other felony matters, I did not do so." (Exhibit 01-004-02.)

Examples of CRLA's denying poor people service that would certainly help them "help themselves" are numerous. Following are representative examples of refusal.

In August, 1970, Maryann Coronado went to the Madera office of CRLA for assistance in getting a divorce. She relates the incident as follows:

> "I talked to one man at CRLA. I do not recall his name. This man told me that I needed grounds for divorce and that the only way I could get a divorce was for my husband to beat me up or something like that. I told him that I was not going to give him or my husband that satisfaction. He then gave me a list of attorneys. I told him that I couldn't afford private counsel. He then told me that CRLA did not handle divorce cases. I do not know why CRLA refused me because they have handled divorce cases for a couple of my girlfriends." (Exhibit 04-0192--Emphasis added.)

CRLA is often unwilling to help a poor person with legal problems, even when property is involved. Helen Lucille Rohrig relates the following treatment she received from CRLA:

> "When my divorce was finalized in 1969 I was supposed to receive clear title to 8½ acres of property in North Fork, California. I did not receive clear title so I went to CRLA for help. I went to the CRLA office in Madera. I talked to one man, I do not remember his name, at CRLA and told him my problem. This man refused to help me. This man stated that I had a domestic problem and CRLA does not help people with family problems. I told the man

that I was on welfare, and he told me that if I had any problems with the Welfare Department to contact him, because CRLA would help if I had a problem with the Welfare Department." (Exhibit 04-0491--Emphasis added.)

Affiant Judith Shelton relates her experiences with the Madera office of CRLA:

"(About May, 1970) I wanted a divorce. I went to the CRLA office in Madera. I went there before normal business hours. A receptionist let me in. I told her my problem. The receptionist told me that CRLA does not handle civil cases and also that I had to be in the county for three months, which I had not. The receptionist took my name and number. CRLA never called me. I finally called them and they told me that they did not handle civil cases. During October 1970, I again went to CRLA for help. A finance company in Fresno, Laurentide Finance Corporation, was trying to sue me for not making payments on a car. I told this finance company that I do not have the car but that my husband does. I told this company where the car was, but the company does not want the car, they want my furniture and money. Also, this finance company had been calling me and saying it was my husband. I told CRLA all this and they told me to contact the finance company and offer them $200 if they would agree to take my name off the contract. My husband and I both signed the contract for the car. The company agreed to do this but I could not come up with $200 in cash. CRLA also told me to write the finance company a letter telling them that they could get into trouble for calling me and saying it was my husband calling. Again, I asked CRLA about my divorce and one of the CRLA attorneys I talked to, A. Keith Lesar, told me that CRLA does not handle civil cases. He would not give me an explanation. He did tell me that if the finance company brought a suit against me they would help me. I don't understand why CRLA won't help me with my divorce

case. A girl I know got a divorce through CRLA. The girl went with the person, whose name is Ruben, who works with CRLA." (Exhibit 04-0190--Emphasis added.)

In September, 1970, Loma Lee Dean related the following experience when she went to a CRLA office for assistance in getting on welfare.

> "The purpose of my visit was to have one of their attorneys help me to get the necessary papers to show I was separated from my husband, so I could get on welfare. On my first visit to CRLA I explained the purpose of my visit to attorney A. Keith Lesar. Mr. Lesar wanted to know why I could not get on welfare without legal papers, and I told him that I did not know. Mr. Lesar informed me I was entitled to welfare without legal papers and sent me back to welfare to find out why they were refusing me welfare. Welfare explained to me that they had too many servicemen's families on welfare and that they now needed papers to show there was a separation. Later on I went back to CRLA and talked to another attorney whose name I do not know, but they did not help me." (Exhibit 04-0034-01.)

In one day, a single investigator turned up seven individual cases in which a poor person went to CRLA's Madera office for assistance on domestic matters, some of them involving property, but was refused service by them. See Exhibits 04-0034, 36, 37, 38, 35, 33, 31.

A damning footnote to CRLA's refusal to offer certain kinds of service for the poor occurred on February 16, 1970, when Mr. Cameron Hendry, Executive Director of the Economic Opportunity Commission of Imperial County, wrote