

In any attempt to establish a new world we have seen that consideration should be given to the film as one of the tools whereby it can be shaped. The film is no more than a tool, but it is potentially dangerous and must be used properly. To suggest some of the possible ways in which it can be so used has been the purpose of this article. Entertainment shades into propaganda ; propaganda shades into pure education. The problem for the Governments is as old as the drama itself. What control or controls should be applied to a creative, artistic, emotional medium so as to prevent its abuse?

## LEGAL AID WORK IN THE UNITED STATES.

[Contributed by JOHN S. BRADWAY, ESQ., *Director of the Legal Aid Clinic, Duke University, U.S.A.*]

THE term "legal aid work" is used in the United States to describe a national movement for giving to those persons who are unable to pay for it justice equal to that secured by those who can pay.<sup>1</sup> The obligation to render such service is based upon phrases in the Federal and State Constitutions providing that everyone shall enjoy "the equal protection of the law."<sup>2</sup> While no exact figures are available indicating the total number of persons entitled to this service, it is obviously very large.<sup>3</sup> A wide variety of legal problems confronts a man without funds as they do his more fortunate neighbour. The collection of wage claims, protection against the loan shark, the handling of parent and child difficulties and domestic differences are all included.<sup>4</sup> In particular, the legal aid movement seeks to lift the poor man over three administrative obstacles: the expense of court proceedings, the delay of court proceedings, the expense of a lawyer.

The service is rendered in a variety of ways, some under provisions of a statute ;<sup>5</sup> others by voluntary efforts on the part of bar associations<sup>6</sup> and lay groups<sup>7</sup>. Statutory aids make use of such machinery as the following: certain courts are given the power to assign a lawyer to represent a poor person in a civil case, or special provisions include a lawyer's fee for the plaintiff among the costs. In some jurisdictions a poor person complying with certain requirements may secure a waiver of court costs and fees.<sup>8</sup> In other jurisdictions specialized courts and administrative procedures are set up, among them being

<sup>1</sup> Literature describing Legal Aid work in the United States has been collected in a *Tentative Bibliography of Materials on Legal Work*, published in 1940 by the National Association of Legal Aid Organizations. See also, Reginald Heber Smith, *Justice and the Poor* (1919), The Carnegie Foundation, New York. In England see, Edward A. Parry, *The Law and the Poor*, London (1914); F. C. G. Gurney-Champion, *Justice and the Poor in England*, London, 1926.

<sup>2</sup> United States Constitution, 14th Amendment provides *inter alia* "nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

<sup>3</sup> Individual legal aid societies report large masses of cases annually, thus in 1940 the New York Legal Aid Society received approximately 30,000 applicants.

<sup>4</sup> The National Association of Legal Aid Organizations has adopted a uniform classification of data as to cases and clients. The list of types of cases in this group contains 40-odd headings.

<sup>5</sup> In 1927, the League of Nations published V. Legal 1927 V 27, *Legal Aid for the Poor*. Part I contains Laws, Regulations and Treaty Provisions regulating Legal Aid in certain countries. This is the most comprehensive survey available.

<sup>6</sup> See the Annual Reports of the Standing Committee on Legal Aid Work of the American Bar Association (1920-date). There are included in the series *Reports of the American Bar Association*.

<sup>7</sup> For a description of the work of one of these lay groups, see John M. Maguire, *The Lance of Justice*, Harvard University Press, 1928.

<sup>8</sup> For a discussion of the inadequacy of such laws, see John M. Maguire, "Poverty and Civil Litigation," 36 *Harvard Law Review*, p. 361.

small claims courts, juvenile courts and domestic relations courts. These tribunals are speedy and inexpensive and have a staff of clerks and others who make the machinery move even though the poor litigant cannot afford a lawyer.

In the criminal field there are a number of statutes authorizing the courts to appoint counsel to represent persons accused of the more serious crimes.<sup>9</sup> In some jurisdictions, the lawyer thus appointed is reimbursed from the public treasury.

The voluntary agencies, which are known as legal aid societies, perform an equally important function. They handle in the neighbourhood of 300,000 cases a year.<sup>10</sup> They exist sometimes where the specialized agencies are not yet set up. They also handle types of cases which the specialized agencies are not equipped to handle. They are flexible and resourceful. They are law offices for the poor man. There are over 100 of them. Many of them are under the auspices of a bar association. In other instances they are established as non-profit corporations or municipal bureaus. Some of them are connected with law schools and are called Legal Aid Clinics.<sup>11</sup> Financial support comes sometimes from the public treasury, but more often from the philanthropic public through the medium of the local community chest. They are staffed by lawyers and clerks and are usually controlled by a board of directors, on which lawyers and the lay public are represented. They render service in and out of court and are helpful in gathering material as a basis for remedial or preventive legislation on the basis of actual cases they have handled. At least half of their work consists in giving people advice as to the law and involves no further action. Only about 10 per cent. of their cases ever get into courts.<sup>12</sup>

In the criminal field, the agency is known as the Voluntary Defender, as contrasted with the Public Defender, which is set up by statute and supported by public funds.<sup>13</sup> The Legal Aid Organization is generally recognized as a humanitarian plank in the public relations programme of the organized bar. For the community it is an agency which relates the functions of the lawyer to those of the social worker and the representatives of other professional groups.

**Law Offices for Persons of Moderate Means.**<sup>14</sup>—Legal Aid Service, in practice, is limited to those persons who cannot pay a fee. If a man can pay only a small fee, totally disproportionate to the amount of work involved, but still a fee, it is sometimes difficult for him to secure legal assistance unless some special agency is provided to help him. His own hesitation in asking for help is a serious factor. In the last few years experiments have been conducted to ascertain the need for, and the best method of supplying, this service. Investigation has produced figures indicating in some areas that four out of five persons coming to such an agency

<sup>9</sup> See Note 5, *supra*.

<sup>10</sup> See Annual Reports of the Secretary of the National Association of Legal Aid Organizations.

<sup>11</sup> C. W. Ferguson, "Bedside Manner in Law," *Readers' Digest*, January, 1937, Vol. 30, pp. 107-109.

<sup>12</sup> The administrative details of legal aid organizations are discussed in two pamphlets, *Legal Aid Bureaus* (a manual of practice), published 1935, The Public Administration Service; Chicago, Ill.; *Forms of Legal Aid Organizations in Middle Sized Cities and Smaller Communities*, published 1940 by the National Association of Legal Aid Organizations, 25 Exchange Place, Rochester, New York.

<sup>13</sup> See p. 205, *The Annals of the American Academy of Political and Social Science*, September, 1939; p. 16, Mayor C. Goldman, "Public Defenders in Criminal Cases"; p. 24, Norris Fabricant, "Voluntary Defenders in Criminal Cases."

<sup>14</sup> Some materials on this new development are collected in the *Tentative Bibliography of Materials on Legal Aid Work* mentioned in Note 1 *supra*. See in particular, *The Economics of the Legal Profession*—a manual designed primarily for the use of state, local and junior bar associations, describing the results of the bar surveys which have been made to date; the chief proposals which have been advanced for improving the economic condition of the profession and increasing its capacity for usefulness; and the methods and forms which were used in the several surveys prepared by the American Bar Association's Special Committee on the economic condition of the Bar, Chicago, 1938.

have never been to a lawyer's office before. If their visit means nothing more than a desire to find out what the law is, it represents a definite advance toward a desirable reliance by the individual upon legal processes as a method of solving his difficulties. His alternatives are to employ extra-legal, and sometimes illegal, means, or to do nothing, which often results in an undesirable attitude of mind.

In Philadelphia there has been in operation during the past year a decentralized plan for a "neighbourhood law Office." Several of these offices were established in different sections of the city as limited partnerships. The public was informed of the existence of the office, but not of the name of the lawyer. Rules and a standard of fees were agreed upon and a system of record keeping was set up to supply certain desired information as to case and client. The annual report indicates an interesting development and much valuable information.<sup>15</sup>

In Chicago similar machinery is in operation on a centralized basis. The Chicago Bar Association secured a group of lawyers who were willing to render service to persons of moderate means, according to a definite set of rules. The applicant here comes first to the Chicago Bar Association office and is then referred to the particular lawyer.<sup>16</sup> A somewhat similar plan is in effect in Los Angeles.<sup>17</sup>

It seems clear that there is a need for organized assistance of this sort. Among the administrative problems involved are the ethics of informing the public about the existence of such a service, the establishment of a cost-accounting system to provide a fee schedule which will meet expenses and yet be within the reach of members of this particular class of clients, the supervision of the work to see that the quality of the service is maintained at a high level. The experiments are being watched with considerable interest.

## MONEY IN THE LAW.

[Contributed by MARTIN DOMKE, ESQ., LL.D.]

LEGAL effects arising out of monetary regulations and exchange restrictions are dealt with by Professor Arthur Nussbaum in a comprehensive treatise on "Money in the Law" (Chicago: Foundation Press, 1939). Although there has been some delay in the notice of this publication it may be worth while in view of the importance of the subject to examine its contents. Nussbaum adopts a realistic approach to legal problems by the study of mercantile usages, contract forms and other facts illustrative of the efficiency of law. In no field is this view more appropriate than in currency where legal writers should always bear in mind that "*non ex regula ius sumatur, sed ex iure quod est regula fiat.*" The first three chapters are concerned with money as such, and particularly with the conception of the monetary unit (chap. I); with the various kinds of money (chap. II); and with the systems by which they are co-ordinated on the basis of a unit (chap. III). In this chap. III many cases presented to English courts are widely discussed; they deal with the fundamental problems of the legal relationship between government and money (p. 25)<sup>1</sup> and the rules governing paper money (p. 93).<sup>2</sup> While the sections opening the third chapter treat the subject of monetary systems in general terms, the concluding sections offer a discussion of the American

<sup>15</sup> Robert D. Abrahams, "Law Offices to Serve Householders in the Lower Income Group,"

42 Dickinson, L.R., p. 133, April, 1938.

<sup>16</sup> See the *Chicago Bar Record* for July, 1940, "The Chicago Bar Association Lawyer Reference Plan—Report of the past four months' operation, January 10 to May 10, 1940." *The Bar Bulletin* (of the Bar Association of the City of Boston), vol. 12, sec. 11, p. 272, "Experienced Adviser Service."

<sup>17</sup> 16 *Los Angeles Bar Bulletin* (June, 1940, sec. 10). The entire issue is devoted to a consideration of the Revised Lawyers' Reference Service.

<sup>1</sup> *The Emperor of Austria v. Day and Kossuth*, 45 Eng. Rep. 861 (1861).

<sup>2</sup> *Banco de Portugal v. Waterlow & Sons, Ltd.* [1932] A.C. 452.