THE NEIGHBORHOOD LAW OFFICE EXPERIMENT

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IT IS now four years since the idea of conducting an experiment in legal service occurred to the writer. In common with others, he believed it could be demonstrated that there was a place in a large city for law offices which were aimed to serve householders in the lower income group—the group above the Legal Aid clientele. He further believed that there was a vast field of preventive law which had scarcely been explored by the lawyer in general practice.

In his original discussion of the subject, the writer pointed out that “the average householder in a large city, faced with a medical problem, usually consults a doctor. But when he has a legal question, he visits a real estate man, a notary public or a neighborhood petty politician.”¹ He went on to state: “If the young lawyer of no particular connections, setting out to practice in an urban community, is not content to spend his life like the filament in an electric light bulb—merely glittering in a vacuum—he must be available when he is needed, as is the neighborhood doctor, the neighborhood druggist and the neighborhood real estate man.”² He ended his discussion with a program for decentralization for lawyers, stating that the program for such decentralization ought to involve:

1. Bringing a law office with high standards of ability and ethics to the neighborhood, industrial, or suburban community.

2. Doing away with all mystery concerning fees, by establishing fees in ordinary matters not involving litigation on the basis of a time rate, as does the neighborhood physician—so much for the first visit, so much for the succeeding visits, the rate to be based on the amount of time consumed by the interviewing attorney and the amount of time necessary for the preparation of documents and for legal research in a specific case. Such rates should be established by voluntary acceptance of standards by the lawyer himself, in return for which he would have the right to hold himself out as being ready to practice under such standards.

3. Stamping out of unauthorized practice by an aggressive stand against the giving of legal advice and drawing of legal instruments by notaries public, real estate men, bankers and other lay persons.

4. Encouraging young members of the Bar to set up neighborhood law offices to

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¹ Abrahams, *Law Offices to Serve Householders in the Lower Income Group*, 42 Dickinson L. Rev. 133 (1938).

² *Ibid.*

conform to uniform standards of practice, to which the average householder may go with foreknowledge of the type of service he will receive and the fee he will pay therefor, by publicizing on an important scale this decentralization activity of the Bar and of the standards set up for such practice.

5. Supervision of the standards of such offices by some central agency, preferably by a Committee of the local Bar Association.³

Following the publication of this article, a number of lawyers communicated with the author on the subject. The letters received were of two types: 1) severely critical, usually on the basis that any change in time-honored methods of practice tends to lower the "dignity of the profession," and 2) laudatory, but challenging. One man wrote: "Your idea is a good one on paper, but, like everything else in our profession, nothing will be done about it." The writer determined, from the interest expressed, that the time was a good one in which to attempt a controlled experiment which would answer many of the questions which were in his mind. He called together a small group of lawyer friends and discussed the possibility of an experiment in Philadelphia. He found that it would not be difficult to secure other individuals possessed of enthusiasm and curiosity who would aid in the carrying out of such an effort.

How was the experiment to be set up? At once it could be seen that there were certain essential requirements:

1. Those who conducted the experiment must have no financial interest, direct or remote, in the outcome.
2. A preliminary effort must be made to discover the most desirable neighborhoods in which to open offices.
3. If possible, the moral support of at least a part of the organized bar should be secured.

All the members of the interested group of lawyers were members of the Philadelphia Bar Association. It must be remembered, however, that four years ago the atmosphere regarding legal service was not as it is at present. Then, neither the American Bar Association nor the local bar associations had acted. Then, any experiment in legal service was considered a daring and pioneering effort. The very idea of bar publicity was just beginning to develop. Seen from the vantage point of the end of the experiment, we doubt if many bar associations would oppose the trial, but the atmosphere was quite otherwise prior to the experiment, the first of its character in the United States.

The consensus among the members of our committee, therefore, at that time was that it would take several years to secure the Philadelphia Bar

³ Ibid., at 136. A sixth point, included in the original, has been omitted since it did not become a part of the Neighborhood Law Office Plan.

Association's approval of our experiment. We therefore determined not to seek such approval, although in no sense were we hostile to the association. It was our feeling that we of the committee were all practicing lawyers, and that we were willing to risk our professional reputations in deciding for ourselves whether or not the experiment we proposed was ethical and proper. We also proposed to publicize the experiment, and felt that there could be no fair criticism of our doing so, inasmuch as we would have no financial interest in its success.

It happened that all the members of our committee, besides being members of the Philadelphia Bar Association, were also members of the Philadelphia Chapter of the Lawyers Guild. We were then fortunate enough to discover that a majority of the local chapter of the guild favored allowing our committee to make its experiment as a committee of the guild, the Philadelphia chapter of the guild being a bar association chartered under Pennsylvania law.

We therefore proceeded to draw up a plan for the experiment which was to follow. The basic purpose of this experiment was to determine whether or not the public wished a service which it was not then receiving. We also wanted to test out the practice of preventive law. We knew that the big businessman had been accustomed to consult his lawyer before taking any important step in his affairs, but we suspected that the householder had not. We thought it likely that we would find that the householder usually waited until the necessity for immediate litigation arose before consulting a lawyer. In addition, we wished to learn whether or not a plan of this sort would be helpful to the economics of the legal profession, particularly in aiding young lawyers to obtain a practice.

There were seven members of the original committee. We were fortunate in finding so many willing to pioneer. It is significant that all seven have remained active through the entire period of the experiment, and indeed, there has been no change in the committee, with the exception of one addition, that of William Jenks Woolston, who joined the committee about a year after the experiment began. The other members were Felice E. Darkow, Peirce A. Hammond, Jr., Albert M. Hankin, Norman J. Kalcheim, Howard E. Stern, Joseph A. Sutton, and the writer. All were lawyers engaged in active practice, and each gave a substantial amount of time and effort to the experiment. Indeed, it was a rare occasion in committee meetings to find any member absent.⁴

⁴ Special mention must be made in any story of the enterprise of the untiring efforts of two of the committee in particular, Felice E. Darkow and Norman J. Kalcheim. Much of the detail work, and indeed, of the plan, was done by these two tireless individuals.

There was, in the beginning, a division of opinion in the Neighborhood Law Office Committee as to the exact procedure to be followed. Some of the committee felt that one experimental office should be opened, to be followed by others if the situation warranted. Others felt that more than one must be opened to give a better spread of statistics and possibilities. Some believed that the offices should be subsidized for the first year or two, and others were opposed to any subsidy. Various national foundations were approached by members of the committee with respect to the possibility of subsidies, and when it was found that the foundations, although sympathetic, were not at that time in a position to subsidize and that at least a year's delay would result if subsidies were to be secured, it was determined to proceed without any grant. As a matter of fact, a majority of the committee had favored opening without subsidies even if they were available.

During the spring and summer of 1939 the committee met on the average of twice a week. Its discussions were long and animated, but all its decisions were finally arrived at by a unanimous vote. It would be wearisome to recount the numerous problems which had to be settled before the experiment could begin, but as the plan finally evolved by about mid-summer of 1939, the program had been set as follows:

1. The Neighborhood Law Office Committee would act as the supervising group for the experiment. No member of the Neighborhood Law Office Committee could participate in the experiment in any of the offices, or have any financial connection with them.

2. All publicity for the experiment would be done by the committee, and none would be permitted by the participants in the experimental offices.

3. Offices would be opened in four neighborhoods which a preliminary study by the committee would indicate to be promising.

4. Each neighborhood office would consist of a partnership; that is to say, offices in the experiment could not be opened by individuals.

5. There would be no financial connection between the various offices; that is, no pooling of profits and losses.

6. The capital for setting up the offices would be furnished by the participants, who would agree to operate for a period of not less than six months.

7. The partners in each office would enter into a partnership agreement among themselves, a copy of which would be deposited with the committee. In every such partnership agreement the partners would agree to enter into an agreement with the Neighborhood Law Office Committee.

8. All offices would be open part time only, and all participants would be required to be in active practice elsewhere, either as partners, employees, or individual practitioners in other locations. However, the partners in any Neighborhood Law Office could not be partners of each other in any other office.

9. The Neighborhood Law Office Committee would enter into an agreement⁵ with each participating partnership by which the partnership agreed to abide by certain standards of practice set up by the Neighborhood Law Office Committee, in return for which the partnership was to be permitted to state upon its stationery, and on its window, that it was a Neighborhood Law Office authorized under the National Lawyers Guild Plan.

10. The agreement also would provide for certain minimum fees, certain maximum fees, and for a fixed charge of \$1.00 for an interview of not more than one-half hour's duration.

11. The committee would have the right to cancel the agreement with or without cause, in which case the partnership was no longer to hold itself out as being a participant in the experiment.

12. No paid advertising would be used for the experiment.

13. The participants in the experiment would not be required to be members of the Lawyers Guild or of any other bar association.

14. No criminal cases would be served under the plan. The practice of criminal law in Philadelphia, the committee knew, was a specialty, largely concentrated among a few practitioners. It is, by its very nature, almost exclusively litigation. Preventive work in criminal law is sociological rather than legal.

15. All of the offices would be required to keep uniform records and furnish statistical reports at stated periods to the committee. The committee was to have access to all the records of the offices, but would not be permitted to extract the names and addresses of clients from the files.

16. The original personnel for the partnerships would be secured through the efforts of the committee.

17. The committee formulated certain maxims of practice, in addition to the standards set forth in the agreement, which maxims were recommended to the attention of the participants. These maxims were as follows:

Preventive law is to justice what preventive medicine is to health.

It is the dignity of the client, not that of the lawyer, which counts.

⁵ A copy of the agreement may be obtained from the author, who may be addressed at 700 Bankers Securities Building, Philadelphia, Pa.

The lawyer should not be remote from his client either in geography or understanding.

The lawyer who makes a mystery of his fees makes a critic of his client.

18. The committee would accept full responsibility for the operation of the experiment.

19. Free work would not be done in the offices. Persons who could not pay would be referred to the legal aid society.

20. The experiment would begin on November 1, 1939, and continue for eighteen months. Even if the experiment could not be performed under ideal conditions beginning at that date, it was felt that lawyers are so inclined to dilatory action that it would be better to set a date and abide by it than to wait for perfect arrangements to be made.

21. The experimental offices would be expected to provide sufficient funds for the printing of standard forms advised by the committee.

22. The committee would steadfastly avoid the grandiose and the "high falutin'." No matter what the temptation, we would try to do a small job well rather than bungle an attempt at a more imposing undertaking.

Having arrived at a program, we began to move toward its execution. We learned which neighborhoods had a high percentage of relief population. These we eliminated from our consideration since what we were doing was not philanthropy, and relief clients are the natural clients of legal aid agencies. Following this, we eliminated neighborhoods in which the population lived largely in individual detached houses, paying a high rental. We felt that most of these people already had attorneys. We then looked into the question of the number of lawyers who were practicing in neighborhoods in which we might otherwise have been interested in opening experimental offices. In some of these neighborhoods we interviewed the lawyers who were already there. Without much difficulty, and, it must be owned, without too much research, we arrived at a list of neighborhoods which we felt might be suitable for the opening of experimental offices. Undoubtedly, we could have done a better job in this phase of the experiment had we not been so determined to open on time. Had we wished to spend a year or two in making a survey, we would have had more detailed data upon which to base our judgment, but, since we had felt that a measure of rash enterprise was necessary to the success of the experiment, we did not dally too long before deciding.

We then wondered how to go about finding the proper personnel. This problem practically took care of itself. Instead of formally announcing to the general bar and the public that we were going to begin the experi-

ment, we instituted a whispering campaign, in which we let it be known that the committee was considering applications, and that we would meet with interested lawyers. For this purpose, a Sub-Committee on Personnel met frequently during the summer of 1939. Somewhat to our surprise, 142 lawyers communicated with the committee and expressed interest in participating. Some of these came to us with partnerships already arranged; others wished introductions to persons who might become their partners. Since we were all anxious to avoid needless red tape, we did not have these lawyers fill out questionnaires. Instead, we interviewed each one, and a very pleasant and interesting time we had. We learned much more in these interviews about the practice of law in Philadelphia than we had ever known before. Our opinion of the general quality and character of the younger members of the bar soared. We found that almost all were idealistic in their approach, provided they were given encouragement. We declined no applications and forced no associations. Instead, we talked out the situation with each applicant. In many cases the applicant himself came to see that he was too remote from any of the neighborhoods in which we wished to experiment, or that he did not have the necessary time to devote to the effort, or that he was really not in sympathy with the change in the type of practice which we were attempting, and therefore, he himself would withdraw his application. In each case we favored lawyers who lived in or near the neighborhood to be served, though in some cases it was not possible to secure such men.

We did find that the degree of interest would make it necessary for us to open more than four offices at the beginning, for we did not think it fair to turn down men who were in every way eligible merely because we had fixed an arbitrary number of four offices. For this reason, prior to the opening day, we had six offices ready to open, and shortly after November 1, 1939, we had eight. At one time we had as many as eleven. At the present time ten are operating, including two affiliated offices, which, although they were established prior to the opening of the plan, have come in under it since, as will be explained later.⁶

The devising of forms also occupied the attention of the committee prior to the opening. We knew that any experiment of this kind would strangle itself very quickly in red tape if the forms required to be kept by the offices were difficult or long. On the other hand, the principal value of the experiment, as far as we were concerned, was in gathering statistical material concerning the operation of the offices.

We limited, and now limit, our forms to two, of which one was the docket

⁶ See pages 424-25 *infra*.

card. This card contained in the upper left-hand corner a place for the name of the client and his residence and telephone number, and in the upper right-hand corner a place for the name of the defendant and his residence. In the same corner was a serial number; each card bore a different number. On the left side of the card, under the name of the client, was a questionnaire. This questionnaire was to be filled in by the interviewing attorney. It did not have to be filled in while the client was present in the office, for we felt that some clients might resent an air of institutionalism in the offices. We therefore instructed the lawyers that it would be up to them to secure the information from the client during the course of the interview, and that all the questions on the card must be answered. There was a question as to the marital status, another as to the occupation, and a third secured information as to the place of employment. The fourth asked where the applicant had heard of the service. The fifth recorded the nature of the complaint in a word or two, and the sixth, which was the most important, asked the question, "Have you ever before visited an attorney?" If the answer was "Yes," then, "Was it a legal aid society or a private attorney?" This last question, the lawyers were instructed, must be asked of every client, and an answer required. Naturally, one of the most important questions which the experiment was to answer for us was what percentage of clients coming to these offices had never before visited a lawyer. We realized from the beginning that the percentage of those who come to any law office who have never before been to a lawyer is probably high. Unfortunately, there was, and is, no available comparative figure from offices not operating under the plan. The remainder of the card had an office record of the fees paid, costs deposited, etc., and a large number of lines on which the attorney interviewing was expected to write up briefly the facts of the case, together with the date. On each succeeding visit, the attorney who had interviewed the client continued the record, so that there was a running record of all cases available at all times. These cards became the property of the individual offices. Our committee had the right to inspect them at any time, but did not have the right to take the names and addresses of the clients.

The second form was a record sheet. This sheet was kept in duplicate from day to day, and at the end of each month one sheet was sent to the committee and the other retained by the office. This sheet referred to the cases by number, taking the number from the upper right-hand corner of the docket card, so that no names of clients appeared on the sheet. Following the number, the record contained a large number of small squares suitable for check marks, to show the sex, marital status, employment

status, and type of case of the client, together with the answer to the question as to previous legal service. In addition, it was optional for the offices to give certain financial information as to the fees paid in each case, but each office had to certify that at least the \$1.00 first interview fee had been collected. The number of interviews in a case was also returnable on this sheet. Where a case was newly opened during the month, all the statistical information would appear. Where it was an old case, continuing from month to month, the number would be repeated from the previous month, and since the numbers were serialized it was easy for the committee to know at a glance whether or not the case was old or new. Records of old cases did not repeat the statistical information, but gave new information regarding the number of interviews and fees.

In addition to the above two forms, we supplied a one-page mimeographed circular concerning the aim of the Neighborhood Law Office experiment and giving the address of the committee in the event persons wished to make complaints regarding the service. It is significant to the committee that during the eighteen months of operation only one complaint was received, and this was a trivial one, whereas a substantial number of letters of commendation from clients came in. The circular referred to was to be distributed only in the office itself, and there was no broadside distribution under doors in the neighborhood or otherwise.

Shortly before November 1, opposition began to come to a head. Threats were made of injunction action by lawyers already practicing in neighborhoods. The committee was successful in obtaining a meeting with various leaders of the bar, including officers of the Philadelphia Bar Association, at which the writer told what the committee was about to do. He explained that his committee did not feel it necessary to ask the consent of either the courts or the bar association to begin; that the members of the committee were conscious of the fact that they were risking their professional standing in going ahead, but that they had decided to do so regardless of opposition, unless prevented by a court of competent jurisdiction. He also announced at that time the formation of the Committee to Evaluate the Neighborhood Law Office Plan (which came to be known in the press as the "Blue Ribbon Jury").⁷ Some time before, our

⁷ We were fortunate in the type of person who agreed to serve on this committee. Mrs. Curtis Bok, who is prominent in many fields in Philadelphia, accepted the chairmanship of the Committee to Evaluate. A number of well-known lawyers, none of whom was a member of the National Lawyers Guild, also agreed to serve, as well as representatives of labor, businessmen, and sociologists.

Two of the original members of this committee had to resign before the conclusion of the experimental period, due to appointments to high offices: Mr. Earl Harrison, because of his

own committee had concluded that although we believed we had an open mind regarding the experiment, we doubted if anybody else would credit us with impartiality. We felt that an outside committee, having no relation to the experiment, and representing the lay public as well as the lawyers, ought to be given an opportunity to observe, and we also felt that such a committee would serve as a buffer between those who would criticize the experiment through prejudice against change or for irrelevant reasons. All the members of the Committee to Evaluate served with the understanding that their service on the committee did not imply any endorsement of the Neighborhood Law Office Plan. This committee held meetings at frequent intervals. Members of the committee visited each of the offices and observed, and each member of the committee was given the right to inspect all the records of the offices at any time. The University of Pennsylvania Law School appointed a fellow of that school to serve as Secretary of the Committee, as a part of his duties. This Committee to Evaluate has not yet filed its report, but our committee understands that it will do so shortly. We are very much interested in what the report will show, and we expect to profit greatly by any criticisms of the plan contained in it. The committee has done a public service in observing the plan and the Neighborhood Law Office Committee is most grateful to those who gave their time and energy in this cause.

Having approved the office locations and personnel, devised the forms and method of publicizing the experiment, and taken steps to organize the Committee to Evaluate the Plan, we found ourselves ready to open, as proposed, on November 1, 1939. Following its maxim that it is the dignity of the client and not that of the lawyer which counts, the committee had insisted that the offices must be simply furnished. The customary "front" was absent. No office spent more than \$90.00 on furnishings, exclusive of its typewriter and supplies. The offices were either in a first floor store front or on the second floor of a small building or in the front room of a converted house. No office opened with fewer than two participants, and although the committee had permitted up to six in any partnership, none had more than four on the opening day. Each participant, as a guarantee of his good faith, had been required to deposit \$100.00 in the funds of his own partnership. This, however, could be withdrawn at any time, with the consent of his partners. Each office was required to pay \$5.50 to the committee to cover the printing costs of the

appointment as Director of Alien Registration, and Dean Herbert F. Goodrich of the University of Pennsylvania Law School, because of his appointment as a Judge of the United States Circuit Court of Appeals for the Third Circuit.

forms. The committee has never found it necessary to make any other assessment after the initial one, although it had and has the right to do so. The expenses of the committee to this date have been less than \$100.00, and this outlay has been spent entirely for printing and incidentals. The day before opening, all the participants were assembled, the committee went over the technique of the experiment with the lawyers in detail, and last-minute instructions were given.

In an atmosphere of some tension, the offices opened on time. All the newspapers covered the event. The reporters toured the offices and wrote favorable stories. One reporter, without the knowledge of the committee, registered as a client under an assumed name and presented a domestic problem to the interviewing attorney, in which the attorney could have made a much larger fee by advising a divorce, but instead he advised a reconciliation. This made a favorable impression, particularly as we had stressed preventive law as one of the objectives of the offices. On opening day we also had a radio program by the courtesy of one of the local stations, on which Mr. Francis Taylor, then President of the Philadelphia Chapter of the Lawyers Guild, described the plan. The response of the public, while not overwhelming, was immediate. We feared that the early publicity might cause a rush which would peter out when the publicity stopped, but this was not the case. The stream of clients was a steady one. During the eighteen-month experimental period, from November 1, 1939, to April 20, 1941, 1,011 clients were served in the experimental offices (exclusive of the affiliated offices, which will be described later). At the present time, when the plan has passed the end of its second year, nearly 2,000 clients have been served. All the offices were open only part time each day, since all the attorneys in the offices had other office connections. Figured in hours given the entire group of offices, the experiment would have consumed the time of only four full time lawyers.

The committee had anticipated that there would be difficulties in supervision during the experimental period. These difficulties proved not nearly so formidable as had been expected. Almost without exception, the personnel lived up to the high standards set.

Following the advice of the committee, a real effort was made by many of the offices to enter into the community life of the neighborhood in which they were situated. One office became a polling place on election day. Another partnership was elected solicitor of the local businessmen's organization. A third became the headquarters of a community credit group. A fourth offered a special service on income tax returns. In that office 154 income tax returns were prepared, but the persons for whom

these returns were prepared were not registered as clients under the experiment.⁸ At first, meetings were held at which the partners in the various offices could meet those in other offices, but this proved unsuccessful and was dropped.

The committee was encouraged by two facts which appeared at once and which remained constant through the entire experiment. One was that over the eighteen month period 82.4 per cent of those who came to the offices stated that never before had they entered a law office, either legal aid or that of a private attorney; the second was that a very large percentage of clients came for preventive advice rather than for litigation. Less than 5 per cent of the clients had matters involving litigation. Less than 2 per cent actually litigated. Those served constituted a true cross-section of householders in the lower income group. There were school teachers, clergymen, day laborers, skilled laborers, civil service employees, and (at one office only) farmers.⁹

⁸ These persons were not counted in the statistical return of the number of clients served. In 1942 more than 1,000 income-tax returns will have been prepared by these offices before March 15.

⁹ The breakdown for the eighteen-month experimental period, as to occupation of clients, gave the following results:

	per cent
agents	2.3
civil service	1.0
clerical workers	5.0
domestics	1.0
housewives	22.5
professional	4.0
retired persons	.5
salesmen	3.5
skilled employees	22.3
storekeepers	8.0
teachers	2.7
unemployed	7.5
unskilled employees	9.7
miscellaneous	10.0
	<hr/> 100.0

In the same period, a break-down as to the type of case served was as follows:

	per cent
collection	8.5
contract	13.0
criminal (incidental to civil litigation)	2.3
custody of children	2.3
decendent estates	2.3
domestic advice	14.0
financial and employment aid	4.0
insolvency	.5
insurance	1.7
landlord and tenant	9.0
negligence	5.0
neighborhood quarrels	1.0
personal property	2.0
real estate	9.0
support	3.5
wages	.5
wills	6.7
workmen's compensation	1.7
miscellaneous	13.0
	<hr/> 100.0

The committee has always believed that the earnings of the offices are not a matter of public interest. If a proper service is provided, it is immaterial to the public how much the lawyers in the offices make from their efforts. Since there is no subsidy, those offices which do not run on a profit basis are bound to close, and the situation, therefore, adjusts itself. The committee does not believe, however, that these offices will ever provide serious economic competition for the remainder of the bar.

At the request of the Committee to Evaluate, certain figures concerning fees and expenses were prepared for a sample office during the first year of operation. It was determined, for this purpose, to take neither the best nor the worst office. The office selected had 127 clients the first year, which was the second largest number in any one office. Expenses for the first year of operation were \$365.50. This does not include the furnishing of the office, which cost approximately \$60.00 in cash, the remaining furniture being contributed by the participants from what they already had. The major item of expense was rent at \$25.00 per month. The remainder was for telephone and stationery, and \$5.50 for forms supplied by the supervisory committee. The total fees in cash received during the same year were \$660.53. In addition to this, from cases included in the 127 opened during the first year, \$302.00 more came in during the second year, and a number of the 127 cases are still open at the present time, in the third year. Of the 127 cases, 81 had \$1.00 fees only. The remainder varied greatly. There was one fee of \$100.00, and another of \$80.00. The next largest fee in that office was \$21.00. The average fee, figured on a cash basis, was \$5.21, and on an accrual basis, including what came in during the first and second years from the first year's cases, the average fee was \$7.57. Not one of the 127 clients who came to the office had previously been personally known to the lawyers in the office. This particular office was open twenty-eight hours a week and had two partners, each of whom gave fourteen hours a week to the project.

The question may occur as to whether or not the financial return received by the participating attorneys will ever warrant the effort they make. The answer to this appears to be definitely that it will, although not in all offices. The financial return in the second year for this office, which did a substantial volume of business, was much greater than for the first, and in the third year the increase is again large. From the indications in the fourth year, an office in a suitable neighborhood should clear about \$5,000.00, to be divided among the participants, and there should be a substantial increase each year thereafter for another three or four years. At least one office, now in its third year, will do this well,

and two others will approach it. At the present time, the committee considers that in three of the offices the participating lawyers are now withdrawing a fair return for the time they are spending. Their enthusiasm is undiminished, and at the end of the experimental period, which was almost a year ago, all the offices except one signified their desire to continue, although at that time the committee informed them that they had fulfilled any moral obligation which they had to the experiment. It must be remembered that, in addition to the immediate financial return, the young attorney participant has an opportunity to meet a clientele which may furnish him with a lifelong source of practice, for persons who meet him first in the Neighborhood Law Office are not unlikely to remember him in later life when counsel is needed, if the necessity arises.

One of the criticisms which has been most often levelled at the experiment has been that the tendency of the low priced offices is to fix the fee level for the remainder of the bar on a low basis. This the committee does not believe to be a justifiable criticism. More than four out of five who came to the offices had never been to lawyers' offices before. The committee believes that, since most of the work done is preventive, most of those who came to the offices would not have visited other attorneys had they not had the service available. A test check among one hundred clients showed that this was undoubtedly the attitude of almost all. The general feeling was that they had gone to a lawyer because they had found a convenient service in the neighborhood at a price known to them in advance, that is, \$1.00 for an interview. Early in the experiment, the offices were dubbed "5 and 10 law offices" by some of the newspapers. This was due to the fact that the committee had explained that in picking locations for offices one of the factors always considered was whether there was a 5 and 10 cent store and a movie theatre in the same block. Since both 5 and 10 cent operators and movie chains locate only where there is a high traffic count, the presence of such enterprises was a guarantee that in the particular locality the office would be observed by many people. The committee cared little what the offices were called, as long as the service was a proper one. On quality of service there was never any compromise. Only the best is good enough in preventive law.

As the experiment developed, all went with a greater degree of smoothness than we had expected. The only phase of the job that the committee feels it did not do as well as it had hoped was in the field of publicity. We had determined to use radio, general newspapers, neighborhood newspapers, and speakers in any way we could without making payment for such use. We used but two radio programs, the first on opening day, as

before described, and the second a dramatization of the Neighborhood Law Office Plan. The preparation for these programs took so much time that we were unable to continue, although facilities of the stations were again offered to us. The publicity in the daily press was uniformly favorable, and there was much of it without any particular effort by the committee. A Speakers' Committee functioned as expected, and numerous speeches were made to neighborhood organizations, such as businessmen's groups, service clubs, and churches. All these efforts, however, were more or less sporadic. Since all the members of the committee were in active law practice, it was impossible for them to devote the time necessary for carrying these efforts through to their logical goals.

In one field, however, there has been no lag, and that is in the publicity in the neighborhood newspapers. There are a large number of these newspapers in Philadelphia. They are given away from door to door and carry advertising. Many of them maintain a high standard of news coverage. We offered these papers a service which we do not pay them to run, but for which they pay us nothing. This service is in the form of a bulletin released every week under the title, "It's the Law." This bulletin contains interesting facts about new legislation, odd quirks in the law, new decisions of general interest, etc. In the beginning we asked the newspapers to run the service for a few weeks, and told them we would continue to give it to them if reader interest warranted. Each is labeled as a bulletin from the Neighborhood Law Office Committee, which supervises but has no financial interest in the Neighborhood Law Offices operated under the plan in various parts of the city. The addresses of offices are not given. At the date of this writing we have reached the one hundred sixth issue of this service. Some of the newspapers which began with number one are still carrying it, and others have come in from time to time. The large interest in this service has led the committee to believe that bar associations and other interested groups ought to investigate the possibilities of running such services in the general press. The service differs from that now in use in many newspapers, in that it does not answer specific queries or letters from readers. It is general in character and informative about new legislation and important decisions.

The public reaction to the experiment has been excellent. Many times speakers who have addressed neighborhood groups on the subject have reported that persons present have said that their opinion of the entire legal profession has been raised because of this effort. In several neighborhoods businessmen's organizations have made a special effort to see to it that the service is publicized in the neighborhood.

The reaction of the bar to the experiment has been mixed. Very few

who have actually visited the offices have not come away inspired, stimulated, and enthusiastic. Many who came as skeptics have left as confirmed friends of the plan. From the beginning, large numbers of lawyers' committees from other cities came to Philadelphia to observe. More than thirty such committees have made visits to the present date, and most of them have reported enthusiastically after their visit. In one case, the committee was amused when a gentleman who was delegated by a bar association to investigate came to Philadelphia, lunched with the writer, went out to two of the offices, found one of them closed because his visit was not timed during its office hours, spent ten minutes in another, went back home and wrote what he called a "definitive report," in which he demolished our experiment in much fine language. This report was printed and distributed by the bar association which had delegated the attorney for the task, and remains a monument to his trip and his acumen. Other committees have given a large measure of attention to the plan, notably the American Bar Association Committee on Legal Service,¹⁰ which sent a man to observe who spent an entire week in the offices. This committee has written two informative and interesting reports on the Philadelphia Plan, as well as on other legal service projects in various parts of the country.¹¹ A Committee of the Pennsylvania Bar Association also wrote an interesting and favorable report.¹² The best informed and most accurate of all reports of the experiment was that of the California Bar.¹³ In all, more than 2,000 pieces of mail from attorneys were received and answered by the committee during the experimental period. The encouragement given by some of the leaders of the bar was of inestimable value to the experiment.¹⁴

As the length of time that the offices were open stretched out, there were inevitable changes in personnel. Young lawyers withdrew as they became too busy in their other connections to give the necessary time, and their places were filled by new applicants.¹⁵ In many cases those who

¹⁰ This committee is headed by Mr. Kenneth Teasdale of St. Louis, Mo.

¹¹ 65 Reports of Am. Bar Ass'n 255, 451 (1940).

¹² 46 Annual Report of Pa. Bar Ass'n 253, 257 (1940).

¹³ 15 Cal. State Bar J. no. 8, pt. 2, at 104-56 (1940).

¹⁴ Especially notable was the advice and understanding of Dean Lloyd K. Garrison, of the University of Wisconsin Law School. The Special Committee on the Economic Condition of the Bar of the American Bar Association, of which he was chairman, referred to the plan at length in one of its reports. Am. Bar Ass'n, *The Economics of the Legal Profession* 148-59 (1938). Dean Garrison's assistance and comment were always open to the committee, and often sought.

¹⁵ The average number of lawyers participating in the offices during the experimental period was 36. At present there are 31.

withdrew later became of invaluable assistance to the committee in helping to administer the plan. The turnover in personnel, however, considering the nature of the enterprise, has been small.

It is the considered opinion of the committee, following the experiment, that the service provided has made a real place for itself in the Philadelphia community. It is also our feeling that the type of service given should be available in every large city, and that the practice of preventive law is in its infancy. Time after time, in the neighborhood offices, persons have come in *before* they signed installment leases, leases for real estate, or other contracts. Many an impending domestic break-up has been prevented, and an enormous volume of preventive work has been accomplished, all of which is for the general benefit of the community, as well as for the economic benefit of the lawyers who were paid for their advice. The appalling consideration, in the mind of the committee, is that in this tiny experiment such a large volume of preventive work has been found. It must be that thousands upon thousands of clients go unserved each year in the United States in similar matters because of the non-availability of service. This is a fault which may be laid directly to the bar's neglect of the field. The public cannot be expected to demand a service unless it understands what is to be gained, and the bar, which claims a monopoly on legal service, has an educational duty to acquaint the public with its facilities, and where such facilities do not exist, to create them.

It is with this in mind, before discussing the future of the Neighborhood Law Office Plan and its possible extension, that two other activities of the committee, which were a direct outgrowth of our experience, should be described. The first of these is an Institute in Preventive Law, held under the auspices of the Neighborhood Law Office Committee on January 5, 12, and 19, 1942. Members of the committee who had spoken in various neighborhoods had reported much ignorance on the part of the public of the fundamentals of American law. Even the teaching of law in courses for laymen, it seems, is usually done by the case and text method, rather than along the lines of courses in appreciation, such as those given to persons who wish to learn to listen to music, or to look at pictures, but who do not wish to become performers or artists.

It seemed to the committee that a presentation of some of the fundamentals might interest a lay group. Following the committee's guiding principle of doing a small thing well rather than attempting anything on a grand scale, we determined to conduct an institute in a limited field as an experiment. Consultation with various leaders in other fields, particularly that of social service, made us believe that the subject of the

law of the family was one in which there would be much interest evoked. For this reason, this experimental institute was confined to the law of the family. The first session, on *The Family and Its Members*, concerned requirements for marriage, obligations of support, property ownership in the family, adoption, legitimacy, divorce, etc. At the second session *The Family's Home* was discussed, and the material covered included the law governing the purchase of a home, mortgages, landlord and tenant, levies, evictions, dangers of sub-tenancy, etc. At the third session *The Family's Business* was the subject, and among the sub-topics discussed were the law of personal property, installment leases, bailments, automobile purchase contracts, pawnbroker law, etc. Each session consisted of a lecture for an hour, followed by a discussion for three-quarters of an hour. No charge was made for attendance.

The committee was delighted at the interest shown by leaders in the social service field in Philadelphia. Three of the most prominent served on a committee which outlined the material and permitted their names to be used as co-sponsors in the announcement of the institute.

Since the committee had had no experience in conducting such a course there was no way to determine how many would attend. A room seating 60 persons was secured, and 600 announcements were sent out, with the suggestion that reservations be made in advance by interested parties. The committee was dubious about proceeding with the institute because the entry of the United States into the war made us feel that public interest in the undertaking would be lacking. Nevertheless, a week before the first session, the committee was compelled to make arrangements to raise the seating capacity to 80, and prior to the opening all 80 seats had been reserved, and 40 more requests for reservations had had to be turned down. The attendance consisted of social workers, probation officers of the courts, clergymen, and many others whose work brings them in close contact with family law. The neighborhood offices were permitted to make reservations for persons prominent in their neighborhood who wished to attend.

It should be emphasized that the teaching method in the institute bears no relation to the usual teaching of law, either in the law school or in law courses for commercial students. The entire attempt is to give an appreciation of law, and to show at what point in a given set of facts a legal situation and status was created. The natural implication is to teach the layman the value of a preventive legal service and to show that the earliest point in which he calls in skilled help is the likely point in which to prevent litigation. The committee feels here again a vast new field for

education, which would undoubtedly reflect itself as an economic assistance to the bar, has been opened.

The institute was an unqualified success. A local college has requested that the institute be repeated under the joint auspices of the college and the committee, and it is probable that new institutes on other phases of the law will be presented.

The second project which has developed is a study of court costs. Many clients have complained to the Neighborhood Law Offices that the costs of court action are prohibitive or that the basis for such costs is inequitable. It occurred to the Neighborhood Law Office Committee, during a discussion of this subject, that very little is known of the philosophic basis and real meaning of court costs. Ought there to be costs at all? Should not the courts be free to all and paid for out of general taxation, just as are the police force and other public services? A preliminary survey showed an immense variation in the costs charged in different states, and even in the various courts of the same state. It was obvious, however, that to make any study of court costs was a project in itself, although it has an intimate connection with the whole problem of legal service. A new committee was formed to study court costs, under the chairmanship of Mr. William Jenks Woolston of the Neighborhood Law Office Committee. At the last annual meeting of the National Association of Legal Aid Organizations, in October, 1941, that Association agreed by resolution to appoint a committee to act in conjunction with Mr. Woolston's committee in making the study, and preliminary steps are now under way.

At the conclusion of the eighteen-month experimental period of the Neighborhood Law Office Plan, which was April 30, 1941, there was no doubt about continuation of the plan. The offices wanted to continue, the public apparently desired continuation, and the opposition of lawyers had subsided to a minimum.

From the beginning, it had been the earnest desire of the committee not to injure the practice of any lawyer who was already in neighborhood practice. Some time after the opening of the first office, a number of lawyers who were already established in neighborhoods inquired as to whether or not they could come in under the plan. This required the development of a new program on the part of the committee. It was decided to take in any office, otherwise eligible, which would sign an agreement identical with that signed by the experimental offices, except that clients already on the books of the office were excluded from the operation of the plan. That is, it was not necessary for the affiliated offices to charge the \$1.00 fee or observe the minimums or maximums in the schedules

with clients already known to them. These offices also were not required to report in detail as were the others, but the committee had the same supervisory rights, and the affiliated offices agreed to keep card records as did the experimental offices. Two such offices came in under the plan, and a number of others are now negotiating with a view to doing so. The committee has not and will not bring pressure on any office to bring it in under the plan. To come in or to stay out is entirely voluntary with the lawyer already practicing in the neighborhood.

At the end of the experimental period the Selective Service Act had already gone into effect. It became apparent, therefore, that the personnel problem shortly would become an urgent one. For this reason, the committee determined not to enter on a program of expansion, but instead to preserve the pattern of the experiment by concentrating on keeping the high standard of quality in the service given by the offices already opened. The committee had previously felt that an expansion to twenty or twenty-five offices in Philadelphia would be warranted by the public demand, but the realization that numerous personnel difficulties were impending made the committee abandon its previous ideas on the subject. At the present time, a number of participants in the plan have entered the army, and others expect to leave momentarily. So far, the committee has been able to find successors for those who have left, but how long it will be able to do so remains to be seen. The committee hopes that it will be able to hold the ground already won to serve as a pattern for activity after the war, but any expansion at the present time seems out of the question.

During the period of the experiment, a number of legal service plans on a different basis from that in Philadelphia were set up in various cities. The committee gave sympathetic attention to communications from those who were operating these experiments and is hopeful that where they have begun they will continue, for it will be interesting to compare their results with ours.¹⁶ Every possible approach to the problem should be tested out—the only attitude with which the committee disagrees is that of those who are opposed to any experiment at all. As far as is known to the committee, the Philadelphia Plan is the only one operating on a decentralized basis and without subsidy.

From time to time, groups in other cities have contemplated the open-

¹⁶ For a recent appraisal of some of these plans, see Morris, *Legal Service*, 1 *Lawyers Guild Rev. No. 4*, at 35 (1941). The Chicago Lawyer Reference Plan should be compared to the Philadelphia Neighborhood Law Office Plan. Lawyer Reference Plan, Report of Operation from January 10, 1940, to March 26, 1941, 22 *Chicago Bar Record* 335 (1941).

ing of offices under the Philadelphia Plan, and the committee has encouraged the advancement of such plans. Although feeling that each undertaking should be a local one, adjusted to the needs of the local community, the committee has no doubt that a need exists in nearly every American city similar to the need which was found in Philadelphia. It does not do for lawyers in other cities to say, "Your problem is different from ours." We do not believe the problem differs, except in degree. There are neighborhood lawyers practicing in all large cities, but few are those who give the type of service, especially in the preventive field, which is offered in the Philadelphia offices. There is no question in our minds, having completed the experiment, that the plan, as devised, has succeeded and will succeed. Should it become necessary, through lack of proper personnel, to close some or all of the offices during the war period, we believe that the pattern set up by the experiment will serve to guide others after the emergency.

At the present time, it is necessary for our committee to meet but once each month, with an occasional special meeting to consider an urgent situation. At our regular meeting we inspect the current reports, decide on matters connected with personnel, and in general act as a supervisory board for the plan. It must be owned that at our committee meetings lately we have had much pleasure in observing reports from one city after another of action by bar associations leading toward the establishment of legal service plans.¹⁷ The movement in which we feel we have played a large part seems to be gathering momentum. The general future of preventive law, in both its educational and its practical aspects, seems to us one of the most important vistas in the future of American law practice. We have performed an experiment on a very small scale in Philadelphia, but it has been sufficient to prove to us, and we believe to others, that there is a service which the public will patronize and which can be provided for the public on a proper economic basis by the legal profession, if only the profession will do the job.

¹⁷ On the day when this article was written, news came to the writer of the adoption by the Los Angeles Bar Association of an experienced lawyer service, the publicity for which follows in some large degree the maxims of practice of the Philadelphia Neighborhood Law Office Plan.