Interview with

William Reece Smith

Conducted by Robert Rhudy

August 9, 2002

Call number: NEJL-009
BR: I’m Bob Rhudy, I’m the executive director of Maryland Legal Services Corporation and I’m the chair of the National Equal Justice Library’s Oral History Project. This is Friday, August 9, 2002. We’re in the rare books room of the Washington College of Law, American University in Washington, D.C. This morning I have the extreme honor and pleasure to talk with one of my favorite gentleman, William Reece Smith, Jr., of Tampa, Florida, about his involvement and perspectives on the legal aid movement in the United States over the past 40 years. It’s somewhat daunting to briefly summarize Reece Smith’s career and especially his professional and public service on behalf of the law in our country. He’s a former sometimes starting quarterback for the University of South Carolina Game Cocks, he was a Rhodes Scholar, he graduated first in his class from the University of Florida Law School and he was editor-in-chief of the Law Review at law school. He is a former managing partner of the Florida-based law firm Carlton Fields and he is the chairman emeritus of that law firm. He’s a former president of the Florida Bar Association, the Florida Bar Foundation, the American Bar Association, American Bar Endowment, American Bar Foundation and the International Bar Association. His list of awards and contributions in the law, education and civic involvement is long and illustrious. Reece has played a central role in the defense, protection and development of civil legal services in the United States for the past 35 years and he particularly has been a leader in the development and encouragement of the participation and leadership by private attorneys in the provision of civil legal services support. Welcome this morning.
BR: Reece, before we start discussing your career and advocacy for legal aid, tell us a little bit about your background.

WRS: Well I was reared in a small town in central Florida called Plant City, Florida. In a household that was not at all well to do but quite comfortable and quite secure. I had a very happy childhood. I graduated from high school early part of World War II, was in mostly in Naval officers training programs during most of World War II, completing that work, went to the University of Florida College of Law, well I went back to play some football at the University of South Carolina and then to the University of Florida College of Law and while at the University of Florida College of Law won a Rhodes scholarship and after a brief period of practicing law in Plant City, Florida I then went to Oxford, England and attended Oxford University for three years, came back and taught at the University of Florida College of Law at the law school there, decided I liked teaching and would pursue a career in teaching but decided also that one should have some experience in the practice of law more than I then had if one was going to teach. Accordingly I entered practice of law and for the last 50 years I’ve been getting experience. I really never got back to it although I now teach and have, I teach at Stetson University College of Law as an adjunct with a big title, I teach professional responsibility and I have taught at the University of Florida, as I say at the beginning of my career and then at Stetson on other occasions. So I’ve managed to stay in academia a bit although my work in my law firm has been primarily in the litigation area. I’ve tried cases and argued cases all the way from our justice of the peace to the United States Supreme Court. At the beginning of my career when I was practicing alone in Plant City, Florida, there were no legal aid programs of any kind at the time and mostly for experience sake my experience I sought to be appointed to represent indigents accused of crime and I tried to the first law suits I ever saw I tried on behalf of those poor souls although we got fairly good results I hope. And I began at that point in time to appreciate that there was a need in the law that wasn’t being fulfilled and I can’t say that I was struck by lightning on the road to Damascus or something of that sort in having an appreciation the need for service in the field of what I then called legal aid but slowly as I matured as a human being and as a lawyer my appreciation of the need I think matured as well until it became my major avocation in a way, major extra curricular activity, I suppose I should say, aside from the
practice of law. I grew up in a small town in Virginia next to the Tennessee and North Carolina border and our family attorney, a guy named Harvey Neff, at one point I was supposed to go back and go into practice with, Harvey’s office, particularly every Saturday morning, he was solo practitioner, eventually took in a young guy, he worked him pretty well and turned the practice over to him when he left, Harvey’s office particularly on Saturday mornings it was like a barber shop, people were just lined up sitting and most of them Harvey never got a penny from, they had some problems, they had some questions, they didn’t have much money and it was Harvey’s job to help them out. And occasionally something would come out through somebody else in the family or whatever but it was just what I learned through him that attorneys in towns throughout America did. That was what a small town legal practice was like then. It was for me starting as a sole practitioner and amounting to some extent the same thing. I think the biggest fee I earned during that period was $200 or something like that which was enormous.

**BR**: So that was your first law office. Was that a solo practice?

**WRS**: It was a solo practice, it wasn’t terribly long because I was waiting to go to England to study there.

**BR**: Tell us a little bit about your period at Oxford.

**WRS**: Well it was a wonderful experience for me. I really had never had a university experience prior to that time because the education I had received was either in the course of getting a commission in World War II where I think my total undergraduate education to a degree was 20 months, or in law school where all of us were terribly concerned about having lost time because of World War II so we went straight through in two years and so when I got to Oxford and we actually had holidays and vacations and regular semesters and things, apart from the wonderful experience of studying at a great university in another country, it was a normal educational experience which I must say I hadn’t had prior to then. And I made friends that I to this day stay in touch with. A little aside, I became president of the American Bar Association at a meeting, the ABA had these every once in a while that was split between Honolulu and Sydney and I actually did my first official act in Sydney, Australia where my assignment was to respond to the welcome extended by the Governor General of Australia, Sir Zelman Cowen. Cowen had
been my tutor at Oxford and so we had a good time talking about how well he had or had not instructed me.

**BR:** I think I remember your talking about one of your friends at Oxford at a pro bono conference several years ago from Pakistan, Mr. Bhutto who became president.

**WRS:** He became prime minister of Pakistan, lived in the same building very near where my quarters were, had a college at Oxford called Christ Church and I became acquainted with Zulfikar Ali Bhutto who then wanted to write a constitution for his country. Later on he sent me a copy of a little paperback thing that he had done. He became prime minister, as you may recall, a military regime took over his leadership of the country and he was hanged after a trial, was at the time of the Carter administration, a number of us that were friends of President Carter asked that our government intervene to try to save his life. This government did seek to intervene but without success. But in any event I had this little booklet, his constitution and he had written a little note in it and many years later his daughter spoke at a college near Tampa, Florida where I live and I had the opportunity of presenting her with the booklet which to my surprise she had never seen before. And it sort of pleased me to be able to give her that work.

**BR:** She went on to become

**WRS:** She too in turn became Prime Minister, Benazir I think now lives in exile in England.

**BR:** Politics is a dangerous business in some areas of the world. You talked a little bit about how you became interested in the needs of poor people for legal assistance through your personal experiences when you first started off practicing law and what firm did you go to after you came back from

**WRS:** Well I ultimately went to the law firm of which I’m still a member, it was quite a small firm then. I think I was the seventh lawyer in it and my first contact with the legal aid movement other than the experience I already had as volunteer in the criminal courts was with the Legal Aid Committee of Hillsborough County, Florida Bar Association, the ABA in much earlier times through Reginald Heber Smith, Charles Evans Hughes and others had encouraged
the establishment of legal aid committees in bar associations throughout the country. And they existed here and there but didn’t exist there and here. Some were strong, some were not and none of them were effective enough to begin to meet the legal needs of the poor but nevertheless that’s where I first became acquainted with organized legal aid activity in that bar association and I did a bit of volunteer work at that time. Somewhat later in the mid 1960s I think it was, the federally funded programs in the Office of Economic Opportunity were created and began to expand to the states and a good many private lawyers and organized units of the bar opposed the federally funded civil legal aid movement on the basis that it was as the socialization of the legal profession. A good deal of the leadership of the Florida bar at that time, mid 60s as I recall, early 60s somewhere in there, were in opposition to the federally funded programs. Some of us who were younger members of the bar and were active at not at the state level but at the local levels as local bar presidents and things of that sort felt otherwise and we felt there was a need to be filled. We sort of had a split personality over it, we didn’t quite know whether we liked federally funded programs or not but we did know that there was a need to be filled and we thought that we ought to have federal support for legal aid but we weren’t quite sure that it ought to be the kind that some people said was developing throughout the country which was more related in their view to social reform than it was to service of individual need. In any event one interesting aside which I think you mentioned and encountered in your experience Orange County, Florida Bar Association that’s Orlando, Florida, still has a rule that one cannot join the local bar association without agreeing to do voluntary legal aid work and that came from the fact that the leadership there at the time was opposed to federally funding programs but recognized the need and so they insisted all right if we are going to oppose the program we will but we’ve got to fill the need so we’re going to require all of our members to do that. Russ Troutman, later a president of the Florida bar and later I think a very effective leader of the organized bar in the state of Florida, was in those early days not in favor of the federally funded programs but was to a considerable degree responsible for the Orange County program as it developed. Bill McCullough who later became a congressman was in favor of that kind of solution in his area which was in and around Orlando as well. Later on although you may recall he was frequently not officially or strongly in favor of the Legal Services Corporation at a crucial time in the voting in Washington did take the side of the Corporation and provide leadership and I think votes that
helped keep it from being not eliminated but weakened one way or another. I forgotten the detail there I’m sure you remember.

**BR:** This week the American Bar Association is holding its annual convention in Washington, D.C. and Jane Curran who is the executive director of the Florida Bar Foundation told a story yesterday that reminded the room of the IOLTA communities, the meeting I was at about Congressman McCullough in 1996 when Newt Gingrich was trying once again to eliminate funding for legal services I think the proposal was to cut from around $400 million down to about $121 and then the next year wipe it out again, it’s one of the crises you’ve been through so many times. Congressman McCullough was able to pick up Republican support to preserve the program and it took a cut that year. The tradeoff was an issue he had worked on for years, they did do very, very strong restrictions if took the federal dollars you didn’t do lobbying, you didn’t do the class actions, there were tradeoffs but the program continued. The tail end of Jane’s story was Congressman McCullough was brought on board this session in Florida to help lobby for the $2 million increase from the Florida legislature for legal services. So he was very helpful in raising local dollars for the program. I’m struck I’m a newcomer in legal services. I’ve only been around for a little over 20 years, but I have been struck from when I first started learning about the program to the present day about the leadership consistently of Florida in the development of legal services in the United States. It’s a state that has constantly been at the forefront and I just wonder, I mean I know I have a strong suspicion that it has to be sort of look around sooner or later and you find there are some leadership that plays a major role in that.

**WRS:** I’m not sure that results from intention mentoring or systemic planning of any kind whatsoever. Only that in sort of waves of generations that leaders will come along who care and take an interest in a variety of developments which we regard as progressive in the law and provide the leadership that is needed. And Florida has been very strong within the organized bar in my opinion among other things its members help one another out in activities even within the American Bar Association in providing all sorts of support in one endeavor or another. But there were people at some point in the 60s or early 70s I think that provided leadership in Florida and perhaps nicely at critical times with reference to Legal Services Corporation and the early 70s Burton Young who was an unknown member in the establishment of the organized bar was elected president. Burton was one of those instrumental in providing leadership, the creation of
something called Florida Legal Services which perhaps we’ll discuss a little bit later. I got interested in turn, Burton and I were quite good friends, in fact we worked on some projects together. But I was interested and then at a later time Sandy D’Alemberte, another former president of the American Bar Association gave, Sandy never worked at the national level to my knowledge very much in the field but in Florida he did a good deal. He was always organizing us to file petitions with the Florida Supreme Court for this and for that. The first one I recall was when we actually petitioned the court for mandatory legal aid, requiring every lawyer in Florida to do X amount of legal aid. The court declined to require us all at that time to do it but said in its opinion that it expected every lawyer in Florida to do her or his duty and that it felt it had the power to require us to do mandatory work if it chose to exercise that power which it did not. At another time Sandy got us all to join again in some other movement to develop a more organized system of legal aid in Florida. That led ultimately into 1990s perhaps, I’m not certain, to the current plan that we have which was regarded as a forerunner in the country which again was not mandatory in the sense that we lawyers were required to do so many hours of pro bono work but we were required to report whether we had done any and if so what we had done. There were those that did not like that, that was litigated, it went to the United States Court of Appeals for the Eleventh Circuit before it got resolved that we could be required to report whether or not we had done what the court suggested which was to do at least 20 hour which is jolly little of legal aid for the poor each year or to give $350 again jolly little to an organized legal aid program in support of legal aid. As a result of that so it would appear the amount of work being done in the state of Florida in the field is enormous even if one discounts rather substantially for fudging since this is voluntary reporting which we have to do each year at the time that we pay our dues. But the numbers have gone up, up and up so that I think the last time I looked it was about $20 million of federal money being provided in the state of Florida to support federally funded legal service programs. I regard them as the essential foundation for the provision of legal aid. And they provide the administrative structure, they provide a core of trained experienced poverty lawyers who know the field and are devoted to the work, they provide hopefully if in my view they’re doing it right the 10 or 12 ½ percent money as it now is which can be used and I think should be used to employ pro bono coordinators to help coordinate the work between the federally funded programs and the local legal aid programs of the private bar. All of these things developed together and now I’ve lost my train of thought in this, have resulted in enhanced
provision of legal services together with a couple of other things. One has been the IOLTA program that we again I think started in Florida and Jane Curran now runs the Florida Bar Foundation to which all of the IOLTA money goes and in turn it now makes grants to both federally funded programs and private bar programs throughout the state of Florida. Contrary to my view I thought that all since it was federal money supporting the federally funded programs that all the money generated through the IOLTA program ought to go to support private bar legal aid. That worked right at the beginning for a while. Number one there wasn’t a whole lot of money and number two there wasn’t as much need but as the needs have increased now both groups vie for and get money from the Florida Bar Foundation and it’s been very sensible I think in its distribution of funds. Jane is very good at that kind of thing.

**BR:** The use of IOLTA between the United States and the countries we borrowed it from, Canada and Australia, is pretty different. Canada and Australia do expect the public dollars, the provincial or the federal dollars to go to the staff programs whereas the IOLTA dollars have tended to go more for research activities, other kinds of private law, private bar involvement and other ranges of things. Here the bulk of the dollars has gone to staff legal services.

**WRS:** Well I like to associate myself to the development of IOLTA in Florida. When I became president of the Florida Bar back in 1972 as I recall, I read of what amounted to an IOLTA program in British Columbia and I didn’t know what it was, it sounded sort of interesting so I got my law partner Ed Cutler to chair a very small committee simply to investigate the concept on behalf of the Florida bar and ultimately very quickly the Florida bar passed a resolution saying we ought to be doing it but the banking laws of the state of Florida prohibited any kind of activity of that sort so we had to lobby in the Florida legislature and I think they must have taken 10 or 12 years before the laws were changed. When they were changed happily Arthur England was then I guess in the Florida Supreme Court, he took the lead as Chief Justice in establishing IOLTA and I think became the first such program in the country, first on the voluntary basis and subsequently on a mandatory basis. Once again where I think we were first in the mandatory movement.

**BR:** I think you were the first state that converted from voluntary to mandatory . . . California started mandatory, Florida went back and converted first.
WRS: Well back in the early 70s the other activity in which I was involved in terms of the legal aid movement was something called Florida Legal Services, Inc., which came as a result of a study done by Professor Harold Levinson then of the University of Florida College of Law, later at Vanderbilt, I’ve lost track of him. But it showed a need that there was no legal aid no organized legal aid of any kind federally funded or private bar operated in well over half of Florida’s 67 counties and so the idea we conceived was that we needed some sort of agency which would help stimulate and promote and expand legal aid activities throughout the state of Florida in the various counties. Governor Askew was a very young progressive governor. He gave us his assistance and the assistance of some of the young people who were working with him. He helped us get the money, it was federal money, for the Florida Legal Services, Inc., and it really was not created as a delivery program but as a support program, if you will, one to stimulate legal aid activities throughout the state of Florida.

BR: One of the early state backup centers for legal services.

WRS: For the life of me I cannot remember the name of the young man who was the first director of that but he did a wonderful job. It’s in a paper that I left with this library and I hope somebody will look at it if they are interested.

BR: Reece, we’re delighted, we’ve got a lot of your papers here so as a research tool for future years we thank you for your contributions.

WRS: Well in any event he gave good beginning leadership and then Steve Goldstein gave substance to it over a long period of time before he went to teach at Florida State University. Kent Spuhler is currently the director of it and does a wonderful job in providing oversight to legal aid, legal service activities throughout the state of Florida. But we’ve had good staff assistance and good voluntary involvement in the Florida bar and related entities for well over a quarter century, we’ve been very fortunate. Terry Russell, our current president of the Florida Bar just succeeded in getting the first $2 million of state money to support legal aid that which we thought was as impossible would never occur. It continues from one generation to the other. I’m sure that I failed to mention some Florida leaders who certainly deserve a great deal of mention.
**BR:** Well I know that I look at the movements that came out of Florida in terms of pro bono activities in terms of IOLTA, the second largest funding source for legal services in the United States, the state support program that you were the chair of, Kent runs now, just over the past 30 or 40 years consistently Florida has been certainly one of the leaders in many ways the leaders in the United States on the expansion of legal services. Dan Bradley, the first president CEO of Legal Services Corporation after it was created came out of Florida.

**WRS:** I should have mentioned that much earlier because when we young lawyers in the late 60s were making our schizophrenic move we weren’t quite sure what it was we wanted to do but we didn’t want to absolutely oppose federally funded services but I came into contact with a man who was then I believe the project director for Florida Rural Legal Services, and we established a friendship which continued for a very long time and helped me a great deal at a later point in time when I was starting a program in which I was very interested in, the American Bar Association. I quite know where you are in this interview now but in the late 70s, I think it was 1979, I was elected President-Elect of the American Bar Association and ABA presidents have projects are supposed to have projects and I wanted to do work in the legal services legal aid particularly in pro bono area. And I conceived the idea there had perhaps I should give a little background. There had been during this period of time enormous success on the part of the federally funded legal service programs.

**BR:** This was during the Carter administration.

**WRS:** During the Carter administration when the funding was at its height I think and the activities were broad, there were support centers, there were backup centers, there were delivery units, all kinds of activities and more and more the private bar for one reason or another seemed to get turned off, either they were opposed on a political or personal philosophy basis to what they perceived to be the goals and activities of federally funded programs, or they simply couldn’t compete at the local level for one reason or another. So that the old legal aid committees that had been established in bar associations going way back to the Charles Evans Hughes and Reginald Heber Smith days, 1920s, they were dying out at the local level and the federally funded program were growing rather dramatically. And there was a good deal of tension that existed between the staff lawyers on the one hand and the private bar on the
other. And I believe it was about that time that Hillary Clinton, Senator Clinton now, was the chair of the Legal Services Corporation Board and she was making public statements and speeches indicating the need for more money to provide legal services for the poor saying only that there was 20 percent of the poverty population at least going unserved, I have forgotten whether it was 20 percent or 20 million.

**BR:** I think it was 20 percent being served and 80 percent that was still be unserved.

**WRS:** I guess that’s what it was okay well in any event that there was an enormous need and I took the view that there would never be enough federal money to meet all the needs and accordingly that we needed volunteer supplement to the federally funded programs and so what I wanted to do in my ABA period of service as president was to create voluntary local private bar programs around the country. And I wanted to do it with at least neutrality on the part of the federally funded programs at the local level and elsewhere. So I asked Dan to join me and to bring his most influential project directors, one of which was Charlie Dorsey, your mentor,

**BR:** Director of Legal Aid Bureau of Baltimore

**WRS:** And they came to Chicago and met with me and I told them how I wanted to establish some pilot projects throughout the country to stimulate private bar legal aid. They were not terribly happy. They felt as if it became apparent that lawyers would work for free doing legal aid that the Congress that this might adversely affect funding by the Congress and there was a lot of concern about that. So that although Dan was supportive and Dan was helpful, nevertheless unofficially the leadership of the Legal Services Corporation at that point in time was not. Nevertheless I got started with my project. I sought to get some money from the board of governors of the ABA to support it. They allocated $100,000 for the purpose and employed for me Ruth Ann Schmidt who runs the IOLTA program now in Illinois but at that time was the chair or the director of the Chicago Voluntary Legal Services program and she came and worked full-time with me trying to get this pilot project started. And she was the one who ultimately selected the cities where we established programs. I hoped that we would have 15 or 20 of these pilot projects. We found there wasn’t enough money for that. So ultimately we decided on five and on Ruth Ann’s recommendation the five were in Honolulu, Portland, Oregon, Austin, Texas,
Duluth, Minnesota and Baltimore. All five of those programs still exist and the project director or the director I should say of one, Patty Murto, still runs the Duluth program as she was doing at that time. And she is now I think the president of the pro bono coordinators association.

**BR:** It was interesting preparing for I followed your career for quite some time but as we were talking about this interview I had a chance to go back and read through some of your earlier speeches and activities at the time. In many ways it was exciting to watch you develop your own positions where you had the private bar on one side that had a fair amount of distrust of the staff legal services movement. You had a lot of the leadership of the federally funded programs that wouldn’t talk with and some of the young Turk lawyers that didn’t trust the people in the private bar, didn’t understand their clients. You had some leadership active leadership in the American Bar Association and state bars that were seeing the federal dollars come up and up and were starting to say why don’t we create a judicare type of program like they do in much of the rest of the world, give us some of these dollars and we can take cases on a case by case basis and I was seeing you try to find a way to bring these groups together and to accomplish something that was a fairly new approach I think.

**WRS:** All of those things hit me at the same time. I was very much in favor of the private bar pro bono movement and that was my, I wanted to support it and I wanted to at least neutralize resistance coming from the federally funded programs but I wasn’t particularly supportive, I’ll put it that way, of the federally funded programs at that particular point in time but by the time I became ABA president things began to snowball as I recall. The House of Delegates of the American Bar Association had two resolutions before that the August 1980 meeting of the ABA which were essentially judicare resolutions saying this money that is going for staff lawyers and staff programs we the private bar want some of that and ought to be paid to provide legal aid work from some of these funds and I think it was Wisconsin that had a resolution that called for certain percentage and then the general practice section of the ABA had one that called for substantial endowment of the private bar. I can remember speaking against both of those suggestions in the debate in the House of Delegates. The private bar the general practice resolution was passed by the House of Delegates. It therefore became my duty to support and try to implement that resolution in the Congress. But there was fair amount of leeway and I took the position that rather than call on the Congress to say give X amount or X

12
percentage of one’s grant funds in a federally funded program to judicare type activity that instead this should be left to administrative regulation of the Legal Services Corporation and it should determine how best to effectuate the substantial involvement and that’s the position I took and testified before the Congress on it and then ultimately I’m pleased to say the way it went but there was that development and then what else happened in the 1980

**BR:** The election

**WRS:** The election came and President Reagan was elected and he reputedly had had unhappy experiences with California federally funded programs and was not in favor of the concept and I went as ABA president to speak at the NLADA’s annual meeting in San Juan, Puerto Rico. Why the NLADA, because it had become the home for the staff lawyers in the federally funded programs. And I went to say come let us work together. Sure I’m pushing for pro bono in the private bar but there is a great need to be filled and we’re all dedicated to the need to provide civil legal services for the poor. So let’s reduce our tensions, let’s quite fighting. And when I got down there with my little formal type speech I discovered that there was great anxiety among those in attendance about what the Reagan administration might do politically with the Legal Services Corporation. So I threw away my prepared speech and spoke from some notes which are also in the collection here, where I said that the organized bar of the United States would rise to the defend Legal Services Corporation if need be. So there I am switching.

**BR:** I saw a couple of times in your history that your most important public addresses are frequently handwritten based on changed circumstances at the moment.

**WRS:** In any event [END OF SIDE ONE OF TAPE] . . . I know I’ve got a letter which I saved from Esther Lardent after I made that speech down there. She liked what she had heard and I didn’t know Esther at that time. We weren’t acquainted but anyway the letter impressed me and I was pleased to get it and I kept it. And then in late 1980 after that NLADA speech which I said we would fight if necessary for the Legal Services Corporation, I went to New Orleans for a board meeting of the Legal Services Corporation board also to plead for cooperation between the private bar and the federally funded programs. And it was at that meeting I believe under the leadership of Bill McCalpin and in view of the pressures coming from the ABA House of
Delegates as well as the election of a president whose position was not considered to be hospitable to the Legal Services Corporation, it was there that the Legal Services board adopted the 10 percent rule that directed project directors to allocate 10 percent of their basic grant to the involvement of the private bar in some way in legal service legal aid activities, which was a significant departure from the way things had been going. Then in April of ‘81 I started my about the beginning of ‘81 I got my projects these five different pro bono projects, . . . It was probably January of ‘81 we finally got, Ruth Ann had been doing missionary work all the way from Honolulu to Baltimore but we were ready to go and we got the money to them when we got them started which was about January ‘81. Still there was these tensions existed between the two delivery systems of the two concepts. Then around April of ‘81 as I remember the Bureau of Management and Budget

**BR:** OMB, Office of Management and Budget

**WRS:** Office of Management and Budget proposed de-funding completely the Legal Services Corporation, zero funding for it. And so there I was challenged to follow on the words that I had delivered in the speech some months before down in San Juan and the ABA passed resolutions in support of the Legal Services Corporation. I called upon a so called march on Washington and about 400 state and local bar leaders joined me there and we exercised our constitutional right to petition government, otherwise known as lobbying, and fought for the continued existence of the Legal Services Corporation with some success. One little aside, Senator Strom Thurmond was not in favor of the Legal Services Corporation and was considered a very significant but difficult figure in this whole thing and I was kind of assigned to go see Senator Thurmond. I had a hard time getting in his outer office much less getting to see him personally but when I came in his office to visit with him for a moment it was made clear rather quickly that his time was quite limited. Until I said, Senator I used to go to University of South Carolina, I played ball for the Game Cocks. Things changed and he became not a supporter but he was not as fierce an opponent as he might have been, all because of that South Carolina connection. Anyway, something else happened in there but the one good thing that came from the organized bar being perceived to fight for the Legal Services Corporation other than the success in keeping it alive was that the people worked as staff lawyers in the federally funded programs began to see that the organized bar could do some things and one salutary effect of the
attack on the Legal Services Corporation was the reduction of these tensions that existed between the two programs. So that for the first time in my experience in this area there began to be cooperation. I won’t say all the tensions I won’t say that everybody easily allocated 10 percent money or 12 ½ percent money. I used to call Dan and complain and ask for a little help here and there, but we began to work together in a far more effective way and I think that is one reason why we have such a great delivery system in this country today. I started then after that for about six years I guess as chair of something called the Consortium on Legal Services and the Public making speeches around the country to state and local bars urging them to form local legal aid private bar legal aid programs working in cooperation with the local federally funded programs. At the same time the federally funded programs were using they created their private bar involvement with that PBI movement. We got an ABA pro bono center started in Chicago. And as a result of all these activities over five to ten years the number of private bar associations voluntary programs expanded exponentially so whereas we had 50 back in 1980 we had maybe 800 or 900 by 1990 and there are over 1,000 now and the whole picture has changed over a long period of time, due I think to the fact that the two concepts, pro bono on the one hand, federally funded programs on the other, the staff supported the staff program by providing the foundation and the basic expertise. The private lawyer supplementing the work the staff lawyer had provided what I regard as the best legal aid delivery system in the world today and so there is an awful lot of work to be done. They used to raze me about the line that I had in about 90 percent of my speeches which say meeting legal needs of the poor is not a race for the short-winded and it isn’t a race for the short-winded but we’ve come a long way and I think even though we have a long way to go and it is not a race for the short-winded we have reason to be proud of that which has been achieved through a lot of effort over what nearly half century.

**BR:** We’re going to take a break in a minute but we’re going to talk a little more. We’ve got go back and cover a little bit more on the period of the fight in 1980-1981 to save Legal Services, and a little bit more about the development of the pro bono movement and what lies ahead. So why don’t we take a break for as second. [RECORDING ENDS.]