Interview with

Thomas Keith

Conducted by Kenneth Cain Jr.
July 26, 1992
Transcribed by: Virginia Dodge, NCRF
Call number: NEJL-009
KC: This is an interview of Tom Keith, Executive Director of Legal Service of North Central Alabama. This is July 26, 1992 and we are the Don Caesar Hotel at St. Petersburg, Florida. My name is Kenneth Cain, Jr. The topic of our interview will be legal services development in the state of Alabama. Tom, could you tell us please a little bit about where you were born and grew up?

TK: I was born and raised basically from Alabama up in Fort Payne, Alabama.

KC: Where did you go to school?

TK: I went to Auburn in undergraduate school starting out in engineering and wound up at the University of Alabama School of Law.

KC: When did you first hear about legal services?

TK: I think probably in the mid 60s the neighborhood law offices and the Office of Economic Opportunity were a big item. I got kind out of engineering and taking sociology courses and get interested in economic development in reading a lot more and heard about legal services as part of the 60s attack on poverty OEO

KC: Were you at Auburn when you heard about legal services?

TK: Yes, and I think someone from New York, I was in engineering then and working in the engineering field and met an auditor from New York, I remember his name was Simon and he was Jewish that’s about all I can remember, I remember what he looked like, started to introducing me to a lot of so called liberal programs and got me kind of thinking beyond what I had been thinking of earlier.

KC: Had you already changed your major, was this early in your career at Auburn University or late?
TK: . . . I decided to switch into law and got interested in economic development in those days as a maybe a means to help poor people in the south and Central American countries and that kind of thing, the Peace Corps kind of idea of economic development.

KC: And when did you graduate from law school at Alabama?

TK: Well I graduated from Auburn in ‘68 and was about to start University of Virginia Law School, I got an induction notice, got involved in the anti-war movement and I got an induction right at the time I was going to start at the University of Virginia and I spent two years being rejected for induction physicals in the Army and wondering about the draft and then I wound up in 1979 the fall no fall of ‘80 believe I’m sorry fall of 1970 starting at the University of Alabama.

KC: So there was a couple of years break in between your college graduation and when you started at Alabama.

TK: Yes.

KC: Did you work generally there.

TK: Worked in Atlanta for those two years and just stayed involved in the anti-war movement and I guess was radicalized like a lot of people and affected like a lot of people by different events surrounding the war. I think it’s hard to overestimate the affect that those years had on people.

KC: And when did you first start work at legal services. Did you work right out of law school, did you go to work at legal services or did you have some other jobs first?

TK: No, I wanted to do something socially useful from the beginning I guess, either in economic development or legal services and some of my professors in law school at that time were sold on legal services and legal services was more popular, I guess at that time, more fashionable to a lot of people.

KC: And again this was ‘70 to ‘73 right in there.

TK: Right.

KC: Did you work in their legal clinic or anything like that?

TK: Worked in the legal clinic and that was a big step in getting a job in legal services.

KC: How long did you work in their legal clinic there at Alabama?

TK: Most of the time I was in law school.
KC: So it wasn’t just a one-semester course, they basically would let you work the whole time if you wanted?

TK: Ah, I actually don’t remember. I remember being involved in some of the clinic activity like when the university sued the state welfare system and obtained proof that they were racially discriminatory in their setting of benefits and happened to see the state then cut of benefits for the legal clinic to the university which was a lesson in politics I guess.

KC: So you actually got to assist in certain cases.

TK: That was going on while I was there, yep. Mostly routine work at the clinic, like everywhere else but with some major impact.

KC: Actual client case handling?

TK: Yeah.

KC: And so you got out of Alabama and went immediately to work with a legal services program.

TK: Right.

KC: And what program was that?

TK: Up in Huntsville one of the few legal aid programs in the state, a program that had been founded in ‘68, it’s a one-attorney office and one paralegal Tommy Armstrong, a Scottsboro born and raised attorney, was the first attorney there in Huntsville. The Huntsville Bar Association started the program with Model Cities funding, didn’t have the OEO funding then, and sought help from about any program that they could.

KC: When did that start, when the Model Cities money when did that start coming into Huntsville?

TK: The program was founded with that money in 1968 and VISTA workers and local help wherever they could get it from the city

KC: In essence right around the time you came in . . . working a few months before you came in or

TK: It began in ‘68, I came in ‘72 yeah.

KC: So it had up and going for four years. And what was the job that you had there, was your first job staff attorney?
TK: Well I graduated early from law school by going summers and taking courses during the summer and graduated in December in a little over two years and wasn’t able to take the bar or get barred, well took the bar in February and got barred in April, but I had a break in there when I was a staff attorney candidate and we had Reggie attorneys, we had two Reggie attorneys at that time, a VISTA and a director and one staff attorney in a branch office and myself as the unlicensed attorney.

KC: So you started as the only unlicensed attorney in the office that spring or summer. And you were licensed that October was it

TK: April.

KC: April was when you got results. And then took over a regular staff attorney’s. And you had how many offices, there were two offices in the Huntsville program in ’72.

TK: We had two offices, we did intake five days a week, we had walk-in intake five days a week, we took turns working on Saturday mornings, most folks worked on Saturday mornings in those days.

KC: And you said what was the staffing level again? It sounds like 2-3 attorneys and who else?

TK: Well we had Reggies, VISTAS, we used VISTAS as paralegals,

KC: How many of those did you have?

TK: Ah, part of the time we had one, I believe part of the time we maybe had two or maybe other paralegal funding from another source. Some of the secretaries served as kind of paralegals, prepared divorce complaints, a receptionist and administrator and everything

KC: And you also had an executive director, did that person also handles cases?

TK: At that time everybody handled cases. Everybody did intake and everybody did handle cases and everybody was a generalist. It was little bit like it’s gotten in the 80s I guess as we shrunk.

KC: And what about the second office you talked about. Did somebody just circuit ride to another city? Was there a brick and mortar office or how did that set up?

TK: Originally I think they had an office downtown but by the time I got there we had moved to the housing project and we were in the community centers in the housing project in different parts of town.

KC: This is all in Huntsville but in different parts of Huntsville.
TK: Right.

KC: Sort of a neighborhood office.

TK: Right. A neighborhood concept, right. In the poor neighborhoods, right in the center of the poor neighborhoods and not downtown in those days.

KC: Okay when you first got there in ‘72 how was your legal services office funded at that time?

TK: Still Model Cities, we had a grant under the Food and Nutrition Service to do Food Stamp screening, Food Stamp advocacy. To advocate for the WIC program, we got some community action agency funds I believe.

KC: So three or four sources.

TK: Right, whatever we could piece together. And it was rather uncertain in the beginning, I guess also kind of like some of our funding sources were in the 80s also.

KC: And your program was created by the local bar association there in ‘68.

TK: Right.

KC: And what was your relationship with them? What kind of oversight did they have or

TK: Started out with an attorney and client board members kind of like was eventually mandated under the Legal Services Act. Some of the bar leaders at that time essentially saw the light and saw the need for legal services and were able to get . . . there was a lot more opposition in the bar at that time, I think basically Huntsville is a relatively progressive place for Alabama, and there was fairly broad support for the legal services program. Some of those people that founded our program pushed it through remained on my board. One remains on my board to this day, Bob Smith. And Glenn Manning retired last year after serving from ‘68. Glenn is a Republican former U.S. Attorney in Birmingham prosecutor, blue-chip firm that was always very conservative but always came out very strongly in favor of legal services and I think people like him were really instrumental in getting legal services off the ground and convincing other people that we were really a legitimate and badly needed service at that time.

KC: Did the local bar provide any funding of its own or was it just helping you in all these other areas?

TK: Mostly just helping in other areas.

KC: Okay. Was your office at that time a non-profit corporation or were you incorporated in any way?
TK: Yep, we were incorporated when were founded back in ‘68 as a non-profit under Alabama law and sought all the grants that we could.

KC: What kind of cases did you handle back in 1972?

TK: Well I think we handled about everything that walked in the door.

KC: Was it all civil?

TK: All civil. We did things like dependent and neglected children. We did the civil commitments for mentally incompetent people, mentally ill people back before there were statutes for those categories of defendants. We partly earned our reputation as being feisty as fighting the welfare department on child placement and termination of parental rights those kinds of things and also in the civil commitment area before the statutes were passed.

KC: Was the largest two or three types of cases you would think you did at that time?

TK: Divorce has always been awfully big, consumer debt problems have always been awfully big. We basically did everything that walked in the door. In the early days there was a lot we didn’t know, we were very green attorneys, we had people that were a lot of people that were real smart, came to work legal services from different places and I think we had to grow, we had a lot of growing to do. There were a lot of remedies our clients had that we never heard of for the first year or two that we were open. I think we had a good rapport with the clients, I think we were really well received, particularly by the client community. There was a great spirit behind having us there as lawyers for the poor.

KC: What was your relationship with the local judges?

TK: There were battles to be fought for sure. There were judges that were openly hostile, there were lots of judges that were suspicious. There were lots of judges that had to be educated like we had to be educated ourselves, there were a lot of remedies for poor people. They simply don’t teach you in law school that simply aren’t practiced and attorneys simply don’t normally look into things like tenant rights and consumer rights and I think it was a great education process. When judges took the bench I’m sure that they didn’t have any idea of what to look out for for poor people. I think they were threatened by us at first, there was all the talk of Communists and Socialists and they are going to take away all the private attorneys’ business and that sort of thing in the early days. There were lots of challenges to clients eligibility, everyone would say that client can afford a lawyer you know. That was every day, those kinds of challenges were every day challenges and we hardly ever hear any of that today.

KC: You talked about how green all of you were, were most of the attorneys with you right out of law school or with very little experience?
TK: That’s right. Most of us were.

KC: What kind of training did you have other than training each other?

TK: Very little. Eventually Legal Services began to fill the role. There were a few national programs I think fairly early in my career that were extremely helpful in the early days of Legal Services training. It wasn’t Legal Services Corporation then but I can remember going to training in Atlanta on Food Stamps, Wayne Pressel I believe was one of the trainers, an incredible litigator and motivator in the early days like on Food Stamps. Arnold Pollock at . . . did an incredible job of enforcing and promoting Food Stamp issues. Back in those early days there were really inspirational people in those days. A lot of job in those days was monitoring laws that were already on the books that states simply would not follow, would not honor, a lot of enforcement. Law and order guys we would call ourselves because it would be a matter of getting the programs operating within the law.

KC: What would you say was the number of cases that your group was handling back in ‘72?

TK: That’s hard to say. I think we opened an awful lot of files. We did an awful lot of divorces. Our case loads really were quite high. I’m not sure about the quality sometimes.

KC: What was the range of your case loads you would guess?

TK: I would 75 to 100 would be average. Of course thing were different then, I think dockets were longer in our area at that time

KC: So more cases were inactive waiting for trial setting or whatever.

TK: Yes and we had paralegals doing all of the routine divorces were done by a paralegal for quite few well several years that we did it. We would have divorce days like on Fridays and all the attorneys in the office would do nothing but divorces all day Friday and then the paralegal would draft up the pleadings and we would file them.

KC: Did you do specialized intake like that on any other type of case or just divorces?

TK: Well we kind of began to divide things up into paralegal and attorney issues. The paralegals would do the Social Security, the housing, to some degree we began to specialize in the mid 70s or so we began to get larger and we began under Norman Bradley’s leadership as director we developed specialties and kept up with the advance sheets, kept up with everything we could in our area. We all went to specialized training and I think a lot of the guys in the office became leading experts in town or in the state in their field at that time.
KC: So over that three year period you started specialties and people within the office started to become quite informed in those areas.

TK: In general yep.

KC: Was that before you got any Legal Services funding that all of that started or could you remember when you first got your Legal Services funding from the Legal Services Corporation?

TK: I can remember some of that. Actually we got some Reggies during that time that were already experienced and talented that were a big help to the program also that had worked for large firms or government and come back for a year in service as a Reggie.

KC: Were any of the Reggies there when you got there in ‘72?

TK: Yeah, Richard Dorman from Mobile was there and was doing a great job in I think adding quality to the program as a kind of legal scholar and litigator.

KC: Over that time you had usually one Reggie or did you have more?

TK: Ah the program had two quite a bit of the time. I can’t remember exactly when we got two. I believe we had two most of the during the 70s we generally had two Reggies. I remember when Reggie was cut in ‘82 or ‘83. We lost two attorney slots and that time we only had eight attorneys and it we were down to six suddenly when Reggies finally went out of existence. It was a huge blow.

KC: A fourth of your staff.

TK: A fourth of my staff, right, as well as some talented people and experienced people that we had been able to bring in as Reggies. Some real bright new people, minorities some minority attorneys that otherwise we would not have gotten.

KC: When did you first get any Legal Services funding, can you remember when that first started?

TK: Was it ‘76 or ‘77, ‘76, ‘76, ‘77 somewhere around there we made the transition from the community action agency in food nutrition service funding that we had, Model cities and community development money that we had. We also had aging money early on in the mid 70s, a contract with the Aging program. But it was mid 70s I believe when the bulk of our money was essentially transferred Legal Services.

KC: When you say you made the transition and you’re talking about transfers did you have those other grants and the Legal Services money came in on top of that or how did that work?
TK: We maintained some of the other grants for a time, basically we became a Legal Services primarily funded program, although then in the 70s in the late 70s we also picked up some Title XX funding from the state under the Social Security Act just for divorce cases. We transferred all our divorce cases for two or three or four years to two attorneys and two paralegals that did nothing but divorce cases. And we maintained Aging paralegals, two Aging paralegals until ‘82 or ‘83 through the area Agency on Aging. So we had those specialties that were funded by other sources but primarily about ‘75 ‘76 we became I believe a Legal Services grantee.

KC: Did you remember how much money was coming in those first couple of years in Legal Services?

TK: Ah, Ken I don’t remember the exact amounts but I think we got some increases. I know we became expansion-oriented and got increased to expand into adjoining counties, to Scottsboro, Morgan County were the first two and then Limestone and Cullman County eventually were added toward the end of the 70s.

KC: So that process started in ‘75 or ‘76.

TK: Right

KC: And went on until the late 70s.

TK: Right.

KC: You eventually got up to how many counties?

TK: The last county we added was Cullman and it was about 1980 that we started serving Cullman which made our fifth county.

KC: And were you still a staff attorney during all this time or had your job changed?

TK: Yeah somewhere in the mid 70s I got kicked up to senior staff attorney. We actually had several senior staff attorneys because we had a group of five guys that came in the early 70s and kind of hung together until the Reagan years.

KC: And how did the oversight of the bar and things like that change during that ‘76 to ‘80 period?

TK: Well we had to come up with a new board of directors, we had to structure our board of directors slightly different. Changed our name from Legal Aid Society to Legal Services of North Central Alabama. We added some attorneys from the other counties that we added and I don’t the changes in our program were as drastic probably as they were in some. We were already basically organized along those lines anyway.
**KC**: So the Huntsville Bar didn’t set up a separate Legal Aid Society program or anything like that? It was all your baby huh.

**TK**: We were it and I think everybody was greatly relieved when the Legal Services Corporation came along. We saw that as a politically neutral source of funding that would eventually get us to a funding level for each eligible client that would ensure some minimal level of representation. We started the continuing thing like the Post Office that would be around, would not be political, would be extremely useful in those years, and also somebody who would give us guidance how to make the expansion into unserved counties and those were very exciting expansionist years. They were painful years in some ways in terms of getting starting and growing very rapidly. We remodeled our office, I know in Huntsville we were in a very old building that badly needed renovation. We used some of the funds to

**KC**: Was this the building in the projects?

**TK**: No this was the building downtown.

**KC**: You had moved at some point?

**TK**: Yeah we had moved downtown in ’74 ’75 and one of the first big intrusions we did was upgrade our office to sort of half way civilized standards.

**KC**: Did you still have this other neighborhood office?

**TK**: Not at that time. We moved our branch offices to the other counties and centralized downtown in specialties more or less.

**KC**: But you had brick and mortar type offices out in those counties too or did people circuit-ride?

**TK**: Ah, we rented a house in Scottsboro an old house and we hired a paralegal and a secretary and we had an attorney there that circuit- rode to cover to that office in those days. And we opened a branch office in Decatur, a major branch office and we intended to have four or five staff attorneys there, we assigned a Reggie there, we put a community development specialist there. We had a full-fledge branch office in Decatur.

**KC**: So by the late 70s you had three offices at least.

**TK**: Yes.

**KC**: How has the number of offices changed since then?

**TK**: Well we managed to hold on to our branch office in Decatur that served Cullman and Limestone and Morgan Counties. Our staff has become so much smaller. For a long time we
only had six attorneys and we had three attorneys in each office and I think we’ve never had to actually close that office, we have been down to a small enough size to where consolidation has certainly had to be considered and we’ve gotten down to where we’re small enough with two offices to where specialization is just nor very workable. We’ve all become pretty much generalists and with some specialties but more or less generalists and we’re all doing intake in order to keep two branch offices open.

**KC**: Did you close that Scottsboro office at some point?

**TK**: Well we circuit-ride to Scottsboro. We have moved in with another agency, the Community Action Agency owns a house on the street and use their back office. They give us a room and they let us use their phone. They basically schedule our client interviews and we go over there one day a week into their office and see clients there all day but we don’t have a copy machine, we don’t have a secretary, we don’t really have a full fledge office. We’re doing that in Cullman also, we’ve doing that for some time in Cullman.

**KC**: Sharing an office you mean.

**TK**: Well the Civic Center lets us have an office for one day. And we’ve started this year we finally moved into our other county, Limestone County, we’re there one day a week and we’re using an upstairs office over a law firm that is not rented and that’s been working rather well. Despite our small staff we have extended ourselves to on-site interviewing in all of our counties which we think is important to serve clients and establish a presence that allow some people to get to us that otherwise would have trouble traveling.

**KC**: And is that generally one day a week in each of those counties.

**TK**: Yeah we go two days a month to Cullman and we go once a week to Athens and once a week to Scottsboro.

**KC**: Have there been any other office changes since the late 70s? Has the main office changed for instance?

**TK**: Well, yeah this year we finally have moved into new office space. We’ve worked with the city on a community building that is shared with the Food Bank and Day Care Center that is adjacent to the housing project and we have moved back to where we started, back to the projects, back close to our clients, back where there is parking and I think it has been beneficial to clients. It’s been exciting also to get a new office that we could plan from the start with a layout with the file room that we need and the lobby and waiting room and parking lot and all that sort of thing. Also it’s been invigorating to be with a non-profiting agencies like the Food Bank and Day Care Association.

**KC**: This office was constructed from scratch.
TK: Ah right.

KC: Did you have any part in the planning?

TK: Yeah we were in from the beginning on this one. The city invited us to participate in it and we’re paying rent there that is not much less than we were paying downtown but we have the benefit of a brand new office that we got to design and we have the benefit of free parking and it’s very accessible to our clients. And the rent we pay is going to the non-profit association which of course the Food Bank and the Day Care Association.

KC: You’ve talked about your staffing changing. What happened during those ‘7t to ‘80 years.

TK: Well it was rapid growth, rapid promotion, bringing in lots of people, very good people, getting started in communities where we had never been before. I think in Huntsville a lot of our attorneys became acknowledged as experts in their fields, gained a lot of credibility, a lot of respect, a lot of major class action impact litigation going on during those years.

KC: Did the numbers of attorneys increase?

TK: We hit a high of 14 in the late 70s we hit a high of 14 which lasted until ‘82, and began to drop off in ‘82 down to six by ‘84 -‘84 we were down to six.

KC: Any other major changes, did you get more paralegals, more support staff, more law clerks.

TK: Paralegals and support staff stayed about the same. Reggies left, we lost our community development community education specialists, that was a big blow. I think we started doing less community education in general sort of our direction shifted more to survival I think more than in the past. We saw a lot of bad developments in the 80s. We saw a lot of the cases that we had won earlier undercut by our legislature that came along and passed laws which essentially removed remedies that we had established earlier in the courts. We saw Truth in Lending amended of course which was a major source of litigation in the consumer area. We saw it watered down and virtually eliminated in the many of the cases that we did.

KC: So the all the staff shrinkage started in the late 70s early 80s that general time frame.

TK: Right.

KC: What about your funding during that 80s.

TK: Our budget hit a high in ‘81 of about $730,000 in actual dollars and we have yet to get back up to that in actual dollars despite inflation and despite increases, the huge increases in health insurance costs and a lot of our overhead.
KC: So your attorneys have stayed at about the level of six since ‘84 or so?

TM: Well we’re up to eight primarily this year primarily thanks to Iolta funding

KC: And Iolta funding is separate state or private attorneys money.

TK: Right.

KC: Do you have any other funding sources besides IOLTA?

TK: Not at this time. Only attorneys fees, IOLTA and Legal Services funding.

KC: So these other sources of funding that you talked slowly dried up, Model Cities funding, all of that.

TK: Right. The state cut our contract for family law

KC: The Title XX money?

TK: The Title XX under the Social Security Act was completely eliminated around the state which was a huge blow. The area Agency on Aging hired its own people, put together its own program and eliminated outside contracts on that. Virtually the other federal sources of funding dried up. We’ve never gotten United Way funding, looked into, got approved by the screening committee for United Way and were essentially vetoed by right wing business men on the United Way board that had read the Reader’s Digest article about legal services and were sure that we would be a negative force in the community and that kind of funding is very difficult. If you look like you’re going to be controversial I don’t think United Way in Alabama is very interested in you.

KC: Did your types of cases that you handled expand any during the ‘75 to ‘80 period:

TK: Well ‘75 to ‘80 we were expanding, we were doing everything we could. We were actually out drumming up business and educating people about their rights and bringing lots of law suits and we had maybe seven or eight class actions going on at one time I think in the late 70s.

KC: Did you handle substantially more cases than that ‘72 to ‘75 period?

TK: I’m not certain how many cases we handled back then. I really don’t know what the statistics are ‘72 to ‘75. We saw lots of clients on a walk-in basis. Our case load actually has remained between 3,000 and 3,500 from ‘75 till the present. It’s basically around 3,000 or less a few hundred. I think we hit a high of 3,500 in our very peak most year which was about ‘83.
KC: So even though your case handlers have shrunk your case numbers stayed about the same.

TK: Actually they have. In the early 80s when our staff started shrinking we started looking for more and more ways to use pre-printed forms, to provide pro se representation and provide counsel and advice in a lot of cases that we would have handled otherwise. We had to shift into more counsel and advice, more brief service kind of cases. Some impact litigation has continued but by and large we see quite a bit less of that. It’s more day to day emergencies, day to day routine kind of cases, still quite a bit of court appearances but not as many I think as before.

KC: So no more seven or eight impact cases pending at one time.

TK: No, more like one or two.

KC: Why don’t you tell us about a few of those impact cases maybe a few during the ‘75 to ‘80 period and a few since then.

TK: Well, there were so many it’s really hard to say. Most of them were other peoples other than mine, I was involved in some of them but immediately in the early 70s there was jail suits, jail condition suits which were vitally needed, there were a challenge to school fees for materials and other fees in the public school system which I think is real important. We saw lots of consumer class actions with Chuck Bradling and other people primary Chuck in the consumer area. Lots of due process cases in the 70s where employees weren’t afforded due process where recipients of public benefits were not afforded a fair or proper procedure in regard to changes or termination or reduction in benefits and that sort of thing. Due process notice was very big in the 70s and generated a number of law suits that we had in terms of preparing for hearings, of hearing notices often not tell people really what the issue would be or who would be or what they needed to do to defend themselves at their hearing. There was a lot of clean-up work to do in terms of those kinds of procedural issues, making programs work the way they were supposed to. There were really a great variety of suits I think in the 70s. Part of that was the judicial climate, I think part of it was because there were a lot of things that had never been tackled before, never been challenged, there were a lot of big trees to chop down that people were able to do. Also we had more federal regulations I think that were beneficial to clients to base law suits on, more handled in terms of federal law and federal programs.

KC: Why don’t we switch gears for a second and talk about what interactions you had with Legal Services in the rest of the states. You were primarily involved with your five-county area. When did you first hear about or start interacting with Legal Services in other areas of Alabama?

TK: I think that came about pretty generally with the Legal Services Corporation Act in the establishment essentially of the statewide program out of Montgomery. I remember Marvin
Campbell was working for our program in Huntsville at the time he told me was going to
Birmingham to be the director of the program in Birmingham and kind of follow the expansion
of the Legal Services office in Birmingham.

**KC:** When did that happen?

**TK:** I believe that was ‘75 or ‘76 that Marvin made that move. And had some contact with
his office of course during those early years when he first went down there and then just after ‘75
‘76 the statewide program got of the ground maybe ‘77 by the time they were beginning to hire a
lot of people. And we began to feel a part of the statewide network and we began to have people
to call about this or that or get calls from people about this or that and attend meetings and share
informational pamphlets, share more pleadings, I think that things really started to get off the
ground in the mid to late 70s.

**KC:** Did you have any contact with any other Legal Services people besides Birmingham
and Montgomery? Were there any regional levels, national level communications?

**TK:** Absolutely. I think that has been one of the greatest things about working with Legal
Services has been the Clearinghouse and the network and the conferences and the access to
national experts, people that were really tops and willing to help you with what would otherwise
have been very complex problems.

**KC:** And did that start during the same period ‘75’-80 period?

**TK:** I think there was always a great deal of that in Legal Services from my beginning like
in ‘72, didn’t know about it as much, it took me a while to plug into it very much but I think that
the makings of that was there and I think it really blossomed probably in the mid 70’s.

**KC:** Who came to your office in the mid 70s. How did you find out about LSC money in
your area?

**TK:** Well the Atlanta regional office was established, I understand, and people like Bucky
Askew and Richard Geminiani and Guy Lescault began showing up in our office. I was not a
manager at that time of course, met them as they came through our office and met with Norman
and we began getting changes, more personnel policies, case acceptance meetings, case reports.
We began to see more of the structure of Legal Services developing. I’m talking about priorities,
talking more about community legal education.

**KC:** When did you become director of the program up in your area?

**TK:** Well it was when President Reagan announced his goal of eliminating Legal Services
that things began to happen and several attorneys in our office decided to leave at the time and
that is when the directorship came open, that’s when I happened to apply.
KC: And that was right around ‘80 or so?

TK: Well it was ‘81. It was about mid year ‘81.

KC: So you had interaction with the Birmingham and Montgomery programs and at the regional level. Were there any other kind of support programs that you interacted with?

TK: Well I began coming to the conference at the Don Caesar, for instance, the directors conference, the regional directors conference in the southeast which was immensely helpful to me as a new director.

KC: When did you first start coming to that conference?

TK: Ah I think I made the first one in July of ‘81, one of the first things I did was come down here and there was a lot of really useful workshops and seminars with people that were facing like us the uncertainty as what to do about the prospect of no funding, trying to predict the future whether there would be funding or what it would be, what restrictions would be placed, what the future was, it was very difficult to predict for some time. And then we began to talk about retrenchment in ‘82 and ‘83 and in the pain of that in cutting back the psychology of retrenchment having to make those kinds of cuts and living under that kind of uncertainty really extremely difficult and I think networks grew up between people who were going through those kinds of problems at that time. And we were seeing experienced staff leave for various reasons, taking other slots and recruitment became a big issue, how to replace experienced staff., how to reorganize, be more efficient. And I think a lot of ties were made by me with other people with things like the directors conference.

KC: So you were much more involved in the management function from ‘81 forward.

TK: Yeah.

KC: How would you say some of the let’s talk about some of the oversight issues, how would you say things like grant application process, how did something like that change in the 80s.

TK: Well it became monitoring and grant applications became more a chore and you had to very careful about how you presented everything, how you kept your records and how you submitted everything because you had people coming in and trying to make something bad out of everything that you said or everything that you did and record keeping become more onerous. The helpful models that used to be presented by the managers in Legal Services were gone and instead you got lots of criticism, lots of complaints and no answers about how to solve whatever complaints so things became much more difficult scrutiny wise from the Corporation.

KC: What about things like case reporting procedures, any changes there?
TK: Quite a bit more record keeping in terms of legislative advocacy, in general things became much more hostile at the reporting level.

KC: Any structural changes at the regional and national level during those years?

TK: Well the regional office sort of disappeared gradually in the 80s and were no longer there to call. The friendly faces sort of vanished and were replaced by people that had different backgrounds and sometimes different agendas it seemed like.

KC: Well have I guess one national group that was around for a while we hadn’t talked about was the National Clients Council, did you have any kind of interaction with the Clients Council up there in Huntsville?

TK: Well we’ve had active community groups since the early 70s really but since the beginning we’ve had numerous active client groups and

KC: Sounds like from the time you first came to work there you had active groups.

TK: Absolutely and I think they’ve done a lot of good. We’ve filed a revenue sharing complaint against the city, obtained improvements in the water drainage, sidewalks, playgrounds, partly due to community groups. The tenants group has always been active in the public housing projects. And our clients council has been fairy active from the early days. We used to do lots of community legal education and workshops and all with the Clients Council. Clients Council has continued to be a big source of support and inspiration I think back during the retrenchment years and when there is a threat to legal services our Clients Council rallied behind us and were very supportive. I think in the 80s kind of became unfashionable to be poor and organizations of clients councils kind of evaporated. I’m not sure what all the reasons are, maybe we didn’t have enough staff time to really cultivate community groups as much either. But we did see a decline I think of participation and activity of community groups during the 80s. We still have groups that meet some of them are still very good. It’s changed from time to time.

KC: It’s just not as widespread as it was prior to 1980.

TK: I think in general that’s true. There is less funding for like I say coordinators, for workshops, I think that’s generally true. It’s a taken a major issue to rally people in the 80s, kind of like a special issue. For instance, we had a housing project that was going to be destroyed in Huntsville, the city wanted to simply tear down 200 units of housing which was 10 percent of our housing supply and give the land away and the clients groups and tenant groups rallied fantastically around that issue and were able to draw in a lot of widespread community support with that kind of activity.


**KC**: What about Legal Services in the other parts of the state during the 80s generally what kind of interaction did you have with other concerns.

**TK**: Well the Consortium for Legal Services was established, I should mention that, in Montgomery in the late 70s along with the statewide programs, the state support centers sprung up . . .around the state which began to bring things together on an organized basis and provide statewide training in a very organized and efficient

**KC**: So the state support unit was called the Consortium.

**TK**: Right.

**KC**: And they were primarily for training.

**TK**: In Alabama I guess training has been the biggest role of the Consortium. Also networking has developed in some ways, for instance, we put together significant litigation quarterly which is a good way of spreading people’s issues in cases around the state. I think that is one of the most important things that we can do is to have that kind of networking, so that people can come up with defense our clients need all the help they can get and creative lawyering and spotting new issues and new defenses and the clearinghouse at the national level and in hopefully state support in just informal networking also has been extremely useful in providing defenses and remedies for clients in our category. I think it’s a big attraction to new attorneys. You can provide them with a wonderful education and experience in lawyering I think to have the benefit of that. They don’t get that in many times in firms and certainly starting out solo practice.

**KC**: How has recruiting changed in the 1980s if any.

**TK**: Well our salaries are not as competitive any more for new attorneys or for experienced staff either one and that has made a major difference. The uncertainty of whether Legal Services would continue was enormously difficult. I hope we’re over that hill now and the matter has been won I think by lots of people working to maintain the Legal Services program so that we’re well rooted I think now and I think we’re going to be around for a time at least. Still salaries are too low. Se saw the 80s when do-gooders were not well thought of kind of became very unfashionable and we also saw a huge discrepancy in income, high income people and low income people and nowhere is that more true than in law firms. The law firms now in Huntsville in Alabama pay more than anybody on our staff for some of their starting people. And that’s a big shift I think form where we were in the 70s for instance. At that time our salaries were not considered high but on the other hand it was not a sacrifice to come to work for Legal Services so much as it is today.

**KC**: And have your bar relations been fairly good through the 80s?
TK: I think our bar relations in general has seen fairly steady improvement since the day we started and

KC: What caused would you think?

TK: Many things, I think having some good lawyers there was a tremendous help to us in Huntsville, some of the quality people we had. I think it established a lot of credibility and a lot of respect on the part of the judges and the bar, much to their credit and we’ve been kind of coasting on that I think for quite a while. I think in general our attorneys are more aware of remedies and more aware of things that need to be done for poor people than they were. I think it was a malicious thing in the past, I think there are still some counties in Alabama that I am familiar with and some most in our service area where some of the attorneys feel that poor people really don’t have problems that they can’t take care of and they are basically ignorant they just haven’t been exposed to a lot of the remedies and lots of the problems from a poor person’s perspective. And I think there is generally more awareness of that now. I think that attorneys do not see us a threat they see us as part of the system making the system work. They don’t see us as a threat of taking away their business, they see us as another part of the justice system. I think judges appreciate us, I think the clerks of the court appreciate us. They like to have a place to refer people to. I think we are a safety valve for people that have complaints in the community and we’re seeing poor people in a tremendous amount of pain today like they always have been and I think feeling a part of the system is immensely empowering to them to feel that they can go into court and they are respected as much as anybody else and they can win, they can win their case and obtain justice through the courts. I think it’s just tremendously empowering to a poor person.

KC: Well Tom is my math right, have you been doing this for about 20 years now?

TK: Not quite. It will be twenty years in December.

KC: Well if you don’t mind me asking, what in the world keeps you going?

TK: Maybe partly inertia. I think seeing clients is still the best thing that I do. I like my clients. It makes you feel really good to help somebody that needs that help and appreciate the help that you do for them. It’s a lot of fun being a Legal Services attorney. I feel like that we have more fun than a lot of the attorneys that we go against and more and more they recognize that and privately say you know I really would like to be doing what you’re doing and I think you can take a lot of pride in that. It’s also a kind of intellectual luxury I think to be able to do what you think needs to be done ane not guided by the purse string or not let along by a purse string like you might be in lots of other practice. And too the quality is definitely there in legal services. I mean if you seek it out you can do an excellent job just by taking from what other people have done and keeping up with and sharing what other people are doing. You can it’s possible to be a really quality lawyer even if you don’t take anything yourself in the course of doing that with the help that’s available in Legal Services.
KC: Well the client contact obviously recharges your batteries, can you think of any other special events or special occurrences over the nearly 20 years that hold a special place in your heart?

TK: Well the people are definitely interesting. I think there are interesting people in Legal Services, very committed people, that too is a luxury, you don’t see that everywhere you go. I think it’s a place where you can kind of live what you believe in and get paid for it and make a career of it which is a great luxury. As a matter most people I know are really unhappy in their jobs for one reason or another and it’s a great luxury to at least believe in what you’re doing. There have been some high spots I think, maybe nothing real dramatic but there certainly have been victories that have made us feel very good in the court system. Winning in the Eleventh Circuit Court of Appeals makes you feel very good to vindicate after a long hard battle and having the luxury of being able to appeal a case to the Eleventh Circuit. Those kinds of things were high spots for me I suppose.

KC: Are there any times when you meet with clients that you are almost forlorn to help them, do you give up hope almost sometimes.

TK: Well I think that things are harder in the 80s, things have been harder and we are seeing people in real bad shape, we’re seeing lots of clients today where remedies are not necessarily there, there is no solution like for some of our clients that need help. That can be very discouraging. We’re seeing enormous breakdown of families, alcoholism, drugs, people that are working very hard and can’t make a decent life for themselves on the minimum wage, medical bankruptcies, it can be very heartbreaking experience in Legal Services I think and I still do intake some days during the month and we do intake all day long in our program when we do intake usually one attorney will do most of the intakes for the whole day. And at the end of those days if you stop and look back over the problems that clients have it can really be crushing to consider all that. I think in the 80s, we may be kidding ourselves but I think in the 80s one of the things we do is hold the fort down in just by being there. I know I’ve had people at the housing authority tell me we really would like to evict this person but we know they would just go to legal aid and we would have to put them back in or we hear things we think would be happening, changes that would be made in programs that aren’t being made just because you are there. We’re kind of paper tiger I think that if everybody did everything they would like to do we would not have nearly the staff or the resources to deal with. We wouldn’t be able to stop more than one or two law suits, we wouldn’t be able to bring more than one or two law suits to stop it all simply due to the time and energy and everything but I think the fact that we are there probably prevents a lot of people from doing things that otherwise they probably would do. We think landlords would be evicting people without the proper notice or doing . . . evictions, truth in lending forms would be as bad as they can be. I suspect some of the judges would rule the way they wanted to instead of following the law to the strictest letter like we sometimes require. So that I think we’re serving quite a purpose just by being there sometimes. And also I think we settle a lot of cases now we couldn’t settle before. Instead of a major battle, a litigation battle now it’s a phone call and they get settled. And a lot of things are working. The garnishment laws
that we talked about, as you know, in the mid 80s there was a statewide class action to inform everybody about their garnishment rights and now it’s a routine practice for garnishments to stop. A garnishment absolutely breaks the back of most of our clients.

**KC:** And that was a class action brought by your office wasn’t it?

**TK:** Yes and Chuck Bradling from your office and ironically we’ve seen the state legislature try their best to pass a law to simply eliminate any right or protection from garnishment which is still being litigated the constitutionality and all which are still being litigated. But I think a lot of things like that work much better than they did and we do see a lot of improvement along the way in various fields.

**KC:** Well you lived through three pretty amazing periods in Legal Services. How would you sum up each of those periods that you worked and lived in Legal Services?

**TK:** Well I guess the early 70s were just real green and real young and real aggressive and going out there doing battle and there were lots of battles to be fought and then in the ‘75 to ‘80 I think that we were carrying it throughout the state, getting set up throughout the state, hiring lots of people, organizing, seeing organizations built. ‘81 total chaos in Legal Services I would say. Lots of people hanging on and trying to keep the program going. I think there has been some erosion of Legal Services in the 80s. I think our expertise, or staffing levels, in general our resources have been depleted pretty much in the 80s although there is still an awful lot of good work going on. It’s kind of like the south in the Civil War perhaps there were these victories you could have a brilliant victory over here, a brilliant victory over there but in the end you were doomed or you couldn’t be everywhere at once to do everything that needed to be done. And I’ve kind of had that feeling in the 1980s that there is too many battle fronts and not enough resources. You focused in on a few and put your best people on a few and you deal with it, but there are a lot of other issues that need looking into that simply have not been able to give the attention to. I think too that other law firms have grown in size and resources. Their computer systems, their whole law firms have become immensely more efficient and more rich and more powerful. The law firms that we would go up against now are much larger and have a lot more law clerks and have people that are top of their class in law school and the odds have changed I think. One time in the late 70s were the largest law firm in our city in Huntsville. And we like to think the best during that time. But I think today we are very small law firm and almost every other firm has tripled or quadrupled or gone statewide and become very, very large and very, very rich and there is not a feeling of equality that I remember.

**KC:** Do you have any other kind of final comments that you can think of that we haven’t covered here.
TK: No I think we’ve come a long, I think we’ve come a long, long way in Legal Services has come a long way and despite all the problems and the ups and downs that we are pretty much here to stay and I think there is a lot to build on. I think we’re going to make it.

KC: Well Tom, thank you very much for talking with us and happy 20th anniversary.

TK: Thank you.