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Interview with

Bruce Allen

Conducted by Victor Geminiani
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VICTOR GEMINIANI: -- to the interview is Mr. Allen's participation as founder and board member of the Legal Aid Society of Sacramento County. He later served as president of the Legal Aid Society of Sacramento County.

The date of this interview is September 3, 1991. The interviewer is Victor Geminiani.

I want to thank you very much, Mr. Allen, for participating in the interview and giving us a little bit of your time and your experiences in the development of our program.

BRUCE ALLEN: Oh, I'm happy to be here.

GEMINIANI: Thank you.

Can you tell me a little about your background prior to becoming involved in Legal Aid Society of Sacramento County?

ALLEN: Well, I came to -- I graduated from Boalt Hall in 1949 and came to Sacramento, which is my home -- I had been born and raised in Sacramento. And I came to Sacramento to practice, joining the -- as a young associate, the law firm of Downey, Brand, Seymour & Rohwer. And I was with that firm for about four years.

And it was while I was still associated with that firm that -- that I became interested in legal aid.
GEMINIANI: Can you tell me how you first did become interested in legal aid in Sacramento?

ALLEN: Well, I was very idealistic in those days. Let's begin with that. And in adjoining offices were -- was a lawyer, Archibald Mull, who was a former president of the state bar and who was very active in the American Bar Association activities.

And I think he was some office in the national -- he was California's representative on the board of the national legal aid and -- legal aid and lawyer reference, I believe it was called in those days. And he used to talk to me about legal aid and the young lawyer ought to get involved in this and ought to start legal aid in Sacramento. We didn't have anything, so he said.

And he was a major factor in getting me into legal aid. Among other things, he suggested I go up and spend some time at the city of Portland. I forget what county that is, Multnomah --

GEMINIANI: Multnomah County.

ALLEN: Multnomah County, I believe. And that they had a fine program, nationally recognized. And he personally picked up the tab to send me up there for two days to meet with the people in Portland, look at their
program. And I came back all enthused, tried to do something in Sacramento.

The -- you want me to go on telling about --

GEMINIANI: Yes.

ALLEN: Well, it was -- starting legal aid wasn't -- first of all, it wasn't really a start. There was an existing legal aid structure in Sacramento of a sort. It was -- consisted of a social worker who was with the community welfare council named Dorothy Littlefield.

GEMINIANI: Is that the equivalent of the United Way today?

ALLEN: Yes. And she was -- well, it was an agency or -- of the then United Crusade. And she was a very remarkable woman. And she was in effect running her own informal legal aid service in Sacramento, had been for some years, before I even was aware of her existence.

But she had a roster of 10 or 12 lawyers who were -- who she could call on if she had -- someone had a legal problem. She would refer the people to these lawyers, who would perform legal services without charge to needy people.

So Dorothy -- I met Dorothy after my -- after I came back from Portland, found out about what was going on in Sacramento, and thought we ought to have the bar association formalize a legal aid program, much as
they -- much like that in Portland.

I succeeded in -- to the extent of getting the bar council to call a special meeting of the bar association to hear this proposal, hear my proposal.

And I did some talking with other people before we had this meeting. And I think it was in 1953 or 1954, no later than '54, but I think 1953, we had a special meeting of the bar association in Department 3 of the old courthouse, Judge Glenn's courtroom, in the evening, and there were about 40 or more people present.

And the subject of legal aid was debated at great length, lots of speakers. Lawyers talk a lot. And there were those who supported the formation of a legal aid society, a formal legal aid society in Sacramento, and those who opposed it.

The proponents were people like -- Nat Colley was a vigorous and articulate spokesperson for the start of legal aid. And Archie Mull, of course, talked in favor of it. I think Forrest Plant was also at that meeting and spoke favorably of the formation.

But there were some opponents, one of who later was on the board, Gil Rowland, who was also former president of the state bar, who said we didn't need any
formal organization because lawyers take care of their own, and we always -- we all do charity work for the needy without any formal organization.

So at any rate, there was a vote after perhaps two, two and a half hours of debate. And the proposal lost. And if I recall, the vote was something like 21 to 19 or 22 to 21. It was very close, but it lost.

GEMINIANI: Do you remember the substance of the proposal and the substance of --

ALLEN: Was to have the Sacramento County Bar Association establish a legal aid society funded by the bar and supported as an official arm of the Sacramento County Bar Association.

GEMINIANI: And being funded by the bar association.

ALLEN: That's right. That was the original proposal, was to fund it with -- by the bar association.

GEMINIANI: Was there a discussion about how the funding would be accumulated?

ALLEN: No. It was thought that there -- well, all that was said was that we would have a fee based on number of lawyers in Sacramento. Every member of the bar association would be asked to pay X number of dollars into a fund that would be used to hire a part-time lawyer to run the -- run the program. It also
envisioned, though, volunteers who would assist in the operation.

GEMINIANI: What happened after it lost 21 or 22 to 19?

ALLEN: Well, after that, we -- there was some homework done with various people and the -- in 1955 or '56, I'm not sure when, I believe I was on the bar council, and I raised the question in the bar -- governing board of the -- governing body of the bar association, bar council.

And by that time, some of the opponents had decided this wasn't a Communist plot and that we could perhaps live with it. And so ultimately, the bar association, acting through the bar council, without a vote of the bar, the whole bar, but the bar council itself, decided to establish a legal aid society.

There were -- I should point out, there were also some arguments made at that time that it was illegal to form a corporation to practice law, that corporations couldn't practice law constitutionally in California, and therefore, that all bar associations or all bar legal aid organizations were illegal. I'm not sure what the legal answer to that was, but they existed. And ultimately when a corporation was formed, Sacramento incorporated here.
I think a couple of people -- Dorothy Littlefield of course continued to support this, but the other people who were very important were Jack Downey. Jack Downey was all-important. He had a stature in the community that made -- anything he proposed was looked upon with great deference. And he became a vigorous advocate of legal aid.

And I would think as much as anyone, Jack was responsible for getting this proposal adopted by the bar council.

GEMINIANI: Was he a supporter in 1953 when this proposal first came before the bar?

ALLEN: I think he was lukewarm at that time. I don't think -- I was in his firm. He was a partner in the law firm, and I was an associate. And I talked with him, but I don't think he was as sold on legal aid in 1953 as he was in -- by 1956, he was an ardent supporter of legal aid. But it took a while to get him there.

GEMINIANI: You nominated him for first president of Legal Aid Society in June 1956 when the incorporation finally occurred.

ALLEN: Is that right? I can't remember nominating him, but I -- obviously he was the person to head the
organization in its first -- in its beginning year.

We did have -- we got Gil Rowland appointed to the board too, that first board, and he'd been one of the big opponents. He'd been one of the leaders of the opposition in '53. And he stayed on the board, I think most throughout that first year, and waiting for us to fall on our face, I think, but he never really opposed legal aid services after that, after he was on the board.

GEMINIANI: Can you describe what the organization looked like within the first year or two after its establishment, what are the funding -- what funding sources (inaudible) staff --

ALLEN: Well, funding of course was a major problem. There was a -- the thought was we'd use United Way -- or United Crusade it was called then -- for funding principally. The national legal aid organization -- I can't remember the exact name --

GEMINIANI: National Legal Aid & Defender Association.

ALLEN: Yes. Said that -- they were seeking to have new organizations formed, and they would fund us to the extent of $3,000 the first year, 2,000 the second year, $1,000 the third year. So -- but we were to look -- we were to be off the payroll of the national organization
by the end of our third year.

So United Crusade was to be the major source. And again, Dorothy Littlefield was very instrumental in working with the United Crusade people to gain support for this program.

There was a lot of discussion about whether we should get money from the lawyers themselves, from the law firms of Sacramento.

The United Crusade was against having any other solicitation for a particular purpose, so they discouraged us from hitting up lawyers for contributions. They wanted -- they did not want us to do that. They thought it would hurt their fundraising efforts.

So our funding really consisted of United Crusade plus the subsidy from the federal -- the national organization in the first few years.

Our first -- we had two people to hire. One was an executive secretary of some kind or someone to run the office. And Dorothy Littlefield of course was the ideal person for that. We prevailed on her to do -- to take on that job, even though it meant a real financial sacrifice to her to do that.

And then we needed a lawyer, a part-time lawyer,
to be the legal person in the office. And there was a search made, and my recollection is that Charles Miller, Charlie Miller, actually headed that search team. And John Carson was selected for that job. And John became legal aid for the next, gee, 8 to 10 years in Sacramento.

GEMINIANI: Approximately how many hours a week would the part-time lawyer John Carson work?

ALLEN: Oh, my recollection is he got something like $150 a month or some outrageous salary like that for, say, about a third of his time. He was part-time, but he spent about a third of his time.

I'm sure it was not even economically good for him. In other words, I think he was dedicated to the job that they were doing. Couldn't really do it financially for what he received.

GEMINIANI: Did Dorothy Littlefield also do interviewing and screening of clients?

ALLEN: Yes. She did -- she did the interviewing and screening. And partly based on her prior work, social work, she had a good idea as to financial qualifications. We had some forms we'd got from the national organization as to how you measure financial eligibility, but Dorothy did the interviewing and
screening.

And then the lawyer looked at the problem. And then we had volunteer lawyers, a large group of volunteers, right almost from the very first day, who agreed to help out without charge. And I think we had, say, initially 15 to 20, and we ended up with, say, 150 lawyers in two or three years who would volunteer their time.

GEMINIANI: That's quite a sizable number from Sacramento.

ALLEN: Yes.

GEMINIANI: The bar must not have been more than five, six hundred lawyers back --

ALLEN: That's right. That's right.

GEMINIANI: 25 percent participation. That's --

ALLEN: Well, I know that when we had that election in 1953 -- I think it was '53 -- there were only 96 dues-paying members of the Sacramento County Bar Association. How many do we have now?

GEMINIANI: We have about --

ALLEN: 5,000?

GEMINIANI: -- 2600 members of the county bar and about 5,000 members in total of the California bar living in Sacramento.

ALLEN: Sacramento. That's about right. Yeah.
GEMINIANI: Members of the Sacramento County bar.

You also were very much involved with the creation of the lawyer referral program, which was run initially by the Legal Aid Society of Sacramento and in fact became a source of revenue for the program. You made some of the reports to the board of directors of Legal Aid Society and to the bar association about the creation of that panel.

Can you tell me a little about the creation of that panel and how it contributed to the resources of the program?

ALLEN: Well, again, this is something we learned from other associations, that they used lawyer reference really as a method of helping fund legal aid. People would come into the legal aid office, and they would not qualify for legal aid, either on the basis of financial cap -- qualifications or on the basis of the type of case. I want to talk about that in a minute.

And so where do you send them? We set up a -- the bar association set up a legal -- lawyer reference service, which worked very closely with the Legal Aid Society. And we actually set up a program whereby lawyers who wanted to be on this reference, have cases referred to them, paid a annual dues to be on the list.
And then the legal aid office would refer people to the -- who were on the lawyer reference service in some kind of sequence.

And those fees that they -- these annual fees were used in part to fund -- to supplement the income of the Legal Aid Society. The bar association used major portion of those fees to fund running the lawyer reference service. That became a pretty substantial part of our funds, came from the lawyer reference service.

There was a lot of discussion -- I can't remember how this was resolved -- about lawyers who received a matter because they came to Legal Aid Society first and were then referred to the lawyer reference service or to their lawyer, having them pay a portion of their fee to the Legal Aid Society.

I think we did not do that ultimately. That was a matter of -- that was discussed at some length in those early days. And there were those who felt it was not appropriate to get money from that source.

And I think the United Crusade didn't approve of us doing it that way. My recollection is we did not do that. We just used some of those annual fees only.

A lawyer who volunteered his time at legal aid
automatically, without paying any fee, became a member of the lawyer referral system. And there was a lot of discussion of whether this would be abused or misused. And we all decided lawyers were honorable people and that just wouldn't happen.

GEMINIANI: Are there other major issues that you remember occurring during that five- or six-year period after the startup of the organization?

ALLEN: Well, there was a -- there was then and continuing discussion about what do you do about family problems, divorce? Do you handle divorce?

The bar association -- a lot of the members of the bar -- I don't say the bar officially, but a lot of members of the bar association objected strenuously to legal aid handling family matters.

The theory was that this was a luxury, not a necessity, and you were taking money out of the pockets of the private bar because one way or another, people could -- if they really wanted a divorce, they'd find a way to get the money to pay for a private lawyer.

So dissolutions were -- was repeatedly a problem. Repeatedly because Dorothy Littlefield or some of the -- or John Carson or one of the staff -- one of the attorneys, would say, gee, this -- I could really help
this person out if we could just get their family problem resolved. It was frequently a major stumbling block to resolving other problems.

If I recall, we finessed the question at one point by saying this is a matter that requires the discretion and judgment of a lawyer in a particular situation and we will defer to whatever they decide.

But -- so we did not, I think, have an outright rule against it, but neither did we eagerly seek out family law cases.

GEMINIANI: Are there any particular events that stick out in your mind during those years or about those years?

ALLEN: Well, I remember we were always worried about money. And appearing before the United Crusade --

GEMINIANI: Still true.

ALLEN: -- allocation committee always was a ongoing battle. And you -- you had to do your homework with the people who were going to be judging whether you got your allocation or not.

I would say, first of all, two people I want to, again -- Dorothy Littlefield was just absolutely a remarkable woman.

And secondly, the importance of Jack Downey in getting legal aid under way can't be overestimated. He
was -- his stature in the community was such that when Jack became first president of the Legal Aid Society, that ended all questions or at least most of them.

I guess that's -- my recollections really dim after Lyndon Johnson's Great Society came into being, I guess about 1964 probably, '65. And I was involved a little in the discussions about taking federal funding for legal aid.

And there were those who, again, thought this was socialism and it was big government telling us -- it would be telling us what to do. And that was a rather heated battle within the bar association rather than legal aid as such.

But there were some feelings that -- that we would never again run our own show if we took money from the feds.

I can't remember the year. It must have been about 1965.

GEMINIANI: It was 1965 when the debate took place. 1966 was the first receipt --

ALLEN: Funding.

GEMINIANI: -- of the money, and the program went from about 18 to $20,000 program up to 125,000 in the first year and opened two offices, hired a full-time executive
director, Clarence Brown.

ALLEN: Clarence Brown.

GEMINIANI: And Dorothy Littlefield resigned in November nineteen eighty -- 1966. And opened three offices.

ALLEN: Yeah. I remember I was on the committee, I believe. Was one of those involved in selecting Clarence Brown for that first full-time lawyer. Yeah.

GEMINIANI: Was the receipt of those funds a very controversial issue?

ALLEN: It was before they began to roll in. Once the program -- say after the first moneys arrived in 1966, you say, the controversy was gone, ended. But they went through the same battles in 1965 that we went through trying to start Legal Aid in 1953, '54, '55. That's just 10 years' difference.

GEMINIANI: As you think back over those years and your central role in the formation of our program in its earliest days, do you have any words of wisdom or advice that you can give to those that are practicing in Legal Services in northern California today?

ALLEN: I wouldn't -- I don't think so. I think -- I thought then, I think now that -- that legal assistance is absolutely essential, if we're going to have any
kind of justice system in this country. I think the -- we still -- no matter how successful a program you have, there's going to be an unmet need for legal assistance for the people without funds.

As laws become more complicated, more costly, it's become, I think, increasingly necessary to have some kind of government subsidized support for those in need.

GEMINIANI: Mr. Allen, on behalf of the board and the staff and most importantly the clients of northern California, I want to thank you very, very much for the most central role and most critical role you played in the formation of our program. Thank you.

ALLEN: Thank you. It was fun.

GEMINIANI: Thank you.

(Conclusion of interview.)