Greg Malhoit:

Of Dick Taylor. Today's date is July 26, 1992. And the interview is being conducted at the Don CeSar in St. Petersburg, Florida. Greg Malhoit is conducting the interview. The topic of the interview will be legal services development in the state of North Carolina. Dick, please tell us a little bit about your background before you became involved with legal aid work.

Richard Taylor:

I'm a -- grew up in western North Carolina and attended public schools in Asheville and went to the University of North Carolina at Chapel Hill and to law school at UNC. And, while in the University Law School, after my first year, I was involved in an OEO-funded legal services program at the Duke Center on Law and Poverty. In that program 16 first-year students from UNC Chapel Hill, from Duke, and from North Carolina Central worked in a classroom setting for six or eight weeks and then had a field placement in a low-income community in North Carolina and then did follow up advocacy on behalf of the community in which we were placed for the remainder of the summer. And that convinced me that what I wanted to do with my legal career was advocacy for poor people in
North Carolina. And I had finished law school at Chapel Hill in 1972 in the middle of the Nixon era while funds for the OEO program generally and for legal services were impounded. There were three -- one county OEO legal services programs in North Carolina. There was no funds for expansion and no funds for jobs and no jobs for new legal services lawyers. So I opened a private practice in Chapel Hill, which is where the University law school is in North Carolina, and had a general practice -- criminal trial work and a general practice for about three years. And then participated in the formation of a local legal services program in that county, which is Orange County, in the mid 70's as the Legal Services Corporation Act was being adopted by the Congress and as the North Carolina Bar Association was creating Legal Services of North Carolina. And returned to legal services in December of 1975, January of 1976 to become the director of what was then called Orange County Legal Services -- a small, one-county legal services program in Hillsborough, North Carolina. So that summarizes my -- that was the beginning of my legal services work.

Greg Malhoit:

What was your first job like in that legal services program?

Richard Taylor:

Well, my first legal services job was the OEO Legal Services program, but that was just for internship in the summer. My job at Orange County Legal Services in January of 1976 and December of 1975 was -- we were a two-person office, and I was the director. And my secretary who had been my secretary in private practice,
we were partners really in starting this program. And we saw our -- we had contracted with the local bar, the community action agency, and the county commissioners to -- on a 6-month contract with Title 20 money to provide services to poor people. And we had bid for the contract against a couple of local lawyers who just wanted to do hourly -- legal work by the hour. And what our proposal was was that we would not only do some legal work, but we would try to establish an institution. And so, in addition to -- Betsy Flanagan was my secretary's name -- in addition to Betsy and I running a law office and seeing clients who were referred to us by the Department of Social Services, because it was a Title 20 program, we were in the business of trying to establish an institution and writing articles of incorporation and bylaws and recruiting board members and doing bar politics. And so, it seems like a -- it was a lot to be doing for just two people, but we -- that's what it was -- what it was about. We located an office in Hillsborough, we started seeing clients, and we recruited an initial Board of Directors and started raising money. And so, it was -- frankly, I wasn't sure that I would do that, you know, for the rest of my career or for long at all. I mean, I had -- my agreement was to do it for a 6-month period and to try and set up a structure that would carry on. And I had a law practice that brought one and then another young lawyer in to babysit that law practice while I was setting up the legal services program. And I had the option of going back to law practice. But I was very attracted to the convergence of the values of legal services with my work, and I never went back.
It was -- I don't know what it was. It was like all of those things. It was program development, representation of clients, politics, finance, all sorts of functions.

**Greg Malhoit:**

What was your impression of legal services work at that time? In other words, did you -- what kind of client problems were you seeing?

**Richard Taylor:**

Well.

**Greg Malhoit:**

Was the work difficult? How were relations with the court system, the private bar?

**Richard Taylor:**

I was really a sole practitioner representing individual clients. And my connections were mainly to progressive members of the bar. And the community in which we practiced had a university law school, had a major -- a branch of a major civil rights firm, Adam Stein and Charles Becton from Chambers, Ferguson & Stein practiced in that area. And so, my allies and the -- my resource people were from the private bar in the university law school. The -- I was not connected with the legal services community. I was connected much more with the civil rights and academic and private bar and Chapel Hill. One of the things that happened over that 6-month period is that I began to find out about the legal services network and the fact that there was a whole cadre of people with whom you could connect and that this actually was a movement and it wasn't just solo practice or representing individual clients.
Greg Malhoit:  
Could you describe legal aid delivery and programs that existed in your state before 1965?

Richard Taylor:  
Well, I was -- I finished law school in 1972. So I was really not very engaged in legal services delivery or the legal system prior to that time. I did work in a law firm in Asheville as a clerk. I grew up in Asheville, North Carolina, worked as a clerk in a private firm, and there were no organized efforts in the western part of North Carolina that provided legal services to poor people. I understand that there was some ad hoc volunteer efforts of lawyers in several North Carolina cities, including Raleigh, Winston-Salem, and Charlotte that were providing volunteer assistance to low-income people on civil matters, but it -- what legal assistance there was to low-income people in civil matters was completely ad hoc and volunteer. Ten years later, when the North Carolina Bar Association started to set up the Legal Services of North Carolina system and study the legal services delivery system in North Carolina, it was found that in the counties in which there was no legal services program, there was virtually no representation of poor people in civil matters in court. Except for rare volunteer efforts, there just simply was no organized systems for the provision of legal assistance to poor people.
Greg Malhoit:

Why don't you describe legal services delivery and programs -- program development in your state -- under federal funding from OEO and legal services between 1965 and 1975.

Richard Taylor:

Well, after the enactment of the OEO Act in 1965, Sargent Shriver who headed OEO allowed -- as I understand it -- communities to choose neighborhood legal assistance as an option under their community action plan. And in North Carolina, three communities elected to have OEO neighborhood legal services programs. And those were Charlotte in Mecklenburg County, Winston-Salem in Forsyth County, and Durham. And so, we had three one-county legal services programs from beginning around 1965. We -- by the end of the decade of the 60's, North Carolina had the largest number of poor people not covered by legal assistance -- by OEO legal services -- of any state in the country. We have 100 counties in North Carolina. So 97 counties had no government-supported legal services to poor people. The three programs in Durham, Charlotte, and Winston-Salem, however, were very strong programs in one way or another. In Durham, for example, a series of very good lawyers supported by the Duke University Law School and some progressive lawyers in that community did landmark legal services work. The Thorpe and Caulder cases. Thorpe and Caulder versus Durham Housing Authority established the procedural due process rights in public housing evictions, which were landmark and very important legal services cases.
In Charlotte, the legal services program was aligned with a strong minority community and developing urban bar and was pretty well-respected and well-thought of. And, in all three cities, by the end of the OEO era, there was strong leadership in the legal services program and a strong Board of Directors and a strong tie to the local -- to the local community. In Charlotte, at the end of the OEO era, Terry Roach directed the -- what was then called Mecklenburg County Legal Aid. And Terry came to legal services from the foreign service. He had had a career in the foreign service, went to Southern Cal Law School, and was a person with real -- a public service bent -- and was successful in running that program. In Winston-Salem, Thorns Craven was the director of that program. He was from North Carolina. And I don't know exactly when Thorns got to the Legal Aid Society of -- in Winston-Salem, but within a year or so there was a crisis in the program and Thorns became the director and provided home-grown talent and leadership that helped that program develop. And in Durham, in the early 70's Denny Ray was hired to run the Durham Legal Aid Society. And Denny had had successful but somewhat controversial experiences in the statewide program in Maine and the St. Louis Legal Services program. And Denny had worked in Mississippi in the civil rights era for the lawyer's committee and had had about 20 years in legal services and civil rights practice. So, at the end of the OEO era, the bad news was that 97 of North Carolina's counties were uncovered by public, federally-supported legal assistance. The good news was that we had the model of three programs with strong leadership that were in important communities
providing good legal assistance to poor people. At the end of the OEO era, I guess for the last four or five years is where you and I, I guess, begin to be a part of it, because the communities in which we lived began to develop a charitably-funded and Title 20-supported programs. And by 1975, there were six local legal services programs -- legal aid programs -- that were not federally, or not OEO-funded. In Wilmington, in Raleigh, in Orange County, which I helped to start, in High Point, in Greensboro, and on the Cherokee reservation in western North Carolina. So at the end of the OEO era before the LSC era, we talked of the big three and the little six. And there were nine communities in which there was some form of organized and funded staff legal services program.

**Greg Malhoit:**

What -- what kind of relations existed between the so-called big three and little six? Did they have a fairly good working relationship in North Carolina, or were there some tensions and difficulties?

**Richard Taylor:**

Well, I'd say both. I mean, I think we had some -- you may remember better than I, but it seemed to me during that first year -- not the first six months when I was at Orange County Legal Services, but by the end of 1976, we had established some ties with the -- the big three and began attending meetings together. The first meeting I recall was going to Greensboro to attend a legal services director's meeting in the Title 20-funded Greensboro legal aid program and meeting Jeff Baron, who ran the Greensboro program, and Thorns Craven and Terry Roach and
Denny Ray. I should have brought into this that Greg Malhoit is conducting this interview, and I -- met each other some years before when we almost worked together at the National Association of Attorneys General in Raleigh. But he and I had had a professional -- you and I had a professional association before that. And about this same time, we became re-acquainted when we were invited to meet with the other legal services programs. We also attended a statewide meeting, which I believe was the end of 1976 -- or it could have been early '77 -- in Southern Pines, in which all of the employees of all of the legal services programs in North Carolina stayed in the Episcopal conference center that couldn't house more than about 35 people. And we were all housed on-site in that building. But we were invited to participate in meetings with them. What I didn't know was that, at the same time that I was getting started in Orange County and you were getting started in Raleigh, that the North Carolina Bar Association had convened a task force to study the indigent legal services delivery needs in North Carolina and that they had obtained some LEAA funding. This was in 1974. And they conducted a 2-year study. Thorns Craven was the staff coordinator of the study, and Bill Thorp, a Raleigh and Rocky Mountain plaintiff's lawyer, was the chairman, I guess, of the blue ribbon committee appointed by the bar to study this problem. And this study was going on at the same time that we were setting up our -- our program. So, as we began to meet with the big three, the directors from those programs were serving as consultants to this bar project to study the legal services delivery needs in North Carolina. A little anecdote about the beginning of that was, as I
understand it, that Bill Thorp, whose father had been president of the North Carolina Bar Association. And Bill's father was from Rocky Mountain -- as was he -- had tried to start a legal services program in Rocky Mountain, a volunteer Title 20-supported program in the early 70's, and had run against a brick wall. The lawyers in eastern North Carolina and conservative Nash and Edgecombe counties had said no way would they support a legal services program. And so, Bill decided that, if we were ever to have aggressive change-oriented legal assistance to poor people, that it had to have a statewide umbrella, and that we might want to have local programs with local ties, but the question of whether there should be legal services to poor people should be decided statewide -- that we shouldn't put to conservative, eastern North Carolina lawyers, an opportunity to veto the existence of legal services for poor people. So he worked hard for it. And I think that the directors of the three OEO programs worked hard for it. And what resulted from that study was the blueprint for the legal services community in North Carolina that we now have.

**Greg Malhoit:**

Well, the bar initiative to look at legal services -- where do you think that came from? Why was there an interest on the part of the North Carolina bar to look at this topic?

**Richard Taylor:**

Well, I think that Bill Thorp is one real reason -- that Bill was a person who, I wouldn't say had a 'birthright' to be president of the bar association, but you've
watched that organization -- as have I -- and the -- a successful lawyer, son of a
president of the bar association might well have expected to be elected president
of the bar. And Bill made it his major cause. There's a story that Bill even said --
out of the president of the North Carolina Bar Association is nominated by the past
presidents. And they had breakfast in April at the spring meeting of the board of
governors, and they choose their successor. And there's never been a contested
election for president of the North Carolina Bar Association. Past presidents meet
for breakfast, choose the nominee. There's never been a contested election. In
1973, Bill Thorp felt it was so important that we do something about legal services
for poor people that he indicated to the leadership of the bar that if they wouldn't
study the question of legal assistance to poor people, that he would run from the
floor against whomever their candidate was on the platform of justice for poor
people. And that was not something that was looked forward to by the leadership
of the bar. So they decided in 1974 to invite Chesterfield Smith of the ABA and
people from around the country to come meet with the leadership of the bar and
with Bill to talk about this subject. And Thorns Craven, particularly, but also
Denny and Terry were involved in this dialogue. And gradually the leadership of
the bar association came around to the point of view that this was something that
they needed to do something about. And so, they set up this blue ribbon
committee, and they put real heavyweights on the committee. And the 18 months
or two years of the study resulted in the conversion of the leadership of the legal
community in North Carolina to the proposition that we ought to have a, you know,
a legal services program. So it came about with the personal commitment of a few people, and then a carefully-planned process for educating the leadership of the bar. And, by the end of the study, Joe Moore, who was the president who appointed the committee, and Walt Brinkley, who succeeded him, and five or six past and future presidents of the bar association were signed on as true believers in this concept. And all became founding members of the Board of Directors of Legal Services of North Carolina. The blue ribbon study published a report on -- in February of 1976, which laid out a blueprint for the structure of legal services program in North Carolina. And what they called for was incorporation for an entity called Legal Services of North Carolina that would be the umbrella for a series of local legal services programs. And in the introduction to the report that says that they studied the programs particularly in Florida and in Georgia and contrasted those models: Florida being a decentralized model where there are local legal services programs, a state support program which is -- is separate from those programs, but no umbrella tying those together. And in Georgia, where Atlanta side, there's one monolithic program with one Board of Directors and hiring and firing coming out of the main office. And what the basic conclusion of the blue ribbon committee was they wanted neither the Florida nor the Georgia model, but they wanted the best advantages of both -- that they wanted a statewide program with a statewide Board of Directors tied into the statewide legal community that would set policy, distribute resources, provide political defense, and give you the advantages of economy of scale of a large program. And they
wanted the local accountability and the political involvement of clients and poor people in communities across the state. So they wanted small programs, community-based, who practiced law -- which practiced law -- and they wanted a statewide umbrella under which those programs functioned. And they came up with what they called -- and we still call -- the confederation approach. Some of the things they called for, which we didn't implement, was that they called for all of the programs to be under the umbrella and the three programs which had OEO - - the big three that had OEO funding and had personal relationships with the LS -- the OEO and then LSC people who made the funding decisions never relinquished their direct funding from Washington and never came under the umbrella in the sense of having their money run through LSNC. The other major change -- the major thing that we didn't implement was that the bar report -- the blue ribbon study -- called for a defender division, called for LSNC to have in essence two directors -- a civil director and a defender director -- and for there to be a statewide public defender system in North Carolina. We had not been very active in the defender side. We did create in the early 80's, the North Carolina appellate defender's office and spun that off. And we have been active in criminal -- I mean, in the criminal post conviction work, through the -- our prisoner legal services program. But by and large Legal Services of North Carolina has become the mechanism for the delivery of civil legal services to poor people and has not been active in the criminal side.
Greg Malhoit:

So it sounds to me that, as if in 1976, the bar issued this report, which recommended a confederation approach to legal services.

Richard Taylor:

That's right.

Greg Malhoit:

And at that time I believe that Congress was just beginning to appropriate new funds for the expansion of legal services. Can you tell us about what happened as this report was issued and the aftermath of that report, and then what happened with expansion in North Carolina?

Richard Taylor:

Well, the report was issued in February. And May the 20th of 1976, the North Carolina Bar Association incorporated an entity called Legal Services of North Carolina Incorporated. I only learned a week or so ago -- when -- we just bought a building in Raleigh in the execution of the papers for the building was the first time that I realized that our actual corporate name is Legal Services of North Carolina Incorporated, not Inc. But in any event, they created this corporation and appointed a board of directors. It was created as a membership corporation. The members of the corporation are the board of governors for the North Carolina Bar Association. A Board of Directors was appointed, and they sought expansion funding from the Legal Services Corporation. Bucky Askew, who was then the regional director -- to back up and say that the Congress adopted the Legal
Services Corporation Act in 1974. LSC was just being set up at this time. And Bucky Askew was with OEO, and then LSC legal services regional director in Atlanta. So our force that is Legal Services of North Carolina first contact with the federal funding entity was through Bucky. And Bucky came and met with the Board of Directors of LSNC in a series of meetings in the summer of 1976 in which some structural changes in the operation of the program were sought -- the clarification of the role of the membership and of the Board of Directors and a lot of the organizational issues that had never changed were ironed out in those first few months. By the end of -- my recollection, and you can help me with this, but by the end of 1976 -- the other thing that happened is they established an office in Raleigh, and you -- Greg Malhoit, the interviewer -- served as the acting director of LSNC. And, as I recall, you rented a space directly below the Wake County Legal Aid office and you hired Haley Forsyth and Rose Shepherd. And Haley was our -- first two employees of Legal Services of North Carolina were accountant, Haley Forsyth, and accounting clerk, a bookkeeper, Rose Shepherd. Rose remains in my office, in the financial office, and is the longest still-remaining member, staff of Legal Services of North Carolina. And LSNC, I believe -- and you can help me with this -- received a portion, several -- couple of hundred thousand dollars in the end of 1976 for -- from LSC after working out these organizational details with Bucky. At the same time the big -- the little three had run out of Title 20 money, and we had come square against the ethical problems of having a regular adversary, your clients, be the funding source for your program. And we
were facing all kinds of difficulties with our money coming from the Department of Social Services who we sued and represented clients against. And so, we went to the -- you from the Wake County program and me from Orange Chatham. And we went to the LSNC board. And the first funds that came from LSC were passed through to the six little legal services -- or legal aid programs that had -- heretofore had no federal money. And, as I recall, we got what we asked for. And whoever asked for the most got -- there was no rationality in the distribution of money. And it was a pretty wild scene. But we managed to replace lost Title 20 money to retain our staffs. And we got the sense that we're part of something bigger than just -- just this local community. So it was a pretty exciting and heady time. At the same time there was a search underway. Was that in '76 or beginning? -- '76 and '77 we were doing a search for the executive director of LSNC. And you can answer this better than I. I think we both served on the committee as staff, or as project director representatives. But you staffed or coordinated that process. And it was very frustrating, because we interviewed some very good candidates. The job was offered twice, as I recall. I guess I need to go through to whom and the circumstances, but we were -- we were very frustrated that some of the outstanding talent from the older OEO legal services programs, who we really wanted to provide leadership to us, didn't accept that job. And what happened was in -- I'm guessing around March or so of '77 -- that Denny Ray was hired as the executive director of LSNC. And in '77, substantially more funds were distributed to the existing programs, and a plan for expansion began to be developed by the
LSNC board. I'd say the LSNC board's first task was to get organized, establish a relationship with the Legal Services Corporation to rescue -- and then to rescue the little six and give us some stable funding. And then they began the task of planning for the expansion of legal services to the rest of North Carolina. In several important -- you want to go right into --

**Greg Malhoit:**

How important was -- and how involved and difficult, I guess, several questions -- was the decision to hire Denny Ray?

**Richard Taylor:**

It was -- the first part of the difficulty of it was that there were two or three choices that were made to let the job -- to let an offer to other people who turned it down. The other difficulty lay in the fact that there was this tension between the six -- the little six and the big three -- between those of us in Hillsborough, Raleigh, Wilmington, and so forth, and the -- the three existing OEO programs. And I think there was some concern that if someone came from those three programs, that they would dominate the mix. I think another concern from those three programs was sort of, if one of them became the lead person in the North Carolina legal services community, then that might keep the other two from coming into the -- into the community. So it was -- it was complicated. And also Denny has a personality that's not easy. He is a visionary and a builder, but he's a confrontational-type person. He had had run-ins with a number of the important members of the board who had to make this decision. And it -- you might have a
better perception -- or perspective on this than me. But my sense is that Denny
was turned to because somebody had to do it, and he could do it. He was strong.
This was a difficult job, and there weren't options other than that at that -- at that
time. He wrote a letter -- you remember the letter he wrote about the vision and
what he would do. And I think, when he put it down on paper what his plan was
and how we might go forward, that even -- and there were detractors about his
candidacy, but I think even the detractors thought that this was the right person. I
know I did, and I came to believe that Denny was right for us. And I think that the
private bar folks did too. I think that Joe Moore and Bill Thorp and Jim Talley
and the members of the private bar whose initial reaction to Denny was, "This isn't
right." After working with him and seeing his vision and seeing how strong and
forceful he was and how difficult this task was, believed that he was the right one.

**Greg Malhoit:**

It certainly was a time for vision given all of the changes that were going on in
North Carolina and nationally and new funding coming into the state. You briefly
have mentioned the process of expansion. Could you elaborate a little bit on how
expansion occurred and how decisions were made?

**Richard Taylor:**

[chuckling] On all of them?

**Greg Malhoit:**

Well, briefly.
Richard Taylor:

I'm laughing because Greg likes to tell the story about how one of our regional offices where we're located -- that he describes it as a "pin the tail on the donkey" experience. That somebody, was it Denny, that you know, sort of staggers over to the wall and points, and that's where the core office for one of our regions was located. There was a lot of rationality and planning that went into the expansion process. And one of the first things that we did -- some of these decisions we backed off from -- but one of the first things we did was decide to build from the core of the existing program. So the expansion was going to come from the nine programs -- the three existing and then the little six. Two of those six programs were in one county -- High Point and Greensboro and Guilford County. So a forced merger of those programs was necessary for any rationality. You couldn't really have regional programs that flowed from two programs that existed in one county. So there was a forced merger of the programs in Guilford County. There was the notion early on of the core concept.

Greg Malhoit:

What is the core concept?

Richard Taylor:

That, rather than funding programs based on the number of poor people or on the - - on some other basis, that we would determine what were the core functions that any legal services office ought to be able to perform. And we would make the assumption and a universe in which there is -- a given is inadequate resources, that
none of us have nearly the resources necessary to do the job -- that any program, any program in any area that served your population has to have certain core functions. You have to have a certain number of lawyers. And I think we said four. You have to have a certain number of paralegals. We decided that community education was a core function that needed to be present -- that you had to have. And so, we priced it out, and $383,000 was determined to be the core. And that no legal services program should have less than $383,000. And so, we distributed the money that way. Didn't matter if your client population was 110,000 or 40,000, that we distributed the $383,000. And then there might be add-ons for special -- special purposes. And from 19-- and it was easy to do, because money was coming in like crazy. North Carolina had the lowest -- as I said before, we had the -- we had the lowest percentage of covered clients of any state in the country. Therefore, we had the highest amount of expansion dollars in any formulation. And so, what we did was the states expansion so that we were -- we probably put more resources into the existing programs. We're slow to take on expansion areas until the existing programs reached the core. That -- as we'll get to, I guess -- changed in the hard days of the 80's. Core funding ran into equalization. And it also ran into the fact that the eastern part of the state, which was one of the last expansion areas, had the heaviest -- had the highest number of poor people, by far the largest percentage of minority people, of African-Americans. And was -- the per-client funding for the programs in the east was substantially less than those in the urban areas of the Piedmont Crescent. So the
core concept was abandoned in favor of equalization in the 80's. But, as an expansion principle, rather than taking the money and distributing it on some formula, the basis we used in North Carolina -- and I think this was attributable to Denny Ray's vision and forcefulness -- was that we were going to have a core that would be enough to make a difference in any given community.

**Greg Malhoit:**

Got a couple of questions about those early days and the core concept and expansion. I'll ask them one at a time. There were some unique experiments -- well, first let me ask you this -- how many core offices were there in North Carolina in the original expansion plan?

**Richard Taylor:**

I guess I might -- there are currently 15 geographical regions. And I think that that was the original plan. We have not changed the number. We've shifted some counties after the -- the 1980 census to keep some parity in the regions. But the state is divided into 15 regions. Three regions surrounded the original three OEO programs, and they received expansion dollars for those regions. LSNC -- and that -- those three encompassed 17 counties. So LSNC became responsible for geographic coverage to 83 counties through 12 regions. And the 12 regions had core offices in Wilmington, which was an original program, and that's -- became Legal Services of Lower Cape Fear. I suppose I should just go through this for the record -- where the programs are and who they are. New Bern was the core office for Pamlico Sound Legal Services. Wilson is the core office for Eastern Carolina
Legal Services. Ahoskie is the core office for Legal Services of the Coastal Plains in northeastern North Carolina. One of the more interesting decisions about a core office was to place the core office for Lumbee River Legal Services in Pembroke, which is a very small community and is a native American community with about 50,000 low-income Lumbee Indians in the same region in which there's a major municipality, Fayetteville. And then East Central Community Legal Services' core office is in Raleigh. The -- in Greensboro -- well, North State Legal Services' core office is in Hillsborough. The Durham Legal Aid Society became North Central Legal Assistance Program headquarterered in Durham. Central Carolina Legal Services with a core office in Greensboro. Legal Services of Southern Piedmont with a core office in Charlotte. Legal Aid Society of Northwest North Carolina in Winston-Salem. Catawba Valley Legal Services in Morganton. Legal Services of the Blue Ridge. Blue Ridge Legal Services in Boone. Pisgah Legal Services in Asheville. And Western North Carolina Legal Services in Sylva. Another key thing that was decided early on was that there were certain special client populations that -- whose needs were so important that we were going to divert basic dollars -- basic field dollars -- to serve those populations. And we set up special client programs to serve migrant farm workers, mental -- patients with mental handicaps, and state prison inmates. The history, and Greg helped to create this too -- the special client programs -- and the history is a little different. One came from an ABA basics grant. Another came in part from University North Carolina Law School Prisoner Clinic. But suffice it to say that any expansion-era
decision was made to divert basic dollars to special client needs. So we talked about the confederation as having 15 field programs -- 12 geographic, three special client programs, and then the three independent programs, which had geographic responsibility. I think we're sort of slow on time here. But since that time, we've added in recent times a state-support unit called the North Carolina Legal Services Resource Center as a joint venture of all the legal services programs in North Carolina and housed within LSNC. And most recently, this year, the North Carolina client community development center, which brought together another thread which began pretty early on in LSNC as an emphasis on client -- community economic development. That emphasis began -- actually, I wrote a special needs grant in '77 or '78 and received funding for a community development lawyer in the Hillsborough program. And then, when the state support unit was set up in 1982, the field advocates from across North Carolina identified as one of the four substantive areas in which there would be a staff expert, community economic development. Subsequent to that, the LSNC central office with (?Abdul Ashe?), who worked with me in Hillsborough, began to change his emphasis from personnel management to community economic development. And we were funding, with 1% of our basic field dollars, the North Carolina Clients Counsel. So until this year -- I know I'm jumping way ahead of you but -- until this year we had community economic development activities in three or four places within Legal Services of North Carolina. And also, we had North Carolina Clients Council, which was a client involvement function. And
this year we brought all of that together under one program, which is the North Carolina Client and Community Development Center, which we hope will be a permanent part of our structure.

**Greg Malhoit:**

Well, with the expansion era coming to a close in the early 80's and the Reagan era and all of the things that came about because of that coming in, why don't you describe your delivery system -- program development and other issues that occurred in the 80's for your program?

**Richard Taylor:**

Well, the 80's began, of course, with retrenchment. In 1982 -- well, survival and then retrenchment. I think the Reagan Administration's initial goal was, of course, to eliminate our program. And then after -- in the first budget, domestic budget of the Reagan era, in 1982, LSC and the domestics out of the budget generally suffered a 25% reduction. In North Carolina that was even more severely felt because at the same time we had a coming of age of the predominantly black programs in eastern North Carolina and the end of the core concept as the legal services programs in eastern North Carolina came to the LSNC board demanding equalized funds. So, over the objection of wise sages like Dick Taylor and Greg Malhoit, whose budgets were dramatically reduced by that effort, the LSNC board for 1982 not only reduced funding by 25% to the field but shifted the funding so that in a 2-year cycle -- '82 to '84 -- we equalized funding on a eligible-client basis, so that all funds were distributed in North Carolina based on 125% of the client...
population with the exception that a floor of $125,000 was put in place which affected the programs in Boone and Sylva. The floor has floated up since then to $187,500, a far cry from the $383,000 that a mere five years before we had deemed essential for the function of a legal services program. So we began the decade with a dramatic loss of resources. And then the Hillsborough program, which I was then running, we went from three offices and 25 staff people to one office and 11 staff people in one year. So it was a dramatic -- it had a dramatic impact on our program. That was the first chapter. The second big chapter was major conflict with the bar. Denny Ray leaving LSNC. And I came from Hillsborough in the summer of 1983, nine years ago, to LSNC along with you to -- this was Greg's second effort at babysitting the LSNC management of the confederation while the board sought leadership -- or a director for LSNC. And Greg and I came to Raleigh as the interim management team in the fall of 1983 -- Greg as deputy director and me as acting director. And in December of 1983, I became the -- employed in this position. The first thing that I wanted to work on as the new director of LSNC -- well, we did a planning process engaging the programs in "What do we want to work on?" But the first thing we wanted to work on was tightening up the quality of our work and the quality of our programs as a defensive measure against the harsh political climate in which we found ourselves. And we adopted standards. We started doing evaluations. We started visiting all the programs. See, the North Carolina program, unlike other programs, has divided authority where the director of LSNC doesn't hire and fire the staff of
the local programs. He participates in the hiring of the director -- local project
director with a local board. But the -- the only influence, which we have over the
quality of work done at the field programs is to -- as it's written in the contract or
memoranda of understanding between the field programs and LSNC is that we
have standards and regular evaluations, conditions on funding, and then sanctions,
including the de-funding of programs if there isn't performance improvement.
Well, we had never had standards. We had never had a program evaluation. And
we had the disparate quality in our programs. So we started an aggressive annual
evaluation of programs. And we started also working on improvement on our
relationship with the private bar and just trying to revitalize this program. I would
say from '83 to about '86 that that was the -- that was the program: Political
defense, improved quality, improved relations with the private bar. Beginning in
about '85, we had an unbelievable assault from the Legal Services Corporation on
our practice. Perhaps -- I mean, undoubtedly related to the influence of the senior
senator from North Carolina, Jesse Helms, who's no big fan of our program. In
1985 the Legal Services Corporation sent investigators into the general assembly
to investigate our lobbying. They wrote a report concluding that everything we do
in the legislative arena is illegal. We were summoned before the LSC board to
defend the work of our advocates in the general assembly and did so successfully.
Nothing came of the lobbying investigation. In 1986, we were the subject of the
longest, most extensive, and most expensive monitoring experience in the history
of legal services -- 38 monitors were in legal services offices from August the 17th
until October the 31st of 1986; 405 monitor days were spent in the North Carolina program in the fall of 1986. They wrote a report which was 1500 pages long. It took seven months to write it. Gave us 60 days to respond. We wrote a 5,000-page response. There were no sanctions entered. The final report issued, nothing came of it. We were monitored again in 1988. We were monitored again in -- I can't remember -- 1989. But we had this series of -- our migrant program was investigated beginning in 1983 almost annually up until the end of the 80's. So one of the things that was going on was an incredible intrusion into our work and our lives by the Legal Services Corporation. By the end of the 80's, that had subsided. I mean, we had won each of those battles and that episode was over. And we turned our attention to "What's next?" So we started a planning process in 1987 that resulted in an 8-point plan of action to improve our program. The issues we studied were client involvement and resulted in the 1% funding for client issues -- community economic development. Those things had come together now in the client community development center I talked about. Staff development and the woefully low attorney salaries, which we're still working to improve and have made substantial progress on. Board development. And we have an unusual program in that we have 233 local board members in North Carolina. We had 16 state board members. And "How are they all supposed to relate?" And "Who's supposed to do what?" So we began working and continue to work on those issues. Technology. At the time we did the long-range plan, there were no computerized programs in North Carolina. We're using dedicated word processors and weren't
automated at all. And so, we did planning how to automate and subsequently done that. Public relations, that we wanted to tell the story of poverty in North Carolina, of the positive impact that legal assistance can have on the conditions of poverty. And we felt that, as a last thing, we felt that public relations -- telling our story and our client's story -- was part of the answer to diversifying our resources and increasing our funding. And at the time we did that study, I think we had about 90 some percent. 92 or 3% of our funds were from the Legal Services Corporation. And in the annual report that we just published in 1991, 54% of LSNC's funds were from the Legal Services Corporation. So in the five years since we did our long-range planning process, we've made a lot of progress.

Greg Malhoit:

I want to come back to something to get your impressions. And that is that -- this confederation. There's a joke that used to go around in North Carolina -- and I'm sure elsewhere -- that the last time a confederation was tried, it failed, back in the Civil War days. Has the confederation been successful in your opinion in North Carolina?

Richard Taylor:

It was a great model for the 80's. I think it was a perfect model for the 80's. And we ran a "circle the wagons, keep up our aggressive work, political defense." It's - - it's whatever you want it to be. We're either one big program or a lot of little ones. We could describe it the way we wanted to to the audience we were talking to. Is it a good model for -- for the 90's and for moving forward? Is it a good model for
focusing on the emerging needs of our clients, on being -- on flexible -- on flexibility in terms of identifying client needs and -- I'm just not sure. I mean, I think that we -- that our strength and our weakness is our structure. That one of the benefits of the confederation is that it attracts and retains a very competent group of people as local project directors. If we were Georgia Legal Services, if we were Evergreen Legal Services, they would be middle management managing attorneys. They'd be unit ___ ; they would be hired and fired by the person in my job. They wouldn't be, in my judgment, the kind of people who we have as directors of our programs. These people are CEOs of corporations. They have their own boards, their own base. They are an incredibly competent and able group. But our structure gets in our way. Are the substantive issues that we identified 15 years ago on mental health, prisons, you know, are those the issues that are most important now? What about homelessness? What about kids? How do we -- the relationship of family issues to public benefits. How to we respond to that if every one of our units has a structure, a board, a -- you know, a way of hunkering down on that. Take juvenile detention centers -- we've got one of the biggest prison programs in the country. We have a great mental health unit. We do incredible advocacy in both the adult prison population and with mental -- in the mental health community. We don't do any work at all in juvenile detention. Why? Well, because we're organized as we were 15 years ago in these areas, and nobody's looking at that. So I think our weakness is that we are -- is that we're not -- our structure can be our weakness. But it has been a great model, and we've certainly
gotten a long way with it. As you know, the last two or three years have been
difficult for us, because we've had -- we haven't had the common enemy of LSC to
unite us. We've had some growth. We've had new money from new -- from the
legislature and IOLTA money increasing. And we've found all kinds of things to
argue about. Our structure seems to be -- to be a problem. So I think the
challenge for us is to figure out how to have the benefits -- it's always been our
challenge is to have the advantages of being big when we should be and the
advantages of being small and to be tied to communities when we should be. I
think that the marriage between the state support unit and the central office may be
a key to this. And you and I haven't talked really about it, but how do we bring
enough new resources into the centralized program, into the consolidated offices,
to hit the emerging and new priorities of our clients while retaining the strength
that we have by these local -- local programs? Someone looked at our program
recently and described it as feudalism -- that what we have is a feudal system.
And that wasn't an encouraging note to me, but I think that we've got a very strong
base, that we ought not to toss it out. But we really need to think about its
limitations in the 90's.

Greg Malhoit:

Just a second if you could comment on how important relations with the private
bar have been to your program.
Richard Taylor:

They've been critical. I mean, we had our base in the bar initially, because when there was no legal services program in North Carolina in the 60's, and it was only the organized bar that was doing it in the 70's. When we started the statewide program, it was the organized bar which blessed it and incorporated it and started it. In the 80's, when we ran into political difficulty, when the director of LSNC was terminated and when the forces of the right were attacking the program, it was the bar that came to our -- to our defense. And so, I think they're critical to it. I think that we need to rethink -- "I think we need to rethink," that's awkward. The role of the bar and -- that we are so far from our rhetoric in terms of access. Like, we have brought the bar into this program and into the legal assistance movement with -- and the politicians into the legal assistance movement with the rhetoric of equal justice and of access to justice. And we have not delivered equal justice. We have not delivered access to justice. What we have delivered is some access. And we have delivered some excellent representation on targeted critical legal problems. It seems to me that we ought to be thinking about how to work with the bar to use the private bar as the access portion of this movement. And that we ought to be thinking about using our staff resources on targeted problems. And that where we -- I'm beginning to think -- this doesn't have anything to do with our experience, but I'm beginning to think that the private bar and staff in-take systems -- that our offices ought to be an intake mechanism for an access model that's private bar dominated. And that our staff resources ought to be reserved for the
targeted critical issues that affect poor people. And we ought to be thinking more about the private bar as our access model and our staff as our priority model. But we cannot lose sight of our base within the bar, and we have to -- and the bar wants to be partners with us. And we should retain that tie.

**Greg Malhoit:**

What are the two or three best pieces of advice that you could give to someone listening to this tape about legal services?

**Richard Taylor:**

Best two or three pieces of advice -- to who?

**Greg Malhoit:**

I would say a new project director who listens to this tape. What would you suggest that they think about in their new endeavor?

**Richard Taylor:**

Well, I guess we've been talking about the history and development of the program in North Carolina. And I think that change is inevitable and important. And, if we don't change and develop and continue to have a vision for where we're moving, that we can't do our job as leaders and as directors of these programs. But the change ought to have a -- ought to tie back to a basis in the history and culture and heritage of a program. We now do have programs with different culture and history in each part of the country. And that the best way to determine -- or an important starting point to determine where to take a program and how to lead a program is to know where it came from, know its base. In the North Carolina
program, for example, I think that the membership corporation -- the membership function of the bar association -- the confederation structure and the basic sort of principles that make up our culture are the things that should be emphasized as we move towards the future. So I think there's some importance to really learning the history of -- of an organization. I don't know what else I would say. Well.

Greg Malhoit:

Knowing you, as I do, and having heard other people talk about you, one word people that tend to use in describing you is 'visionary'. And, as one politician recently said in his acceptance speech in New York, where Scripture says, "Where there is no vision, the people shall perish." Do you think that that's an important quality for future leaders in legal services?

Richard Taylor:

I think it's critical that we have a vision and try to nurture a vision and look for the future. But I don't know how to -- I think we need to be bold. We need to be aware of our base. And we need to have a vision and to try to move the program forward. But I'm not sure I know how to advise somebody to develop a vision.

Greg Malhoit:

Just a couple more questions, Dick. Do you have any strong memories about particular personalities that you came in contact with during your work that were particularly instrumental or important in the delivery of legal services? You mentioned many people in your comments so far, but I'm wondering if there's others.
Richard Taylor:

Well, there's so many people, and I haven't mentioned many people. And we are - - I said early on that the strength of our program is its structure. And that is a strength, but it's people also. And I think one of the things the structure has done is involve a lot of people in North Carolina Legal Services program. I think really the most important people in the North Carolina Legal Services program are the project directors. And that -- I think the boards are important. And I think that, you know, the staff are important. But we have had a group of project directors over the years that have been just wonderful and strong people. In the initial group that you and I started with, the only ones that are left are Willie and Sue. Willie Dawson in New Bern who started in the -- as a Reggie in the Winston-Salem program. And Sue Perry, who was with the lawyer's committee in Washington before becoming the first director of Eastern Carolina Legal Services in Wilson. One of the other initial directors was Julian Pierce, who was a native American from Hoke County who came back to be the first director of legal services program -- Columbia River Legal Services program -- in his area formed the Indian Law Project there that handled and still is working on the effort to recognize the Lumbee as a federal tribe. And Julian was killed while running to become the first native American judge, elected native American judge in North Carolina in 1988.

Greg Malhoit:

Mm-hmm.
**Richard Taylor:**

And Julian is certainly an inspiration to -- to many of us. And the Julian Pierce award for advocacy is our highest tribute to the legal services people in North Carolina that's been given now twice to Debbie Greenblatt, who is the director of Carolina Legal Assistance -- the Mental Disability Law Project -- housed in the building with our programs and to Doug C. who worked in the Wilmington office and now in the Charlotte program. Doug is handling the Alexander against Hill. Alexander against Flaherty case, which is a -- what, 17-, 18-year-old piece of litigation that relates to penalties for the -- not processing _____ applications on time. There are just so many people who have played an important part in our -- our program. But I think particularly the local project directors would be the ones that I would mention.

**Greg Malhoit:**

Is there anything else you would like to say before we conclude the interview?

**Richard Taylor:**

Greg Malhoit should probably be the person who's being interviewed instead of me. Thank you.

**Greg Malhoit:**

Well, thank you, Dick.

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