Kent Spuhler

Conducted by Bob Graddy

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Interview with

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BG: This is the oral history interview of Kent Spuhler, who's presently and in recent memory has been the director of Jacksonville Area Legal Aid. Today's date is July 27, 1992. The interview is at the Don Cesar, the Pink Pagoda, in St. Petersburg, Florida. My name is Graddy, and I'll be conducting the interview. The topics of the interview will be the Legal Services development in the state of Florida and the marriage of Diane and Charles. Kent, tell us a little bit about your background before you joined Legal Services.

KS: Well, I really didn't know much about Legal Services, but as you might imagine, I was a product of the university system during the '60s, when a lot of us started figuring out that the old ways of doing things didn't seem to play out very well for lots of folks. My introduction to the low income community and how well they were getting along was when I started working with some kids when I was in college. And as you all know, kids have a way of sucking you into their family, and the next thing I knew, just because I think I was going to some university, I was supposed to have all these answers about all this bad stuff that was happening to them. And it was the education from those families that were experiencing things that I didn't particularly know existed beforehand, but it sure didn't sound right to me. So it was actually through that experience in college that I connected with a Legal Services office there that frankly wasn't doing much. My first contact with a Legal Services office was in that community in Columbus, Ohio, and it was a bar program and a volunteer lawyer, and I was trying to get him to see that some family had been ripped off. And he kept telling this family that, "Well, I'll talk to them," and come back and say, "Well, they won't give you your money back. Too bad." So that's when I
basically decided, well, that these situations looked like something that you ought to be able to do something about, and if you were a lawyer, you ought to be able to do more about it than if you weren't a lawyer, so I'd go to law school and see if I was right.

**BG:** So you went to law school because you thought that might help you in addressing some of the problem?

**KS:** Yeah. I was really naive. I mean, I had never thought being in law school or being a lawyer. In fact, my major was physics, good way to start out. But I went to law school. And I essentially looked around at law schools that, in fact – and this was 1969, had good clinic programs or allowed law students to do a lot of things in the community instead of just going to law school because at that point, I'd had enough of school. And I didn't know much about law school. I looked at the law schools in the Northeast because that seemed to be the most active part of the legal community and most active law schools. Not knowing anything about law schools, I didn't know that you ought to apply to more law schools than just Harvard and Yale, so I only applied to those two law schools. Got into Harvard, surprisingly. And it was a very unique time at Harvard. It was during the height of the Vietnam War protests. It's the only law school class, I think, that has ever closed Harvard Law School, which we did in protest to the bombing in Cambodia. The staid professors probably to this day hate my class worse than any others. We didn't play by the rules. There was, at one point in time, directing a Legal Services program now, it sounds like the mother of all nightmares, I was working for Cambridge and Somerville Legal Services and at the time, they had five attorneys trying to keep track of the work of 350 law students. We thought we were doing great work. I'm sure those lawyers -- I kept wondering why they kept leaving after a year or so. [laughter] It seemed like such a great time to me. But that was my experience through law school. I did Legal Services work all the
way through law school. That's where I learned about Legal Services making a difference. I was involved with Cambridge and Somerville, went into public housing projects where no lawyers were supposed to tread. Took on the housing authority, which no lawyer is supposed to do in Boston, or some guys in big T-shirts showed up and talked to you. Went through confrontations with public housing tenants for the first time, getting in the face of Irish landlords. So I cut my teeth on some pretty confrontational kind of legal work in Boston in an area that was pretty complete with all the kind of racial tensions and ethnic tensions and everything else. And somehow legal services to the poor was the melting pot of that. And actually, from time to time, because of -- if you could break through all that and get people to understand their common experience, which was basically getting screwed over, it was always amazing to me. You could break through those long standing barriers, and you could pull people together in Boston’s melting pot, who were all low income and getting the short end. And suddenly all that stuff started disappearing, and that was -- that was real energizing. That's what sort of kept it going for me, really doing community work. That's how I started out. And I was an old traditional housing lawyer that wandered around in neighborhoods and got under a landlord's skin.

BG: Did you end up in Florida by being recruited, or how did you end up here?

KS: Well, Florida got me, thanks to President Nixon, actually. When I got out of law school in '72, it was the Howie Phillips/President Nixon, "We're going to do in those communist radical folks," and they were cutting the budgets. And most Legal Services programs were still very new, very fledgling, had very few resources. And what that meant was there were very few jobs. I remember I sent out something like 250 letters and résumés. While all my classmates were beating off people trying to hire them, I was begging, and I was getting back responses saying, "We have no money. We're out here hanging by our fingernails. I wish we could hire
you. We need lawyers, but you know, if you're independently wealthy and you can come volunteer, it will be great. But other than that…” Or I loved the ones who would write back and say, "Gee, you look good on paper. We'll set you up an interview for next week." These are like Idaho. Sort of like, "If you can show up here at 2:00, you can have an interview." So my choices came down to – one was Rochester, New York, who sent me bus fare, so I took a bus from Cambridge to Rochester. Got off the bus, did an interview. They didn't have money for any motel or anything, so I got back on the bus and go back to Cambridge, all in the space of, I think, 34 hours or something like that. But they at least sent bus fare, so they were a prime candidate. I had a guy who came through Harvard because he was doing something else, who worked in Micronesia, and he indicated he might be willing to hire me, but my wife read this article about the number of people lost due to hurricanes and thunderstorms. And then, surprisingly, the program in Jacksonville, which I didn't know anything about at that point in time, but the program basically had gone through a dramatic change and they were redoing their whole staff, and they decided to do a recruiting trip. So they actually came to the northeast. And so it was really those three choices because there wasn't anything else available, and Jacksonville sure looked better than the winters in Rochester or being blown off the beaches in Micronesia.

**BG:** Who hired you?

**KS:** His name is Paul Doyle, who in the South is well-known in Legal Services. In Florida, he is now a leader in terms of the bar foundation IOTA funds for legal assistance to the poor. He had a very unique background coming into Legal Services. He is also a Harvard graduate. He'd been a partner in a large firm in Jacksonville, had gotten, really through his church, working in the community through the '60s and through all the racial tensions of the '60s. And when what was then Duval County Legal Aid decided that they'd had enough of a program
that basically was totally ineffective; did a few family law cases, never did anything against any
government entity, never took on any institution change happened. And it was really -- the board
of directors was taken over by some radical lawyers, which is amazing to think there were
radical lawyers in Jacksonville, Florida at that time, but there were. Somehow they got control of
the board over the other members of the bar, and they set out to basically -- it was funny. I
remember the then-president, a man named Sam Jacobson, who had actually done Supreme
Court implementation of the case that basically made the Gideon decision, right to counsel, go to
municipal courts. He had done that case. And he told me that he happened to be by the legal aid
program once, and somebody had left out a Clearinghouse by mistake. And he picked it up and
read it, and said, "Well, if there's programs around that can do this stuff, this program ought to be
able to do this stuff, too." So they hired Doyle to make it happen. And then Doyle, when he
went to the northeast to hire some other lawyers that could do the impact work. And that's what
we were hired for. It was very clear. They said, "We want to hire you all to come down and take
on the housing authority, take on the welfare office, sue city government. So it was a real plum
compared to what anybody else in Legal Services – they were fighting under Howard Phillips'
nose and all these things we don't want done because it might cause problems. This group,
because of the board, because he read Clearinghouse said, "This stuff ought to be going on here."
And Doyle had enough credibility in the legal community that they could not easily dismiss us. I
mean, we didn't really know a whole lot about what we doing because it was a program
composed of Paul Doyle, the executive director, who had a number of years of experience and a
very good legal reputation as a lawyer, and five baby lawyers, all fresh out of law school from
the northeast who didn't look right, didn't talk right and certainly kept throwing issues into court
that had never been there before. And without Doyle's kind of historic credibility, we'd have
probably been in great trouble, but because we had Doyle as our shield and we had this board of
directors of some very prominent lawyers, we were kind of in a crucible allowing us to do a lot
of good work when a lot of the other programs were kind of in the throes of battles between bar
associations, program governance and everything else.

**BG:** What did you walk into when you first came down? What was your first day in
the office?

**KS:** Well, my first day in the office was in an office that was falling apart. The first
day was showing up in Doyle's office and being told I was assigned to a neighborhood office in a
low income black community of Jacksonville. And being, like I said, a kind of a community
lawyer through law school, that was great. I wanted to do that. And I said, "Fine. You know,
where is it?" And he said, "Well, I'm not sure. [laughter] Why don't you call up?" And I called
up and asked for who he said were my supervising attorneys. And none of them were there.
And finally the secretary figured out who I was. And so she said yeah, she could give me
directions to go up there. For those who have been in Jacksonville, it was the fabulous Avenue B
office which was a genuine Legal Services office of the early '70s. It had big holes for windows
and plumbing that worked occasionally and sat in the heart of a really low income community
with a landlord that carried around a big gun so we had security. [laughter] Yes. A big gun.
And when I got there, I didn't see my supervising attorneys for two weeks. Clients kept calling
in. The secretary who was there and I thought had lots of experience would help me find the
files, and I would talk to Doyle or talk to other people on the board and try to figure out what to
do with these client’s cases. Yeah, it was baptism by chaos. There weren't any systems. There
wasn't any orientation. And in fact, I wasn't admitted to the bar yet, so I couldn't, at least
officially, do a whole lot. But for about two weeks, it was a secretary and I doing the work, and
then the other attorneys showed up and dropped in occasionally. And since I was apparently willing to do the work, and they were basically moving on out of the program, they were part of the -- some folks who had not been able to achieve a whole lot. It was that way for actually quite a while. But that was sort of similar, for the whole group. And in terms of issues, truthfully, it was pretty easy. I mean, pretty easy in terms of the South was way behind Boston. Boston, I thought was way behind, but -- like in public housing, we had heard of the Brooke Amendment. We knew that public housing tenants shouldn't be charged more than, at that time, 25 percent of their rent.

I was the first attorney that ever started going to public housing tenant association meetings. And I remember a time I used to go to 13 every month. [laughter] Like clockwork. Which actually was a great time because these tenant associations were like prayer meetings. And you always opened with kind of a little religious ceremony of some good singing, hand clapping, everybody getting fired up. And then they used to go through a process of the public housing tenant liaison person from the housing authority would sort of tell them how good they had it and everything else. I started showing up and finally got enough of them to figure out that they were being overcharged rent. And once they figured that out, then we figured out that they were owed lots of money. And this was my first year. I'd joined in July. And this was like in November of that same year. They had been overcharged rent for probably five years. So it was a lot of money for some of them that they were owed. And it was right before Christmas, which is a great time to be able to tell poor families they're owed lots of money. I had just been admitted, and we had a choice about, you know, I read all the Clearinghouse stuff, and we could go to Federal Court. And I talked to folks, and they talked about, you know, how long that would take and what would happen and everything else. By this time, though, I had lots of tenants who basically said,
"I want my money before Christmas." [laughter] And a housing authority still trying to say, for lots of different reasons, "We won't give you money. We'll give you credit. We'll use it up on repair bills." All those good ways that they were going to siphon off the money. We opted for the strategy of picketing the mayor's office. So we had these parties where we created banners about "The city owes us money." And in my van, we would truck down about 25 public housing tenant, usually mothers. And they'd march around for an hour or two. Then we'd go back and celebrate at the public housing project. [laughter] But before Christmas, they got their money. It was brand-new stuff in Jacksonville, so you got a lot of press. A lot of it was unfavorable, but it was certainly the kind of press that the city couldn't deal with. And to some degree, Florida, while it's really conservative, there's a real strong populace strain in it, and if you touch into that where, you know, government screwing over the little guy, again, you can get former Wallace voters and other folks to come on board and support you because government's just doing something wrong to somebody.

BG: Think about the Legal Services experience at that time and beyond yourself in Jacksonville, but was there really any sense of training or introducing anybody into the system or any ability to take somebody fresh out of law school and work them into what's going on?

KS: Certainly not in -- much of a formal sense. Even prior to federal funding, Jacksonville had this legal aid program that was all volunteer. As I understand it, there was a legal aid program down in Miami, again of volunteer lawyers. And I think there was one over in Tampa. So there was a long history of lawyers kind of being involved in this. And probably the difference in Florida was that there were some lawyers who actually through that experience had on their own gotten into what we call, you know, system change poverty law. And so those lawyers were around not in great numbers, but there were a few around. And those lawyers had
then, when federal funding come along, helped form and pulled together programs like Greater
Miami Legal Services and Florida Rural Legal Services, which had some lawyers who were
doing the big cases that were getting written up in Clearinghouse and were declared these
leadership kinds of programs. And that was both --they had some staff people there, but they also
had some volunteer lawyers who came out of that tradition. Florida Rural had the cowboys. I
mean, they had – Florida Rural had the ability to attract people of incredible ability out of the
northeast base, I think on the promise of exotic lifestyle and, you know, attract lawyers from all
over the country and including Florida that were into system change work and a promise of an
exotic lifestyle. So when I came on board, there were some of those lawyers around, but there
really wasn't any formal way to connect us up. I can remember when we decided we were going
to get more aggressive in Federal Court work. And like I said, that program had no history of
that. Doyle had really not done much Federal Court work. We had a few lawyers in Jacksonville
that helped us, but I remember we brought Bruce Rogow up from Miami, who had done civil
rights 1983 cases. And it was like one day. And he just sort of told us all about this federal
practice stuff, which most of us had only vaguely remembered from law school, but now it was
real. And that was our training. I mean, there was some expectation that after one day with Bruce
Rogow and the fact that I knew the names of three or four lawyers who did federal court work,
and I had now been out eight months, it was time to file a Constitutional due process case. And
that seemed natural to us. And I know you and other folks – I mean, those who were joining
Legal Services at that time, it seemed real easy to us, it was the way you ought to be doing it. If
you've been out eight months and you were stumbling across all this injustice that was clearly
bad and you'd read about places taking on this injustice, then you just went and did it. And you
kind of pulled together your training based on whatever you were doing. You looked around and
found it. A little easier for us than some of the other places like Florida Rural where the lure of the exotic was in reality work in some of the most God awful places [laughter] on the face of Florida, frankly. Whenever I finally got involved with training, and early on, I started doing some paralegal training, and the first training I did was with some paralegals that were mostly the paralegals from Florida Rural. Florida rural was -- the biggest -- program using paralegals at that point. Most of the rest of us in the early '70s still hadn't discovered the kind of work that paralegals could do and their importance except Florida Rural had. So when we did the first, quote, "paralegal training," it was mostly Florida Rural paralegals and some paralegals at that time that were trying to do things on the Seminole Indian reservation. And those folks were wild. I mean, you didn't, [laughter] you didn't have any issue about, you know, should you be doing kind of radical law. I mean, those folks – it was trying to convince them why don't you take the legal approach before you march down and hurt somebody? It's a total different nature in terms of, filing a federal class action was clearly the most conservative approach to the problem. The other approaches were all out there, and they were ready to roll on them, and it was kind of - - the lawyers were always trying to say, "Well, let's try going to the courts for a change." And that was not the paralegal approach. And I learned a lot from those paralegals.

**BG:** Florida has always sort of thought of itself as being a wildcard state, I guess. But the development in terms of legal aid programs and a delivery system isn't really that much different from other states?

**KS:** Well, I think in some ways it was. One, there wasn't much unity, you know. I mean, it was a lot of programs developed because Florida's kind of a spread-out state and people come from some pretty wide kinds of different cultural bases. In Florida, things developed differently in different places. And there wasn't much kind of collectivity. On the other hand, and
because of Florida, I think Florida was able to attract more than its fair share of high quality lawyers, frankly. I think –

**BG:** Explain the geography of Florida a little bit.

**KS:** Well, Tallahassee is midway between the east coast of Florida and the west coast of Florida, they have this one long panhandle along the southern states which are most akin to Georgia, Alabama, Mississippi, deep South. That's the cultural base. Real redneck, solid in their prejudices and things should not change was their concept. And as you move down the coast, you start getting into the – along the coast, more diversity from other places. Retirees, you know, folks from outside of Florida, typically kind of somewhat more elderly. And then in the middle of Florida, below Orlando, that very few people recognize, was is this giant, you know, agricultural community with a tremendous amount of migrant workers and everything is pretty much totally isolated. I mean, very few people – when you look at Florida, you think, well, everything's near some city. You just don't recognize the isolation that is in central Florida. You know, this concept that people could get picked up and taken down to Okeechobee [laughter] and nobody could find them sounds foreign when you look at a map, but when you're here, you just sort of say, "That's amazing," but it's true Then in south Miami, you had what was closest to the Northeast. I mean, for me, coming from the Northeast, first time I went down to Miami, I thought, "Oh, this is an awful lot like the northeast." I mean, it's chaotic, lots of people, lots of ethnic diversities and mixes and everything. Lots of tensions, lots of aggression in taking on problems and stuff. So you know, the lawyers working in the crucible of Miami developed in much different ways than the lawyers working in the crucible of, like, Jacksonville or the lawyers working in the crucible of Okeechobee and Immokalee. So, I think we always were a little different because every time we got together, we recognized although we were all serving
the same population, we were really different. We all attacked problems differently. We had
different notions about what was important in attacking problems. I mean, we used to get
together, and it would be "check the weapons at the door," and we were friends. [laughter] I
mean, we were a lot of very strong, high quality lawyers who felt real strongly about what we
were doing and strongly believed what we were doing was most important. And we were all
serving kind of different populations. So in the early years, I mean, it was real hell to get us to
work together. On the other hand, the times when you did get together good things happened.
Certainly the formal training thing seemed to deteriorate quickly, but all of the time around the
training programs when we would hang out with some beers we would learn a lot. I mean, the
only time you'd get this crew to calm down enough to really communicate and teach each other
was get enough beers in us. Then we could all sit around and exchange what we knew and kind
of get out of our isms or our intensity. Then we really could kind of help each other and translate
some of this information so in fact some system change work going on in Jacksonville could be
used to by some of the folks doing migrant work. But it took a lot to get us to calm down.

[laughter]

BG: Do you remember any hallmark time when the state started to sort of get its act
together in terms of communicating between programs or between staff?

KS: I was trying to think. One was early on, LSC was sponsoring a federal litigation
training event. And it was done in Miami. And I think that was probably one of the first times
that, in a formal setting, a lot of the staff folks came together that were doing big cases. And it
almost blew apart. I mean, it was – [laughter] initially, it was "That's not how we do it. This is a
bunch of crap. We don't need to this, you know, I'm not going to sit here and listen to abstention.
Who cares about that? You get their tail in court," and stuff like that. And again, it was a new
experience, and that was the first day. We, as trainers, kind of regrouped till 4 in the morning, said, "We need to change. What has worked across the Midwest is not going to work here." And we basically turned it into much more of a free-for-all exchange by the trainees. And part of that was the people who were there were as well-versed as we were, so –

**BG:** Can you put a year or something on that?

**KS:** I think that was around '75, as I recall. Then Florida Legal Services tried to start doing a little more training to bring folks together. The Project Directors Association in Florida started coming together.

**BG:** Talk a little bit about Florida Legal Services and its origination and the Project Directors Association.

**KS:** Florida Legal Services really was started by The Florida Bar --

**BG:** It's a statewide backup center, right?

**KS:** It's the statewide center. But before really there was much federal funding coming into Florida and before there was any federal funding for state support offices, The Florida Bar decided that there needed to be an entity that tried to coordinate legal aid programs. The initial mission of Florida Legal Services was to create little legal aid programs all around Florida and it didn't have much of a sense of being involved in systematic change. It really was set up by the bar to go to local bar associations and try to encourage them to set up legal aid programs, mostly volunteer lawyers, and help the poor. But it did show some level of the bar paying attention to delivery of legal services to the poor. Part of that was out of some folks that truly wanted to respond to that need. Part of it truthfully was out of some folks that thought if we build a strong enough network of local legal aid programs, we can keep these federal programs out. And at that point, there were probably only five of us in the state. The sentiment
was often "Those folks are crazy. Look where they're getting their staffs from. Look what their staffs are doing. Look what they're encouraging. If we build this strong wall of legal aid programs, then we won't have those kind of things." So part of it was not all just taking care of poor people. And probably the funniest phrase I heard when – the director then was Duffy Norman - and he told me his job was to go around the state of Florida stimulating local bar organs to set up legal aid programs. My director took me over to Florida Legal Services because it was, again, the early '70s, and I was agreeing to try to start setting up some paralegal training, and that was going to be done with Florida Legal Services. That was really their first statewide training done. I go meet Duffy Norman, and the first thing you see when you go into his office is a picture of him shaking hands with Spiro Agnew, which he proudly points out. The same guy who had called me an effete, impudent snob, as far as I could tell. (laughter) A great vision for me of what was going on, and what poor people would get out of this legal aid programs. So for a long time, Florida Legal Services was not a leader of change-- you know, the board of directors of Florida Legal Services came from The Florida Bar. Their bylaws had to be approved by The Florida Bar. And that lasted a long time. So it was not exactly a leadership organization, at least with regard to what we wanted to do.

**BG:** When did the coup occur?

**KS:** It really occurred once the Project Directors Association got its act together. You know, like I said, we had these programs in diverse places that didn't talk to each other much. The directors finally figured out that there needed to be better coordination. It really wasn't happening with Florida Legal Services. So they set up their own Florida Project Directors Association.
**BG:** How many LSC programs at this point are we talking about? How many directors?

**KS:** Let me see. As I recall in the ‘70s, there was the program at Jacksonville. There was a program at Daytona. There was a program in Tampa, and there was a program in Miami. There was Florida Rural and Broward. You had six programs around the state of Florida. Nothing in the panhandle yet. Nothing, besides Florida Rural, in the whole middle of Florida. Most of us were one-county program. It was prior to expansion. Florida was not even close to being covered. So it was six folks. I don't know how the initial meetings went. I heard.

[laughter] there was very little coordination. The couple meetings I went to in the mid-’70s, I mean, they lasted over a day. Other states have meetings of project directors that last an hour and a half, two hours. Florida still hasn't really gotten down to it unless we have a four- or five-hours of wrangling first. In those days, the PDA meetings used to last two days and go till 2 or 3 in the morning. That's mainly because anything you could put on the agenda was going to be guaranteed to engender a fight between somebody because everybody was strongly opinionated. One of the things they did finally come together and agree on, though, was that Florida Legal Services needed to play a more active role in terms of coordinated training. Become more like Mass.Law Reform Institute in Boston and some other state support programs like that. Again, for a long time, Florida tended to look up northeast and see how they were doing important work and try to sort of put it here. At that point, the bar was having trouble funding Florida Legal Services, and Florida Legal Services had been living off a bunch of federal grants. Sort of anything they could get money for, that's what they were doing. And they were even moving away from legal work, they were running employment programs. They were doing this vast variety of stuff that didn't really relate to legal assistance to the poor very clearly. So essentially
the federally funded programs started taxing themselves to fund it. And that's how they took it over. I mean, while it had its board of directors, pretty soon almost all of its money came from the federal programs, so we sort of told their board and their staff what we wanted them to do. And so for a long time, the Project Directors Association in essence mini-managed that organization.

**BG:** At the same time, though, giving Florida – private lawyers, supported private lawyers

**KS:** Yeah.

**BG:** -- positions to work with?

**KS:** Right. Then, during the expansion period, Florida Legal Services became even more crucial because suddenly there was a mandate to cover the entire state. And of course the first issue was who's going to do what where. And that required the Project Directors Association, who were affectionately known as the warlords -- *[laughter]* we had the Chinese system of government -- to initially think about just those six programs dividing up the state. I mean, I've seen the maps where at that point, you know, they were trying to figure out how the existing six programs would just carve up Florida, although it got real hard when you talked about, you know, who was going to take care of Pensacola. And so then they got to "Well, no. We've got to have new programs involved." And then it got involved with "Well, we're going to have to deal with local bar associations. We're not going to be able to just steamroll local bar associations." And then Florida Legal Services and The Florida Bar got much more active in terms of really figuring out where the program boundary lines were going to be. And there were a number of legal aid programs. Like in your situation, there was a small legal aid program in Alachua County. And suddenly we said, "Well, why don't you take care of -- what is it?--
Thirteen counties. [laughter] Truthfully, it's mostly because none of the rest of us wanted those counties. We never thought -- never even conceived -- of quote, "coming together" and doing a statewide program. We knew better than that and, ultimately, we carved the state up into 12 different programs that are federally funded. And a lot of those were created out of that system of essentially going to little bar programs through FLS and the bar after it had been agreed to by us, who were the existing federally funded programs, that that was the way to do it. There was, truthfully, very little controversy. There were not competitions. All that pretty much got worked out. And part of that was because there was a recognition that while all this money was coming in and everything else, that there were real limitations on how far you could take on work and take on these diversities where there had never been programs.

BG: Would you say, having gotten to the expansion starting with the statewide things, particularly the PDA and FLS, has there been some sort of dramatic change in those? Has there been growth, a change that's remarkable in those?

KS: Well, we work better together, [laughter] surprisingly. You know, I think part of that mirrors the change in Florida. Truthfully, when we began, a lot more of the issues seemed to be much more local issues. And that's in part because our communities were so different and the things going on were so different. And while they had some commonalities, what the public housing tenants in Jacksonville were going through versus what the public housing tenants in Miami were dealing with were like in different worlds. And, as you know, the welfare office in Jacksonville would be playing strictly by the rules in terms of – I remember one time, you know, anybody who wanted to get welfare assistance, and the state rule was that mother had to go down and go through a court action to try to get a child support action before she could get her welfare check. In Jacksonville, they were enforcing that. In places like Alachua
County, more rural counties where the person working in the office probably knew the person needing the help, they weren't enforcing that very well. What they were doing was if you happened to be somebody they didn't like [laughter], there was all kinds of reasons you didn't get help. But the issues seemed to be much more local then because the state didn't have its act together, didn't have much control over its institutions. And so a lot of our work, while it had legal relevance to each other and everything, there wasn't so much of coming together to take something on that if you did it, it would solve the problem for poor people all over the state of Florida. I think that's changed as the state filled up with people. The institutions in Florida got bigger. They started getting more regulated. Truthfully the whole welfare office used to be almost community-based, and then they formed HRS in Florida, a state agency, and said everything could be done better with great coordination and everything else. Well, part of them doing that brought a lot of us together. I think if you look back through the kinds of cases where attorneys from different programs, you know, attorney from Jacksonville actually doing a case with an attorney from Miami, practically all of those early cases were around HRS, our [laughter] common enemy, who started doing things, the same bad things to poor people in Jacksonville, the poor people in Gainesville, and all over the state. So I think to the credit of the Project Directors Association, they recognized that. We are one of the first states to ever pull together this notion of work groups around substantive areas where we said, you know, let's spend money to have the best and the brightest in specific substantive areas from our staffs get together and really figure out what's the answer and work together, and let's fund that. That's pretty unique. I mean, now there's lots of, you know, regional work groups and all that, but Florida started that early and started with public benefits stuff and has moved out to a lot of other areas. And basically that helped bring the Project Directors Association together, too, to some
degree. It got us to recognize that there were things we could do collectively that were much more efficient, solved the problem much better, that there didn't need to be as much competition in terms of "Look what my program's doing and not what your program's not doing." It talked more about the poor people totally. Plus I think the other issue that helped bring us together, and it wasn't always that clean, was in this period where the attacks really started to be renewed against Legal Services, again. There was this early effort to carve out the migrant workers. And in Florida, that's always been a threat because the agricultural community is still the most powerful in the state in terms of political power. And there have always been hints of, you know, "You guys in Legal Services could do a lot better if you just sort of hand us over the migrant program. Let us, [laughter] let us chew that program up, and we'll leave the rest of you all alone." And that's always been around. To some degree, it intensifies at various times under attack. And again, I'm not saying without some struggle, but to their credit, the Project Director Association ultimately recognized, "Look, we all have separate programs and everything, but collectively we're here for the low income people and the most disadvantaged, and nobody's more disadvantaged than migrant workers, and you're not going to do it that way. I mean, you're going to take us all on and fight with all of us. You're not going to put burdens on the migrant program and leave us alone." And that process helped bring us together. I mean, sort of like commonality around diversity. It's still that ultimately when push comes to shove. I know from time to time, the migrant folks always feel like, well, they're kind of on their own because most of the other programs don't understand most of their legal issues. But if you go back through the history, consistently when the real power forces started to form and sort of say, "Give us, offer up that program, and the rest of you can go do what you want," that we've resisted that kind of funding attack, and other kinds of political attacks. And that's helped bring us back to, you
know, why we all got into legal assistance to the poor in the first place and forget about our boundary lines and my per poor person funding versus your per poor person funding. The attacks sort of drove people back to "Look, when you joined up, you didn't know any of these divisions. You didn't know funding schedules. You didn't know funding sources. You didn't know political ours or theirs. You basically were saying the most disadvantaged in our state ought to be able to get some help." And then you can get people back to that, and they'll still come together.

**BG:** Sort of take the mix of Florida Legal Services in the work groups and toss in the training thing so people can see how that connects.

**KS:** Well, as that's developed, on one hand, the state developed a much more consistent training program through FLS. I mean, that was clearly one of the early agendas of the various programs was to try to do more training, much of it was just introduction training during expansion period. In Florida, as in lots of other places, but because Florida was so large and so underserved, there was tremendous expansion, Which means suddenly there were lots of new programs and lots of new lawyers and lots of directors feeling totally overwhelmed. And one of the ways of dealing with that seemed to be get some collective training. Directors agreed to get some people out of the more established programs who will train their staff because they didn’t know what to do with them. And particularly in some areas where there wasn't this long history, so there wasn't the same level of private attorneys that were sort of willing to do the mentor aspect of training. Much more we were left with people coming into Legal Services that needed more formalized training because they didn't really have the mentors that I had and you had when we started. And so FLS was pushed to do more statewide training. The work groups initially were formed, like I said, to collectively take on common issues. They started recognizing that there were different levels of sophistication that they needed to be more
involved in training. And as we all know, federal litigation has gotten more complicated. Laws affecting the poor people kept getting more and more complex, got less – got more intertwined with lots of other things. So the work groups were vehicles to getting contact with and identify expert folks from all over the country and bring them into Florida so that the staffs could stay on top of what was going on and continue to try to push the window on legal rights for the poor.

The other strong aspect that was developing was the the State didn't give you nothing. [laughter] There weren't many rights in the state. Florida started developing more things that were keyed into the state. And so legislative activity became important. And with Florida Legal Services being in Tallahassee and work group people identifying more things that could potentially get solved through legislative advocacy, it was natural that that whole legislative system grew and developed. We have a structure now through which we try to identify legislative priorities and make it happen. Probably the earliest one that I recall, and probably because I'm an old housing lawyer, warranty of habitability. When I first came to Florida, there wasn't any of this notion of rent withholding and inhabitability or tenants’ rights. We were part of some of the leading cases were trying to judicially establish warrant of habitability. I remember I was fortunate enough to spend some time with Florence Roisman, the person at the pinnacle of understanding and pushing of this right. But it was real hard. I mean, you know, it was establishing through, quote, "common law" new rights. But in conjunction with the litigation we were trying to do around law, the work group and FLS developed the residential landlord-Tenant Act in Florida that legislatively created the right to withhold rent for poor conditions and tenant’s rights. It was the Legal Services community combining with the elderly community, who were living in some toughest situations around. To my knowledge, this was the first time we put together an effective legislative force that created a law that just had widespread impact and really changed the nature
of being a tenant in Florida. And that was a great surprise to a lot of us. "Wow", I mean, that
was easier than [laughter] years and years of litigation. How do we do more of that stuff?" And
there was a period in there, I'm not sure why it was occurring, but we got the residential
landlord-tenant act and the Unfair and Deceptive Trade Practices Act. I mean, there was a period
of consumerism in there where we were very active. And so it created a whole legislative agenda
that shaped our relationship with and the activity of Florida Legal Service. It shaped what our
work groups did and shaped an expanded notion of what being a poverty lawyer meant. It
included legislative and administrative policy advocacy.

BG: Going back a minute, you've got the sort of generation of Legal Services
activities. Then you get Title 20 and maybe a little state money and then Legal Services money
and then the expansion period and then the growth of statewide-type things. And we're about
ready to hit IOTA. Before we do that, though, why don't you go back and recap some of the --
the real saints and assholes? [Spuhler laughs] Name some names. Let's figure out who were
players in this game.

KS: Well, I don't know that I can really remember all the -- the saints. Like I said,
Florida was unique. Obviously the first name that comes to mind, most people know, but Dan
Bradley started at Florida Rural.

BG: Wasn't he a Reggie?

KS: One of the earliest Reggies. You know, lured by the exotic tales. And he
obviously shaped all of Legal Services in this country. His initial shaping as what it meant to be
a Legal Services attorney occurred in Belle Glade, Florida, which is an amazing place. Also, you
had folks like out of Miami, like Bruce Rogow and Al Feinberg and people out of Florida Rural
like Mike Masinter that were really continually pushing the window poor people rights in federal
courts and under the federal civil rights acts. You had those folks around that the rest of us were tapping into. I won't name names, but you know, you had other programs – well, like, I can go back to early in Jacksonville before Paul Doyle; had a director that was a racist. You read the minutes, they talk about poor people in derogatory terms. They decided who got help based on who was worthy, you had to be a worthy poor person to deserve anything. If you didn't fall all over yourself thanking them for deeming to talk to you, you got the door. And that was not isolated to Jacksonville. I mean, I went to other programs, and they just were not doing a thing. Legal aid was a place where attorneys who were friends of people in the bar, who couldn't make it as attorneys, they'd go get a job at Legal Aid. And they cared no more about poor people than they cared about anything. They were there to get their paycheck. And those were some of the great wars. They actually demeaned poor people. The legal aid lawyers were aligned with the institutions that were, quote, "on the other side," We had probably the classic battle by the Orange County Bar Association. They created an entire legal aid program, paid for it and staffed for it and everything, but they did it, at least initially, to try to keep federal funding out. They were not going to allow it. And they fought. For years, they were not going to let a federally funded program come in there. And they absolutely were not going to ever let client representatives be on the board of some organization that was providing legal services. So you had those kinds of programs in the mix. On the other side, Florida Rural probably has one of the most colorful histories of project directors of anyplace in the world. I won't go through the names, but no director used to last more than two years. Part of the joke for the rest of us is was who's running Florida Rural now? When all is said and done, nobody ever runs Florida Rural. [laughter] There are people down there doing things, and the director's hanging on for dear life, as far as we could tell. There was George Shirley, who was going to begin the first great wave
into technology and at one point was going to spend millions of dollars on portable phones for every lawyer and all kinds of high tech equipment that was totally foreign to the rest of us, and nobody could figure that out. And then he all of a sudden was just gone. But you know, that was kind of the polar extremes that lasted for a long time. You would still run into these pockets of differences—somebody who was probably in the leadership of pushing the poor to go to the streets would suddenly be in the same room at some group meeting about legal assistance to the poor with somebody who \textit{[laughter]} basically was a racist, didn't care about poor people and thought the other person shouldn't probably exist. That's why our collective group meetings, which we didn't hold very often, weren't going to work for a lot of years.

**BG:** The relationship Legal Services has had with the bar in the state?

**KS:** You know, that's also been a real rollercoaster because truthfully a lot of programs were like Jacksonville where the crucible that made them a good program came from bar leaders. And a part of that occurred Miami. And, in fact, a part of why Florida Rural could exist was because some influential bar leaders came together to protect the program. Across the state bar support was scattered. But during the expansion years when there was so much federal dollars coming into Florida and we were all expanding, most programs paid very little attention to local bar associations. I mean, the basic attitude was local bars at least slowed things down, if not directly opposing expansion and what we were trying to do. Bar support was no longer all that important for most of the folks. And so to a large extent during the later '70s in that expansion, while bar relations were not oppositional in most places the expanding legal services programs had little to do with the local bar associations. Legendary bar leaders like Reece Smith could always be counted on to fight to protect federal funding for legal services however, during this period Reece and others in the ABA got very angry with a lot of LSC programs because they
weren't keeping private lawyers involved in legal assistance to the poor. Private lawyers could see programs growing dramatically. I mean, programs in Florida were quadrupling in funding and size. Private attorneys would say, "Well, there's not a whole lot of need for me to continue to directly do something, and that's inconvenient [laughter]) at best." So by the beginning of the 1980s, pretty much in most places, there was a pretty wide gap between the local program and the bar. There was support usually among bar leadership. Bar members were on boards, but in terms of large numbers of attorneys actually continuing to have some direct contact with low income people and responding to their needs, that had pretty much been pushed, in the main, out of the system. And that was a problem. It really was, as we discovered quickly when the funding spigot changed, and all of us who naively just kept seeing ever-growing, ever-bigger, We had the most exotic expansion notions of where we were going to go, None of us, I think, recognized we were peaking in terms of size, resources, ability to do things. And then it became real clear. Federal funds were slashed in what was termed the “glide path to elimination.” Suddenly we had to cut back on staff. And we had all these cases. So some of us were looking at tremendous open caseloads. And there was this period in there when we were saying, "What am I going to do if we're wiped out? I have 1400 open cases." I remember one of the classic points of this almost panic was the discovery of a Florida Attorney General or an ethic opinion from the bar saying that lawyer had the obligation to clean – to finish up the cases, whether the lawyer was getting paid or not. Well, we in the Legal Services community that were looking at the potential of termination and having all these cases, that was a very scary kind of notion that these were going to be ours, [laughter] no matter what happened to the funding. And a lot of us then started thinking about, well, what private attorneys could I get to help out really winding up? We went through the wind-up panic pretty much because it's also true that we all didn't do a very good job
in terms of expanding our funding bases. We always had a little money here and a little money there, but certainly nothing that would carry a program. So that during this period when it looked probable it that all federal funding could be terminated, suddenly a lot of us started thinking that we sure would like private attorneys who knew poverty law a little better. And again, because of Florida's diversity, there were some places in the state that had done better than other places and in fact did still have a strong private attorney relationship. And we could go there and see what a difference that was making for them. We could see how we might be able to recover from the termination of LSC funding. So again, we were fortunate in that our diversity allowed us to have some places to turn to figure a road out internally and we weren't totally left with everybody being in exactly the same boat. And we had other programs that had done other better jobs in finding other sources of funding. There were programs that had done tremendously well on court filing fees funding. And other programs used that information to go to county commissions to get increased court filing fee funding. So that was a real crucible time in terms of us all of a sudden looking again to each other [laughter] for clues how to get out of this mess and finding other funding sources that we'd never thought about and other ways of working with the private bar that we hadn't been paying enough attention to. And I think all programs started doing that.

**BG:** Let's talk a minute about IOLTA. Florida, I guess, was the first, generated the idea, and that's fairly well-known. Obviously where money is, and it is generating more money. But there's some unique things about, as I understand, about Florida's IOLTA program was set up.

**KS:** It is clearly new because Florida was the first in the United States, in the mid 1980’s. And again, it was the advantage in Florida that we had state bar leaders, people highly
respected in the legal community in Florida and really the nation, who when the federal funding cuts were occurring basically said, "We need to solve this problem." Through a fortuitous event, as I understand it, a Florida supreme Court Justice riding on an airplane with somebody from Canada, who happened to describe a legal aid funding source, – essentially Interest on Lawyers' Trust Account program, that they were using in a province in Canada. And because the justice had been immersed in trying to figure out how to solve this problem of LSC funding cuts he got as much information as he could on the Canadian program. At that time, most of the rest of us were looking to the state legislature, a long shot at best. We were going to The Florida Bar a lot saying, "Help us with state funding." And it was really out of that plane ride that the justice brought back program and said, "Hey, [laughter] do I have an idea that's a corker" Fortunately we had enough people in The Florida Bar concerned enough about delivery of legal services to the poor, that they were willing to take on the establishment of the IOLTA program. Because it dealt with all these issues about tax and stuff like that it was very difficult. But they kept after it, and they pushed it. Plus we had extremely high quality people on the Florida Supreme Court, who basically were motivated to solve the problem, too. The Court was looking for a way to help solve the problem. Justice Arthur England, in particular, figured out legally [laughter] how you could translate this idea from Canada into something that made sense in the United States jurisprudence. He did that translation. The classic from him is everyone always said, you know, "The first thing that's going to happen, there's going to be a challenge constitutionally." I think he probably went a long way to stopping that for a long time because after the Supreme Court did the opinion approving IOLTA, he did mock arguments for its constitutionality. Justice England was participating in encouraging lawyers and law firms to join the IOLTA program. and almost all the Supreme Court immediately started going around the state encouraging lawyers to sign
up. I mean, it was amazing that justices first created it and then actively worked to make it successful. There were other people who petitioned the court on the rule and helped put the rule together, tax lawyers and The Florida Bar that worked hard to make the IOLTA program work. But Arthur England, knowing there were going to be constitutional attacks or suspecting that there would be, would do his explanation of IOLTA, in the form of an oral argument before the United States Supreme Court. He was the advocate and he would explain to the justices the program and its constitutionality. He would ask himself questions and answer them. But it was a great thing to watch because it certainly blunted a lot of attacks on the program [laughter] because you had a Chief Justice of the Florida Supreme Court showing you why it was constitutional and why he was prepared, if he was able, to go to the United States Supreme Court and argue it. The other significant part was the supporters recognized that there was a lot of politics around implementation of the IOLTA program. Clearly private lawyers were not going to be enthusiastic about it and impacts on their banking relationships. Truthfully the pressure on The Florida Bar by the members on implementation of the IOLTA program was too great. So the Florida Supreme Court in its wisdom handed over implementation to The Florida Bar Foundation, which at that point was a pretty sleepy organization. It was an organization primarily of retired bar presidents and former bar leaders that wanted to do good works. They had some dollars by people giving it to the Foundation, and they did mainly law school scholarships. But a lot of the people at the Foundation had been active in trying to solve the problem of legal assistance to the poor, just because that's who they were. There were very good people at the Foundation. But that entity as itself was not an aggressive player. But the court in its wisdom, I think, looked at who was there and said, "These people can withstand a lot of the public policy pressures and other kinds of pressures we know are going to come down, so we're handing it
implementation over to them." And that's proved to be tremendously valuable for us. That foundation has grown with the program, you know, from next to nothing to, at least a year ago, taking in $20 million. It has successfully recruited an excellent executive director, Jane Curran, who came from the American Judicature Society and understood working with lawyers. But also Jane has this strong commitment to legal assistance to the poor with that revolutionary zeal about systematic change. And so from the beginning, it was recognized these Interest on Lawyers' Trust Account funds were to be used to make changes, not just standard day-to-day work, but there was an expectation that these funds would also make significant difference for poor people. And that's been unique to us, I think. a lot of other IOTA programs have gotten into much more of a battle with how much control the bar was going to have: whether some of the funds were going to be available to, quote, "solve bar problems," costs of discipline, costs of client security reimbursement; whether or not they were going to fund those, quote, "federally funded programs" or whether they were only going to fund bar-sponsored programs or local legal aid programs. We really never had those issues. I mean, there was some of that, but they were essentially blunted by the kind of people that were heading the Foundation who laid out their vision of equal access to justice and it was very difficult for anybody else to challenge that vision. And you also had the advantage of the Foundation’s vision was really the vision being communicated by the justices on the Florida Supreme Court. The Florida Supreme Court in encouraging participation in IOLTA was describing the plight of the poor people in Florida in accessing justice. The Court had faced this issue –and this is a whole other topic- for decades. There had been in Florida a series of challenges to the practice of law and the monopoly of lawyers from non-lawyers that was grounded in lots of stories about how poor people were not getting access to the legal system. The Florida Supreme Court had had to deal with that issue. In
the Rosemary Furman case, the Court had had found her to have committed the unauthorized practice of law but expressed grave concerns over the equal access to justice issues that she had raised the politics around the issue were further heightened when the governor commuted her sentence for practicing law without a license. So, highlighted was the much larger issue of: are poor people getting adequate access to the legal system? And people were painting horror stories in the press all over the place. The Court pretty much said, Look, this problem's getting solved. We are not going to keep getting beat over the head like this. And we're going to do it through the IOLTA. And to do it through the IOTA, we've got to beef up these programs to not only provide individual access but to break down some barriers that are causing unequal access to justice. So that was the birth of IOLTA in Florida and people who thought otherwise really did not have much of a realistic chance of changing the course of what IOTA funds were going to be used for. The mission for IOLTA funds over the decades since has remained consistent. We went through this recent joint commission where we studied the entire delivery of legal services to the poor in Florida and the impact of IOTA funds. The commission developed what is now the leading proposal on pro bono, where the court has actually established standards for all the lawyers in Florida, is requiring it to be set up in a structured way so we can measure who's doing what. Again, Florida's at kind of the leading edge of that other resource, volunteer private attorney resource, and making it happen. That report also is clear about what all of us doing this kind of work need to be doing. And in addition to providing individual service, it's real clear. We need to be taking on the bigger problems that poor people have. We need to be, quote, "doing impact work." And at a time when the feds are trying to say just the opposite, Florida's still in a leading position in terms of now the state saying, "You're wrong, federal government. If
you're going to do this work, you've got to do the kinds of things that Dan Bradley did [laughter] back in the '60s because that's the only thing that makes sense."

**BG:** Florida has always had a relatively wildcard reputation of being semi out of control. Do you see that changing much?

**KS:** Well, yeah. We're all getting older and probably less wild than we used to be. We certainly can't keep up the same hours we used to, so just by fact we have to turn in early at night, we cause less chaos than we used to. But Florida's still, I think, much more than a lot of other states, hangs on to some and hopefully the best parts of that wildcard thing because we're so different. We still get lots of different people coming to Florida willing to practice law for poor people, so we always have some new blood, some new ideas. We still get strong people, so we don't have a problem disagreeing with each other. And we still have a lot of support from a lot of different entities to try to take on the hard work and make a difference. We're less visible probably in terms of making big headlines and stuff, but some ways, I think we're more effective. Some of the things we can now accomplish behind the scenes just because of our consistent history are pretty amazing to me, when you go talk about what have programs been able to achieve just because they go to the state agency and say, "Look. Either you change this or you know we know what to do." And the state agency from time to time will say, "You're right. It costs us too much money." So it's really hard to tell in terms of just because of a lesser amount of big play stuff that we're not being as crazy as ever. But it's something that hopefully we don't lose, that people remember that you don't need to be just like your neighbor, and there's a thousand different ways to attack a problem, and you should get upset about what you see going on to poor people, and be angry. And from time to time, that's going to translate into yelling at your friend because you don't think your friend's as angry as you are.
BG: Are you still pissed off about the treatment you see poor people are getting?

KS: Oh, yeah. I – (laughter). I can still be shouting in my office, and as my staff says, "We know Kent's here by the rumbling that filters down to the first floor." And to some degree, you know, I've done management training. I've read all the books and everything else, but truthfully, for my work, I think it's good for directors and managing attorneys from time to time to just put their emotions right out there. I mean, it's not good to beat up on staff people or anything else, but you know, if something comes in the office, and it's happening to poor people, and some reason, your staff seems to just want to massage it or, you know, "Well, we don't really want to get the welfare people upset with us, so we tried this, and we tried that. I think it's good for your staff to see you just sort of say, "Wait a minute. I mean, this is wrong. You need to be mad about it. I'm mad about it. We're not going to massage it anymore. We're going to be real clear. Either they change or we're going to do something about it. We are going to go back and show you that these poor people have power. It's through us, but they've got the power." You know, they've got lead-based paint in public housing projects in Jacksonville, Florida. The housing authority has known that since 1987. They have done nothing about it. That damn well ought to get everybody in my office mad as hell. I mean, it's just a reality. If it was your child, you would get mad. And the fact that poor folks figured, "I've just got to take it," and they may not initially be as mad as frankly you are, that may be and most often is because they view they don't have any alternative. Whereas you as a lawyer know they shouldn't have had to deal with the lead paint in '87. They sure as hell should have to deal with it now. And it should get you mad. You know, from time to time, your staff needs to see you as a director just get mad

[laughter] You get mad when you have the power to change stuff and you don't do it. That's when you need to get mad. Fortunately, in Florida, there's still a solid core of folks working in

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Legal Services that I see get mad; they will hassle about how to change it and won't agree on strategy, but they will do something.

**BG:** You want to say, "Goodbye, Mom"?

**KS:** (laughter) Well, say goodbye to you, Graddy. And you could have been on this side, telling the same story, as a lot of the other folks could also. And, hopefully, when we're both in the Legal Services retirement home up on Avenue B, we can play the video.

**BG:** You ready for a cold beer?