

THE LEGAL AID SOCIETY OF POLK COUNTY

The legal profession is becoming increasingly aware of the necessity of providing facilities so that the indigent may obtain the same high quality of legal assistance they might expect to receive from a good lawyer in private practice. The Survey of the Legal Profession recently sponsored the publication of a complete account of the availability in this country of lawyer's services to persons who are unable to pay attorney's fees or whose claims are unremunerative on a contingent-fee basis.¹ This study reveals that considerable progress has been made since the first legal aid society was organized in New York City in 1876. By the end of 1949, 92 legal aid offices organized in various ways had been established throughout the United States.² Only 37 of these were organized as legal aid societies. The remainder included departments of social agencies, bar association offices, public bureaus and law school clinics.³ While progress in legal aid has been steady, it has been comparatively slow in many parts of the country. In 1939 the Polk County Bar Association appointed a legal aid committee which functioned on a volunteer basis, and it was not until January of 1950 that the first legal aid society in Iowa was established in Des Moines.⁴

The Legal Aid Society of Polk County is sponsored by the Polk County Bar Association and receives nearly all of its financial support from the Community Chest in Council of Greater Des Moines. It is supervised by a committee consisting of 24 lawyers and laymen. The office is staffed by a part-time attorney and a full-time secretary. The law students of Drake University have contributed to the success of the program by offering their services to the society. Despite the fact that work in the legal aid office is required as part of the law course, the students have accepted this responsibility eagerly. Approximately 30 senior students contribute their services each month, two of them counseling each afternoon.

¹ BROWNELL, *LEGAL AID IN THE UNITED STATES* (1951).

² *Id.* at 26, 87.

³ *Id.* at 88. For a convenient map showing the location of legal aid offices in the United States and the cities and communities with populations in excess of 100,000 and 200,000, respectively, which do not have legal aid offices, see 35 J. AM. JUD. SOC'Y 87, 88 (1951). The map indicates that legal aid centers should be established in Iowa in Sioux City, Cedar Rapids and Davenport.

⁴ There was great need for legal aid in Iowa. The survey of lay opinion, sponsored by the Iowa State Bar Association in 1949, revealed that three out of four people knew of no source of low-cost legal services. See Riley, *The Lay Opinion Survey of Iowa Lawyers, Courts and Laws*, 33 J. AM. JUD. SOC'Y 38, 40 (1949). The layman's "ignorance" does not seem astonishing: there were practically no sources of low-cost legal aid in Iowa at that time.

In determining whether an applicant's financial condition is such that the services of the society should be available to him, the counselor considers such obvious factors as income, illness in the family, debts, and the age and number of children and other dependents. The legal aid office does not accept clients who are financially able to pay for legal services or who have claims which may be collected by a practicing attorney on a contingent-fee basis. Although the legal services are free, the applicant is asked to pay court costs.

Detailed records are kept at the office. The secretary fills out a card for each client showing his name and address, his financial and marital status, the nature of his problem, and the names and addresses of other persons involved. If he qualifies for assistance, the client is then introduced to a student counselor who obtains the facts of the case. Advice to the client is given only after consultation with the attorney in charge of the office. It is the responsibility of the student to do the necessary research and to follow the case through to its final disposition. Trial work is handled by the attorney in charge of the office, but the student is expected to do the "leg work" as well as the research and to act as assistant counsel throughout the trial.

Since its organization, the society has received 1,214 cases. New cases in 1951 totalled 675 as compared with 539 in 1950, an increase of more than 25%. As the public becomes acquainted with the work of the society, the volume of cases is expected to increase. The cases may be classified into four groups according to the types of problems involved:

A. <i>Personal-financial</i> . This includes salary deductions, eligibility for hospitalization in the county hospital, withholding of wages, automobile guarantees, personal debts, contracts of various types, insurance and automobile financing	24%
B. <i>Family</i> . Divorces, separate maintenance, advice with respect to divorce decrees, modification of decrees, and support payments. (Divorce and support payments constitute two-thirds of this group).....	43%
C. <i>Property</i> . Eviction notices, abstracts, advice on titles, landlord-tenant problems, miscellaneous property questions	20%
D. <i>Miscellaneous</i>	13%

The Legal Aid Society also classifies cases according to their source:

Referrals from practicing attorneys or county attorneys....	35%
Referrals from social agencies, such as the Red Cross, Veterans Administration, Polk County Soldiers Relief Commission, and the Polk County Welfare Department	30%
Referrals from employers and clients previously served by the society.....	4%
Other sources: legal aid societies in other cities, neighbors, friends, union officials, and the Federal Housing Administration	31%

In addition to records detailing the type and source of each case, the office maintains accurate records showing the disposition or services rendered in each case that is closed. Since the organization of the Legal Aid Society, 1,133 cases have been disposed of as follows:⁵

Cases requiring consultation only.....	375 or 33%
Cases involving some service rendered before the client wishes the matter dropped.....	318 or 28%
Cases requiring consultation and referral ⁶	265 or 24%
Cases requiring court work (90% of these are divorce cases) ⁷	76 or 6%

The Legal Aid Society of Polk County is to be congratulated on the efficient way in which the office has been managed and the valuable service which it has rendered to the community. The society is now firmly established in Des Moines and all indications point to a successful future.

⁵ On December 31, 1951, there were 81 cases pending.

⁶ "Consultation and referral" involves situations where the client does not need legal help but does require reference to a social agency, or, if legal services are needed, he can only pay part of the average attorney's fee for the work. In the latter situation, the client is referred to a private attorney. A card file is kept of lawyers who have expressed a willingness to cooperate in this program and who are willing to accept reduced fees.

⁷ Before divorce litigation is approved, the legal aid attorney confers with officials of the various agencies of the Polk County Welfare Department and the Family Service-Travelers Aid of Des Moines to determine whether these agencies recommend divorce.

Criminal cases and damage suits are not accepted by the society. The facilities of the society are not adequate to take care of the former, and many attorneys accept the latter on a contingent-fee basis. The case is referred to a private attorney whenever it is of the type which could be taken on a contingent-fee arrangement.